

SUB-COMMITTEE ON IMPLEMENTATION
OF IMO INSTRUMENTS
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Agenda item 4

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**LESSONS LEARNED AND SAFETY ISSUES IDENTIFIED FROM THE ANALYSIS OF
MARINE SAFETY INVESTIGATION REPORTS**

Proposal for a new output to amend the Casualty Investigation Code

Submitted by BIMCO, IBTA, ICS, INTERCARGO, IUMI and P&I Clubs

SUMMARY

Executive summary: This document provides comments on marine casualty investigation requirements and the need for amendments to the Casualty Investigation Code which would entail a new output at MSC 103

Strategic direction, if applicable: 6

Output: 6.4

Action to be taken: Paragraph 16

Related documents: III 7/INF.5 and resolution MSC.255(84)

Introduction

1 This document is submitted in accordance with the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.1) and comments on the *Code of the international standards and recommended practices for a safety investigation into marine casualty or marine incident* (Casualty Investigation Code) (resolution MSC.255(84)).

Background

2 It is widely acknowledged that lessons learned from marine accidents are essential to improve safety and to reduce marine accidents. However, for the lessons learned to be identified, it is necessary that accidents are investigated and the reports from such investigations are made available to the public and the shipping industry.

3 The SOLAS Convention requires Administrations to carry out accident investigations and stipulates (SOLAS regulation I/21):

- "a) Each Administration undertakes to conduct an investigation of any casualty occurring to any of its ships subject to the provisions of the present Convention when it judges that such an investigation may assist in determining what changes in the present regulations might be desirable.
- (b) Each Contracting Government undertakes to supply the Organization with pertinent information concerning the findings of such investigations...."

4 In order to facilitate accident investigations and with the ultimate goal of enhancing the safety of life at sea, the Maritime Safety Committee adopted the *Code of the international standards and recommended practices for a safety investigation into a marine casualty or marine incident* (Casualty Investigation Code) (resolution MSC.255(84)) which became mandatory under SOLAS regulation XI-1/6.

5 The Casualty Investigation Code provides a common framework for Administrations to conduct and report investigations into marine casualties and incidents, and is composed of three parts: part I related to the general provisions; part II related to the mandatory standards; and part III related to the recommended practices. SOLAS regulation XI-1/6 states that "the provisions of parts I and II of the Casualty Investigation Code shall be fully complied with".

Discussion

6 Every year INTERCARGO publishes and makes publicly available the Bulk Carrier Casualty Report which provides an analysis of bulk carrier total losses over the preceding 10 year-period, with this year's report¹ covering the years 2010 to 2019.

7 The main body of the report contains information on bulk carrier losses such as: age of vessel, size of vessel, likely cause of the loss and the most sobering information of all, the loss of life. Between 2010 and 2019 there were 39 bulk carrier² total losses and consequently 179 seafarers lost their lives.

8 In addition to providing an analysis of the bulk carrier losses, the INTERCARGO Bulk Carrier Casualty Report also provides information on the number of accident investigation reports (for the casualties referenced in the Casualty Report) submitted to the Global Integrated Shipping Information System (GISIS) and also the average time taken to submit the investigation reports.

9 As of the end of January 2020, only 24 of the 39 bulk carrier losses have had investigation reports made available on GISIS, representing a reporting rate of 61.5% with an average time of 32 months between the incident and when the report becomes available. It is worth noting that the shortest time for a report becoming available was 7 months, whilst there are losses as far back as 2010 and 2011 that have not had their investigation report uploaded to GISIS as shown in table 1 below.

¹ The Bulk Casualty Report 2019 – Years 2010 to 2019 can be downloaded from the INTERCARGO website <https://www.intercargo.org/bulk-carrier-casualty-report-2019/> and is also referred to in document III 7/INF.5.

² Defined as Bulk Carriers of 10,000 dwt and above.

Table 1

Year	No. of Bulk Carrier Losses	Reported in GISIS
2010	6	4
2011	11	5
2012	3	1
2013	6	6
2014	2	1
2015	5	3
2016	3	3
2017	2	1
2018	No Bulk Carrier Loss	N/A
2019	1	0

10 Part II, chapter 6, paragraph 6.1 of the Casualty Investigation Code states "A marine safety investigation shall be conducted into every very serious marine casualty."³

11 Part II, chapter 14, paragraph 14.1 states "The marine safety investigating State(s) shall submit the final version of a marine safety investigation report to the Organization for every marine safety investigation conducted into a very serious marine casualty". Furthermore, chapter 14, paragraph 14.4 states that these investigation reports shall be made available to the public and the shipping industry.

12 Noting the clear requirements of SOLAS to investigate and to report on the loss of vessels, it is assumed that a number of casualty investigations are still underway. The co-sponsors fully understand that carrying out an accident investigation can be challenging, not only due to environmental conditions that may hamper any investigation and subsequent complex technical analysis (such as Finite Element Analysis) that may be necessary, but also human factors that may require high levels of sensitivity.

13 Currently there is no mandatory time limit for submitting the report, only part III chapter 25, paragraph 25.1 of the Casualty Investigation Code states that "Marine investigation reports from a marine safety investigation should be completed as quickly as practicable". With the ultimate goal of improving safety and saving lives, it is imperative that the investigations are carried out and reported in a timely manner so that lessons can be learned as soon as possible. Therefore, the co-sponsors are of the strong opinion that a mandatory time limit for the completion and submission of accident reports would improve the safety of life at sea and potentially save lives.

Proposals

14 Taking into consideration the high importance of reporting an accident, the co-sponsors have the firm belief that the Casualty Investigation Code should be amended so that there is a defined and mandatory time limit between the incident and the report being made available in GISIS, and in cases where it is not possible to complete the investigation within this time period, a report is to be submitted to GISIS detailing why this has not been possible and listing the investigative actions in progress and investigation plan. Reports should be required to be submitted to GISIS at defined intervals until the investigation is completed.

³ The Casualty Investigation Code defines a *very serious marine casualty* as a marine casualty involving the total loss of the ship or a death or a severe damage to the environment

15 In this regard the co-sponsors are planning to prepare a proposal for a new output, to be submitted to MSC 103, and invites any interested Member States and organizations to consider participating in order to best formulate the amendments.

Action requested of the Sub-Committee

16 The Sub-Committee is invited to consider the information contained within this document and take action, as appropriate, especially regarding the proposal of a new output and the participation of any interested Member States and organizations.
