

# Palau International Ship Registry



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## MARINE NOTICE 215.4

**To: ALL SHIPOWNERS, MANAGERS, MASTERS, AND REGISTRATION OFFICERS OF MERCHANT SHIPS AND RECOGNIZED ORGANIZATIONS**

**Subject: MANDATORY REQUIREMENTS FOR INVESTIGATION OF MARINE CASUALTIES AND MARINE INCIDENTS**

### 1. REFERENCE

- 1.1 Resolution A.987(24) Adopted on 1 December 2005 *GUIDELINES ON FAIR TREATMENT OF SEAFARERS IN THE EVENT OF A MARITIME ACCIDENT*
- 1.2 Resolution A.884(21) adopted on 25 November 1999 *AMENDMENTS TO THE CODE FOR THE INVESTIGATION OF MARINE CASUALTIES AND INCIDENTS (Resolution A.849(20))*
- 1.3 Resolution A.849(20) adopted on 27 November 1997 *CODE FOR THE INVESTIGATION OF MARINE CASUALTIES AND INCIDENTS*
- 1.4 Resolution MSC.255(84) (adopted on 16 May 2008) *ADOPTION OF THE CODE OF THE INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES FOR A SAFETY INVESTIGATION INTO A MARINE CASUALTY OR MARINE INCIDENT (CASUALTY INVESTIGATION CODE)*
- 1.5 Resolution A.996(25) Adopted on 29 November 2007 *CODE FOR THE IMPLEMENTATION OF MANDATORY IMO INSTRUMENTS, 2007*
- 1.6 MSC/Circ.1014 12 June 2001 *GUIDANCE ON FATIGUE MITIGATION AND MANAGEMENT*
- 1.7 MSC/Circ.1015 12 June 2001 *REPORTING NEAR MISSES*
- 1.8 Resolution LEG.3(91) adopted on 27 April 2006 *ADOPTION OF GUIDELINES ON FAIR TREATMENT OF SEAFARERS IN THE EVENT OF A MARITIME ACCIDENT*
- 1.9 Palau Maritime Regulations, Chapter 6
- 1.10 Palau National Code, Title 7, Section 1309



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## 2. GENERAL REQUIREMENTS

- 2.1 These Mandatory Requirements prescribe the procedure to conduct Marine Safety Investigations (MSI) after a marine accident, incident or casualty takes place.
- 2.2 The purpose of an MSI is to ensure maritime safety and protection of the marine environment through a systematic safety investigation of marine casualties and incidents, and recommending or effecting change in the maritime system to correct any deficiencies which contributed to the marine casualties and incidents.
- 2.3 It is not the purpose of a safety investigation to determine liability or apportion blame.
- 2.4 An MSI should be separate from and independent of any other form of investigation, including investigation for actions in civil, criminal and administrative proceedings.

## 3. APPLICABILITY

These Mandatory Requirements applies, as far as national laws allow, to the investigation of marine casualties or incidents where either one or more interested Flag States have a substantial interest in a marine casualty involving a ship under their jurisdiction.

## 4. DEFINITIONS

- 4.1 When the following terms are used in the mandatory standards and recommended practices for MSI they have the following meaning.

“*Act*” means Title 7 of the Palau National Code, which was amended to establish an Open Ship Registry in the Republic of Palau, and for other related purposes.

“*Administrator*” means the Ministry of Public Infrastructure, Industries and Commerce which specifically has authority, power and functions under the Admiralty and Maritime Act (Act) to administer all matters pertaining to Palau-registered vessels and other vessels in Palau waters that are subject to the provisions of the Act, and to promulgate Rules and Regulations to carry out the provisions of the Act.

“*Agent*” means any person, natural or legal, engaged on behalf of the owner, charterer or operator of a ship, or the owner of the cargo, in providing shipping services, including managing arrangements for the ship that is a subject of an MSI.



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“*Automatic Identification System (AIS)*” means an automated radio-technical system, which operates in the VHF range and which is used for the identification of ships and navigation equipment, the determination of the location thereof and mutual data exchange;

“*Casualty Investigation Code*” means the Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident, as adopted by International Maritime Organization (IMO) Resolution MSC.255(84), and as may be amended from time to time.

“*Causal factor*” means actions, omissions, events or conditions, without which:

- a) the Marine Casualty or Marine Incident would not have occurred; or
- b) the adverse consequences associated with the Marine Casualty or Marine Incident would probably have not occurred or have not been as serious;
- c) another action, omission, event or condition, associated with an outcome in (a) or (b) would probably have not occurred.

“*Coastal State*” means a State in whose territory, including its territorial sea, a Marine Casualty or Marine Incident occurs.

“*Exclusive economic zone*” means the exclusive economic zone as defined by article 55 of the United Nations Convention on the Law of the Sea.

“*Flag State*” means a State whose flag a ship is entitled to fly.

“*High seas*” means the high seas as defined in article 86 of the United Nations Convention on the Law of the Sea.

“*Interested party*” means an Organization or individual who, as determined by the Marine Safety Investigating State(s), has significant interests, rights or legitimate expectations with respect to the outcome of a MSI.

