



PKBWM

PAŃSTWOWA KOMISJA BADANIA
WYPADKÓW MORSKICH

ANNUAL ANALYSIS

2018

**MARINE
CASUALTIES
AND INCIDENTS**



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1. INTRODUCTION

The State Marine Accident Investigation Commission (SMAIC) was established by the Act of 31 August 2012 on the State Marine Accident Investigation Commission¹, hereinafter “the Act”. The Commission began its activity in May 2013 upon the appointment by the Minister of Transport, Construction and Maritime Economy of a third one of the statutory five members of the Commission.

The Commission investigates marine casualties and incidents under the Act and the Code of 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 of the (MSC) International Maritime Organisation (IMO).

The objective of the investigation of a marine casualty or incident is to determine its causes and circumstances to prevent future marine casualties and incidents and improve the state of the safety at sea.

In the course of investigation the Commission does not determine liability nor apportion blame to persons involved in the marine casualty or incident and the investigation reports shall be inadmissible in any judicial or other proceedings whose purpose is to attribute blame or liability for the casualty as referred to in the report. It means that none of the bodies adjudicating in such proceedings can use to the information included in the report of the Commission as the basis for a decision.

The Commission is legally obliged to investigate every very serious and serious marine casualty. A very serious casualty means a casualty involving the total loss of the ship or a death or severe damage to the environment. A serious casualty means a casualty resulting, among other things, in the immobilisation of the ship’s engines, extensive damage to the living quarters, change in the stability of the vessel, penetration of the hull under water resulting in the ship endangering the safety of individuals or the environment, rendering the ship unfit to proceed. A serious casualty is also considered to be a damage to the environment, including a damage caused by pollution, or a breakdown necessitating towage or shore assistance.

However, in the case of a serious marine casualty, following a preliminary assessment of its causes, the Commission may decide to discontinue the investigation. In the case of a less serious casualty or a marine incident, the Commission decides whether to investigate the case

¹ The Act of 31 August 2012 on the State Marine Accident Investigation Commission (Journal of Laws of 2012, item 1068, as amended).



or not. In making such a decision, the Commission takes into account the severity of the event, the type of the ship and cargo and whether the investigation's findings will contribute to the prevention of similar marine casualties or incidents in the future.

The Commission investigates marine casualties and incidents involving ships registered in Poland and – if the casualty occurred in Polish internal waters or territorial sea – ships registered abroad. The Commission is obliged to launch an investigation of a casualty to which Poland is a “substantially interested state”, for example in the case where Polish seafarers died in a marine casualty.

It should be emphasised that after the SMAIC is notified of a marine casualty, a WIM Card (Marine Casualty/Incident Information Card) with a serial number is created, containing basic data on the accidental event.

In any case, the Commission takes actions necessary for a preliminary assessment of the casualty causes. Based on the materials gathered, under the above-mentioned legal acts, the Commission decides whether to launch an investigation, to discontinue or to continue the current investigation.

The Commission's activities are subject to the provisions of the Act and of the SMAIC Rules of Procedure².

² ORDINANCE No 23 of the Minister of Marine Economy and Waterways of 26 June 2018 on the Rules of Procedure of the State Marine Accident Investigation Commission and its Headquarters.



2. INFORMATION ON THE COMMISSION

Since 1 January 2018, the SMAIC has consisted of the following members:



Master Mariner Eugeniusz Chodań – Chairman of the Commission



Master Mariner Marek Szymankiewicz – Secretary of the Commission



Master Mariner Krzysztof Kuropieska – Member of the Commission



Marine Chief Engineer Zbigniew Łosiewicz – Member of the Commission

In 2018, there staff changes took place within the Commission:



– on 1 March 2018, Master Mariner Tadeusz Wojtasik assumed the position of SMAIC Vice Chairman, on 21 April 2018, Master Mariner Krzysztof Kuropieska, Member of the Commission, finished his work in the Commission, on 5 July 2018, Chief Officer Monika Hapanionek joined the Commission, on 3 December 2018, Master Mariner Eugeniusz Chodań, Chairman of the Commission, finished his work in the Commission.

At end-2018, the Commission comprised of the following members:



Master Mariner Tadeusz Wojtasik – Vice Chairman of the Commission



Master Mariner Marek Szymankiewicz – Secretary of the Commission



Marine Chief Engineer Zbigniew Łosiewicz – Member of the Commission



Chief Officer Monika Hapanionek – Member of the Commission



The State Marine Accident Investigation Commission is an independent body. It acts at the minister competent for maritime economy, but is not an organisational unit of the Ministry of Maritime Economy and Inland Waterways.

Since 1 June 2017, the Headquarters of the Commission is located in Szczecin (Ordinance No 12 of the Minister of Marine Economy and Waterways of 15 March 2017).

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3. ANALYSIS OF MARINE CASUALTIES AND INCIDENTS REPORTED IN 2018

3.1. Notification of casualties and incidents in 2018

In 2018, the Commission was notified of 110 casualties and incidents.

Following a preliminary analysis of the notification, the Commission considered that:

- in 13 cases, the reported event does not meet the criteria of a marine casualty as defined in Article 2(1)(1)³ of the Act;
- in 2 cases, the reported marine casualties were not subject to an investigation pursuant to the provisions of Article 15(1) of the Act on SMAIC⁴. They concerned the loss of a non-Polish crew member on a Cypriot flag vessel while sailing in Latvian waters and a non-Polish crew member on a German flag yacht who fell overboard when sailing in Russian waters;
- in 29 cases, the reported casualties were not subject to investigation pursuant to Article 15(2)⁵;
- in 66 cases, the Commission launched further investigations of casualties and incidents.

3.2. A summary of the number of casualties and incidents by type

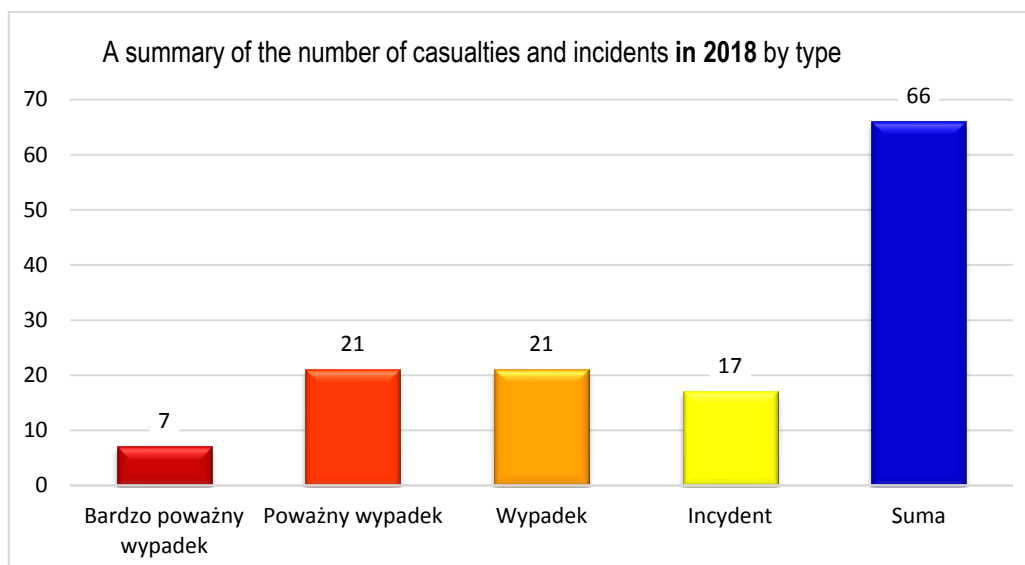
The 66 investigated cases included:

- 7 very serious casualties,
- 21 serious casualties,
- 21 casualties,
- 17 incidents.

