

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 (Text with EEA relevance)

Article 3

Definitions

For the purposes of this Directive:

1. 'IMO Code for the Investigation of Marine Casualties and Incidents' shall mean the Code for the Investigation of Marine Casualties and Incidents annexed to Resolution A.849(20) of the IMO Assembly of 27 November 1997, in its up-to-date version;
2. the following terms shall be understood in accordance with the definitions contained in the IMO Code for the Investigation of Marine Casualties and Incidents:
 - (a) 'marine casualty';
 - (b) 'very serious casualty';
 - (c) 'marine incident';
 - (d) 'marine casualty or incident safety investigation';
 - (e) 'lead investigating State';
 - (f) 'substantially interested State';
3. the term 'serious casualty' shall be understood in accordance with the updated definition contained in Circular MSC-MEPC.3/Circ.3 of the IMO Maritime Safety Committee and Marine Environment Protection Committee of 18 December 2008;
4. 'IMO guidelines on the fair treatment of seafarers in the event of a maritime accident' shall mean the guidelines as annexed to Resolution LEG.3(91) of the IMO Legal Committee of 27 April 2006 and as approved by the Governing Body of the International Labour Organisation in its 296th session of 12 to 16 June 2006;
5. the terms 'ro-ro ferry' and 'high-speed passenger craft' shall be understood in accordance with the definitions contained in Article 2 of Directive 1999/35/EC;
6. 'Voyage data recorder' (hereinafter referred to as 'VDR') shall be understood in accordance with the definition contained in Resolution A.861(20) of the IMO Assembly and Resolution MSC.163(78) of the IMO Maritime Safety Committee;
7. 'safety recommendation' shall mean any proposal made, including for the purposes of registration and control, by:
 - (a) the investigative body of the State conducting, or leading, the safety investigation on the basis of information derived from that investigation; or, where appropriate,

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- (b) the Commission, acting on the basis of an abstract data analysis and the results of safety investigations carried out.