



SMAIC

STATE MARINE ACCIDENT
INVESTIGATION COMMISSION

ANNUAL ANALYSIS

2023

**MARINE
CASUALTIES
AND INCIDENTS**



ANNUAL ANALYSIS 2023



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STATE MARINE ACCIDENT
INVESTIGATION COMMISSION



Table of Contents

1. Introduction	5
2. INFORMATION ABOUT THE COMMISSION.....	7
3. ANALYSIS OF MARINE CASUALTIES AND INCIDENTS REPORTED IN 2023.	9
3.1. Notifications of marine casualties and incidents in 2023.	9
3.2. Breakdown of accidents and incidents by type.....	9
3.3. Breakdown of the marine casualties and incidents by vessel type and her flag.	10
3.4. Breakdown of marine casualties and incidents by human participation (accidents with people)..	12
3.5. Breakdown of marine casualties and incidents by their location.....	12
3.6. Breakdown of marine casualties and incidents by cause.....	14
3.7. Assessing the rationale for continuing investigations.....	15
4. MARINE CASUALTIES AND INCIDENTS INVESTIGATIONS IN 2023	16
4.1. Publication of marine casualties and incidents investigation reports.	16
4.2. Safety recommendations coming from accident investigations completed in 2023.....	17
4.2.1. WIM 024/22 Regatta yacht Delphia 24 class.....	17
4.2.2. WIM 044/22 fishing vessel Alina (GDY-346).....	18
4.2.3. WIM 084/22 rescue vessel Wiatr	18
4.2.4. WIM 114/22 Towing unit – tug Odys and pontoon TRD Voyager	20
4.2.5. WIM 133/22 – m/s Nordic Italia and fishing vessel DZI-18	21
4.2.6. WIM 139/22 – motor yacht Galar Gdański 1	23
4.2.7. WIM 045/23 – Drilling ship (platform) Petro Giant	27
4.2.8. WIM 088/23 – sailing yacht Phantom.....	29
5. WARNING OF A POSSIBLE DANGER (EARLY ALERT)	32
6. COOPERATION WITH OTHER ENTITIES AND ORGANISATIONS.....	32
7. LIST OF FIGURES.....	33
8. LIST OF TABLES.....	33



9. EXTRACT FROM THE REGULATIONS..... 33

10. HE ACTIVITIES AND FUNCTIONING OF THE STATE MARITIME ACCIDENT INVESTIGATION COMMISSION IN 2013-2023. INVESTIGATING MARITIME ACCIDENTS IN STATISTICAL TERMS..... 36



1. Introduction

The State Marine Accident Investigation Commission (SMAIC), established by the Act of 31 August 2012 on the State Marine Accident Investigation Commission¹, hereinafter referred to as the Act, commenced its activities in May 2013 with the appointment of the third of its five statutory members by the Minister of Transport, Construction and Marine Economy.

The Commission conducts marine casualty and incident investigations under the Act and the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code), adopted by the Maritime Safety Committee (MSC) of the International Maritime Organization (IMO)².

The objective of the investigation of a marine accident or incident is to ascertain its causes and circumstances to prevent future accidents and incidents and improve the state of marine safety.

The Commission does not determine, in the course of its investigation, liability or apportion blame to persons involved in a marine accident or incident, and investigation reports cannot be used as evidence in criminal or other proceedings to attribute blame or liability for the accident to which the report relates. This means that no adjudicating authority in such proceedings may rely on the information contained in the Commission's report as a basis for judgment.

The Commission is obliged under its legislation to investigate every very serious and serious marine casualty. A very serious casualty is an accident resulting in the total loss of the vessel, the death of a person or significant environmental damage. A serious casualty is an accident that results in, inter alia, immobilisation of the ship's propulsion system, extensive damage to accommodation, changes in the ship's stability, damage to the underwater part of the hull – such that the ship presents a hazard to the safety of persons or to the environment rendering her unfit to continue the voyage. A serious casualty also includes the infliction of environmental damage, including damage caused by pollution, or a breakdown with the need for the ship to be towed or assisted from shore.

However, in the event of a serious marine casualty, the Commission may, after a preliminary assessment of the causes, decide not to conduct an investigation. In the event of an accident other than a very serious or less serious casualty or a marine incident, the Commission decides either to proceed with the investigation or to abandon it. When making such a decision,

¹ Act of 31 August 2012 on the State Marine Accident Investigation Commission (Dz.U.2019.1374 of 2019.07.24).

² Resolution MSC.255 (84) Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident.



the Commission considers the gravity of the event, the type of vessel or cargo involved, and whether the findings of the investigation will contribute to the prevention of similar future marine casualties or incidents.

The Commission investigates marine casualties and incidents involving ships of Polish nationality and those flying a foreign flag if the accident occurred on the Polish internal maritime waters or territorial sea. The Commission is obliged to undertake an investigation of an accident in respect of which Poland is a so-called Substantially Interested State (SIS), e.g., in the case where Polish seamen or passengers have died as a result of the marine casualty.

In each case, the Commission takes measures necessary to make a preliminary assessment of the causes of the marine incident or casualty and, based on the collected material, according to the legal acts described above, decides whether to abandon the investigation, abandon the ongoing investigation or continue the ongoing investigation.

The Commission's activities are governed by the provisions of the Act, as well as the SMAIC Regulations³.

³ Ordinance No. 22 of the Minister of Infrastructure of 13 October 2021 on the establishment of the rules of procedure of the State Marine Accident Investigation Commission and its seat.



2. INFORMATION ABOUT THE COMMISSION

Since 01.01.2023 the SMAIC is composed of the following persons:



Tadeusz Wojtasik – Chairman of the Commission – Master Mariner



Grzegorz Suszczewicz – Vice Chairman of the Commission – Master Mariner



Marek Szymankiewicz – Secretary of the Commission – Master Mariner



Monika Hapanionek – Member of the Commission – Chief Officer



Tadeusz Gontarek – Member of the Commission – Chief Engineer

There were no changes to the composition of the Commission during 2023.

The State Marine Accident Investigation Commission is an independent body. It operates under the authority of the minister in charge of maritime affairs. It is not an organisational unit subordinate to or supervised by the Minister of Infrastructure.⁴

The Commission's mailing and contact details:

Pl. Stefana Batorego 4, 70-207 Szczecin

Phone: +48 91 44 03 290

E-mail: pkbwm@pkbwm.gov.pl

www.pkbwm.gov.pl

Emergency phone: 664 987 987 (24 h)

⁴ The seat of the Commission as of 01.06.2017 is Szczecin (Ordinance No. 12 of the Minister of Marine Economy and Inland Navigation of 15 March 2017).



3. ANALYSIS OF MARINE CASUALTIES AND INCIDENTS REPORTED IN 2023.

3.1. Notifications of marine casualties and incidents in 2023.

In 2022, the Commission has been notified about **173** marine casualties and incidents.

After a preliminary analysis of the notifications, the Commission concluded that:

- in **39** cases the notified event did not meet the criteria for a marine casualty as contained in the definition set out in Article 2(1)(1) of the Act on SMAIC⁵.
- in **58** cases the notified accidents were not investigated due to the provisions of Article 15(2) of the Act on SMAIC⁶.
- in **76** cases the Commission initiated further accident and incident investigations.

3.2. Breakdown of accidents and incidents by type.

The **76** investigated cases included:

- **6** very serious casualties (**V**),
- **4** serious casualties (**S**),
- **49** less serious casualties (**L**),
- **17** incidents (**I**).

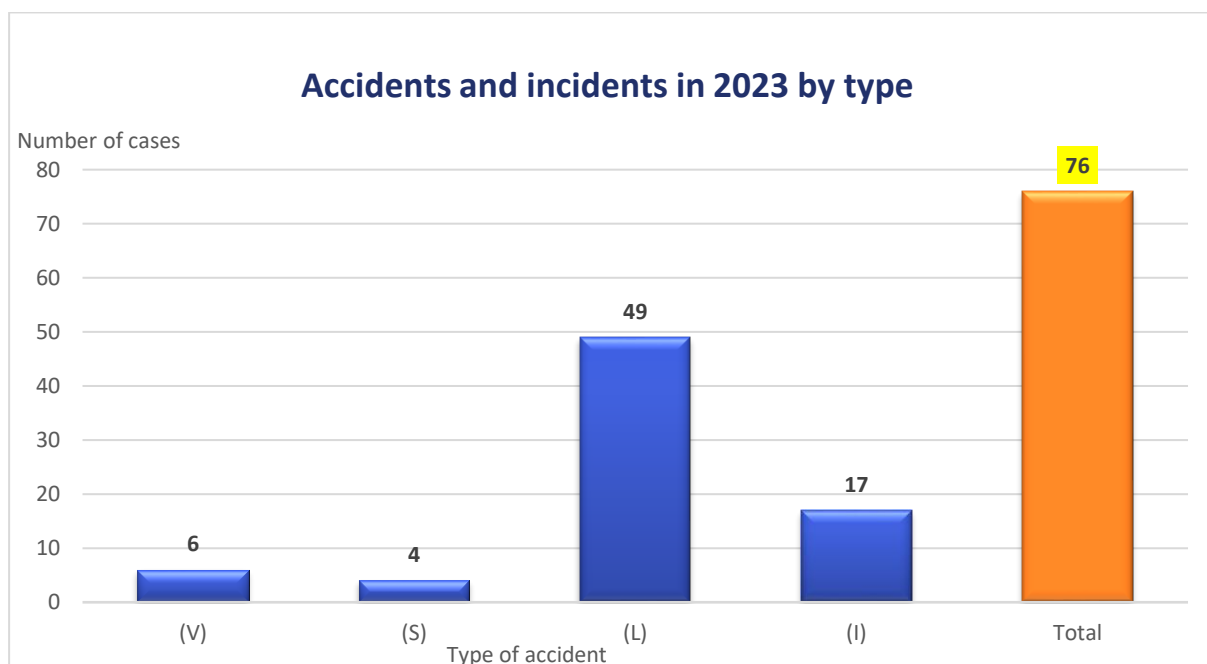


Figure 1. Breakdown of marine casualties and incidents in 2023 by type

⁵ The text of the footnote is included in the Extract from Regulations.

⁶ The text of the footnote is included in the Extract from Regulations.



3.3. Breakdown of the marine casualties and incidents by vessel type and her flag.

In 6 very serious casualties, a total number of 6 vessels were involved, of which 1 sank (a sailing yacht).

The 76 investigated marine casualties and incidents involved a total number of 81 vessels.