³ The footnote is reproduced in the Extract of regulations.

⁴ The footnote is reproduced in the Extract of regulations.

⁵ The footnote is reproduced in the Extract of regulations.



PL	EN
Bardzo poważny wypadek	Very serious casualty
Poważny wypadek	Serious casualty
Wypadek	Casualty
Incydent	Incident
Suma	Total

Figure 1. A summary of the number of casualties and incidents in 2018 by type

3.3. A summary of the number of casualties and incidents by type and flag

7 very serious casualties involved a total of 9 ships, of which 3 sank (a fishing vessel, a fishing boat, a commercial yacht) and 2 were damaged.

The investigated casualties and incident covered a total of 72 ships.

The those ships included:

trade ships:

- 19 general cargo ships,
- 6 bulk carriers,
- 3 container ships,
- 3 ro-ro cargo ships,
- 3 car carrier ships,
- 2 RoPax ships,
- 2 chemical tankers,
- 2 gas carriers,
- 1 oil tanker,
- 1 research ship,

fishing units:



- 3 fishing boats,
- 2 fishing vessels,

yachts:

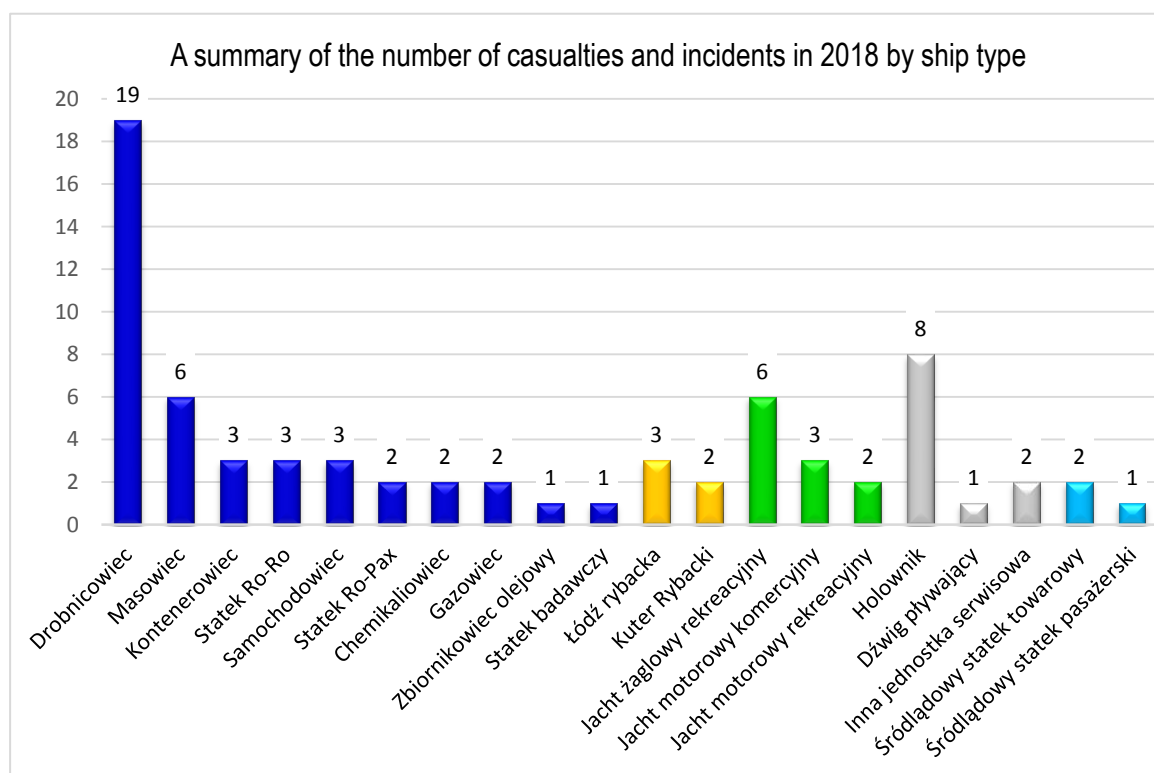
- 6 pleasure sailing yachts (including *Pitu* twice),
- 3 commercial motor yachts,
- 2 pleasure motor yachts,

auxiliary fleet units:

- 8 tugboats or towing sets,
- 1 crane vessel,
- 2 other service units,

inland waterway units:

- 2 inland waterway cargo ships,
- 1 inland waterway passenger ship.



