



REPUBLIC OF CYPRUS
MARINE ACCIDENT AND INCIDENT INVESTIGATION COMMITTEE

Circular No1/2014

25th June, 2014

To all Owners, Managers and Representatives
of Ships under the Cyprus Flag

Subject: Accident Reporting and Investigation

1. Introduction – Marine Accident and Incident Investigation Committee

The purpose of this circular is to inform you of the establishment of the *Marine Accident and Incident Investigation Committee (MAIC)* and its modus operandi.

The MAIC was established on the 19th December 2013 by virtue of *the Marine Casualties and Incidents Investigation Law of 2012 (Law no.94 (I)/2012)*.

It is an independent Committee responsible for the investigation of all types of marine accidents (casualties and incidents) and it is assisted by the *Marine Accidents and Incidents Investigation Service*.

The objective of the MAIC in investigating an accident is the prevention of future accidents by establishing its causes and circumstances. Its purpose is not to apportion blame or liability, nevertheless, it will not refrain from fully reporting on the causal factors of an accident, because blame or liability may be inferred from them.

The MAIC is not an enforcement or prosecuting body.

The legislative framework under which the MAIC operates is provided in the aforesaid Law N. 94(I)/2012, which transposed the EU Directive 2009/18/EC into Cyprus's legislation.

Marine accident notifications should henceforth be addressed to the MAIC.

MAIC Contact Details:

1, Sp. Kyprianou Street	24 hour Acc. Reporting Line <u>only</u> + (357) 99 645 707
Iakovou Building	Tel.: + (357) 25 823 717 or 25 823 730 (Office Hours)
Mesa Geitonia, 4001	Fax: + (357) 25 305 117
Lemesos, Cyprus	Website: www.maic.gov.cy
P.O.Box 70764, 3802 Lemesos	E-Mail: accidents@maic.gov.cy

2. Application

The Marine Casualties and Incidents Investigation Law of 2012 (Law no.94 (I)/2012), defines the ships and the accidents to which it applies, sets out the purpose of investigation, makes provisions for the ordering and conduct of investigations, sets out requirements for reporting accidents and the publication of reports. It does not cover the requirements of formal investigations or other public inquiries.

Law no. 94(I)/2012, applies to marine casualties and incidents that-

- a) involve ships flying the Cyprus flag, anywhere in the world; or
- b) occur to ships irrespective of their flag within Cyprus's Territorial and Internal waters as defined in UNCLOS; or
- c) involve other substantial interests of the Republic of Cyprus.

Law no. 94(I)/2012 does not apply to marine casualties and incidents involving only-

- (a) ships of war and troop ships and other ships owned or operated by a State and used only on government non-commercial service; or
- (b) ships not propelled by mechanical means, wooden ships of primitive build, pleasure yachts and pleasure craft not engaged in trade, unless they are or will be crewed and carrying more than 12 passengers for commercial purposes; or
- (c) inland waterway vessels operating in inland waterways; or
- (d) fishing vessels with a length of less than 15 meters; or
- (e) fixed offshore drilling units.

3. Obligation for Notification

When an accident occurs involving a ship flying the Cyprus flag anywhere in the world, or a ship irrespective of flag within Cyprus's Territorial and Internal waters, the Master or the Owner / Manager or the Agent of the ship, must notify the MAIC as soon as practicable in writing, by submitting electronically or by fax the **ACCIDENT NOTIFICATION** form (APPENDIX I).

In cases of Very Serious Marine Casualties and Serious Marine Casualties, the MAIC must be notified by telephone on the 24 hour Accident Reporting Line + (357) 99 645 707, immediately after the accident happened, if possible, or the soonest afterwards.

The **ACCIDENT NOTIFICATION** form can be downloaded from the MAIC website.

The following governmental services, must notify the MAIC whenever they are informed of a marine accident which falls within the requirements of Law no. 94(I)/2012:

- (a) the Department of Merchant Shipping;
- (b) the Port & Marine Police;

- (c) the Cyprus Ports Authority;
- (d) the Department of Fisheries & Marine Research;
- (e) the Larnaca Joint Rescue Coordination Centre.