They included:

Passenger vessels:

- 10 passenger ships,

Commercial vessels:

- 12 general cargo,
- 4 container ships,
- 12 bulk carriers,
- 3 Ro-Ro,
- 14 tankers,

Warships:

- 1 warship,

Fishing crafts:

- 3 fishing vessels,

Yachts:

- 1 recreational motor yacht,
- 3 recreational sailing yachts,
- 1 commercial sailing yacht,
- 1 commercial motor yacht,

Service units:

- 8 tugs or towing units,
- 6 other service units,
- 1 floating crane,
- 1 dredger.

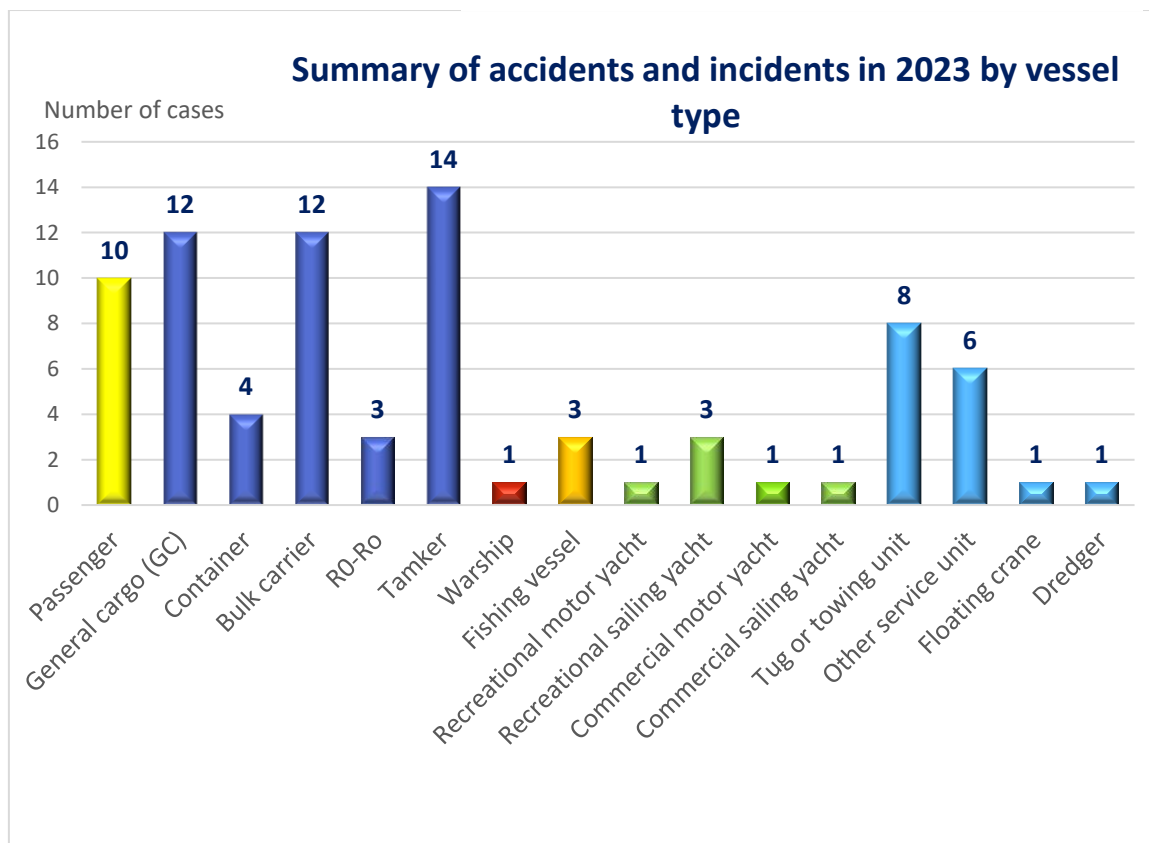


Figure 2. Breakdown of marine casualties and incidents in 2023 by vessel type



Breakdown of 81 vessels by their flag:

- 28 from Poland (PL),
- 13 from Malta (MT),
- 11 from Cyprus (CY),
- 5 from Portugal (PT),
- 4 from Commonwealth of The Bahamas (BS),
- 4 from Germany (DE),
- 2 Antigua and Barbuda (AG),
- 2 from Sweden (SE),
- 2 from Liberia (LR),
- 1 from Luxembourg (LU),
- 1 from Norway (NO),
- 1 from St. Kitt & Nevis (KN),
- 1 from Indonesia (ID),
- 1 from Panama (PA),
- 1 from Iceland (IS),
- 1 from Marshal Islands (MH),
- 1 from Lithuania (LT),
- 1 from Denmark (DK),
- 1 from Hong Kong (HK),

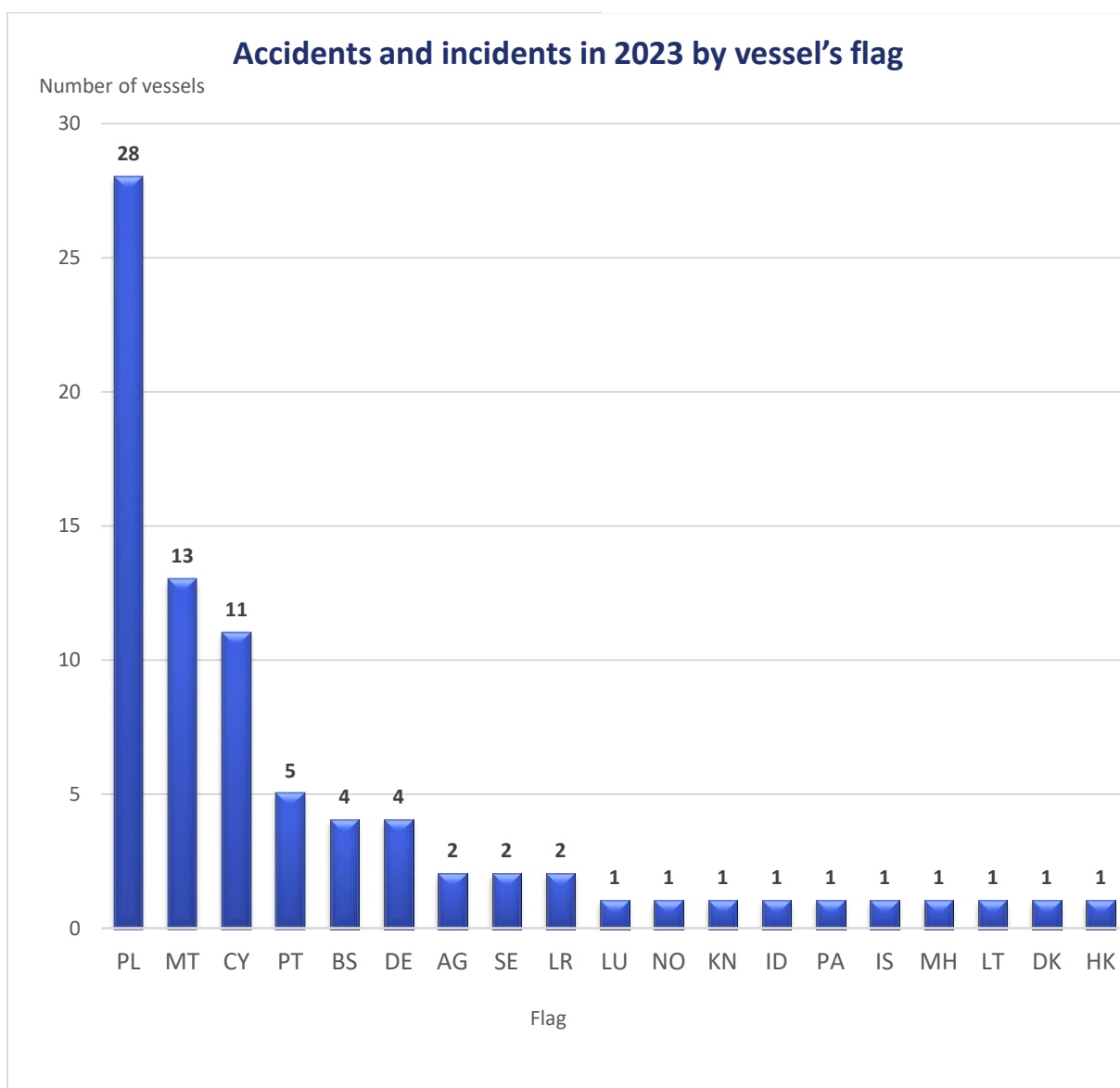


Figure 3. Breakdown of 81 vessels by hoisted flag

3.4. Breakdown of marine casualties and incidents by human participation (accidents with people).

As a result of **4** very serious casualties, **4** people died. All were crew members.

Overall, in all **76** cases investigated, **36** people suffered in accidents (**36** crew members and **0** passengers).

The degree of impairment varied and so:

- **4** peoples died,
- **21** people suffered serious accidents requiring treatment for more than 3 days (72 hrs),
- **2** people were injured,
- **9** people were not injured.