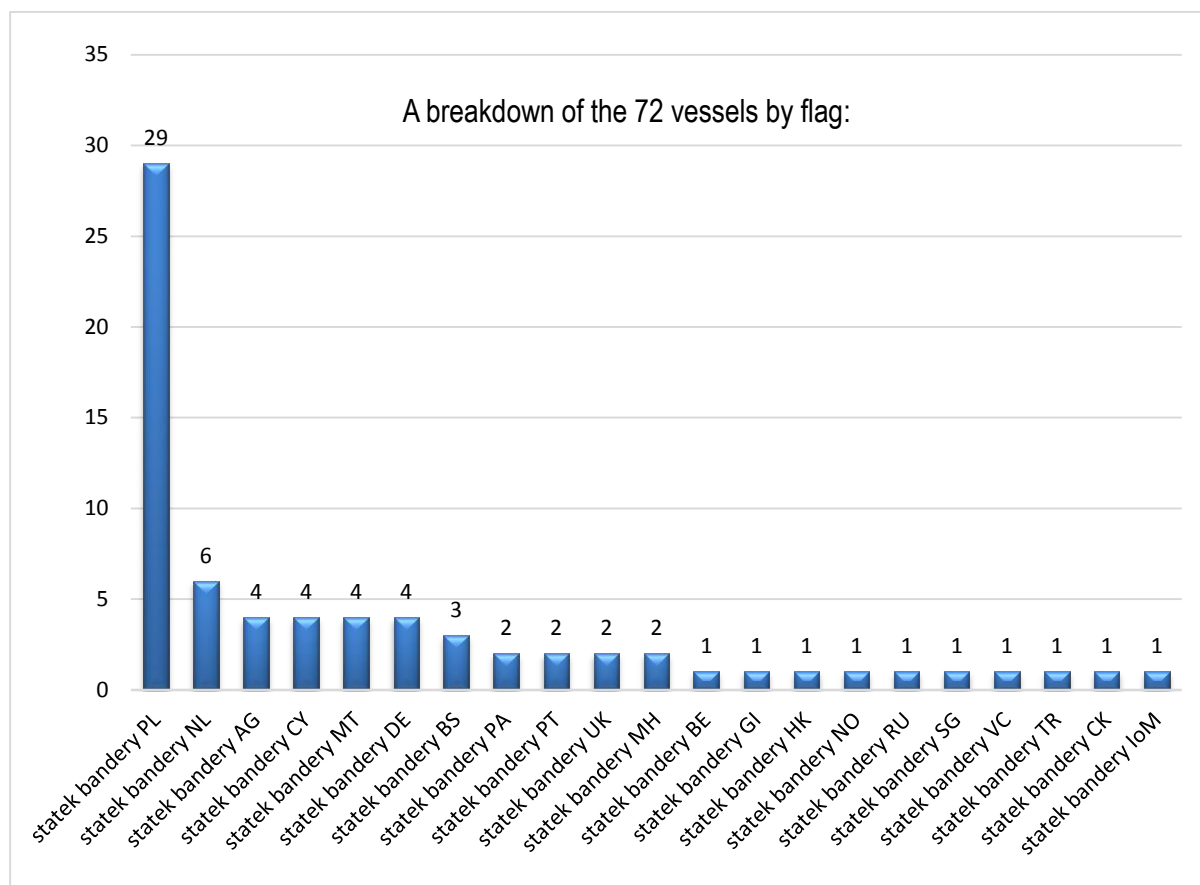
PL	EN
Drobnicowiec	General cargo ship
Masowiec	Bulk carrier
Kontenerowiec	Container ship
Statek Ro-Ro	Ro-ro cargo ship
Samochodowiec	Car carrier ship
Statek Ro-Pax	Ro-Pax ship
Chemikaliowiec	Chemical tanker
Gazowiec	Gas carrier
Zbiornikowiec olejowy	Oil tanker

Statek badawczy	Research ship
Łódź rybacka	Fishing boat
Kuter Rybacki	Fishing vessel
Jacht żaglowy rekreacyjny	Recreational yacht
Jacht motorowy komercyjny	Commercial motor yacht
Holownik	Tugboat
Dźwig pływający	Crane vessel
Inna jednostka serwisowa	Other service units
Śródlądowy statek towarowy	Inland waterways cargo ship
Śródlądowy statek pasażerski	Inland waterways passenger ship

Figure 2. A summary of the number of casualties and incidents in 2018 by ship type

A breakdown of the 72 vessels by flag:

- 29 vessels under the flag of Poland (PL),
- 6 vessels under the flag of the Netherlands (NL)
- 4 vessels under the flag of Antigua and Barbuda (AG),
- 4 vessels under the flag of Cyprus (CY),
- 4 vessels under the flag of Malta (MT),
- 4 vessels under the flag of Germany (DE),
- 3 vessels under the flag of the Bahamas (BS),
- 2 vessels under the flag of Panama (PA),
- 2 vessels under the flag of Portugal (PT),
- 2 vessels under the flag of the United Kingdom (UK),
- 2 vessels under the flag of the Marshall Islands (MH),
- 1 vessel under the flag of Belgium (BE),
- 1 vessel under the flag of Gibraltar (GI),
- 1 vessel under the flag of Hong Kong (HK),
- 1 vessel under the flag of Norway (NO),
- 1 vessel under the flag of Russia (RU),
- 1 vessel under the flag of Singapore (SG),
- 1 vessel under the flag of Saint Vincent and the Grenadines (VC),
- 1 vessel under the flag of Turkey (TR),
- 1 vessel under the flag of the Cook Islands (CK),
- 1 vessel under the flag of the Isle of Man (IoM).



PL	EN
statek bandery PL	vessel under the flag of PL
statek bandery NL	vessel under the flag of NL
statek bandery AG	vessel under the flag of AG
statek bandery CY	vessel under the flag of CY
statek bandery MT	vessel under the flag of MT
statek bandery DE	vessel under the flag of DE
statek bandery BS	vessel under the flag of BS
statek bandery PA	vessel under the flag of PA
statek bandery PT	vessel under the flag of PT
statek bandery UK	vessel under the flag of UK
statek bandery MH	vessel under the flag of MH
statek bandery BE	vessel under the flag of BE
statek bandery GI	vessel under the flag of GI
statek bandery HK	vessel under the flag of HK
statek bandery NO	vessel under the flag of NO
statek bandery RU	vessel under the flag of RU
statek bandery SG	vessel under the flag of SG
statek bandery VC	vessel under the flag of VC
statek bandery TR	vessel under the flag of TR
statek bandery CK	vessel under the flag of CK
statek bandery IoM	vessel under the flag of IoM

Figure 3. A breakdown of the 72 vessels by flag

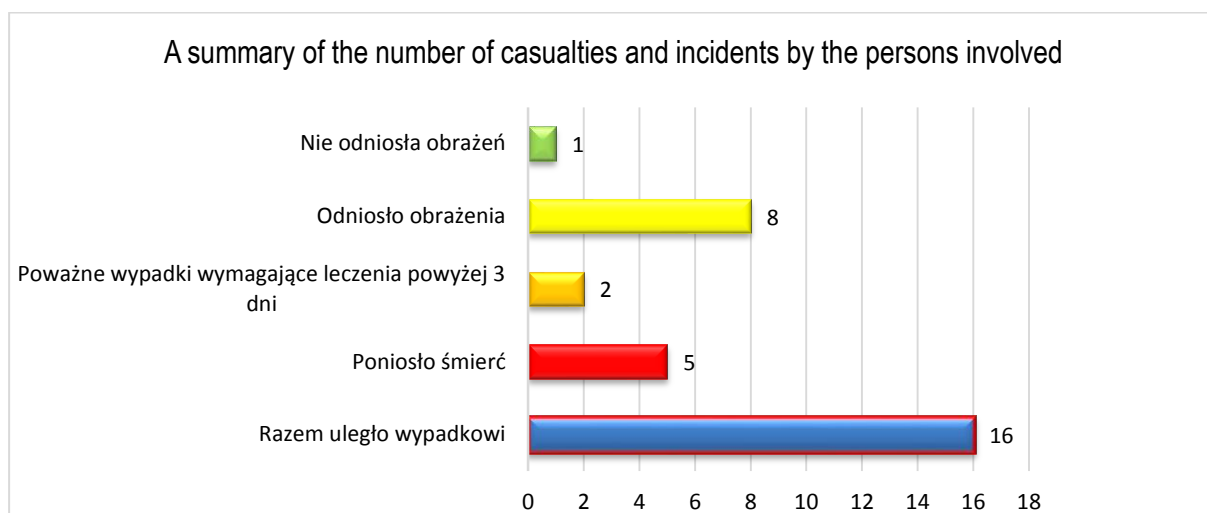
3.4. A summary of the number of casualties and incidents by the persons involved (casualties involving people)

As a result of 7 very serious casualties, 5 persons died, including 4 crew members and 1 passenger.