4. Investigations (*For Definitions see Annex I*)

- a) The MAIC will investigate all very serious marine casualties to which Law no.94 (I)/2012 applies.
- b) The MAIC may investigate any serious marine casualties to which Law no.94 (I)/2012 applies.

A preliminary assessment will be carried out for each serious marine casualty, in order to decide whether it is appropriate to conduct further investigation. A preliminary assessment is used to obtain further details to determine if the casualty meets the criteria to warrant further investigation. Factors to be taken into account are the severity of the marine casualty, the type of vessel and/or cargo involved, and the potential of findings of the safety investigation to lead to the prevention of future casualties and incidents.

- c) The MAIC may investigate as well, any other marine casualty and incident at its discretion, based on the same criteria of seriousness of the casualty or incident i.e., the ship's type, cargo, possible lessons to be learned, etc. If the decision is not to further investigate, details of the accident, evidence etc. may be gathered by correspondence and recorded in the MAIC database.

5. MAIC investigations will be based on the following instruments:

- a) The Marine Casualties and Incidents Investigation Law of 2012 (no.94 (I)/2012)
- b) EU Directive 2009/18/EC "Fundamental principles governing the investigation of accidents in the maritime transport sector";
- c) EU Regulation No 1286/2011 "Common Methodology for investigating marine casualties and incidents";
- d) IMO A.27/Res.1056 "Guidelines on the fair treatment of seafarers in the event of a maritime accident"

6. Investigators' Powers

MAIC Investigators are authorized by virtue of EU Directive 2009/18/EC and Law no.94 (I)/2012 to-

- (a) Have free access to any relevant area or casualty site as well as to any ship, wreck or structure including cargo, equipment or debris;
- (b) Ensure immediate listing of evidence and controlled search for and removal of wreckage, debris or other components or substances for examination or analysis;
- (c) Require examination or analysis of the items referred to in point (b) and have free access to the results of such examinations or analysis;

(d) Have free access to, copy and use any relevant information and recorded data, including VDR data, pertaining to a ship, voyage, cargo, crew or any other person, object, condition or circumstance;

(e) Have free access to the results of examinations of the bodies of victims or of tests made on samples taken from the bodies of victims;

(f) Require and have free access to the results of examinations of, or tests made on samples taken from, people involved in the operation of a ship or any other relevant person;

(g) Interview witnesses in the absence of any person whose interests could be considered as hampering the safety investigation;

(h) Obtain survey records and relevant information held by the flag State, the owners, classification societies or any other relevant party, established in Cyprus ;

(i) Call for the assistance of the relevant authorities in the respective States, including flag-State and port-State surveyors, coastguard officers, vessel traffic service operators, search and rescue teams, pilots or other port or maritime personnel;

(j) Request the Master or crew to demonstrate the operation of the ship's equipment and machinery;

(k) Collect and remove documents, substances' samples, moving parts or machinery and equipment, provided a receipt has been issued.

7. Obligation to co-operate

The Owner / Manager, the Master and the crew are obliged to fully co-operate and facilitate MAIC Investigators and provide information and evidence requested, including statements.

8. Preservation of Evidence

The Owner / Manager, the Master and the crew are obliged to-

Until the MAIC notifies that an investigation will not be carried out, or that the preservation of evidence is not required, or if 30 days have elapsed since notification was sent and no reply was received from the MAIC for investigation:

(a) save all information from charts, log books, electronic and magnetic recording and video tapes, including information from Voyage Data Recorder (VDR) and other electronic devices relating to the period preceding, during and after an accident;

(b) prevent the overwriting or other alteration of such information;

(c) prevent interference with any other equipment which might reasonably be considered pertinent to the safety investigation of the accident;

(d) collect and preserve all evidence expeditiously for the purposes of the safety investigation.

9. Confidentiality

For the purposes of a safety investigation, the MAIC may carry out witness's interviews and collect evidence i.e., charts, log-books, documents and records considered relevant to the accident, electronically recorded information prior-during-after the accident including VDR recordings, etc. This evidence remains the property of the Owner and copies will be taken wherever possible.