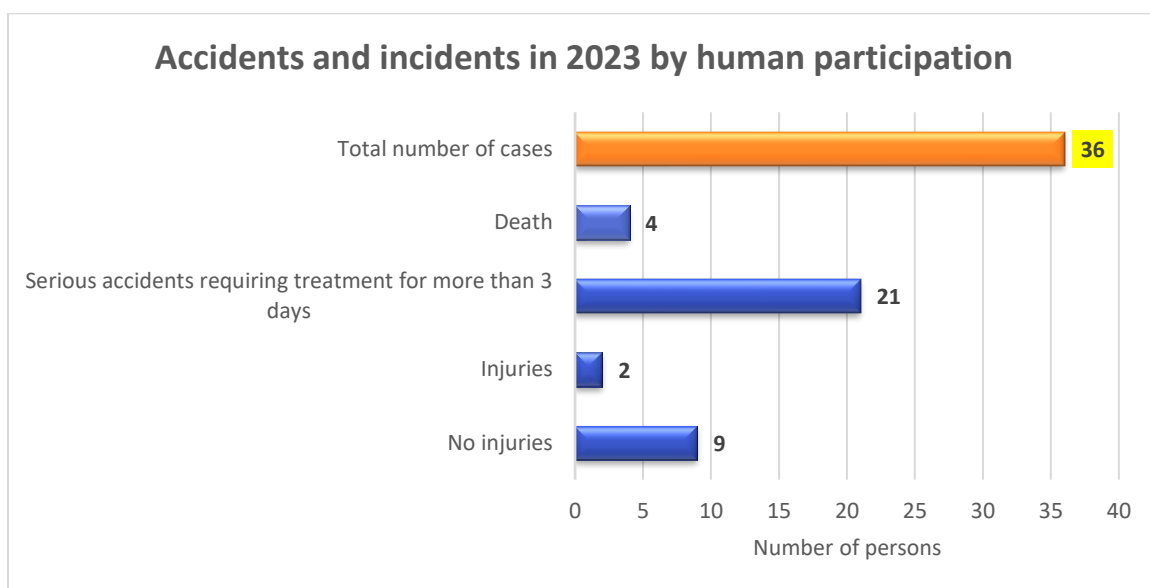


Figure 4. Breakdown of marine casualties and incidents by human participation

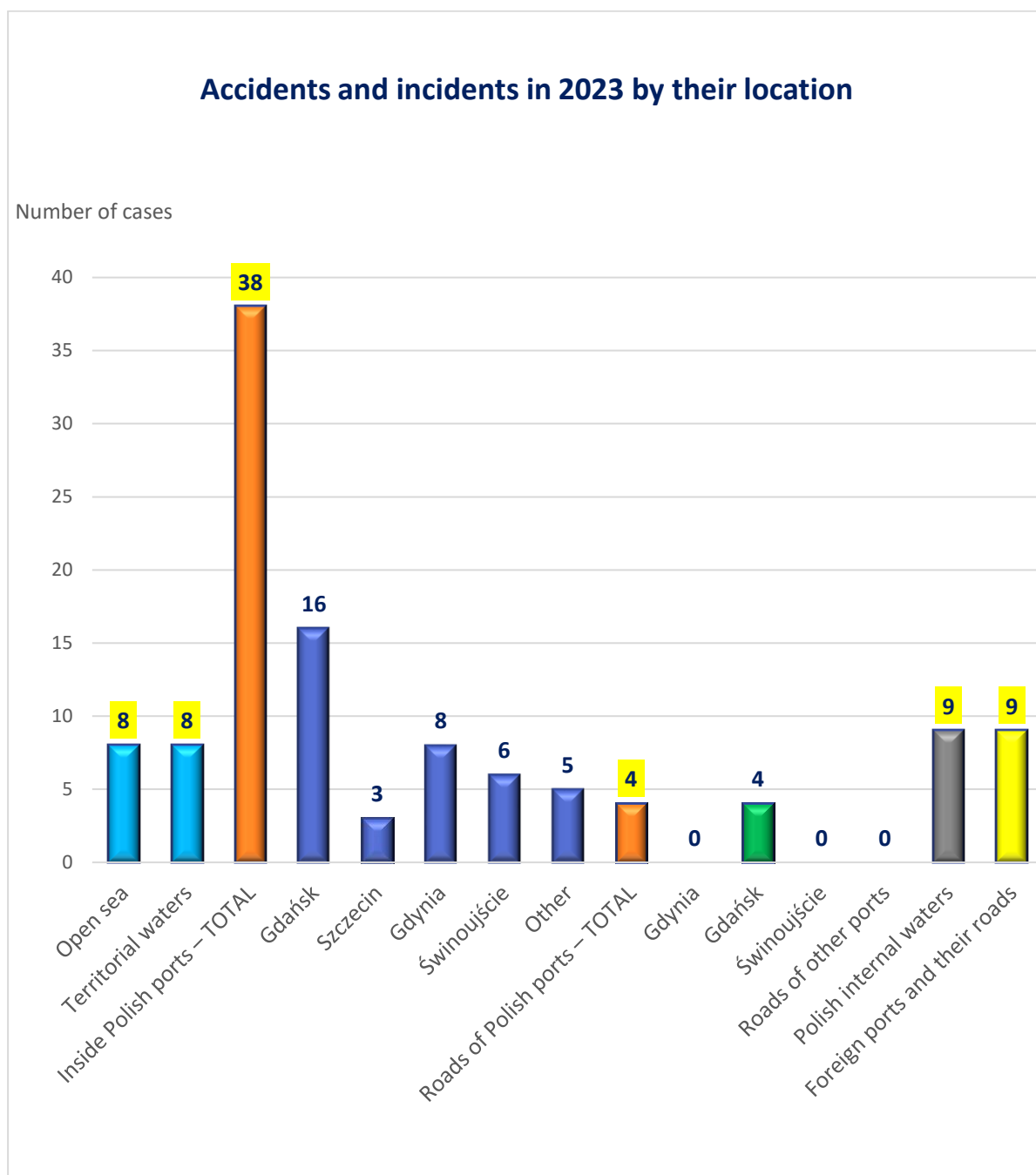
3.5. Breakdown of marine casualties and incidents by their location.

Out of the **76** marine casualties and incidents:

- **8** occurred on the deep sea (more than 12 Nm from the shore);
- **8** occurred on the territorial waters (up to 12 Nm from the shore);
- **38** occurred in Polish ports including:
 - **16** in Gdańsk,
 - **3** in Szczecin,
 - **8** in Gdynia,
 - **6** in Świnoujście,
 - **5** in other Polish ports,
- **4** occurred on the roads to Polish ports, including:



- 0 on Gdynia roads,
- 4 on Gdańsk roads,
- 0 on Świnoujście roads,
- 0 on other Polish ports' roads,
- 9 occurred on Polish internal water,
- 9 occurred on the roads to and in foreign ports.



;

Figure 5. Breakdown of marine casualties and incidents by their location

3.6. Breakdown of marine casualties and incidents by cause.

Out of the **76** marine casualties and incidents investigated, the following occurred:

- **16** cases caused serious human injuries,
- **15** ships hit a structure, appliance or installation,
- **9** cases caused immobilisation of the vessels,
- **8** ships collided,
- **6** ships run aground, came into contact with the sea bottom or hit an underwater obstacle,
- **6** ships caused major damage to port infrastructure, to infrastructure providing access to ports or harbours, installations or structures at sea, resulting in a serious threat to the safety of the ship, other ships or persons,
- **5** cases of environmental damage or danger of such damage, manoeuvring or operation requiring major repairs,
- **4** death accidents,
- **4** ships were on fire, explosion,
- **2** damage to the ship appreciably affecting her structure, manoeuvrability or operation, requiring major repairs,
- **1** ship sunk, was missed or lost in other way

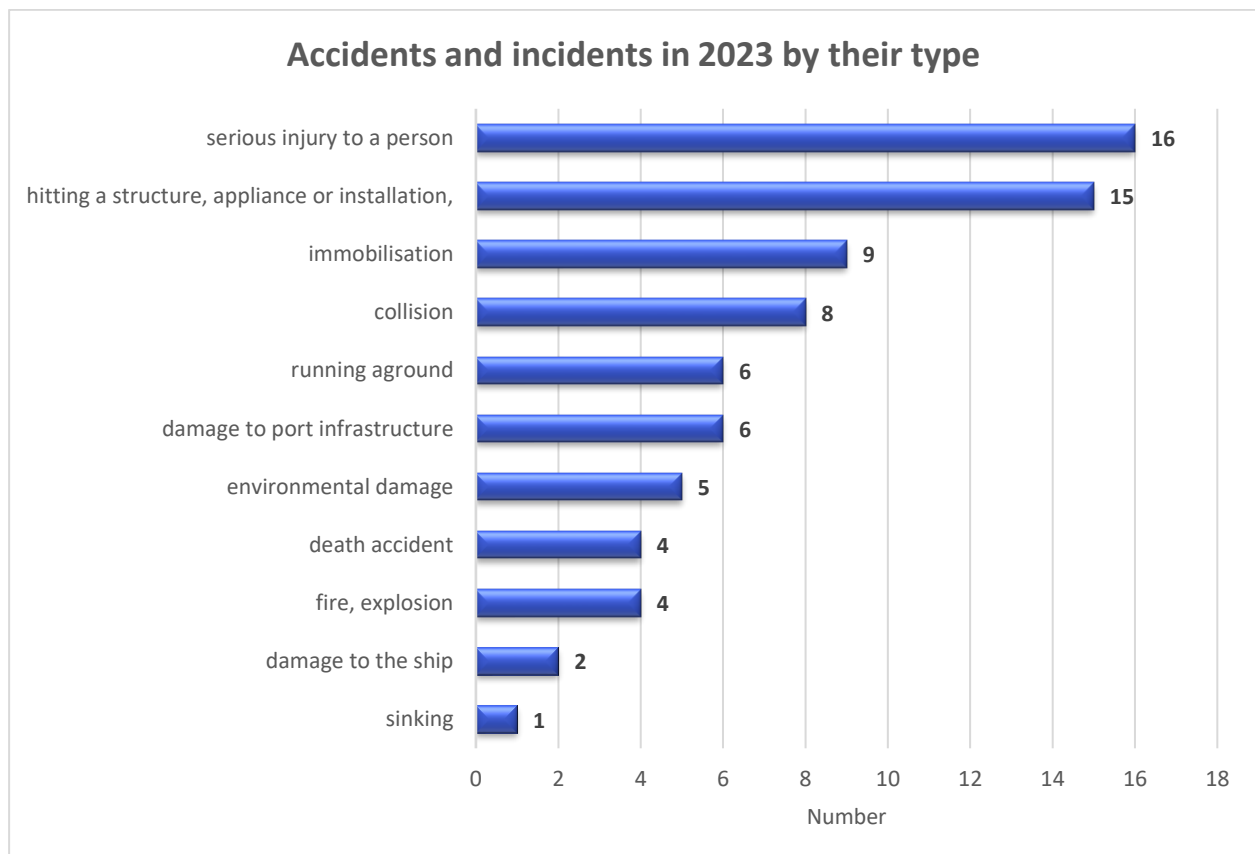


Figure 6. Breakdown of marine casualties and incidents by their type



3.7. Assessing the rationale for continuing investigations.

Out of the **76** accidents and incidents reported in 2023 and initially investigated, after gathering the necessary information and evidence, the Commission adopted resolutions – considering the gravity of the event, the type of vessel or cargo involved and the belief that the results of the investigations would not contribute to the prevention of future marine casualties and incidents – that:

- in **10** cases it abandons the investigation pursuant to Article 20(2)⁷ of the Act on SMAIC,
- in **56** cases it abandons the investigation pursuant to Article 20(3)⁸ of the Act on SMAIC.

The Commission decided to conduct an investigation in **10** reported cases.