In all the 66 cases investigated, casualties involved a total of 16 people, including 12 crew members.

The degree of health loss was varied:

- 5 persons died,
- 2 persons were involved in serious casualties requiring treatment for more than 3 days (72 hours),
- 8 persons were injured,
- 1 person was not injured.



PL	EN
Nie odniosła obrażeń	Not injured
Odniosło obrażenia	Injured
Poważne wypadki wymagające leczenia powyżej 3 dni	Serious casualties requiring treatment for more than 3 days
Poniosło śmierć	Deaths
Razem uległo wypadkowi	Total number of persons involved in casualties

Figure 4. A summary of the number of casualties and incidents by the persons involved

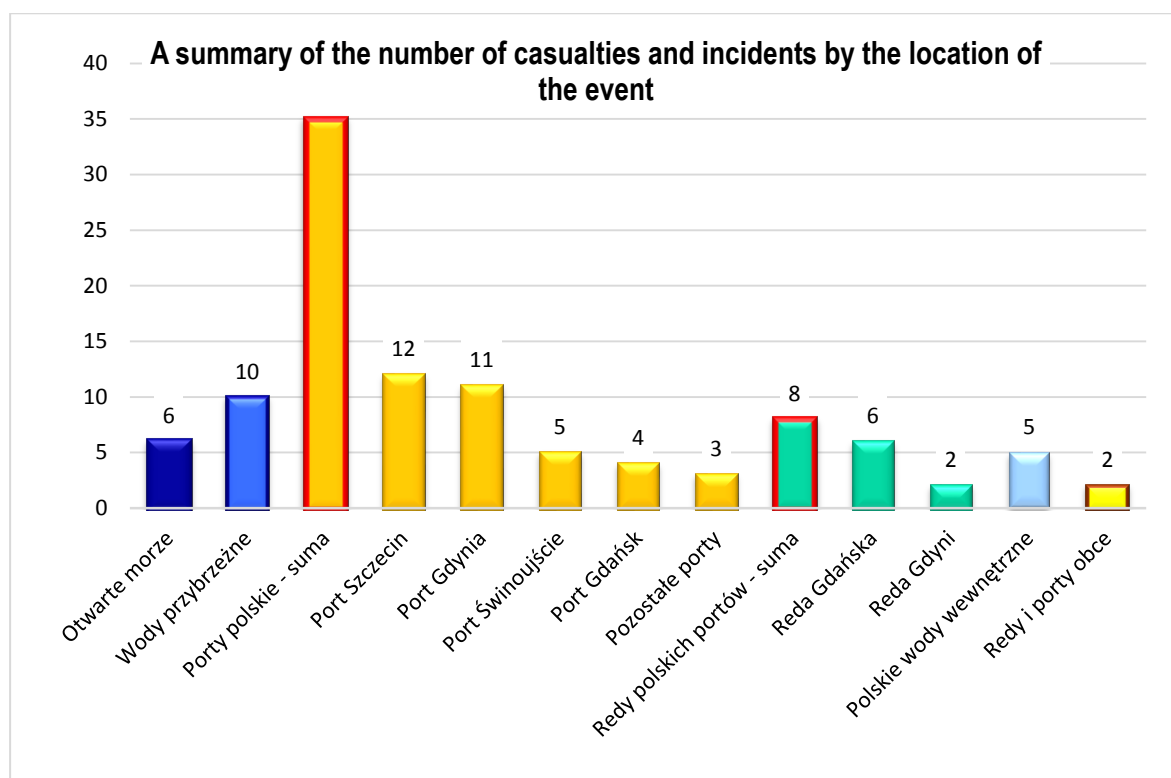
3.5. A summary of the number of casualties and incidents by the location of the event

The 66 casualties and incidents occurred in the following locations:

- 6 on the high seas (more than 12 NM from the shore),
- 10 in coastal waters,



- 35 in Polish harbours:
 - 12 in Szczecin,
 - 11 in Gdynia,
 - 5 in Świnoujście,
 - 4 in Gdańsk
 - 3 in the other harbours,
- 8 in harbour roadsteads in Poland:
 - 6 in the Gdańsk roadstead,
 - 2 in the Gdynia roadstead,
- 5 in Polish internal waters,
- 2 in foreign roadsteads and harbours.



PL	EN
Otwarte morze	Open sea
Wody przybrzeżne	Coastal waters
Porty polskie – suma	Polish ports – total
Port Szczecin	Port of Szczecin
Port Gdynia	Port of Gdynia
Port Świnoujście	Port of Świnoujście
Port Gdańsk	Port of Gdańsk
Pozostałe porty	Other ports
Redy polskich portów – suma	Roadsteads of Polish ports – total
Reda Gdańska	Roadstead of Gdańsk
Reda Gdyni	Roadstead of Gdynia
Polskie wody wewnętrzne	Polish internal waters

Redy i porty obce	Foreign roadsteads and ports
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Figure 5. A summary of the number of casualties and incidents by the location of the event