Subject to the interpretation provided by the *Processing of Personal Data (Protection of the Individuals) Laws of 2001-2012 (Law 138(I)/2001 as amended by Law 37(I)/2003 and Law 105(I)/2012)*, the following records are made available for the purposes of accident investigation only, unless the *Commissioner for Personal Data Protection* determines that there is an overriding public interest in the disclosure of-

- (a) all witness evidence and other statements, accounts and notes taken or received by the Investigator in the course of the safety investigation; or
- (b) records revealing the identity of persons who have given evidence in the context of the safety investigation; or
- (c) information relating to persons involved in a marine casualty or incident which is of a particularly sensitive and private nature, including information concerning their health.

10. MAIC Reports

Safety investigations carried out will result in a published report, in accordance with Annex I of EU Directive 2009/18/EC, within 12 months from the date of the casualty. If it is not possible to produce the final report within that time, an interim report will be published within 12 months from the date of the casualty.

A safety investigation which concerns a very serious marine casualty will result in a full investigation report.

A safety investigation which does not concern a very serious or, as the case may be, a serious marine casualty and the findings of which do not have the potential to lead to the prevention of future casualties and incidents, will result in a simplified report. Provision is made for any person likely to be affected by a report to see the draft and to comment on the facts and analysis therein, before it is finalized and made publicly available.

All reports of full investigations will be published on the MAIC website [www.maic.gov.cy]. Copies may be obtained from the MAIC Office upon request.

11. MAIC Recommendations

Recommendations may be made as a result of an investigation. If only a preliminary assessment has been conducted they will be in the form of a letter. If a full investigation has been conducted, the recommendation(s) will be included in the final report. Recommendations are addressed to those considered best fitted to implement them.

Under no circumstances will a safety recommendation determine liability or apportion blame for a casualty.

Any person to whom a recommendation is addressed should take the recommendation into consideration. This person should send full information of any measures that are being or will be taken to implement the recommendation. If appropriate, the timetable for implementation should be outlined. Notice should be given to the MAIC, if at any time any such information is rendered inaccurate by a change of circumstances.

Any person to whom a recommendation is addressed should, after taking the recommendation into consideration, provide a full explanation to the MAIC, as to why the recommendation is not going to be implemented, if that is the case.

12. Penalties

Law no. 94(I)/2012 defines the penalties for breaches of its requirements. These offences include failure of notification of a marine accident, not preserving evidence as required, not cooperating with or obstructing the Investigator, hiding, destroying or falsifying or refusing or omitting to provide, information / data /documents or providing inadequate, inaccurate, information / declaration / witness / data/ documents.



Serghios S. Serghiou

Chairman
Marine Accident & Incident
Investigation Committee

- cc:
- Attorney General of the Republic
 - Permanent Secretary, Ministry of Communications and Works
 - Permanent Secretary Ministry of Foreign Affairs
 - Permanent Secretary Ministry of Justice and Public Order
 - Chief of Cyprus Police
 - Commander, Larnaca Joint Rescue Coordination Centre
 - Commander, Port & Marine Police
 - General Manager, Cyprus Ports Authority
 - Department of Merchant Shipping
 - Department of Fisheries & Marine Research
 - Cyprus Shipping Chamber
 - Cyprus Union of Shipowners
 - Cyprus Shipping Association
 - Cyprus Bar Association
 - Trade Union SEK
 - Trade Union PEO
 - Trade Union DEOK

ANNEX I: DEFINITIONS
APPENDIX I: NOTIFICATION FORM

ANNEX I

Definitions (IMO's "Casualty Investigation Code" in its updated version and IMO Circular MSC-MEPC.3/Circ.3)

Marine Accident: Any marine casualty or marine incident.

An accident does not include a deliberate act or omission, with the intention to cause harm to the safety of a ship, an individual or the environment.

Accidents may be classified (in order of severity) as follows:

- very serious marine casualties
- serious marine casualties
- less serious casualties
- marine incidents

Marine casualty means an event, or a sequence of events, that has resulted in any of the following which has occurred directly in connection with the operations of a ship:

- the death of, or serious injury to, a person
- the loss of a person from a ship
- the loss, presumed loss or abandonment of a ship
- material damage to a ship
- the stranding or disabling of a ship, or the involvement of a ship in a collision;
- material damage to marine infrastructure external to a ship, that could seriously endanger the safety of the ship, another ship or an individual
- severe damage to the environment, or the potential for severe damage to the environment, brought about by the damage of a ship or ships.