In agreement with other States substantially interested in the investigation of some of the above accidents, the Commission, pursuant to Article 21⁹ of the Act on SMAIC, decided to:

- investigate **6** cases independently:
 - WIM 028/23 Stena Nordica
 - WIM 045/23 Petro Giant
 - WIM 048/23 Lew I Anna
 - WIM 073/23 Tjorven
 - WIM 088/23 Phantom
 - WIM 091/23 motor yacht
- join the investigation of **4** cases conducted by other countries:
 - WIM 053/23 Grimsnes GK 555 (Iceland - IS)
 - WIM 114/23 Port Gdynia (Malta - MT)
 - WIM 137/23 Drawsko (Malta - MT)
 - WIM 164/23 Amur Star (Malta - MT)

⁷ The text of the footnote is included in the Extract from Regulations.

⁸ The text of the footnote is included in the Extract from Regulations.

⁹ The text of the footnote is included in the Extract from Regulations.



4. MARINE CASUALTIES AND INCIDENTS INVESTIGATIONS IN 2023

4.1. Publication of marine casualties and incidents investigation reports.

The Commission started the year 2023 with **14** ongoing investigations of marine casualties that occurred in 2020 – **2** accidents in which it joined as SIS to the investigations conducted by: Antigua and Barbuda (AG), Portugal (PT).

in 2021 – **3** accidents in which it joined as an SIS to investigations conducted by: Belgium (BE), United Kingdom (GB), Commonwealth of the Bahamas (BS).

In 2022 - **6** accidents conducted as own investigations, - **3** accidents in which it joined as an SIS to investigations conducted by: Commonwealth of The Bahamas (BS), Sweden (SE), Vanuatu (VU).

During the period 01.01.2023 - 31.12.2023, there were **10** marine casualties (listed in point 3.7).

During 2023, the Commission completed the investigations of **13** marine casualties and incidents and published the final reports, including **8** investigations conducted as its own and **5** investigations conducted by other countries: Antigua and Barbuda (AG), 2 x Commonwealth of the Bahamas (BS), Sweden (SE), Vanuatu (VU).

The dates of publication of the reports are shown in the table below.

Table 1. Publications of reports in 2023.

No.	WIM	Ship	Date	Date of report publication	
				Preliminary	Final
<i>Own investigations</i>					
1.	024/22	yacht Delphia 24	08/04/2022		April 2023
2.	044/22	fishing vessel Alina (GDY-346)	29/05/2022		March 2023
3.	084/22	rescue vessel Wiatr	11/07/2022		July 2023
4.	114/22	tug Odys and pontoon TRD Voyager	24/08/2022		July 2023
5.	133/22	m/s Nordic Italia and fishing boat DZI-18	30/09/2022		June 2023
6.	139/22	motor yacht Galar Gdański 1	08/10/2022	September 2023	December 2023
7.	045/23	mobile offshore drilling unit/drilling ship Petro Giant	30/04/2023		December 2023
8.	088/23	Sailing yacht Phantom	20/06/2023		December 2023
<i>Investigations by other countries</i>					
9.	016/20	m/v Fairplay-33	02/04/2020		January 2023
10.	131/21	m/v Star Peace	23/10/2021		July 2023
11.	054/22	m/v Curacao Pearl	10/06/2022		April 2023
12.	143/22	Ro-Pax Huckleberry Finn	19/08/2022		October 2023
13.	159/22	m/v Ary	12/12/2022		March 2023



The Commission has not completed its work on investigating the **11** marine casualties and incidents that occurred in:

- 2020 / 1 case in which it joined the investigation conducted by other country: Portugal (PT),
- 2021 / 2 cases in which it joined the investigations conducted by other countries: Belgium (BE), Great Britain (GB),
- 2023 / 4 cases in which it joined the investigations conducted by other countries: Iceland (IS) and 3 x Malta (MT),
- 2023 / 4 cases conducted as own investigations.

4.2. Safety recommendations coming from accident investigations completed in 2023.

The Commission decided that, to emphasise the educational mission of the SMAIC, the most serious marine casualties investigated in 2023 should be recalled in this annual analysis. The following are excerpts from the reports regarding recommendations to improve the level of marine safety. The WIM number has been included next to each accident discussed to make it easier to find the content of the entire report on the SMAIC website (www.pkbwm.gov.pl).

4.2.1. WIM 024/22 Regatta yacht Delphia 24 class

The State Marine Accident Investigation Commission did not make safety recommendations, only general recommendations for the sailing community, especially for those involved in sport sailing, and for organisations and persons responsible for organising regattas and sailing training.

Recommendations:

1. The limitations of the design categories in relation to the prevailing weather conditions must be respected. Operating yachts in conditions beyond their design limitations will result in gradual damage, not always clearly visible.
2. Sailors' clothing when sailing should be selected according to the weather conditions and temperatures experienced. The chances of survival in low temperatures in the water are very limited. Only in temperatures of 19 - 20°C do they increase significantly. The helmsman of the yacht was dressed in a wetsuit and foam shoes, which, together with his personal predisposition, allowed him to survive in the water for almost 5 hours.
3. Clothing and life jackets should be brightly coloured. Dark colours (grey, blue) are not easily visible when searching for people in the water.



4. Yacht crews should be equipped with means of communication. Primarily waterproof VHF transceivers having channel 16 as a minimum and a working channel for communication with the training organiser. The use of individual PLB would be advantageous, although the possible longer activation period of the system and the required pre-registration of the device by name should be borne in mind. Mobile phones cannot be considered as a device for calling for assistance and use in distress at sea.

5. Responsibility for the technical condition of the leased equipment is the sole responsibility of the owner. In order for a yacht to be classed as a class (regatta) yacht it must meet all the requirements described and contained in the "Class Rules"¹⁰.

6. Sports yachts with racing classes participating in training or regattas on sea waters must be under constant observation and lifeguard protection¹¹.

4.2.2. WIM 044/22 fishing vessel Alina (GDY-346)

In the Commission's view, the fire on the fishing vessel Alina was definitely caused by the crew's deliberate breach of safety rules and internal shipboard regulations. This is why the Commission did not make any recommendations, and the report itself is a sufficient warning to ship's crews how to avoid a similar accident in the future.

4.2.3. WIM 084/22 rescue vessel Wiatr

The Commission concluded that the factors directly responsible for hitting a quay by the SAR 1500 Wiatr vessel were collectively:

- too high speed of the vessel reached inside the harbour in limited visibility conditions,
- distraction of the master's concentration by visual factors (bright illumination of plotters, ambient light background) and verbal factors (discussing planned route, signalling engine problems),
- lack of master's experience in night navigation inside this port,
- lack of navigational markings.

Another factor that did not have a direct impact on the casualty but could have reduced the impact of the accident on the crew, was the lack of seatbelts. Two of the four crew members suffered serious head injuries as they were thrown from their seats on impact and hit the control panels. Fastened belts would have kept them safe.

¹⁰ Document created to standardise the Delphia 24 One Design monotype class by the Board of the Delphia 24 Racing Association,

¹¹ Regulation of the Minister of Maritime Economy and Inland Navigation of 12 August 2016, item 1407.



Safety recommendations

The State Marine Accident Investigation Commission considered it reasonable to address safety recommendations, which are suggestions for actions that could help prevent a similar accident in the future, to:

Maritime Search And Rescue Service.

On the day of the marine casualty, an 'Accident Team' of the Maritime Search and Rescue Service was established, which was unable to determine the causes of the event. Experienced captains and MS&RS staff assumed that the time of night and difficult meteorological and navigational conditions contributed to the accident. Therefore, they recommended that at each inspection and briefing, special attention by masters and crews of rescue vessels should be paid to the following matters:

- the negative impact of night conditions on everyone's capabilities,
- to take care of the technical condition of the vessels and the equipment at their disposal,
- to familiarise themselves with the ship (its technical condition) and her current equipment each time crew are on duty,
- daily – familiarisation with the navigational conditions in the ship's basing port.

In addition:

- checks shall be carried out on the readiness and proper operation of marine rescue vessels, vessels of coastal rescue stations, special marine anti-pollution vessels, equipment including specialised ones,
- a high level of staff training shall be maintained through the planning and execution of training, exercises and drills for the crews of the vessels, lifeguards and volunteers of the coastal rescue stations,
- analysis of training, exercises and drills shall be carried out and conclusions shall be formulated on training directions for the crews of marine pollution response vessels, special anti-pollution marine vessels and shore-based rescue stations, which shall be discussed with masters and officers on an ongoing basis.

Staff from the Marine Search and Rescue Department conduct periodic training and spot checks at Marine Rescue Stations, during which they are trying to highlight the condition of seafarers employed in the SAR Service.

SMAIC supports the shipowner's actions carried out. At the same time, it recommends familiarising the crew members with the content of the prepared final report, points out the need for the use of safety belts, and also draws attention to the avoidance of excessive haste during



the conducted actions as well as negative routine behaviours resulting in a lack of consideration of all factors affecting the safety of the conducted actions.

In addition, it recommends introducing into the medical examinations carried out for the purpose of obtaining a health certificate the testing for the presence of psychoactive substances. If a person subjected to this test will have a positive test result, he or she should not receive a health certificate and thus will not be able to work on board the SAR units.

The Director of the Maritime Office in Gdynia.

The Commission recommends to the Director of the Maritime Office in Gdynia to take measures to increase the level of navigational safety in the Sea Port of Hel - West, in particular to place navigational markings, including navigation lights on the structural elements of the breakwater.

4.2.4. WIM 114/22 Towing unit – tug Odys and pontoon TRD Voyager

The loss of the shipyard crane demonstrates the importance of using advanced calculation methods to make the correct lashing system according to strength calculations: forces, moments and accelerations acting on the cargo and the lashing system. Each non-standard cargo requires the design of a customised lashing system to secure it during the sea voyage.

Recommendations:

The State Marine Accident Investigation Commission recommends that shipowners and specialist companies involved in securing non-standard cargoes on ships should:

- 1.** Follow the guidelines contained in the Code of Safe Practice for Cargo Stowage and Securing (CSS Code), as amended by Annex 13 of the circulation MSC.1/Circ.1623 and the DNV-RU-Pt.3 regulations Ch4 (2022) – DNV Classification Regulations Vessels Part 3 Chapter 4 Cargoes and the standards in Marine Operations Standards in chapter DNV-ST N001, or equivalent contained in the recommendations of classification societies, on methodologies for calculating the strength of lashing of large-sized non-standard cargoes on vessels for specific conditions, in marine operations,
- 2.** Conduct training courses on the latest principles and technical standards used in securing non-standard large-sized cargoes on board the ships, for their effective application in the design of maritime operations; such training courses shall be conducted by classification societies or other organisations using their experience and insights regarding marine operations,



3. Conduct consultations with manufacturers as to the recommended method of transporting non-standard marine cargo, such as: cranes, shipyard cranes, port cranes, as well as other cargo to ensure the optimum safe lashing system used in marine transport.

