

# Just Culture & the Judiciary

*Just culture across industries:  
Learning from each other,  
A maritime perspective*



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Department B / Ship Safety

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# What is happening at sea during this Conference?

- **Number of fatalities**      **1**
- **Number of injuries**      **8**
- **Number of accidents**      **22**
- **Number of incidents**      **5**      **!!!**

- **EMSA and investigation of marine casualties**
- **Reporting in EMCIP**
- **Reporting issues**
- **Collaboration with Judicial Authorities**
- **Way forward**



- One of 44 Agencies of the EU
- Set up in 2002; 200+ employees
- HQ in Lisbon, Portugal
- Budget (2016): ~ €55 m





- Providing **support to**, and **facilitates cooperation** between the Member States and disseminates **best practices**
- Developing and operating **maritime information capabilities** at EU level (SSN, EU LRIT CDC, IMS)
- Establishing **marine pollution preparedness, detection and response** capability (EU network of stand-by OSRV and CSN)
- Providing **technical and scientific advice** to COM in the field of maritime safety and prevention of pollution by ships
- Assisting COM in **monitoring the implementation of EU legislation**

## **Dir. 2009/18/EC + Reg.(EC) 1406/2002** as amended

- Support to the implementation of Directive 2009/18/EC
- PCF Secretariat
- EMCIP Database Manager
- Operational Support to MS, upon request, in investigation of VS/S casualties
- Analysis of investigation reports
- Analysis of casualty data
- Compilation of a Yearly Overview
- Training initiatives



# European Maritime Casualty Information Platform (EMCIP)

EMCIP (mandatory > June 2011)

- 30 EU Countries (MS + EEA)
- Unique EU DB (+ national use)

Data providers: AIB → NOT for industry

- Users: 243 (48 Authorities)



Centralised platform for storing and analysing data + Specific taxonomy

2 types of occurrence:

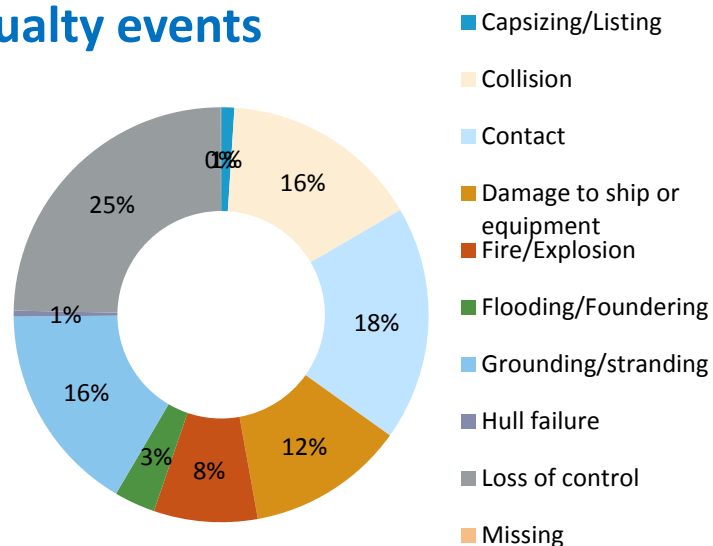
- Notification: Directive Annex II
- Investigation: Equivalent to Investigation Report (Directive Annex I)

Just Culture is not widely applied to maritime context

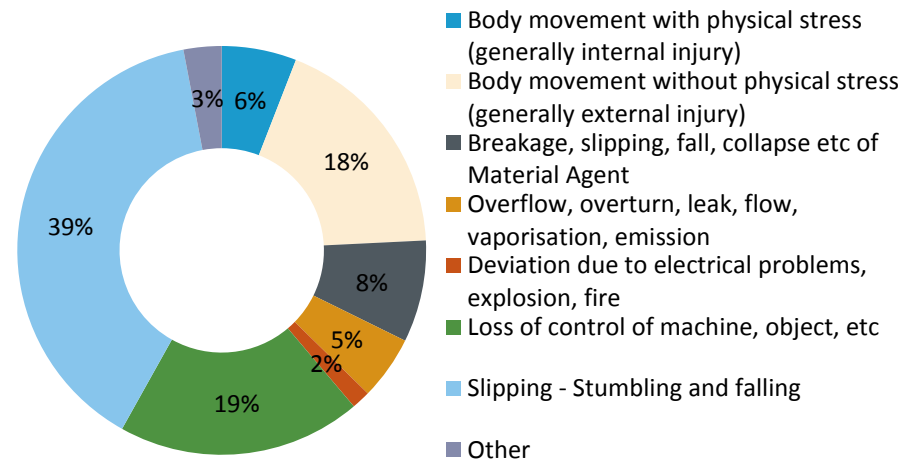
National voluntary reporting systems in place e.g. CHIRP (UK), MARS (UK), Foresea (FI)...