Very serious casualty means a marine casualty involving:

- the total loss of the ship or
- a death or
- severe damage to the environment.

Serious casualties are casualties to ships which do not qualify as very serious casualties and which involve a fire, explosion, collision, grounding, contact, heavy weather damage, ice damage, hull cracking, or suspected hull defect, etc., resulting in:

- immobilization of main engines, extensive accommodation damage, severe structural damage, such as penetration of the hull under water, etc., rendering the ship unfit to proceed*, or
- pollution (regardless of quantity); and/or
- a breakdown necessitating towage or shore assistance.

Less serious casualties are casualties to ships which do not qualify as very serious casualties or serious casualties.

Marine incident means an event, or sequence of events, other than a marine casualty, which has occurred directly in connection with the operations of a ship that endangered, or, if not corrected, would endanger the safety of the ship, its occupants or any other person or the environment. Marine incidents include hazardous incidents and near misses.

Material damage in relation to a marine casualty means:

- damage that significantly affects the structural integrity, performance or operational characteristics of marine infrastructure or a ship; and requires major repair or replacement of a major component or components, or
- destruction of the marine infrastructure or ship.

Severe damage to the environment means damage to the environment which, as evaluated by the State(s) affected, or the flag State, as appropriate, produces a major deleterious effect upon the environment.

Serious injury means an injury which is sustained by a person, resulting in incapacitation where the person is unable to function normally for more than 72 hours, commencing within seven days from the date when the injury was suffered.

*** Ship rendered unfit to proceed:** The ship is in a condition, which does not correspond substantially with the applicable conventions, presenting a danger to the ship and the persons on board or an unreasonable threat of harm to the marine environment.

**** Ship remains fit to proceed:** The ship is in a condition, which corresponds substantially with the applicable conventions, presenting neither a danger to the ship and the persons on board nor an unreasonable threat of harm to the marine environment.



REPUBLIC OF CYPRUS
MAIC

MARINE ACCIDENT & INCIDENT INVESTIGATION COMMITTEE
24 hour Acc. Reporting Line: + (357) 99 645 707
Phone: (357) 25 823 735 / 25 823 730 / 25 823 717
Fax: (357) 25 305 717
E-mail: accidents@maic.gov.cy

FOR OFFICIAL USE ONLY
MAIC No.:
EMCIP No.:
GISIS No.:

MARINE ACCIDENT REPORT

I. SHIP PARTICULARS

Name of vessel		IMO No.	Call Sign	Gross Tons	Class Society	
Type of vessel	Propulsion (steam, diesel, turbine etc.)		Hull material (steel, wood)	Year of build	LOA (m)	LBP (m)
Name of Owner			Name, Address and Telephone of Management Company			
Name of Master		Nationality	Home Address & Telephone		C/te of Competency No.	
					Endorsement No.	

II. PARTICULARS OF ACCIDENT

Date of accident	Time (LT or ZT)	Location (If at open sea, give position / if in coastal waters, give position and bearing & dist. from charted object / give position and name if in port, port approaches, at berth, anchorage canal, strait, river etc.)			
Port of departure	Date & Time of departure	Port to which bound & ETA	No crew on board = No passengers on board = No of others =		
Ship operation : (e.g. On passage, Blsting, Deblsting, Ldg, Disch, Bnkring Cleaning holds, etc.)			If loaded nature of cargo & quantity (MT)		