4.2.5. WIM 133/22 – m/s Nordic Italia and fishing vessel DZI-18

The Commission considered that the factor directly responsible for the collision was the faulty observation, or practically the lack thereof, by the OOW on the bridge of m/s Nordic Italia. Consequently, there was no analysis of the risk of collision with the fishing boat having the right of way.

Safety recommendations

Following the conclusion of the investigation, on 30 January 2023, the Commission requested information from the shipowner regarding its own findings on the causes of this serious marine casualty and the measures being taken to prevent similar accidents in the future. On 20 February 2023, the Commission received a response that the process of the internal investigation of the collision accident between the Nordic Italia and the DZI-18 is still underway. The shipowner provided preliminary findings which, due to significant discrepancies with the Commission's findings contained in this report, have been omitted.

The Commission, on the other hand, expressed its approval of the course of action that the shipowner had pledged to take for all its ships. Actions taken by the shipowner are presented below.

The company again informed its entire fleet, emphasising that the bridge must always be manned appropriately to the situation, with a minimum watch in line with international and company regulations. An observation must be maintained at all times, using all means available to the crew, as required by STCW and COLREG.

- The Company again stressed that commercial pressures and ship maintenance (upkeep) must always stand behind international regulations and safe navigation.
- The Company will update its ISM Procedure to include additional guidance/instructions on comparable situations to ensure safer navigation.
- The Company obliged all captains to include in their standing orders the topic of 'passing small crafts, such as fishing vessels and sailboats that may have right of way'. In addition, CPA guidelines should also be included in standing orders, as the distance required to clearly pass the bigger ship is often impossible to achieve when passing small units. On the other hand, close passing or assuming that these vessels will give way should clearly be avoided.



In view of the above, the State Marine Accident Investigation Commission did not consider it necessary to address its recommendations to the shipowner of m/s Nordic Italia.

The State Marine Accident Investigation Commission investigating this collision accident found that the skipper of the DZI-18 failed to send a distress message. The Commission recognised the problem of proper radio communication and concluded that it was caused by the simplified system of obtaining radio certificates (VHF radio operator or SRC/LRC), which are then valid indefinitely. The rarity of using distress communications in practice and the lack of any required training in such communications leads over time to forgetting procedures and how to call for help. The Commission is calling on fishermen and fishing associations to organise practical training in distress radio communication. This skill is crucial for the early triggering of search and rescue operations and the saving of the crew.

The State Marine Accident Investigation Commission considered it reasonable to address safety recommendations, which are suggestions for actions that could help prevent a similar accident in the future, to:

The Minister in charge of maritime affairs

The Commission recommends extending the obligation to carry and use AIS to all fishing boats, except for open-deck boats on which it is technically impossible to install AIS. The AIS system, among other important functions highlighted by the Commission in its investigation of other accidents¹², provides the names and detailed traffic parameters of vessels in the vicinity. In the present marine casualty, the skipper of the DZI-18 was informed about the full name of the ship by the skipper of the DZI-6. It should be added that some fishing boat owners, like the owner of the DZI-18, have already purchased such a device but, due to the lack of a requirement, do not activate it when on the sea.

The Minister in charge of fisheries

Recognising that the safety of fishermen on board fishing vessels should be an absolute priority when spending financial resources, especially EU funds, the Commission recommends that consideration should be given to increasing expenditure on the funding of equipment for fishing vessels and the training of crews in cooperation with the Minister in charge of maritime affairs. The accident described in this report ended with damage to the boat and serious injuries to the crew.

¹² See reports WIM 35/19 and WIM 92/18



Many previous accidents have ended with the vessel sinking¹³, the death of a crew member¹⁴ or the vessel sinking with all her crew¹⁵.

4.2.6. WIM 139/22 – motor yacht Galar Gdański 1

According to the Commission, the immediate cause of the capsizing of the motor yacht 'Galar Gdański 1' was the entry at high speed into the propeller wash produced by the tug 'Atlas'.

- An additional factor that accelerated the capsize was the fact that the 'Galar Gdański 1' had too low a freeboard measured at the amidships (0.42m) and thus had a small angle of flooding (17.2°).
- Achieving a minimum required freeboard of 0.57 m and achieving a 45° angle of flooding would increase the time required to capsize the yacht.
- The impact of the accident was influenced by the speed of the propeller wash produced by the tug 'Atlas' and its duration, even after the tug's propulsion had stopped.

Also: The craft was manned by a crew that did not meet the requirements of the Safety Charter. The crew had only limited experience of navigating safely, with passengers on board, in a busy body of water. This factor was likely to have been relevant in the yacht helmsman's risky decision to pass astern of the working tug.

In assessing the causes and consequences of this accident, it is important to point out:

- failure to comply with the minimum freeboard requirement,
- non-fulfilment of stability criterion IV concerning the angle of flooding, one of the three criteria of stability requirements for a Galar-type vessel, as defined in the Polish Yachting Association's (PYA) own regulations (*Rules for the Supervision, Construction and Equipment of Sea-Going Yachts – PNBiWJM*).

Safety recommendations

The State Marine Accident Investigation Commission was informed about the change in the Port Regulations by the Maritime Administration, which was dictated by the occurrence of a reduction in the level of navigation safety generated by small tourist, sports and recreational crafts, including commercial units sailing in port and shipyard areas. The Order amending the

¹³ See WIM 22/18 fishing cutter HEL 103

¹⁴ See WIM 41/19 fishing cutter JAS 57 Magdalena

¹⁵ See WIM 35/19 fishing boat SWI 82



Port of Gdansk Port Rules entered into force on 29 April 2023, and the Commission was notified of this on 08 May 2023¹⁶.

Navigation restrictions for small crafts, introduced administratively, will, in the Commission's view, have a significant impact on improving safety, particularly in shipyard areas. Following the conclusion of the investigation on 1 August 2023, the Commission asked the President of the Gdańsk Galar Foundation about the measures being taken to prevent similar events in the future.

On 4 August 2023, the Commission received a response about the completed corrective actions. The Commission has noted the actions that have been taken by the Gdańsk Galar Foundation in relation to all Galar (twin) motor yachts operated by the Foundation. The actions taken are presented below:

Organisational measures to improve safety:

1. Lifejackets have been replaced on all boats with adult and child lifejackets with lifesaving lights.
2. The location of lifejackets has been changed for the duration of the cruise – each passenger has a lifejacket under the seat and can quickly pull it out with one hand at any time.
3. Prior to start of the cruise, the helmsmen instruct all passengers (show and explain) how to put on the lifejacket and encourage them to put it on (for children and young people up to 16 years of age it is compulsory to wear the lifejacket).
4. Cruise routes have been changed:
 - we do not perform cruises that will include entering the Kashubian Canal (Kanał Kaszubski),
 - we do not enter the shipyard,
 - the 'on sunset' cruise has been shortened to the pontoon bridge only.

¹⁶ ORDER NO. 9 OF THE DIRECTOR OF THE MARITIME OFFICE IN GDYNIA of 21 April 2023 amending the port rules:

In § 104, after section 3, sections 4,5,6 and 7 shall be added as follows:

“4. It is forbidden for crafts intended for sport and/or recreation including commercial crafts (other than those currently operating in the area of Ostrowica Island) to enter the water areas of the inner basins of the repair yard: Ostrawica I, Ostrawica II and the basins with docks at wharf Ostrawica V and at the Repair Pier.

5. It is forbidden for crafts intended for sports and/or recreation including commercial crafts to enter the basin between the Pontoon Bridge and the (unopened) bridge at the Remontowa Shiprepair Yard.

The passage of canoes and dragon boats from/to the Wodnik Club located in the Ostrawice III basin is allowed after receiving permission and conditions from the harbour master's office. LOGBOOK

6. Traffic of crafts intended and/or used for sports and/or recreation including commercial crafts not equipped with VHF is allowed only on the route from the Green Bridge (Stągiewny Bridge), from/to the Ostrawica III Basin (on Ostrowie) via the turning circle at Polski Hak to the Bold Vistula (Wisła Śmiała) Estuary.

7. The movement of human-powered crafts is possible only on the route as specified in section 3 after prior application and receipt of conditions from the Harbour Master.”



5. The information on the number of passengers and crew on board the boat is shown in the booking system (all bookings that have been allowed on board and the helmsmen assigned to the boat are ticked there) and, in addition, the helmsmen are required to enter the number of passengers (and crew) on board the boat in a specially prepared document (Excel document available on the phone).

6. An 'Internal Regulations' document has been prepared, which includes, among other things, a yacht operating manual and procedures for dealing with unforeseen events during cruise operations. It also identifies potentially dangerous events and hazards that may occur during voyages.

The Internal Regulations issued by the Foundation contain five main points:

I – Galar Yacht Safety Manual

II – Crew – authorisations/ craft operation/ cruise and guest services

III – Monitoring on the Gdańsk Galar Marina

IV – Cruise Regulations

V – Identified hazards/ events and procedures/ first aid.

Passengers are invariably bound by the Cruise Regulations.

7. Gdańsk Galar Marina has been equipped with an AED Defibrillator.

Structural changes made to 'Galars':

The Technical Supervision Inspector of the Polish Yachting Association recommended changes to the boats 'Galar Gdański 2', 'Galar Gdański 3', 'Galar Gdański 4', 'Galar Gdański 5', 'Galar Gdański 6' ('Galar Gdański 1' was not put into service) consisting in raising the side by 10 cm. The changes were made by the builder of the Galar yachts.



Gdańsk Galars 2-6 after the side was heightened by 10 cm.

The Commission requested the PYA to present results of the fulfilment of the PYA's technical regulations by Galar-type crafts, after their rebuilding. From the information received it appeared that criterion IV of the stability requirements (angle of flooding) had not been reviewed. Based on the limited review, a navigability licence (*Orzeczenie Zdolności Żeglugowej – OZZ*) was issued, without any remarks, and the inspection body – the Director of the Maritime Office in Gdynia issued new Safety Charters allowing Galar Gdański yachts No. 2-6 to be used as commercial motor yachts at a wind force up to 6°B and a wave height up to 0.3 m, with restrictions to the sailing area specified for design category C.