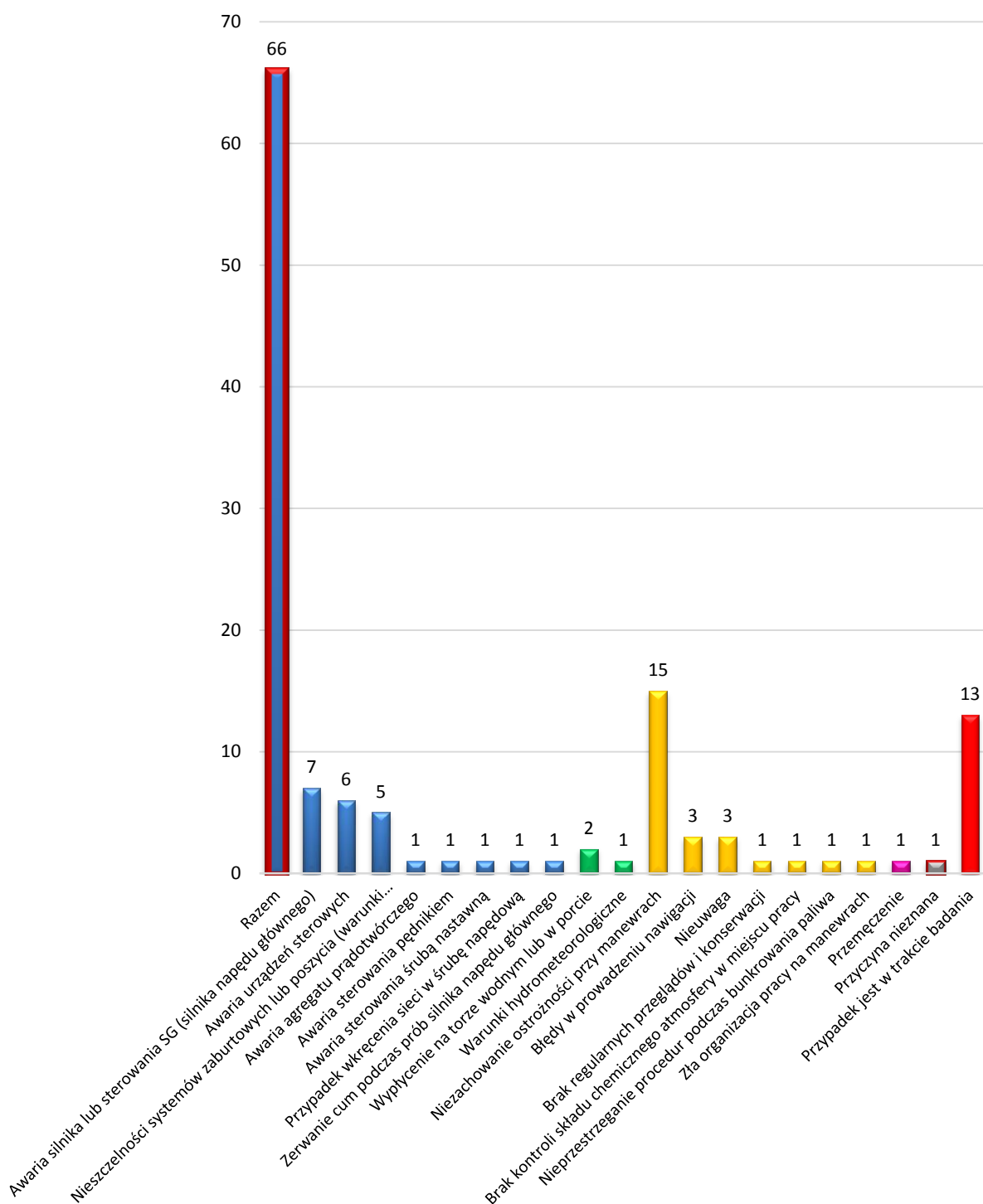
3.6. A summary of the number of casualties and incidents by their cause

The 66 casualties and incidents were caused by:

- technical reasons (23):
 - an engine or the main engine control failure (7),
 - a steering system failure (6),
 - an outboard system or plating leakage due to winter conditions (5),
 - an electric power generator failure (1),
 - a propeller control failure (1),
 - a variable-pitch propeller control failure (1),
 - net caught in the propeller (1),
 - mooring line snapping during tests of the main engine (1),
- hydrometeorological reasons (3):
 - shoal patches on a water lane or in a harbour (2),
 - hydrometeorological conditions (1),
- human error (26):
 - carelessness during manoeuvres (15),
 - navigational errors (3),
 - inattention (3),
 - a lack of regular inspection and maintenance (1),
 - a lack of control over the chemical composition of the atmosphere in the workplace (1),
 - a failure to follow procedures when bunkering fuel (1),
 - bad work organisation during manoeuvres (1),
 - fatigue (1),
- the cause was not established (unknown reason) (1),
- 13 cases are under investigation.



A summary of the number of casualties and incidents by their cause



PL	EN
Razem	Total
Awaria silnika lub sterowania SG (silnika napędu głównego)	Engine or main engine control failure
Awaria urządzeń sterowych	Steering system failure
Nieszczelności systemów zaburtowych lub poszycia (warunki...)	Outboard system or plating leakage (winter conditions)

Awaria agregatu prądotwórczego	Electric power generator failure
Awaria sterowania pędnikiem	Propeller control failure
Awaria sterowania śrubą nastawną	Variable-pitch propeller control failure
Przypadek wkręcenia sieci w śrubę napędową	Net caught in the propeller
Zerwanie cum podczas prób silnika napędu głównego	Mooring line snapping during tests of the main engine
Wypłylenie na torze wodnym lub w porcie	Shoal patches on a water lane or in a harbour
Warunki hydrometeorologiczne	Difficult hydro-meteorological conditions
Niezachowanie ostrożności przy manewrach	Carelessness during manoeuvres
Błędy w prowadzeniu nawigacji	Navigational errors
Nieuwaga	Inattention
Brak regularnych przeglądów i konserwacji	Lack of regular inspection and maintenance
Brak kontroli składu chemicznego atmosfery w miejscu pracy	Lack of control over the chemical composition of the atmosphere in the workplace
Nieprzestrzeganie procedur podczas bunkrowania paliwa	Failure to follow procedures when bunkering fuel
Zła organizacja pracy na manewrach	Bad work organisation during manoeuvres
Przemęczenie	Fatigue
Przyczyna nieznana	Unknown cause
Przypadek jest w trakcie badania	Case under investigation

Figure 6. A summary of the number of casualties and incidents by their cause

3.7. An assessment of the rationale behind continuing investigations

Once the necessary information and evidence had been collected – given the severity of the event, vessel or cargo type and the conviction that the investigation's findings will not contribute to the prevention of marine casualties or incidents in the future – the Commission adopted resolutions for the 66 marine casualties and incidents reported in 2018 and subjected to initial investigations, stating that:

- in 19 cases, the Commission abandons the investigation pursuant to Article 20(2)⁶ of the Act on SMAIC,
- in 34 cases, the Commission will not undertake the investigation pursuant to Article 20(3)⁷ of the Act on SMAIC.

The Commission decided to investigate 13 of the reported casualties.

In consultation with other substantially interested states, investigating some of the above-mentioned casualties, pursuant to Article 21⁸ of the Act on SMAIC, the Commission decided that:

- it would investigate 8 casualties on its own:
 - WIM 6 *City of Rome*,
 - WIM 7 *Euros*,

⁶ The footnote is reproduced in the Extract of regulations.

⁷ The footnote is reproduced in the Extract of regulations.

⁸ The footnote is reproduced in the Extract of regulations.

- WIM 22 *HEL 103*,
- WIM 32 *Hunter* and *Translontano*,
- WIM 45 *Zeus* tugboat and a dinghy,
- WIM 54 *Skagerak*,
- WIM 72 *KOŁ 73*,
- WIM 77 *Peak Bergen*,
- in 2 cases, it would carry out the investigations with the participation of substantially interested states:
 - WIM 51 *Karukera*,
 - WIM 92 *Miętus II* and *Begonia S*,
- it would join the investigations of 3 casualties carried out by different states:
 - WIM 78 *Stena Spirit*,
 - WIM 93 *Norwid*,
 - WIM 109 *Seatruck Pace*.