# Overview of accidents 2011 - 2015

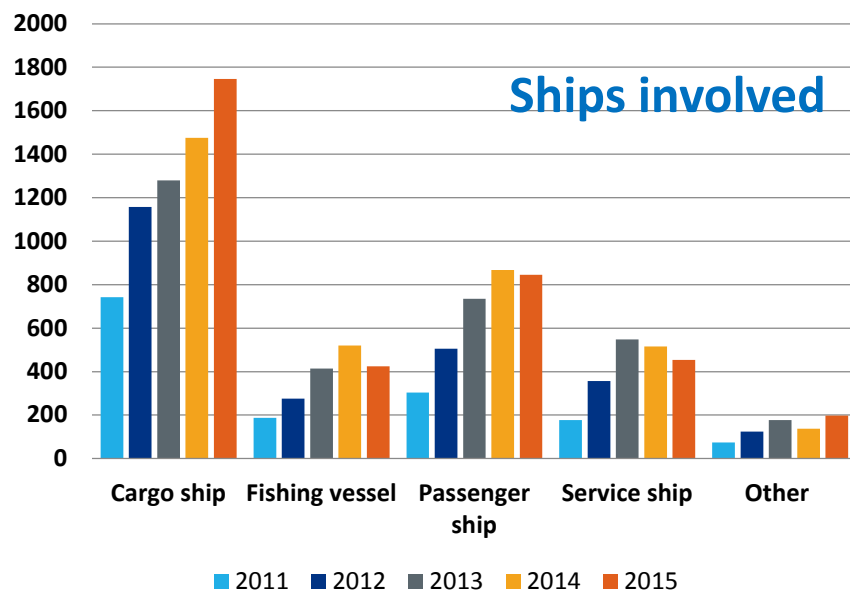
## Casualty events



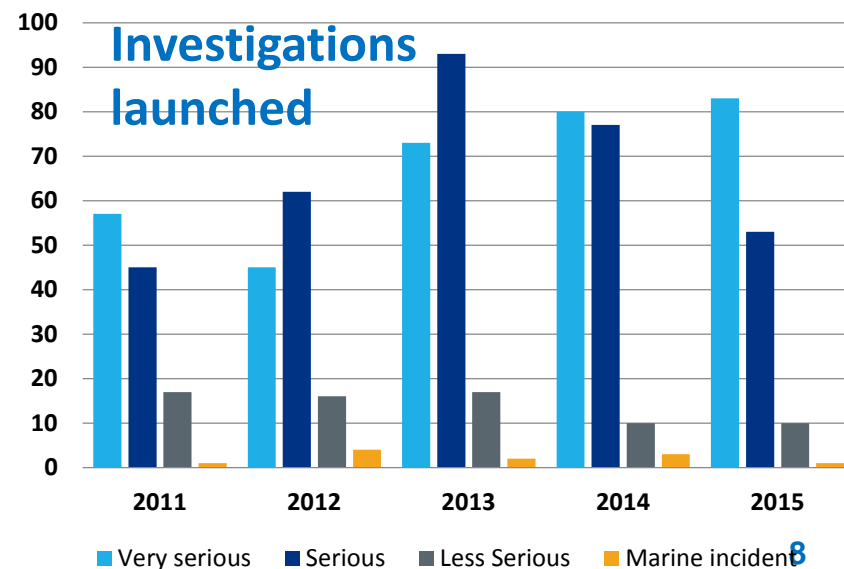
## Deviations



## Ships involved

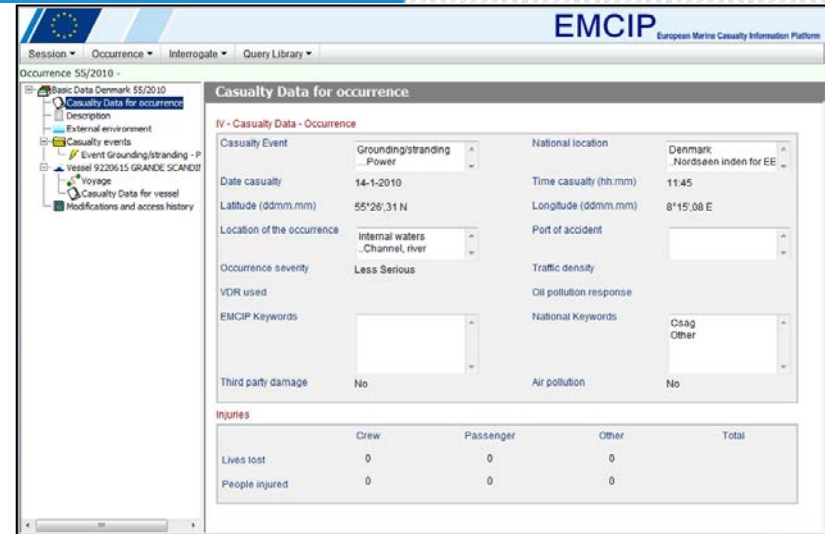


## Investigations launched





# From the accident to EMCIP...



EMCIP  
European Marine Casualty Information Platform

Session Occurrence Interrogate Query Library

Occurrence 55/2010

- Basic Data Denmark 55/2010
  - Casualty Data for occurrence
  - Description
    - External environment
    - Casualty events
      - Event Grounding/stranding - P
    - Vessel 9220615 GRANDE SCANDON
    - Itinerary