The State Marine Accident Investigation Commission considered it reasonable to address safety recommendations, which are suggestions for actions that could help prevent a similar accident in the future, to:

The Minister in charge of maritime affairs

The Commission recommends that an ad hoc inspection¹⁷ should be carried out at the Polish Yachting Association to assess the compliance of the entity authorised to carry out technical inspections of yachts up to 15 m in length with the existing legal provisions. The Commission's objection is due to:

¹⁷ § 6.1.3 of the Regulation of the Minister of Transport, Construction and Maritime Economy of 17 January 2012 on the entities authorised to perform technical inspections of sea-going yachts up to 15 m in length (Journal of Laws of 2012, item 79).



- the inclusion in the technical regulations of the Polish Yachting Association¹⁸ of the freedom to decide on the value of, for example, the minimum freeboard for yachts of design category D in terms of lowering it,

- issuing the navigability licence (*Orzeczenie Zdolności Żeglugowej – OZZ*) without comment when a yacht does not meet all the technical requirements of the technical regulations,

- not applying the provisions of Article 110 section 6¹⁹ of the Act on Maritime Safety in cases where the structural features of the sea yacht do not allow the application of the requirements specified in the regulations or when it is justified due to the region or sailing conditions and when it is possible to exempt the yacht from the obligation to comply with these requirements or to agree to the application of equivalent measures with regard to the equipment and construction of the yacht, provided that the level of navigation safety will not be reduced.

President of the Galar Gdański Foundation

The Commission recommends that crews should be employed on Galar Gdański type crafts that meet all the requirements of the Yacht Safety Charter. The period of practical training in steering under the guidance of an experienced helmsman should be long enough and should be prioritised so as to give certainty of acquiring experience in sailing on a given body of water. In addition, it should provide an opportunity to analyse the potential hazards that can be anticipated and how to respond in the circumstances and ensure that helmsmen take a high level of responsibility for the safety of passengers and the craft.

4.2.7. WIM 045/23 – Drilling ship (platform) Petro Giant

The Petro Giant drilling ship, as a seagoing ship, has an ISM Code in place. The Commission notes that the safety management system on board the platform lacked instructions and procedures for conducting risk and hazard assessments for both non-routine and unusual work. The Commission notes that the crew members on board the platform were not familiar with the instructions for operating the hook block, as well as with the fact that its proper replacement require to use a special basket. The hook block was not secured against tilting or falling during its replacement.

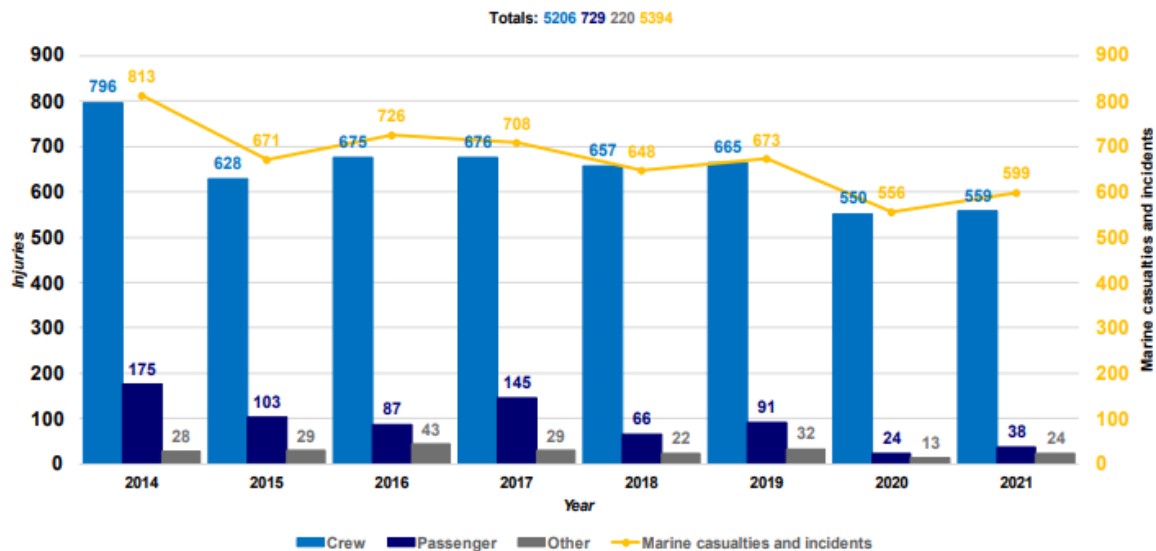
¹⁸ E.g., Rules for the Supervision, Construction and Equipment of Sea-Going Yachts – PNBiWJM part 3 point 3.2

¹⁹ Act of 18.08.2011 on Maritime Safety



Safety recommendations

According to statistics, including those kept by the EMSA²⁰, a total of 6,155 injuries were reported in 5,394 marine casualties, accidents and incidents between 2014 and 2021. Between 2014 and 2019, the average number of injuries was 825, with a decrease to 587 in 2020 and again an increase to 621 in 2021, which is 25.8% less injuries than in 2019. 84.6% of the injuries were to ship's crew members (graph below).



Graph – summary of accidents and injuries to ship crews 2014-2021.

Given the above summary of accidents and injuries to seafarers, shipowners and crews should make every effort to ensure that such events will not occur.

By the time the report was prepared, the owner of the Petro Giant drilling ship had determined the causes and circumstances of the accident and prepared recommendations for the rig crew on the basis of the PIP's²¹ post-inspection recommendations, which include:

1. Training of the employees of the drilling platforms managed by the Lotos Petrobaltic S.A. on the circumstances and causes of the accident, paying particular attention to the hazards occurring during work with hook blocks so that similar events will not occur in the future.
2. Installation of an additional CCTV camera on the crane arm to enable the crane operator to observe the working area of the crane during hook block replacement operations on the platform deck.

²⁰ EMSA – European Maritime Safety Agency.

²¹ PIP – State Labour Inspection (*Państwowa Inspekcja Pracy*).



3. Translation of the crane's TM²² from English into Polish, which is the working language on the Petro Giant drilling ship.

4. Conducting additional periodic training of workers of platforms managed by Lotos Petrobaltic S.A on OHS issues, including a detailed discussion of the hook block accident that occurred on board the Petro Giant drilling ship.

The State Marine Accident Investigation Commission, taking into account the actions taken by the owner of the Petro Giant drilling ship after the accident and the implementation of the PIP's post-accident recommendations, waived to make safety recommendations before issuing this report.

To improve the level of safety, the Commission recommends to the owner of the Petro Giant drilling ship to review the Safety Management System in place at Lotos Petrobaltic S.A and proposes to consider the introduction of risk controls for routine and non-routine work, together with the development of a risk assessment system for this work.

In addition, the Commission recommends following the crane manufacturer's recommendation to place the hook block in a basket when working on it, to properly prevent it from losing stability and tilting.

4.2.8. WIM 088/23 – sailing yacht Phantom

Considering all circumstances presented, the reconstructable course of the event and the accompanying phenomena observed, it must be considered most likely that the fire could have occurred as a result of a malfunction in the electrical system. In the course of the accident investigation, it was not possible to identify any other technical, random or natural cause that could have led to the fire or traces and phenomena pointing to such causes.

Recommendations for sailing community

Following its investigation into the probable causes of the Phantom yacht fire and sinking, the State Marine Accident Investigation Commission has seen sense to publish recommendations for yacht owners to eliminate or minimise the risk of fire:

- equipping the yacht with autonomous fire detection equipment - e.g., smoke detector,
- construction of internal fire extinguishing systems within the engine compartment,
- making internal partitions of non-combustible or non-flammable materials, especially in the engine compartment and spaces where there is an increased risk of fire due to their function or purpose, e.g., cable tunnels,

²² TM – Technical Manual



- carrying out periodic inspections of engines and their accessories (especially older generation engines) with regard to their safe operation,
- Planning the distribution of the electrical installation in an optimal way in terms of safety of use and possible risk of damage and using fittings and electrical equipment dedicated to crafts. Analysing and taking the measures recommended by the Commission should contribute to reducing the occurrence of one of the most dangerous types of marine casualty – fire.



Summary of the Commission's safety recommendations issued between 01.07.2022 and 30.06.2023 and the reaction of the entities to which these recommendations were addressed.

Table 2. Summary of the SMAIC safety recommendations

No.	No. WIM	Vessel name	Date of report publication	Entity to which the recommendations were addressed	Date of sending the report	Deadline for reply	Date of reply received	Implementing recommendations
1	004/22	SMT Novodvinsk	September 2022	Minister in charge of maritime affairs	27/09/2022	w/out reply	x	x
				Szczecin Pilot Station	29/09/2022	29/03/2023	20/03/2023	
2	002/22	WŁA-67	October 2022	Minister in charge of maritime affairs	31/10/2022	w/out reply	x	x
				Polish Register of Shipping	31/10/2022	03/05/2023	24/04/2023	
3	013/22	Yachting	November 2022	Minister in charge of maritime affairs	05/12/2022	w/out reply	x	x
				Premium Yachting – Paweł Orkisz	05/12/2022	05/06/2023	05/06/2023	x
4	044/22	Alina (GDY-346)	March 2023	Minister in charge of maritime affairs	20/03/2023	w/out reply	x	x
				Arctic Navigation Company	20/03/2023	w/out reply	x	x
5	024/22	Delphia 24	March 2023	Minister in charge of maritime affairs	06/04/2023	w/out reply	x	x
				GSC Yachting Sp. z o.o.	06/04/2023	w/out reply	x	x
				Skipper of the Delphia 24	06/04/2023	w/out reply	x	x
6	133/22	Nordic Italia & DZI-18	June 2023	Minister in charge of maritime affairs	26/06/2023	26/12/2023	17/11/2023	x
				The Minister in charge of fisheries	26/06/2023	26/12/2023	24/10/2023	x
				Shipowner of the Nordic Italia	26/06/2023	w/out reply	x	x



5. WARNING OF A POSSIBLE DANGER (EARLY ALERT)

In 2023, the Commission has not published warnings of possible danger.

6. COOPERATION WITH OTHER ENTITIES AND ORGANISATIONS.

It should be noted that in 2023 the Commission worked closely with organisations investigating accidents involving ships flying other flags.

When it is necessary to investigate a marine casualty or incident outside their own countries, accident investigation commissions assist each other by delegating the conduct of such investigations to the commission of the country where the event occurred or to the flag state.

During the investigation of the 4 accidents in 2023 by other States, the Commission joined these investigations as a Substantially Interested State -SIS.

WIM 053/23 – very serious casualty on the Icelandic flagged cutter '**Grimsnes GK 555**'.

As a result of a big fire on board the cutter whilst moored in the Icelandic port of Njardvik, one Polish nationality fisherman was killed and two fishermen were injured, one of them seriously. The investigation was conducted by the Safety Investigation Authority Iceland, SIA-Iceland (RNSA).