4. INVESTIGATIONS OF CASUALTIES IN 2018

4.1. Publication of casualty investigation reports

The Commission began the year 2018 with 9 investigations of casualties from 2017.

Besides them, it was investigating 13 marine casualties which occurred between 1 January 2018 and 31 December 2018.

Over the previous year, the Commission completed investigations concerning 7 casualties and presented final reports; also, it presented 2 interim reports concerning the 2 other casualties from 2017. In the case of the serious marine casualty of July 2017 in Świnoujście involving the vessel *Selfoss*, the Commission first published an interim report in July 2018 and then the final report in December 2018.

The Commission is still investigating the casualties from 2018.

Table 1 Report publications in 2018

No.	WIM	Ship	Date	Month of report publication	
				interim	final
1.	21/17	s/y <i>Dunlin</i>	23.04.2017	-	April 2018
2.	24/17	Towing set – the tugboat <i>Ikar</i> and the car- passenger river ferry	30.04.2017	April 2018	-



		<i>Siebengebirge</i>			
3.	28/17	s/y <i>BEZ 2</i>	7.05.2017	-	May 2018
4.	40/17	s/y <i>Tornado G-836</i>	11.06.2017	-	June 2018
5.	55/17	s/y <i>Portowiec Gdański III</i>	2.07.2017	-	June 2018
6.	63/17	m/v <i>Selfoss</i>	12.07.2017	July 2018	December 2018
7.	84/17	m/v <i>Kamelia</i>	23.08.2017	-	August 2018
8.	96/17	s/y <i>Prodigy 2</i>	13.10.2017	September 2018	-
9.	108/17	s/y <i>Vagant</i>	21.11.2017	-	November 2018

4.2. Safety recommendations issued based on casualty investigations completed in 2018

The Commission considered that in order to emphasise the SMAIC's educational mission, the annual analysis should recall the most serious marine casualties investigated in 2018. Excerpts from reports concerning the recommendations for raising the level of shipping safety can be found below. A WIN number is provided for each casualty 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 21/17 – *Dunlin* sailing yacht

Stranding of the yacht *Dunlin* on the Eierlandsche Gronden shallow in the North Sea, resulting in the death of the captain and the destruction of the vessel, was probably due to a navigational error.

Recommendations stemming from the final report WIM 21/17 – *Dunlin* sailing yacht

The State Marine Accident Investigation Commission considered it justified to address safety recommendations proposing actions that might contribute to the prevention of similar casualties in the future to the Polish Yachting Association. It was recommended to consider the possibility of simplifying the formal procedure for the transition to the Polish flag in certain cases, e.g. when purchasing a yacht abroad in such a way that the owners of yachts purchased abroad can, at no additional cost (e.g. the need to travel to Poland and/or delegate a surveyor abroad), complete all the formalities necessary to enable them to sail (to Poland or elsewhere) in a complete and correct configuration (flag, name, call sign, MMSI, EPIRB, insurance, etc.).

4.2.2. WIM 28/17 – sailing yacht *BEZ-2*

The possible causes of the yacht capsizing and 3 people drowning in the Szczecin Lagoon are the following:

- the yacht capsizing under the weight of the crew, e.g. during fishing activities,
- the yacht capsized while attempting to save a person who had fallen overboard,
- over-ballasting to leeward under the sail as a result of an incompetent manoeuvre or an unexpected gust of wind.

Recommendations stemming from the final report WIM 28/17 – *BEZ-2* sailing yacht.

The State Marine Accident Investigation Commission considered it justified to address safety recommendations proposing actions that might contribute to the prevention of similar casualties in the future to the Polish Maritime Search and Rescue Service.

The State Marine Accident Investigation Commission recommended considering the possibility of using data held by mobile (and generally – satellite) operators based on the phone base station log-in history for locating the lost, and disseminating this method to other entities, such as the Volunteer Water Rescue Service (WOPR) or the Police.

Furthermore, the Commission recommended equipping the search and rescue centre in Trzebież with a lifeboat whose immersion and/or propulsion will allow it to operate in shallow waters in the areas supervised by SAR.

4.2.3. WIM 40/17 *G-836* sailing catamaran

The catamaran owner fell overboard and drowned in the Bay of Puck as a result of a helm failure. The dramatic and tragically ended situation which the crew of *Tornado G-836* found themselves in was mainly due to the lack of any safety measures.

Recommendations stemming from the final report WIM 40/17 – sailing catamaran *G-836*

The State Marine Accident Investigation Commission considered it justified to address safety recommendations proposing actions that might contribute to the prevention of similar casualties in the future to:

1. Maritime Search and Rescue Service

Consider amending the procedures to accelerate the helicopter's call to action.

2. Maritime Border Guard Division

The State Marine Accident Investigation Commission recommends the Marine Units of the Border Guard to keep photographic documentation of the condition of units found in search and rescue actions if there is no such custom. In many cases this is the only documentation of

the condition of the units found before the possible transport and changes in the equipment position.

3. Department of Maritime Economy, MMEIN

The State Marine Accident Investigation Commission recommends the issuer of the Guide for sailors and yacht owners to include in the future issues a situation where a yacht designed and built exclusively for regatta (i.e. not subject to the RCD requirements, equipment requirements and other requirements) loses its class certificate after the period of regatta operation and formally becomes simply a yacht, e.g. a pleasure yacht. Nevertheless, the yacht still requires the crew to possess high sailing skills, and sailing on it is generally more risky.

4.2.4. WIM 55/17 *Portowiec Gdański III* sailing yacht

The captain died by drowning after being struck by the boom and having fallen overboard in the Bay of Gdańsk.

The captain of the *Portowiec Gdański III* yacht fell overboard and died as a result of the yacht and the crew being unprepared for going out to sea and as a result of the lack of caution at work on the deck and while operating the vessel. No personal life-saving equipment was put on before going out to sea and no other buoyancy aids were prepared for immediate use. Similarly, the yacht was not cleared in such a way that fixing movable equipment and cleaning its interiors after leaving the port's entrance beacons would not be necessary.

Recommendations stemming from the final report

The State Marine Accident Investigation Commission considered it justified to address safety recommendations proposing actions that might contribute to the prevention of similar casualties in the future to:

1. Ship-owner

It is recommended that the ship-owner should:

- register the yacht as a yacht for commercial use and consistently take further legal action if the ship-owner plans to charter the yacht,
- train the guardians and captains of their yachts in the procedures for preparing for going out to sea, with particular emphasis on the meteorological preparation for voyage as well as checking the equipment and training crew in the deployment and use of the equipment,
- remove or replace the plate with the wrong indicator for the yacht.

2. The manager of the yacht harbour in Wisłoujście

The SMAIC recommends that up-to-date weather information be posted in a place generally accessible to sailors using the harbour in Wisłoujście.