    - Casualty Data for vessel
    - Modifications and access history

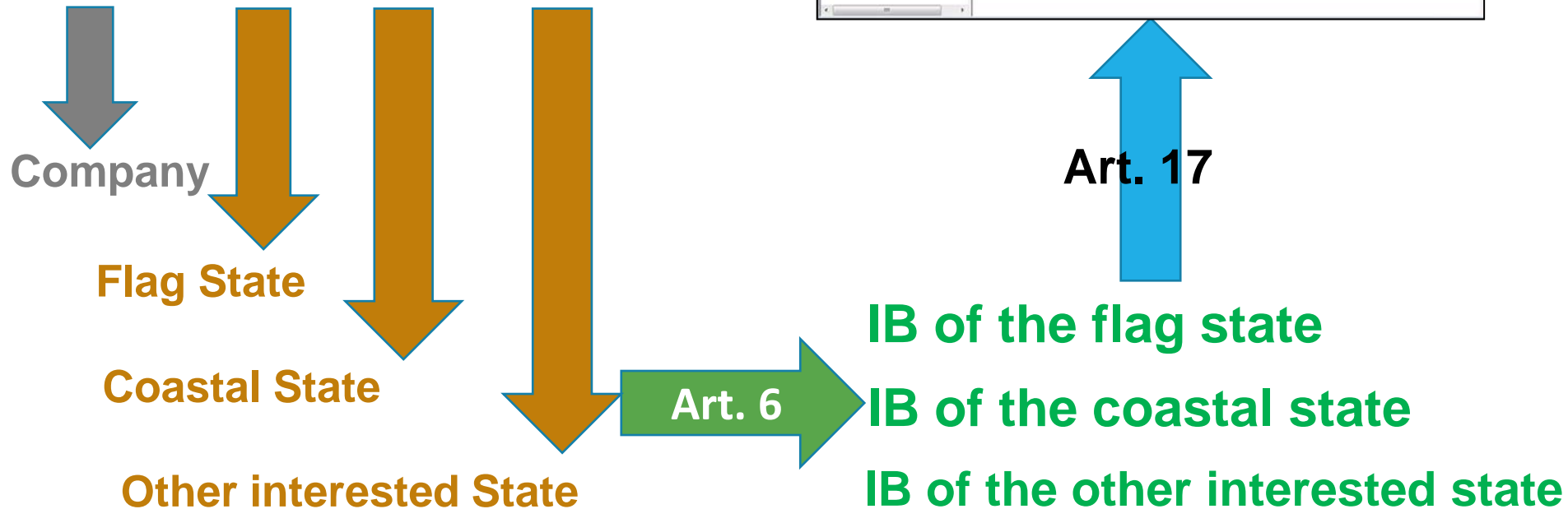
**Casualty Data for occurrence**

IV - Casualty Data - Occurrence

Casualty Event	Grounding/stranding Power	National location	Denmark Nordseen inden for EE
Date casualty	14-1-2010	Time casualty (hh:mm)	11:45
Latitude (ddmm.mm)	55°26'31 N	Longitude (ddmm.mm)	8°15'08 E
Location of the occurrence	Internal waters Channel, river	Port of accident	
Occurrence severity	Less Serious	Traffic density	
VDR used		Oil pollution response	
EMCIP Keywords		National Keywords	Csag Other
Third party damage	No	Air pollution	No