WIM 114/23 – very serious casualty on the Maltese-flagged vessel '**Port Gdynia**', where a crew member of Polish nationality was killed during cargo operations at the quay in the port of Bata, Equatorial Guinea. Investigation conducted by the Malta Marine Safety Investigation Unit (MSIU).

WIM 137/23 – accident on board the Maltese-flagged ship '**Drawsko**' in Port Iskenderun, Turkey, where a seafarer of Polish nationality was killed on board during preparatory work for unloading. The seafarer was probably preparing portable lighting to illuminate the hold. Investigation conducted by the Malta Marine Safety Investigation Unit (MSIU).

WIM 164/23 – very serious casualty on board the Maltese-flagged ship '**Amur Star**', where a second engineer of Polish nationality was killed. He was found trapped between steel plates stored in the steering gear room. It is most likely that for some reason the steel wires securing the steel plates had come loose. Investigation conducted by the Malta Marine Safety Investigation Unit (MSIU).



7. LIST OF FIGURES

Figure 1. Breakdown of marine casualties and incidents in 2023 by type.....	9
Figure 2. Breakdown of marine casualties and incidents in 2023 by vessel type.	10
Figure 3. Breakdown of 81 vessels by hoisted flag.....	11
Figure 4. Breakdown of marine casualties and incidents by human participation.....	12
Figure 5. Breakdown of marine casualties and incidents by their location.....	13
Figure 6. Breakdown of marine casualties and incidents by cause.	14

8. LIST OF TABLES

Table 1. Publications of reports in 2023.	16
Table 2. Summary of the SMAIC safety recommendations	31

9. EXTRACT FROM THE REGULATIONS.

Act of 31 August 2012 on the State Marine Accident Investigation Commission (Journal of Laws of 2019, item 1374)

Footnote [5]

Article 2.

1. Whenever the act mentions:

1) a marine casualty – it should be understood as an event, or a number of consecutive events, directly related to the operation of a vessel, during which the following occurred:

- a) the death or serious injury to human health, or
- b) the loss of a man stationed on a vessel, or
- c) the sinking, loss of, or loss of the vessel in a different way, or
- d) the damage to the vessel, affecting to a large extent her design, manoeuvrability, or operational ability, requiring major repairs, or
- e) the vessel's grounding, contact with the bottom, hitting an underwater obstacle, the immobilization of the vessel or the collision of vessels, fire, explosion, impact on the structure, device or installation, shifting of cargo, damage caused as a result of unfavourable weather conditions, damage by ice, cracking the hull or suspected damage to the hull, or
- f) a significant damage caused by the vessel to the port infrastructure, infrastructure providing access to ports or harbours, installations or structures on the sea, causing a serious threat to the safety of the vessel, other vessels or persons, or



g) harm to the environment or danger of causing such harm by the vessel
– however, a marine casualty shall not be considered a conscious act or omission taken with the intent to breach the security of the vessel, causing personal injury or damage to the environment;

Footnote [6]

Article 15.

2. The Commission shall not investigate marine casualties and incidents:
 - 1) involving exclusively:
 - a) vessels of the Navy, Coastguard or Police,
 - b) vessels without mechanical propeller or wooden vessels of simple construction;
 - 2) involving exclusively:
 - a) other vessels than those referred to in point 1 letter a, vessels performing only a special state duty or operated by the State for non-commercial purposes,
 - b) fishing vessels of an overall length up to 15 m,
 - c) recreational yachts,
 - d) vessels and floating objects composing the towing unit other than the towing vessel
– with exception of very serious casualties;
 - 3) on fixed offshore platforms, in which the sea-going vessels have not participated.

Footnote [7]

Article 20.

2. After the initial assessment of the causes of a serious casualty, the Commission may decide to withdraw from the investigation.

Footnote [8]

Article 20.

3. In the event of an accident other than a casualty, referred to in paragraph 1, or a marine incident, the Commission shall decide either to undertake the investigation or to withdraw from it.

Footnote [9]

Article 21.

1. The Commission shall carry out the investigation of a marine casualty or incident individually.

2. The Commission may:



1) transfer the management of the investigation of a marine casualty or incident to a state other than the Republic of Poland which is substantially interested in a marine casualty or incident;

2) allow to participate in the investigation of a marine casualty or incident another state than the Republic of Poland significantly interested in a marine casualty or incident;

3) join in the investigation of a marine casualty or incident conducted by another state than the Republic of Poland substantially interested in a marine casualty or incident.

3. A state substantially interested in a marine casualty or incident, hereinafter referred to as a 'substantially interested state (SIS)' shall be deemed a state:

1) of the flag of a vessel involved in a marine casualty or incident, or

2) a coast, in whose internal waters or territorial sea a marine casualty or incident has occurred, or

3) whose natural environment, including water and territory, under the jurisdiction of that state, suffered a major damage as a result of a marine casualty, or

4) which in regard to artificial islands, installations and structures under the jurisdiction of that state, has suffered damage as a result of a marine casualty or incident, or injury, or prospective injury, or

5) whose citizens suffered death or a serious injury as a result of a marine casualty, or

6) possessing relevant information, which the Commission considered useful in the investigation of the causes of a marine casualty or incident, or

7) which is otherwise interested in the investigation of a marine casualty or incident and considered essential by the Commission.



<< 10th anniversary of the SMAIC >>

10. THE ACTIVITIES AND FUNCTIONING OF THE STATE MARITIME ACCIDENT INVESTIGATION COMMISSION IN 2013-2023. INVESTIGATING MARITIME ACCIDENTS IN STATISTICAL TERMS.

1. Legal basis

The United Nations Convention on the Law of the Sea, drawn up in Montego Bay on 10 December 1982, imposes an obligation on the flag State of a ship to conduct a marine casualty and incident investigation.

The obligation to investigate maritime casualties and incidents is replicated in the wording of three international conventions:

- The International Convention for the Safety of Life at Sea, 1974, drawn up in London on 1 November 1974 (SOLAS Convention),
- The International Convention for the Prevention of Pollution from Ships, 1973, drawn up in London on 2 November 1973, and the Protocol of 1978 relating thereto, drawn up in London on 17 February 1978 (MARPOL Convention),
- The International Convention on Load Lines, drawn up in London on 5 April 1966 (the LOAD LINE or LL Convention).

Under European Union law, the Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council is in force in this respect since 17 June 2011 (Directive 2009/18/EC).

In Poland, the Act of 31 August 2012 on the State Marine Accident Investigation Commission came into force on 27 October 2012.

2. SMAIC – a permanent and independent body under the Minister in charge of maritime affairs

The legislator has situated the Commission under the Minister in charge of maritime affairs, giving him/her the task of providing administrative support and financial resources for the operation of the SMAIC. The Commission is a permanent and independent body.



The Commission commenced its activities on 6 May 2013 with the appointment of the third SMAIC member by the Minister of Transport, Construction and Maritime Affairs. The seat of the Commission until mid-2017 was Warsaw and now is Szczecin.

The Commission consists of five members, including a chairman, a deputy chairman and a secretary. The members of the Commission are appointed for a period of five years by the Minister in charge of maritime affairs from among candidates meeting the statutory requirements. Experts appointed by the Chairman of the Commission shall participate in the work of the Commission as required.

3. Investigation of marine casualties and incidents

The investigation of marine casualties and incidents is conducted by the Commission under the Act and the Code of International Standards and Recommended Practices for the Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code), Resolution MSC.255(84) adopted by the Maritime Safety Committee (MSC) of the International Maritime Organisation (IMO) in May 2008.

The objective of the investigation of a marine accident or incident is to ascertain its causes and circumstances to prevent future accidents and incidents and improve the state of marine safety. The Commission does not determine, in the course of its investigation, liability or apportion blame to persons involved in a marine accident or incident, and investigation reports cannot be used as evidence in criminal or other proceedings to attribute blame or liability for the accident to which the report relates. The Commission is obliged under its legislation to investigate every very serious and serious marine casualty. A very serious casualty is an accident resulting in the total loss of the vessel, the death of a person or significant environmental damage. A serious casualty is an accident that results in, inter alia, immobilisation of the ship's propulsion system, extensive damage to accommodation, changes in the ship's stability, damage to the underwater part of the hull – such that the ship presents a hazard to the safety of persons or to the environment rendering her unfit to continue the voyage. A serious casualty also includes the infliction of environmental damage, including damage caused by pollution, or a breakdown with the need for the ship to be towed or assisted from shore.

However, in the event of a serious marine casualty, the Commission may, after a preliminary assessment of the causes, decide not to conduct an investigation.

In the event of an accident other than a very serious or less serious casualty or a marine incident, the Commission decides either to proceed with the investigation or to abandon it. When making



such a decision, the Commission considers the gravity of the event, the type of vessel or cargo involved, and whether the findings of the investigation will contribute to the prevention of similar future marine casualties or incidents.

The Commission investigates marine casualties and incidents involving ships of Polish nationality and those flying a foreign flag if the accident occurred on the Polish internal maritime waters or territorial sea. The Commission is obliged to undertake an investigation of an accident in respect of which Poland is a so-called Substantially Interested State (SIS), e.g., in the case where Polish seafarers or passengers have died as a result of the marine casualty on board a foreign flagged vessel.

In any case, the Commission shall take the necessary steps to make an initial assessment of the causes of the marine casualty or incident using Resolution A.1075 (28) Guidelines to Assist Investigators in the Implementation of the Casualty Investigation Code (Resolution MSC.255 (84)) and following the common methodology for investigating marine casualties and incidents as established by the Commission Regulation (EU) No 1286/2011 of 9 December 2011 adopting a common methodology for investigating marine casualties and incidents developed pursuant to Article 5(4) of Directive 2009/18/EC of the European Parliament and of the Council.

Based on collected material, according to the legal acts described above, it decides whether to abandon the investigation, discontinue the ongoing investigation or continue the ongoing investigation.

The investigation of a marine casualty or incident may be conducted by the Commission alone or in conjunction with the accident investigation commissions from other States. It is also legally possible to join an accident investigation conducted by another State or to conduct a separate investigation of the same accident. Materials collected during the accident investigation, witness hearings, information and other evidence are subject to legal protection and can only be made available by order of the Regional Court in Gdańsk if the court deems that an overriding public interest justifies their disclosure.

The accident investigation process ends when the final report or simplified report has been published on the Commission's website (www.pkbwm.gov.pl).

The Act specifies that the completion of the investigation and publication of the report should take place within 12 months of the date of the marine casualty or incident. If this deadline cannot be met for objective reasons, the Commission publishes an interim report within the



aforementioned time limit, including, among others, information on the expected date of publication of the final or simplified report.