<u>Conditions at time of accident</u> Wind Force & Dir.: SeaState: Swell Height & Dir.: Current Speed & Dir.: River Stage: Sea Ice (Thickness):	<u>Weather</u> <input type="checkbox"/> Clear/partly cloudy <input type="checkbox"/> Overcast <input type="checkbox"/> Fog <input type="checkbox"/> Rain <input type="checkbox"/> Snow	<u>Natural light</u> <input type="checkbox"/> Daylight <input type="checkbox"/> Twilight <input type="checkbox"/> Night <input type="checkbox"/> Unknown	<u>Visibility</u> <input type="checkbox"/> Poor - 0.5 <= vis < 2nm <input type="checkbox"/> Moderate - 2 <= vis < 5nm <input type="checkbox"/> Good - 5 <= vis < 25nm <input type="checkbox"/> Very good - vis >= 25nm <input type="checkbox"/> Unknown
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<u>Type of accident</u> <input type="checkbox"/> Collision <input type="checkbox"/> Grounding <input type="checkbox"/> Contact <input type="checkbox"/> Fire <input type="checkbox"/> Explosion <input type="checkbox"/> Flooding <input type="checkbox"/> Hull failure <input type="checkbox"/> Equipment damage <input type="checkbox"/> Loss of control : Electrical <input type="checkbox"/> Propulsion <input type="checkbox"/> Steering If other specify:	<u>Consequences</u> People: <input type="checkbox"/> Dead <input type="checkbox"/> Missing <input type="checkbox"/> Injured <input type="checkbox"/> Ship Total Loss <input type="checkbox"/> Material damage to ship <input type="checkbox"/> Breach of hull causing flooding <input type="checkbox"/> 3rd party damage <input type="checkbox"/> Pollution <input type="checkbox"/> If other specify:	<u>In case of collision</u> Other ship's name: Flag: IMO No: True Course: Speed: Angle of blow: <u>In case of pollution</u> Material released: Quantity released (MT)...
Ship fit to proceed <input type="checkbox"/> Ship unfit to proceed <input type="checkbox"/>		

<u>Navigational</u> IMO COLREGS applicable? <input type="checkbox"/> yes <input type="checkbox"/> no If other specify: IMO Ships' Routing System? <input type="checkbox"/> yes <input type="checkbox"/> no If yes, specify: Vessel NUC? <input type="checkbox"/> yes <input type="checkbox"/> no If yes, how many hours? Pilot on board? <input type="checkbox"/> yes <input type="checkbox"/> no True course Speed (prior to accident) Draft fwd Draft aft (prior to accident)	VDR / S -VDR recording been saved? <input type="checkbox"/> yes <input type="checkbox"/> no VDR / S -VDR Manufacturer & model _____ SAR intervention? <input type="checkbox"/> yes <input type="checkbox"/> no Tug / Shore Assistance? <input type="checkbox"/> yes <input type="checkbox"/> no
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Describe damage (Include photos)