**Injuries**

	Crew	Passenger	Other	Total
Lives lost	0	0	0	
People injured	0	0	0	



# EMCIP tools

File Views

Basic Data Italy 66/2010

Casualty Data for occurrence

Description

Casualty events

Event 1 Contact - Fixed

Event 2 Collision - With c

Vessel 3343 MSC ROT

Voyage

Damage Card

Modifications and access hi

### Damage Card

Length of damage  $l = 14,00$  m Length of damage  $l1 = 1,00$  m

Height of damage  $h = 1,00$  m Height of damage  $h1 = 11,00$  m

Penetration of damage  $d = 1,00$  m Penetration of damage  $d1 = 1,00$  m

Area of damage  $As = 15,00$  m<sup>2</sup>

Penetration bulbous bow? Yes

Colliss. bulkhead damage Yes

Bulkheads dist AP - aft

Subdiv. bulkhead damage No

Bulkheads dist AP - fore

Double bottom present Yes

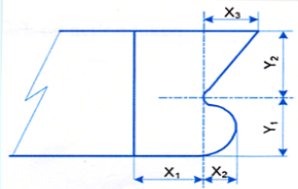
Inner bottom breached Yes

Time to sink 14 min

Manner of sinking

Additional information

Striking ship bow geometry



X1 12,00 m

X2 15,00 m

X3 2,00 m

Y1 12,00 m

Y2 1,00 m

Session Occurrence Interrogate Library

Query: Denmark

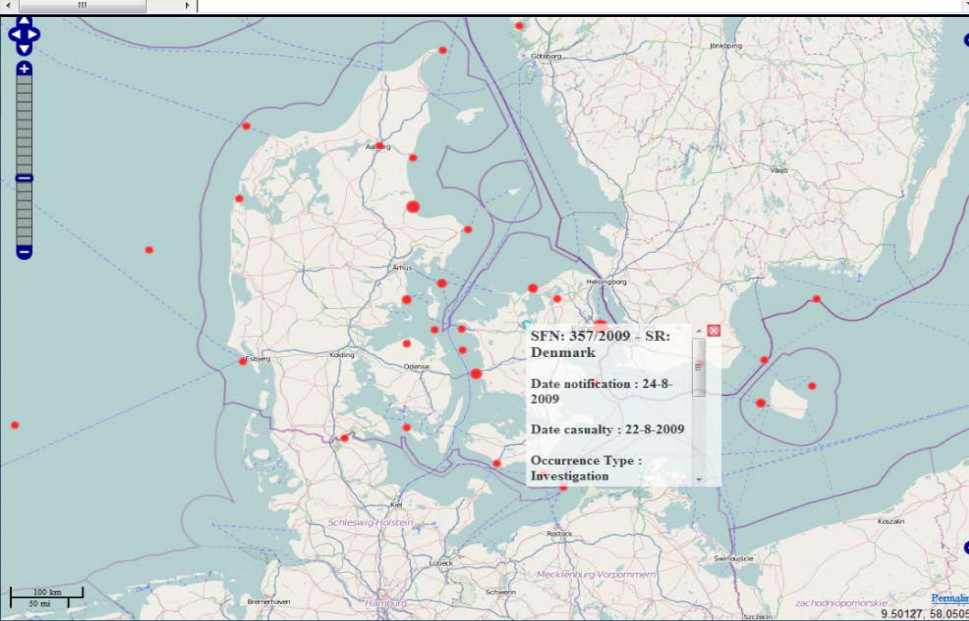
Find all Occurrences where { National competent authority {Occurrence} [Value] equal to 'DMA - Denmark' and Attachments {Occurrence} [Value] has no value }

View Edit Casualty Report Nr State Reporting Date notification Date casualty Occurrence Type Occurrence Status Nature occurrence Name of ship Latitude ddmm Longitude ddmm