In addition to publishing the reports, the Commission posts on its website information about the composition of the Commission and the listed experts, the list of accidents currently under investigation and their status, the resolutions taken by the Commission for each reported marine casualty or incident.

SMAIC, in accordance with the Directive 2009/18/EC, enters information on reported marine casualties or incidents into the EU EMCIP database supervised by the European Maritime Safety Agency (EMSA). In addition, every very serious ship casualty in international shipping shall be included in the GISIS database maintained by the IMO.

Details on the Commission's functioning are made public on the SMAIC website together with the annual analysis of marine casualties and incidents.

4. Results of the Commission's activities 2013 – 2023

The Commission, while on 24-hour duty, receives information on maritime casualties and incidents from various sources.

The figure below shows the annual volumes of incoming reports broken down into:

- incidents which, after analysis of the accident definition, were not considered as marine casualties,
- marine casualties which fall outside the Commission's legal jurisdiction,
- marine casualties or incidents which were not investigated taking into account the seriousness of the accident, the type of ship or cargo involved and whether the results of the investigation will contribute to the prevention of similar marine casualties or incidents in the future,
- marine casualties to be further investigated by the Commission.

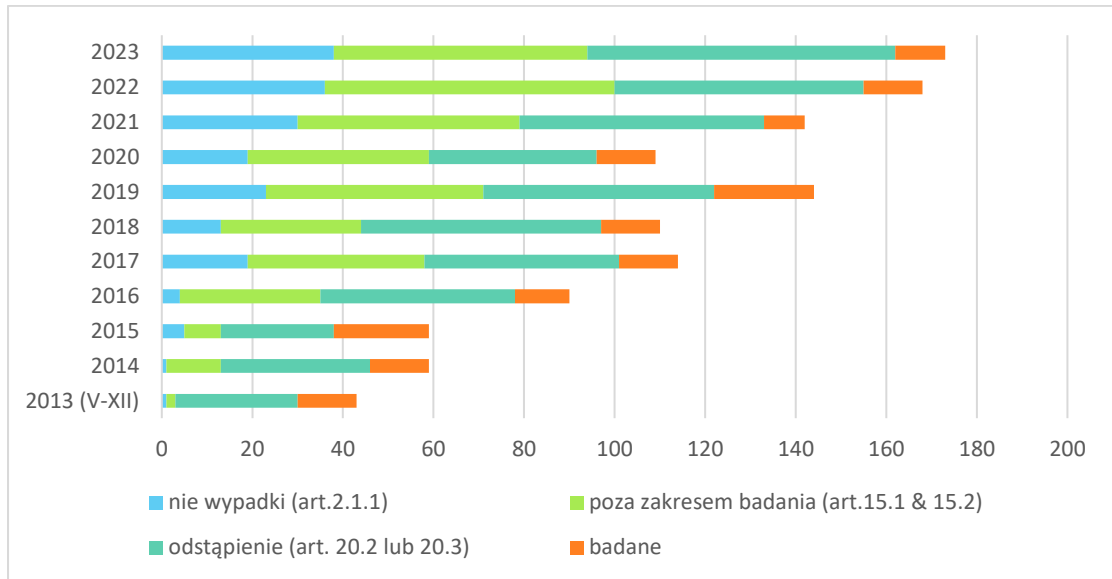


Figure 1. Marine casualty and incident reports 2013 - 2023

nie wypadki (art.2.1.1)	no accident (Article 2.1.1)
poza zakresem badania (art.15.1 & 15.2)	outside the scope of the investigation (Articles 15.1 & 15.2)
odstąpienie (art. 20.2 lub 20.3)	abandoned (Articles 20.2 or 20.3)
badane	investigated

It should be noted that there is a noticeable increase in the number of reported marine casualties and incidents and, at the same time, the number of investigated accidents is stable at an average of 11-13 per year.

The number of investigated accidents shown above includes the combined data of investigations carried out independently by the SMAIC and investigations in which we participate as a Substantially Interested State (SIS). The table below shows details of the number of investigations.

	2013 (V-XII)	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
total	13	13	21	12	13	13	22	13	9	13	10
by SMAIC	13	13	17	9	11	10	17	9	4	9	6
as SIS	0	0	4	3	2	3	5	4	5	4	4

Table 1. Accidents investigated independently by SMAIC and investigated as SIS

Instead of independently conducted negotiations there is a visible trend towards greater participation of the SMAIC in accident investigations as a SIS country. It is related to the



decreasing number of very serious casualties on recreational crafts and at the same time an increase in very serious casualties involving Polish seafarers working on foreign ships.

The chart below shows the categorisation of reported marine casualties and incidents shown on Figure 1, omitting reports/incidents that are not marine casualties or incidents and those that fall outside the statutory scope of Article 15. The sharp increase in very serious casualties in 2015 and the subsequent decrease to minimum values of 4 -7 during the next years should be noted.

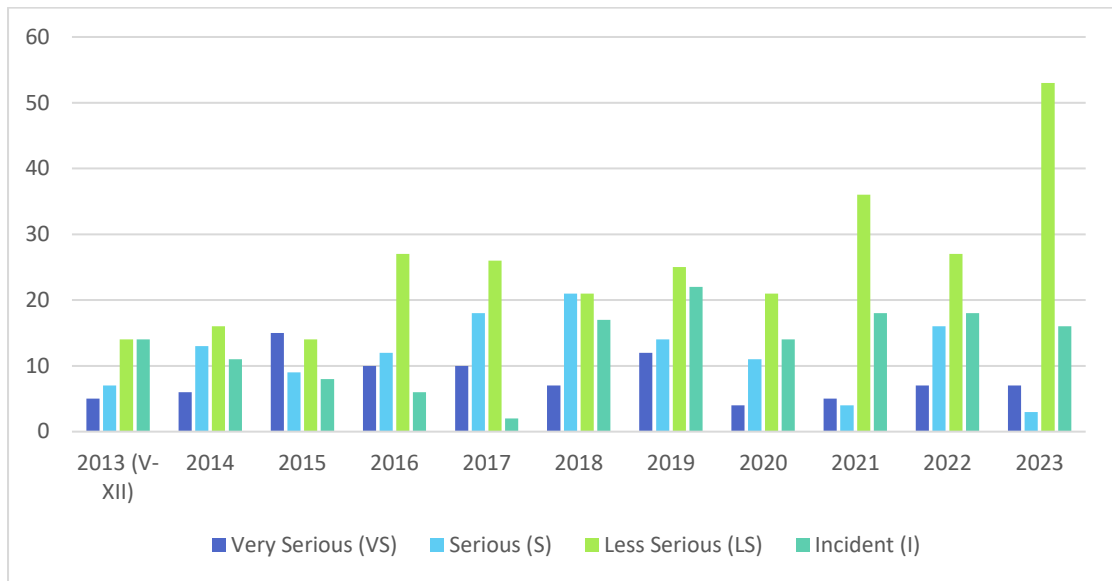


Figure 2. Breakdown of casualties investigated by category (VS, S, LS, I)

Table 2 provides data on the very serious casualties reported in each year. The number of vessels lost, and crew or passenger fatalities have been shown. In the period 2013 -2023, no case of environmental damage of significant magnitude has been recorded.

	2013 (V-XII)	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
vessels lost	3	3	6	3	2	3	2	3	1	1	2
fatalities	2	3	10	4	11	5	9	2	7	9	4

Table 2. Number of vessels lost and fatalities

As indicated earlier, the SMAIC is obliged to publish its reports on the website. Figure 3 shows the publication of the final (FR), simplified (SR) and interim (IR) reports prepared by the Commission and published in a given year.

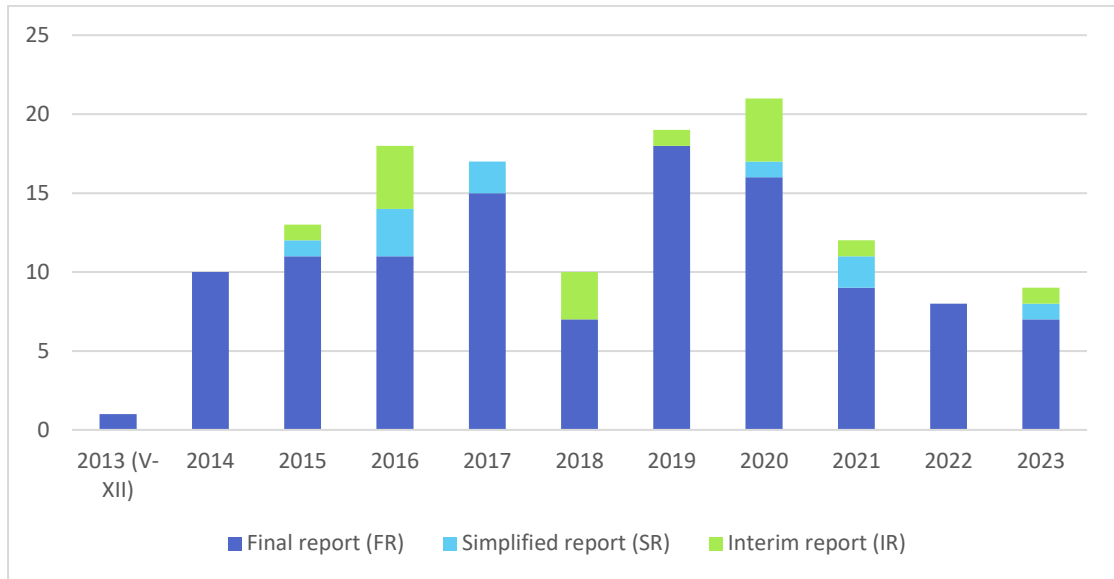


Figure 3. Reports published by SMAIC

One of the Commission's important tasks is to make recommendations, following the investigation, to reduce the likelihood of similar marine casualties or incidents in the future. The table below shows the total number of recommendations made in the final reports, together with an indication of the key recipients of these recommendations.

The Minister in charge of maritime affairs has been highlighted in the table due to the fact that the recommendations addressed to this Minister most often include requests for amendments to existing legal acts.

	2013 (V-XII)	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
number of recommendations		13	25	23	22	14	27	19	7	6	6
Minister in charge of maritime affairs		3	3	2	1	2	6	3	1	0	3
other ministers		0	2	1	2	1	0	1	0	0	0
shipowner/operator		3	3	9	5	2	10	9	2	3	1
other		7	17	11	14	9	11	6	4	3	2

Table 3. Recommendations and their addressees