III. PERSONNEL ACCIDENT INFORMATION (Attach separate form for each person)			
Name		Address	
Position (e.g. crew, passenger, other):		Male <input type="checkbox"/> Female <input type="checkbox"/>	Nationality:
<input type="checkbox"/> Injured <input type="checkbox"/> Missing <input type="checkbox"/> Incapacitated > 72 hours <input type="checkbox"/> Fatal Date of death: <input type="checkbox"/> Medico sent <input type="checkbox"/> First Aid /Treatment given on board <input type="checkbox"/> Hospitalised		Part of body injured <input type="checkbox"/> Ankle <input type="checkbox"/> Arm <input type="checkbox"/> <input type="checkbox"/> Back <input type="checkbox"/> Chest <input type="checkbox"/> Eye <input type="checkbox"/> Finger <input type="checkbox"/> <input type="checkbox"/> Groin <input type="checkbox"/> Hand <input type="checkbox"/> Foot <input type="checkbox"/> Head <input type="checkbox"/> <input type="checkbox"/> Knee <input type="checkbox"/> Leg <input type="checkbox"/> Hip <input type="checkbox"/> Neck <input type="checkbox"/> <input type="checkbox"/> Shoulder <input type="checkbox"/> Somach <input type="checkbox"/> Trunk <input type="checkbox"/> Lung <input type="checkbox"/> <input type="checkbox"/> Multiple injuries <input type="checkbox"/> Cardiovasc	Resulting injury <input type="checkbox"/> Allergic rxn <input type="checkbox"/> Asphyxia <input type="checkbox"/> Abrasion <input type="checkbox"/> <input type="checkbox"/> Blister <input type="checkbox"/> Cut <input type="checkbox"/> Fracture <input type="checkbox"/> Puncture <input type="checkbox"/> <input type="checkbox"/> Chemical burn <input type="checkbox"/> Thermal burn <input type="checkbox"/> Electrical burn <input type="checkbox"/> Bruise <input type="checkbox"/> <input type="checkbox"/> Heat stroke <input type="checkbox"/> Electric shock <input type="checkbox"/> Abrasion <input type="checkbox"/> <input type="checkbox"/> Crushing <input type="checkbox"/> Hernia <input type="checkbox"/> Amputation <input type="checkbox"/> Strain & Sprain <input type="checkbox"/> <input type="checkbox"/> Laceration <input type="checkbox"/> Foreign body <input type="checkbox"/> Drowning
Location when injured <input type="checkbox"/> Aft area <input type="checkbox"/> Pump room <input type="checkbox"/> Deck, open <input type="checkbox"/> Fwd area <input type="checkbox"/> Machinery spaces <input type="checkbox"/> Quarters <input type="checkbox"/> Ballast tank <input type="checkbox"/> Void <input type="checkbox"/> Bridge <input type="checkbox"/> Cargo tank <input type="checkbox"/> Engine rm <input type="checkbox"/> Forepeak <input type="checkbox"/> Fuel tank		Activity of person at the time of the accident: <input type="checkbox"/> Handling cargo <input type="checkbox"/> Handling lines <input type="checkbox"/> Operating machinery <input type="checkbox"/> Repairing machinery <input type="checkbox"/> Deck duty <input type="checkbox"/> Engine duty <input type="checkbox"/> On duty <input type="checkbox"/> Off duty Other _____ Equipment involved in accident _____ Specific object, part of equipment (above) or substance (chemical, solvent etc.) that directly produced the accident _____	Nature of Accident or Incident: <input type="checkbox"/> Slip/fall-stairs <input type="checkbox"/> Slip/fall-deck <input type="checkbox"/> Fall, same level <input type="checkbox"/> Struck, falling object <input type="checkbox"/> Struck, moving obj. <input type="checkbox"/> Struck, vessel <input type="checkbox"/> Pinched/crushed <input type="checkbox"/> Sprain/strain <input type="checkbox"/> Caught in lines <input type="checkbox"/> Burned, electric <input type="checkbox"/> Hypothermia <input type="checkbox"/> Diving accident <input type="checkbox"/> Acute toxic exposure <input type="checkbox"/> Disappeared Other _____
Number of persons incapacitated for more than 72 hrs: Crew ___ Pass. ___ Others ___ Number of Persons missing: Crew ___ Pass. ___ Others ___		No of persons killed : Crew ___ Pass. ___ Others ___	
IV. DESCRIPTION OF CASUALTY			
(Events and circumstances leading to casualty and present when it occurred. Indicate assistance rendered by shore stations and vessels; recommendations for corrective safety measures. Attach diagram and additional sheets, if necessary).			
Witness to Casualty (Name, Address, Tel. No.)			
Witness to Casualty (Name, Address, Tel. No.)			
V. PERSON MAKING THIS REPORT			
Name		Address	
Title:		Date:	Signature
Tel. No.		E-Mail	
VI. FOR OFFICIAL USE ONLY			
<input type="checkbox"/> VSMC <input type="checkbox"/> SMC <input type="checkbox"/> LSMC <input type="checkbox"/> MI			
<input type="checkbox"/> CY LEAD INV. STATE <input type="checkbox"/> CY SUBST/LLY INT/TED STATE <input type="checkbox"/> EU LEAD INV. STATE <input type="checkbox"/> 3 rd COUNTRY LEAD INV. STATE <input type="checkbox"/> Ro-Ro F. /HSPC			
<input type="checkbox"/> NOTIFICATION <input type="checkbox"/> PRELIMINARY ASSESSMENT <input type="checkbox"/> PRELIMINARY DECISION			
INVESTIGATION <input type="checkbox"/> Yes <input type="checkbox"/> No If No, state reason:			
INVESTIGATOR (Name) DATE		APPROVED BY (Name) DATE	