479/2009	Denmark	2-11-2009	2-11-2009	Investigation	RejectedAnticipated	Casualty with a ship	BLUE CAPELLA	54°57',00 N	5°28',00 E
597/2009	Denmark	17-12-2009	17-12-2009	Investigation	RejectedAnticipated	Casualty with a ship	SIGIDRAES	54°56',00 N	10°15',10 E
5/2010	Denmark	5-1-2010	5-1-2010	Investigation	RejectedAnticipated	Casualty with a ship	BALTIMAR NEPTUNE	57°12',00 N	8°18',00 E
27/2010	Denmark	3-1-2010	20-12-2009	Investigation	RejectedAnticipated	Casualty with a ship	MADGALLINE		
55/2010	Denmark	14-1-2010	14-1-2010	Investigation	RejectedAnticipated	Casualty with a ship	GRANDE SCANDINAVIA	55°26',30 N	8°15',10 E
552/2009	Denmark	3-12-2009	3-12-2009	Investigation	ProposedAnticipated	Casualty with a ship	HELMUT	55°42',30 N	12°36',90 E
448/2009	Denmark	10-9-2009	9-9-2009	Notification	Accepted	Casualty with a ship	SVANUR	55°57',10 N	11°50',10 E
583/2009	Denmark	25-11-2009	25-11-2009	Investigation	RejectedAnticipated	Casualty with a ship	TOYA	55°42',50 N	12°39',60 E
481/2009	Denmark	6-10-2009	5-10-2009	Notification	Accepted	Casualty with a ship	ILUANA	63°08',00 N	50°40',00 W
467/2009	Denmark	3-10-2009	3-10-2009	Investigation	Proposed	Casualty with a ship	VILLUM CLAUSEN	55°05',80 N	14°41',60 E
124/2010	Denmark	2-2-2010	2-2-2010	Investigation	AnticipatedDraft	Casualty with a ship		15°12',08 N	120°23',03 E
102/2010	Denmark	11-1-2010	11-1-2010	Investigation	ProposedAnticipated	Casualty with a ship	MONGUNEN	57°55',30 N	11°37',60 E
186/2010	Denmark	1-3-2010	28-2-2010	Investigation	ProposedAnticipated	Casualty with a ship	HANNE GRETHE	55°20',40 N	10°38',20 E
7/2010	Denmark	7-1-2010	7-1-2010	Investigation	ProposedAnticipated	Casualty with a ship	LAMARO	56°56',20 N	10°20',30 E
21/2010	Denmark	3-11-2009		Notification	Draft	Occupational accident			
586/2009	Denmark	4-10-2009	4-10-2009	Investigation	ProposedAnticipated	Casualty with a ship	TRUST PIONEER	54°28',00 N	12°10',10 E
587/2009	Denmark	4-10-2009	4-10-2009	Investigation	AnticipatedDraft	Casualty with a ship	MAESTRO SUN	56°17',00 N	7°06',00 E
585/2009	Denmark	28-12-2009	27-12-2009	Notification	Accepted	Occupational accident	TINA II	55°17',00 N	12°33',10 E
315/2009	Denmark	1-7-2009	1-7-2009	Notification	Accepted	Casualty with a ship	FALGLAND	45°46',00 N	11°50',00 E
539/2009	Denmark	29-11-2009	29-11-2009	Notification	Draft	Casualty with a ship	TOYA	55°42',30 N	12°39',60 E
599/2009	Denmark	10-12-2009	9-12-2009	Notification	Accepted	Occupational accident	MARIE	55°31',40 N	10°55',90 E
3/2010	Denmark	23-12-2009	19-12-2009	Notification	Accepted	Occupational accident	A.P. MOELLER	1°15',00 N	10°58',20 E
444/2009	Denmark	22-10-2009	19-10-2009	Investigation	ProposedAnticipated	Casualty with a ship	NICO	51°44',10 N	1°17',30 E
121/2010	Denmark	1-2-2010	1-2-2010	Notification	Accepted	Occupational accident	OW COPEHAGEN	55°43',90 N	12°39',10 E
156/2010	Denmark	1-2-2010		Notification	Draft	Casualty with a ship			
496/2009	Denmark	16-11-2009	15-11-2009	Notification	Accepted	Casualty with a ship	PARIS EXPRESS	9°26',00 N	79°56',00 W
319/2009	Denmark	3-8-2009	3-8-2009	Notification	Accepted	Casualty with a ship	ARINA ARCTICA	74°57',30 N	17°46',00 W
321/2009	Denmark	7-8-2009	5-8-2009	Notification	Accepted	Occupational accident	THIES MAERSK	7°34',00 N	14°33',00 W
589/2009	Denmark	2-10-2009	2-10-2009	Investigation	AnticipatedDraft	Casualty with a ship	BORNHOLM EXPRESS	55°27',00 N	14°37',00 E

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Total Occurrence(s): 93



EMSA European Maritime Safety Agency

EMCIP European Marine Casualty Information Platform

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EMCIP Home > Casualties

## CASUALTIES

This part contains information about the marine accidents and incidents reported by the Accident Investigation Bodies of the EU Member States and stored in the EMCIP Database.

**Reporting System (registered users only):** through this hyperlink the registered user, if it is also an authorised user in the EMCIP Database, can access the database through the single-sign-on functionality.

**Notifications:** this page contains a summary of the last marine casualties notified by the Accident Investigation Bodies of the EU Member States. The displayed data is anonymized, which means that no ship details, or information about the entity which notified the case, are disclosed to the general public.

**Investigation Reports:** this page contains a summary of the latest casualties' investigation reports lodged in by the Accident Investigation Bodies of the EU Member States. Each record contains a link to the Casualty Investigation Report file."