4.2.5. WIM 63/17 – m/v *Selfoss*

The Commission's investigation revealed that the casualty was caused by the captain incorrectly performing the vessel manoeuvres and the pilot being passive, while he should have been actively involved in the manoeuvres.

Recommendations stemming from the final report WIM 63/17 – *Selfoss* vessel

The State Marine Accident Investigation Commission considered it justified to address safety recommendations proposing actions that might contribute to the prevention of similar casualties in the future to the following entities:

1. The minister competent for maritime economy

It is recommended that an audit be conducted of all organisational units authorised to conduct training of pilots. The aim of the audit should be to eliminate the incompatibilities resulting from non-compliance with the requirements of the applicable provisions, as well as to implement the monitoring of the training process.

2. The ship-owner of the *Selfoss* vessel

It is recommended that the ship-owner of the *Selfoss* vessel verifies and updates the chapter "Sailing with the pilot" in the Safety Management Book to comply with the current international regulations and interpretations resulting from the Bridge Team Management (BRM) programme.

At the same time, the State Marine Accident Investigation Commission recommends that consideration should be given to assigning captains and navigation officers employed on vessels operated by the ship-owner to this course.

3. OT Port Świnoujście

It is recommended that the current instructions for the operation of the Hutników Quay be drawn up taking into account the current equipment, and thus the new occupational health and safety instructions for operators of cranes and travelling hoists. Account should be taken of control procedures specifying the duties and responsibilities of the operators concerning the safe conduct of mooring and unmooring operations.

4.2.6. WIM 84/17 – m/v *Kamelia*

During the investigation, the factors contributing to the occurrence of the casualty of the helm turning spontaneously 20 degrees to the right, the loss of control over the helm and the bow resting against the Cementowe Quay in Szczecin were identified. According to the Commission's opinion, both events should be treated as a result the malfunction of the



steering gear, autopilot, variable-pitch propeller as well as overlapping human and organisational errors.

Recommendations stemming from the final report WIM 84/17 – *Kamelia* vessel

The State Marine Accident Investigation Commission considered it justified to address safety recommendations proposing actions that might contribute to the prevention of similar casualties in the future to the ship-owner:

when conducting safety management system (SMS) performance audits on a ship, special emphasis shall be placed on the crew's proper implementation of procedures pertaining to preparation of the ship prior to entry/exit from port and for navigation with a pilot. This particularly applies to the control of the steering gear and the functionality of variable-pitch propeller steering system.

An effective emergency communication system between the bridge and manoeuvring posts should be implemented.

4.2.7. WIM 108/17 – *Vagant* sailing yacht

The direct cause of the casualty – the vessel's captain falling overboard – was failing to exercise due caution on the part of the captain. There was no force majeure or any unforeseeable circumstances. Despite the prevailing darkness, the conditions on the sea were not difficult, and the navigation situation did not require any immediate unprepared actions. The only danger at first was the possibility of damaging or even destroying or losing the additional sail – spinnaker – which was not necessary to safely continue sailing to the port of destination. However, unprotected by a harness or a life-jacket, the captain took immediate action on the bow section of the deck to drop and take down the spinnaker. During the attempt to pull the sail out of the water, the captain fell overboard.

Recommendations stemming from the final report WIM 108/17 – *Vagant* sailing yacht

The State Marine Accident Investigation Commission considered it justified to address safety recommendations proposing actions that might contribute to the prevention of similar casualties in the future to the following entities:

1. Maritime Search and Rescue Service

The SMAIC recommends that procedures should be put in place to ensure that all relevant information provided by the notifying persons is recorded and retained, even if it is not grounds for immediate rescue operation in a given moment. Operation inspectors should be trained on how to talk to people under stress



and instructed to give all possible assistance at any time. Unless another operation is underway, the inspector should at least open the ALRS vol. 5 and provide appropriate contacts. In reality, however, instead of directing superficial information towards the caller, the MRCC should probably have done exactly what the UK MRCC did the next day – try to connect to the yacht, and after 24 hours without contact – notify the local SAR service, providing all the carefully collected information.

2. The minister competent for maritime economy

1) Instruct the Maritime Search and Rescue Service to conclude agreements with the dealer of the Iridium system allowing the subscriber to be tracked in the “Iridium Polling/Iridium Rescue” as part of SAR service’s search operations, following the example of many other rescue centres around the world.

2) Introduce amendments to the Regulation of the Minister of Transport, Construction and Maritime Economy of 28 February 2012 on the safe navigation of sea yachts:

a. In Part I, the wording “lifebuoy ... equipped with a life buoy light and a flag pole” should be replaced to take account of a solution consisting in supplying the pole with signalling light, without a separate buoy light float.

b. In Part IV, the wording “satellite mobile telephone” should be replaced by “satellite telephone” with the requirement to take into account the areas of coverage of the different satellite systems depending on the navigation area.

3. The Office of Electronic Communications

The SMAIC recommends to include in the training framework programmes and in examination requirements for short- and long-range radio operators’ permits the issues of ensuring the operation of GMDSS equipment in danger and also in situations where the operator is unable to operate such equipment (the so-called procedure sheets and instructions for the entire crew).

4. The Minister of Sport and Tourism

The SMAIC recommends that the requirement for a radio operator certificate be included as a condition for the issuance of a yacht captain’s license.

4.3. A summary of Commission recommendations forwarded in the period between 1 July 2017 and 30 June 2018 and responses from the entities to which the recommendations were addressed



Table 2. A summary of Commission recommendations forwarded in the period between 1 July 2017 and 30 June 2018 and responses from the entities to which the recommendations were addressed

No	WIM registration No	Vessel name	Date of report's publication	Entity to which recommendations were addressed	Date of report's dispatch	Time-limit for replies	Date of receiving the reply	Implementation of recommendations
1	22/16	<i>Miracle</i>	June 2017	Polish Yachting Association	24.07.2017	24.01.2018	24.01.2018	yes
				Polish Motorboat and Water Ski Association	24.07.2017	24.01.2018	14.02.2018	yes
2	90/16	<i>Ikar</i>	July 2017	No recommendations	-	-	-	-
3	39/15	<i>Green Egersund</i>	July 2017	Stocznia Marynarki Wojennej – insolvency administrator	24.07.2017	24.01.2018	29.12.2017	yes
				Fairplay Towage Polska – Director	24.07.2017	24.01.2018	04.08.2017	yes
4	72/16	<i>Perła Gdynia</i>	September 2017	Yacht's captain	23.10.2017	23.04.2018	08.05.2018	yes
5	69/17	<i>Enforcer</i>	October 2017	Simplified Report – no recommendations	-	-	-	-
6	76/16	<i>Sunrise</i>	October 2017	Yacht's captain	31.10.2017	30.04.2018	None	x
				Civil Aviation Authority	31.10.2017	30.04.2018	04.12.2017	yes
				Maritime Search and Rescue Service	31.10.2017	30.04.2018	22.05.2018	yes
7	60/16	<i>Stena Spirit</i>	August 2017	Ship-owner of <i>Stena Spirit</i>	30.11.2017	30.05.2018	None	-
				Ship's classifier in Lloyd's Register	30.11.2017	30.05.2018	19.06.2018	-
				Port State Control (PSC)	30.11.2017	30.05.2018	14.06.2018	yes



