



Luxembourg, 12 November 2012

## Circular CAM 05/2012

O/Ref. : AH/99721  
Subject: **Incidents and accidents reporting obligations**

To : All Accredited Shipping Managers, ship owners and managers of Luxembourg flagged ships.

The purpose of the present circular is to remind all actors of their reporting obligation resulting from the occurrence of an incident or an accident on board of a Luxembourg flagged vessel.

The terms “incident” and “accident” are to be understood in accordance with the definitions contained in the IMO Code for the investigation of Marine Casualties and Incidents.

### Applicable legislation

- Loi du 30 avril 2008 portant
  - a) création de l'Administration des Enquêtes Techniques
  - b) modification de la loi modifiée du 22 juin 1963 fixant le régime des traitements des fonctionnaires de l'Etat et
  - c) abrogation de la loi du 8 mars 2002 sur les entités d'enquêtes techniques relatives aux accidents et incidents graves survenus dans les domaines de l'aviation civile, des transports maritimes et des chemins de fer
- Règlement grand-ducal du 13 octobre 2011 établissant les principes fondamentaux régissant les enquêtes sur les accidents dans le secteur des transports maritimes et abrogeant
  - a) les articles 1 à 5 et l'annexe 1 du règlement grand-ducal du 20 mars 2002 portant des spécifications complémentaires relatives aux enquêtes techniques relatives aux accidents et incidents graves survenus dans le domaine du transport;
  - b) l'article 7 du règlement grand-ducal du 28 juin 2002 transposant la directive 1999/35/CE du Conseil du 29 avril 1999 relative à un système de visites obligatoires pour l'exploitation en toute sécurité de services réguliers de transbordeurs rouliers et d'engins à passagers à grande vitesse
- Règlement grand-ducal du 20 mars 2002 portant des spécifications complémentaires relatives aux enquêtes techniques relatives aux accidents et incidents graves survenus dans le domaine du transport maritime
- Code for the investigation of marine casualties and incidents adopted on the 27 November 1997 by IMO Resolution A.849(20)
- Amendments to the SOLAS Convention adopted on the 16 May 2008 by IMO Resolution MSC.257(84)

*Full versions of the above mentioned Luxembourg legislation are available on our website at: <http://www.maritime.lu/legislation> (a translation of the French titles is attached).*

## Reporting obligation

It is hereby reminded that **all** incidents and accidents are to be notified without delay to the “Administration des enquêtes techniques” (AET - article 10 of the law of 30<sup>th</sup> April 2008). The AET is an impartial, permanent and independent investigative body.

All the details regarding the above mentioned administration are available on its website at:

[http://www.mt.public.lu/ministere/services/coordination\\_generale/AET/index.html](http://www.mt.public.lu/ministere/services/coordination_generale/AET/index.html)

A special electronic form to report incidents and accidents is available on line at:

<https://aet.gouvernement.lu/dam-assets/formulaires/maritime-notification-casualty.pdf>

*(a copy is attached):*

It is also reminded that in accordance with SOLAS, Chapter I, Regulation 11.c), all accidents must also be reported to the Commissariat aux affaires maritimes.

## Preservation of evidence

It is also reminded that all parties concerned by casualties and incidents make every effort to :

- save all information from charts, log books, electronic and magnetic recording and video tapes, including information from VDRs and other electronic devices relating to the period preceding, during and after an accident;
- prevent the overwriting or other alteration of such information;
- prevent interference with any other equipment that might reasonably be considered pertinent to the safety investigation of the accident;
- collect and preserve all evidence expeditiously for the purposes of the safety investigations.

Failure to comply with the above mentioned obligations may lead to the application of sanctions.

You are requested to ensure adequate dissemination of this information within your company and to the Masters of concerned Luxembourg flagged vessels.



(s) Robert BIWER  
Government Commissioner  
for maritime affairs

Attachment 1 Circ. 05/2012

**Applicable legislation (translation of titles)**

- *Act of 30 April 2008 on the
  - a) *creation of the Technical Investigations Administration*
  - b) *modification of the amended law of 22 June 1963 on the salaries system for civil servants and*
  - c) *repeal of the Act of 8 March 2002 on technical investigation entities in regards to accidents and serious incidents in the areas of civil aviation, maritime transport and railways.**
  
- *Grand-Ducal Regulation of 13 October 2011 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and repealing
  - a) *Articles 1-5 and Annex 1 of the Grand-Ducal Regulation of 20 March 2002 on additional specifications for technical investigations of accidents and serious incidents in the transportation sector ;*
  - b) *Article 7 of the Grand-Ducal Regulation of 28 June 2002 transposing Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and craft high-speed passenger craft services.**
  
- *Grand-Ducal Regulation of 20 March 2002 on the additional specifications for technical investigations of accidents and serious incidents in the field of maritime transportation*
  
- *Code for the investigation of marine casualties and incidents adopted on the 27 November 1997 by IMO Resolution A.849(20)*
  
- *Amendments to the SOLAS Convention adopted on the 16 May 2008 by IMO Resolution MSC.257(84)*