EMCIP COMMUNITY

CASUALTIES

REPORTING SYSTEM

NOTIFICATIONS

INVESTIGATIONS

RELEVANT DOCS

Q AND A

NEWS

ANNUAL OVERVIEW

EMSA EMSA INFORMATION EMM IMO JRC EUROPEAN COMMISSION IMA EQUARIS

Last change: 19-11-2014 | TOP

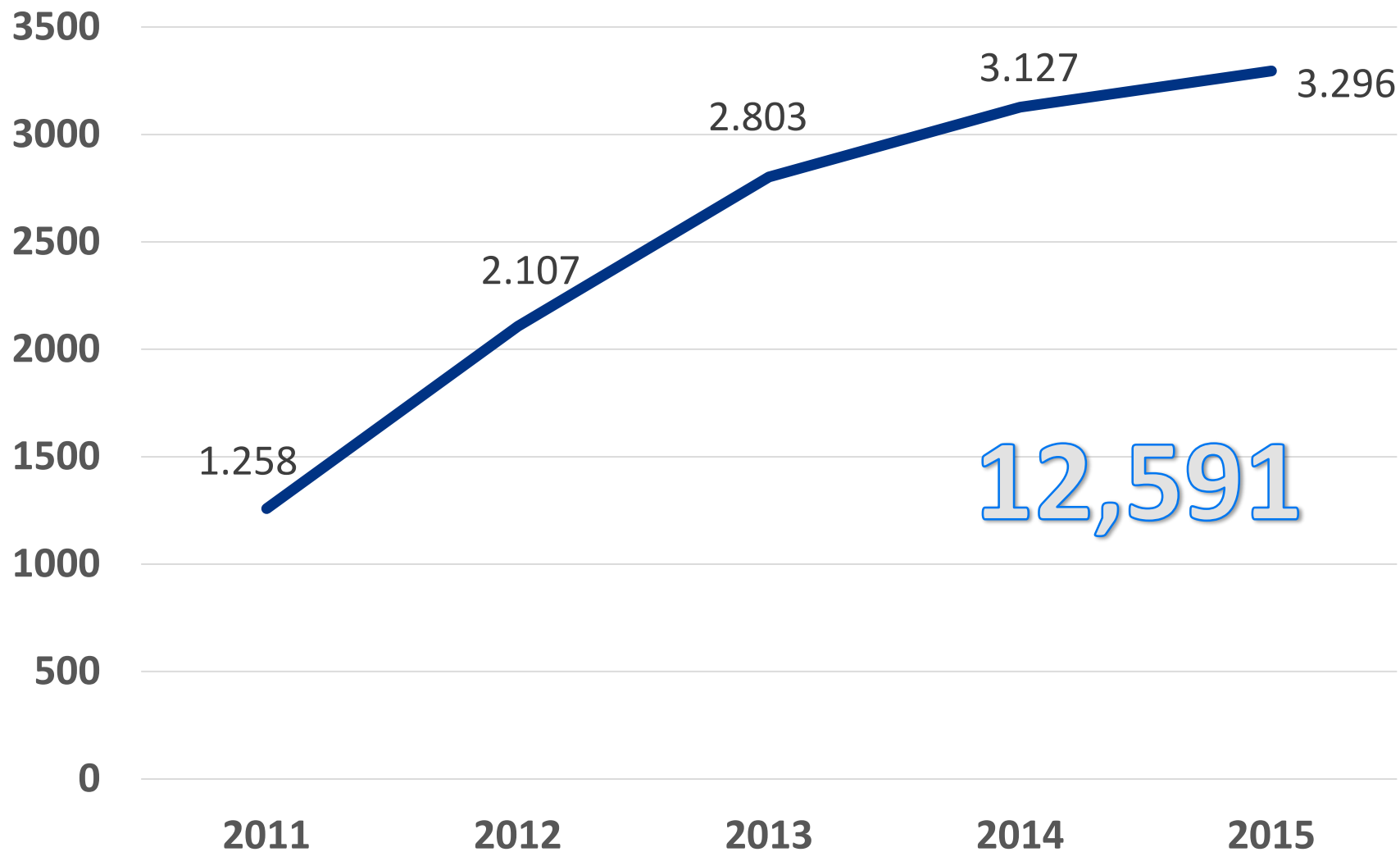
# What to report?

- **ALL** marine casualties and **incidents (VS, S, LS, MI)**
- **Casualty with ships**, incl. pollution + **Occupational accidents**
- Exclusion **ONLY** for some **ships' type** (not by severity)