				Minister competent for maritime economy	30.11.2017	30.05.2018	19.06.2018	yes
8	76/16	<i>Regina R</i>	October 2017	Yacht's captain	19.12.2017	19.06.2018	25.06.2018	x
				Office of Electronic Communications (UKE)	19.12.2017	19.06.2018	14.06.2018	yes
				Civil Aviation Authority (CAA)	19.12.2017	20.06.2018	16.07.2018	yes
				Minister of Sport	19.12.2017	21.06.2018	24.04.2018	yes
9	21/17	<i>Dunlin</i>	April 2018	Polish Yachting Association	23.04.2018	23.10.2018	21.12.2018	yes
10	28/17	<i>BEZ-2</i>	May 2018	Maritime Search and Rescue Service	10.05.2018	10.11.2018	22.05.2018	yes
11	40/17	<i>Katamaran</i>	June 2018	Maritime Search and Rescue Service	07.06.2018	07.12.2018	20.12.2018	yes
				Maritime Border Guard Division	07.06.2018	07.12.2018	17.09.2018	yes
				DME MMEIN	07.06.2018	07.12.2018	22.11.2018	yes
12	55/17	<i>Portowiec Gdański III</i>	June 2018	Ship-owner	27.06.2018	27.12.2018	25.01.2019	yes
				Commander of the Wisłoujście Fortress Harbour	27.06.2018	27.12.2018	11.02.2019	yes

The complete positions of the addressees of the recommendations are available in the “Recommendations” tab on the website (<http://pkbwm.gov.pl/en/recommendations>).

In the case of the captain of the yacht *Sunrise* contact was impossible due to a change of address and a failure to receive a reminder about the duty to provide information.

The ship-owner of *Stena Spirit* did not provide replies and, due to his location outside Poland, no further action was taken.

The captain of the *Regina R* yacht issued a declaration of end of sailing on sailing yachts.

5. WARNING OF POSSIBLE DANGER (EARLY ALERT)

On 26 March 2018, the Commission published a warning concerning marine casualties and incidents that occurred on the Szczecin-Świnoujście seaway during navigation by means of automatic control (autopilot) or immediately after switching from automatic control to manual or vice versa.

The Director of the Maritime Office in Szczecin referred to this warning by a letter of 30 November 2018.

Following a re-examination of the issue, the Commission issued a new local alert, presented in a letter of 9 January 2019 addressed to the Director of the Maritime Office in Szczecin.

The texts of all the aforementioned alerts and the letters of the Director of the Maritime Office in Szczecin are accessible in the “Early Alerts” tab on the SMAIC’s website (<http://pkbwm.gov.pl/en/alerty-3>).

6. COOPERATION WITH OTHER ENTITIES

It should be noted that in 2018 the Commission maintained intensive collaboration with organisations investigating casualties in other countries.

This concerned the exchange of experiences at the following international meetings:

MAIIF – 19–23.11.2018 (Singapore) – Secretary

EMAIF – 30–31.05.2018 (Iceland) – President and Secretary

EMSA (PCF) – 19–21.06.2018 (Lisbon – Portugal) – Secretary

as well as in collecting information on casualties (yachts, pontoons and other types of vessels) of crafts that are not investigated by other administrations.

In its investigation into 5 casualties involving Polish citizens or vessels sailing under the flag of Poland, which took place last year, the Commission established cooperation with coastal states or flag state administrations.

In the investigation into the casualty involving a Polish passenger on the *Stena Spirit* cruise ferry (WIM 78/18), the Commission joined the investigation conducted by the vessel’s flag state, namely the Commonwealth of the Bahamas, as the SIS (Substantially Interested State).



In the investigation into the casualty involving a crew member (a Polish citizen) of the vessel *Norwid* (WIM 93/18), the Commission joined the investigation conducted by the vessel's flag state, that is Malta, as the SIS.

In the investigation into the casualty involving a crew member (a Polish citizen) of the vessel *Seatruck Peace* (WIM 108/18), the Commission joined the investigation conducted by the vessel's flag state, namely the UK, as the SIS.

In the case of the Commission's investigation into the casualty involving the collision of s/y *Karuker* with m/y *Flipper* and the death of two Polish citizens – *Karuker's* crew members (WIM 51/18), the United Kingdom joined the investigation as the SIS with relation to *Flipper's* flag.

The investigation into the casualty involving the collision of the motor commercial yacht *Miętus II* under the flag of Poland with the vessel *Begonia S* sailing under the flag of the Cook Islands (WIM 92/18) in Denmark's territorial waters was initially launched by Denmark and later handed over to Poland. Due to the location of the collision and the flag of the other vessel, Commission is co-conducting the investigation as Denmark and the Cook Islands' SIS.

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9. EXTRACT FROM REGULATIONS

Act of 31 August 2012 on the State Marine Accident Investigation Commission (Journal of Laws of 2012, item 1068, as amended)

Footnote [3]

Article 2

1. Whenever the act mentions:

1) a marine casualty – it should be understood as an event, or a sequence of events directly related to the operation of a vessel, in 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, disappearance or loss of the vessel in a different way, or
 - d) the damage to the vessel, affecting to a large extent its 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, the 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 [4]

Article 15

1. The Commission shall examine maritime casualties and incidents:

1) in which participated:

a) a vessel of Polish nationality,

b) a vessel of foreign nationality, if the marine casualty or incident occurred on Polish internal waters or Polish territorial sea,

c) a ro-ro passenger ferry or a high-speed passenger craft, if the marine casualty or incident occurred outside the internal waters or territorial sea of the European Union Member State, where the last port of call was a port in the Republic of Poland;

Footnote [5]

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(a), vessels performing only a special state duty or operated by the State for non-commercial purposes,

b) fishing vessels of an overall length of 15 m,

c) recreational yachts,

d)⁴ vessels and floating objects composing the towing unit, other than a towing vessel

– with the exception of very serious casualties;

3) on fixed offshore platforms in which the sea-going vessels have not participated.

Footnote [6]

Article 20

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

Footnote [7]

Article 20



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

Footnote [8]

Article 21

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

2. The Commission may:

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

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

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

3. A state substantially interested in the marine casualty or incident, hereinafter referred to as a “substantially interested state” shall be deemed a state:

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

2) a coast, in whose internal waters or territorial sea the marine casualty or incident 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, suffered damage as a result of marine casualty or incident, or injury, or prospective injury, or

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

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

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