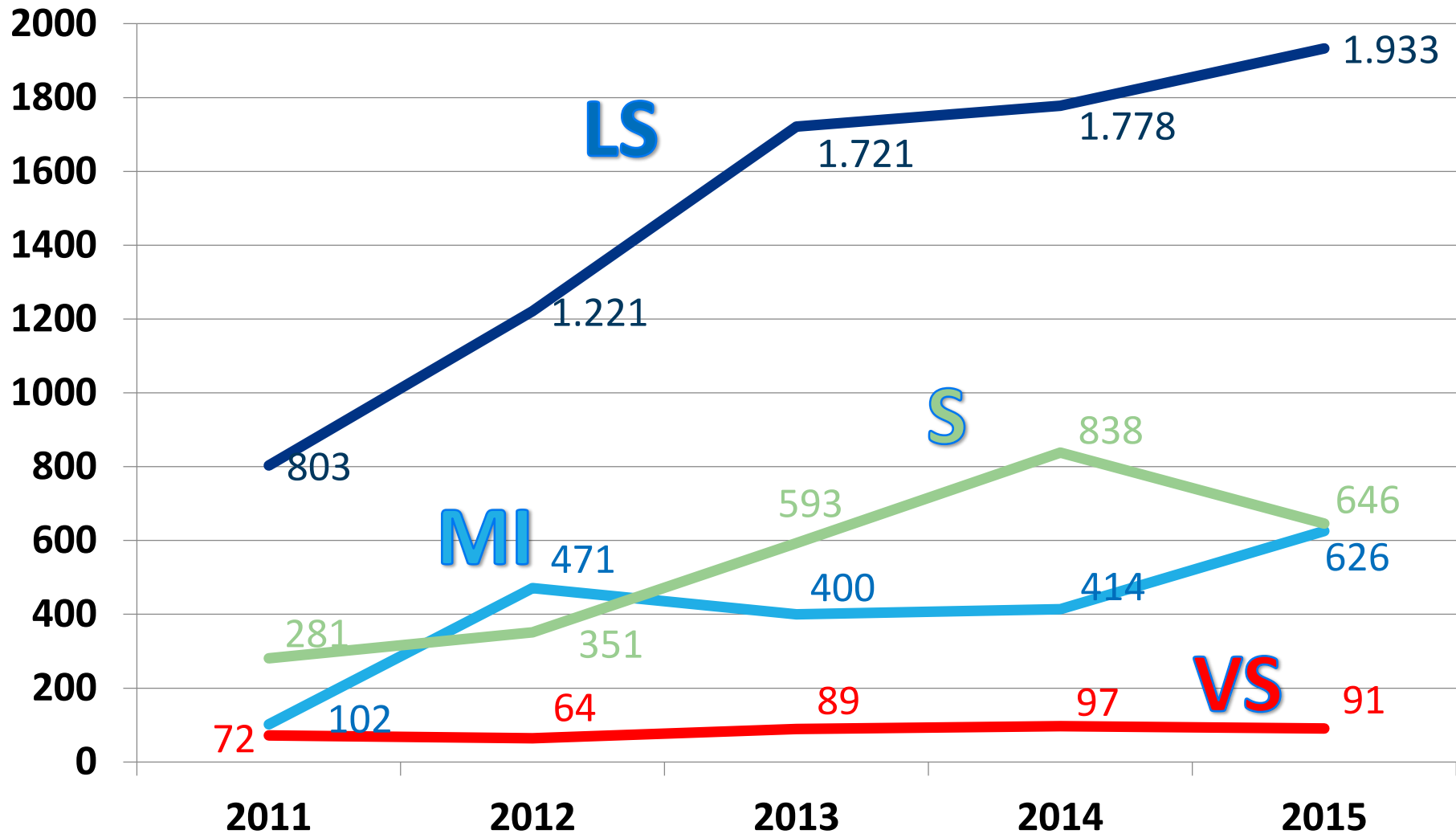


# Reported occurrences

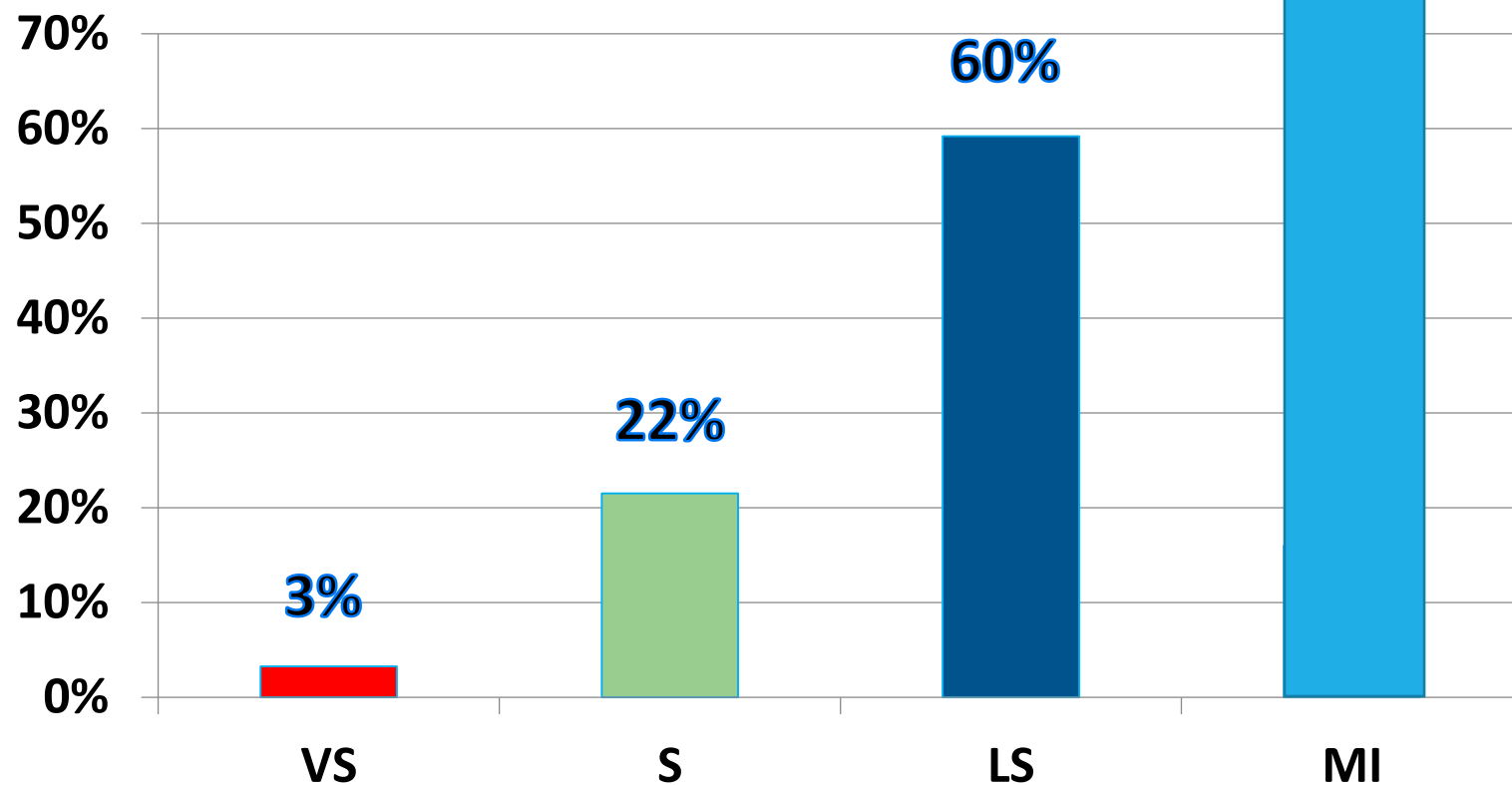




# Severity of occurrences reported



# How it could be expected to look like!



## IMO issued guidelines supporting implementation of near-misses reporting as per section 9 ISM Code

- **Key points:**

- The issue of reporting **near-misses** (underreporting)
- Need to **promote a no-blame culture**
- Benefits from implementation of a **JC approach** for the ship companies

## Possible barriers:

- **Conscious omission to report**
- **Fear of being blamed or found legally liable**
- **Unsupportive company management attitudes:**
  - complacency about known deficiencies;
  - discouragement of near-misses reporting
- **Perception that reporting near-misses is not important**

- **Principles governing marine safety investigation (AI Directive):**
  - Independent of criminal investigation and not precluded/delayed because of such investigation
  - Safety-oriented
  - Should not determine liability or blame
  - To be started as rapidly as possible
  - Collaboration with judicial authorities to ensure access to any information pertinent to safety investigation
  - MS to take into account fair treatment of seafarers (IMO-ILO Leg.3(91))

**Issues to ensure quick access to evidences reported by some MS**



- Evaluation process for AI Directive in 2017
- An opportunity to assess the current Directive and its strengths and weaknesses.
- JC is not currently part of the maritime AI Directive
- If it were to become so, what issues might arise:
  - a. Is JC effective to **increase the amount** of data reported, particularly “incidents”?
  - b. Are there any concerns for **data sharing** and **access rights** if the reporting system is opened to the industry or passengers?
  - c. Need to provide a **feedback** to the reporter (person or company)?

- d. Link to the **Safety Management System** of the ship companies to facilitate the reporting?
- e. How **statistics** and **data analysis** can improve safety (e.g. risk assessment perspective)?
- f. Link with other **maritime databases** to increase pool of data (THETIS, SafeSeaNet...)?
- g. How to ensure **data quality**?
- h. Does a JC framework also facilitates **collaboration between Judicial Authorities and AIB** undertaking safety investigations?

## EMSA Accident Investigation sector

<http://www.emsa.europa.eu/implementation-tasks/accident-investigation.html>

## EMCIP Portal

<https://emcipportal.jrc.ec.europa.eu/>





# Thank you

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European Maritime Safety Agency