“*International Safety Management (ISM) Code*” means the International Management Code for the Safe Operation of Ships and for Pollution Prevention as adopted by the Organization by Resolution A.741(18), as amended.

“*Less Serious Casualty*”, as defined in IMO MSC-MEPC.3/Circ.3, means a casualty to a vessel which do not qualify as a “very serious casualty” or “serious casualty” and for the purpose of recording useful information. For a Less Serious Casualty, the Owner's or Officers' own investigation will be sufficient. However, the Administrator may



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conduct an office-based investigation by correspondence and telephone to seek further details on the accident and may proceed to conduct a full investigation if there are important lessons to be learned.

“*Marine Casualty*” means an event, or a sequence of events, that has resulted in any of the following which has occurred directly in connection with the operations of a ships:

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

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

“*Marine incident*” means an event, or sequence of events, other than a Marine Casualty which has occurred directly in connection with the operations of a ship that endangered or, if not corrected, would have endangered the safety of the ship, its occupants or any other person or the environment. However, a Marine Incident does not include a deliberate act or omission with the intention to cause harm to the safety of a ship, an individual or the environment.

“*Marine Safety Investigation (MSI)*” means an investigation into a Marine Casualty or Marine Incident that is conducted with the objective of preventing marine casualties and marine incidents in the future. The investigation includes the collection and analysis of evidence, the identification of causal factors and the issuance of findings, conclusions and safety recommendations as necessary.

“*Marine Safety Investigating State(s)*” means the flag State or, where relevant, the State or States that take the responsibility for the conduct of the MSI as mutually agreed in accordance with the present requirements.

“*Seafarer*” means any person who is employed or engaged or works in any capacity on board a ship.

“*Marine Situation*” means an event that is not classified as a Marine Casualty or Marine Incident, but requires a marine investigation to be carried out. It includes an offense against the internal order of the vessel, or any act or failure to act that is contrary to the



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Act or Maritime Regulations, including any rules and regulations made pursuant to law and rules and regulations covered under any international conventions and agreements to which the Republic is a Party. This would include an act or intended act of armed robbery, piracy, hijacking, terrorism, barratry or revolt.

“*Offense against the Internal Order of the Vessel*” means any of the offenses specified in Section 845 of the Act.

“*Serious Casualty*”, as defined in IMO MSC-MEPC.3/Circ.3, means a casualty to a vessel which do not qualify as “very serious casualty” and which involve a fire, explosion, collision, grounding, contact, heavy weather damage, ice damage, hull cracking, or suspected hull defect, etc. resulting in:

1. immobilization of main engines, extensive accommodation damage, and severe structural damage, such as penetration of the hull under water, etc., which renders the vessel unfit to proceed, or
2. pollution, regardless of quantity; and/or
3. a breakdown necessitating towage or shore assistance.

For a Serious Marine Casualty, the Administrator shall conduct an office-based investigation by correspondence and telephone to seek further details on the accident and may proceed to conduct a full investigation if there are important lessons to be learned.

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

“*Severe Pollution*” means a case of pollution which, as evaluated by the affected Coastal State(s) or the flag Administration as appropriate, produces a major deleterious effect upon the environment or which would have produced such an effect without preventive action.

“*Substantially interested State*” means:

- a) a Flag State of a ship that is involved in a Marine Casualty or Marine Incident;  
or
- b) a Coastal State impacted by a Marine Casualty or Marine Incident,
  1. whose environment was severely or significantly damaged by a Marine Casualty, including the environment of its waters and territories recognized under international law;
  2. where the consequences of a Marine Casualty or Marine Incident caused, or threatened, serious harm to that State or to artificial islands,





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- installations, or structures over which it is entitled to exercise jurisdiction;  
or
3. where, as a result of a Marine Casualty, nationals of that State lost their lives or received serious injuries;
  - c) a State that has important information at its disposal that the Marine Safety Investigating State(s) consider useful to the investigation; or
  - d) a State that for some other reason establishes an interest that is considered significant by the Marine Safety Investigating State(s).

“*Territorial sea*” means territorial sea as defined by Section 2 of Part II of the United Nations Convention on the Law of the Sea (UNCLOS).

“*Very serious marine casualty*” means a marine casualty involving the total loss of the ship or a death or severe damage to the environment. In relation to Section 1309 of the Act, the Administrator shall conduct a full investigation of a Marine Casualty classified as a Very Serious Marine Casualty.

“*Voyage data recorder (VDR)*” means a ship device, which automatically records and stores information regarding movement parameters of the ship, the location of the ship, the physical state thereof and the surrounding environment as well as records and stores conversations on the navigation bridge in the form of an audio recording;

“*Investigation of Marine Incident*”. Although hazardous occurrences and near misses do not need to be reported by the Owner, but the Ship Registry Administrator encourages Owners and Masters to report them as important lessons can usually be learned from such incidents, which are just as relevant as those arising from accidents.

“*Investigation of Marine Situation*”. The Administrator may conduct an investigation depending on the seriousness of the Marine Situation.

## 5. NOTIFICATION

5.1 When a Marine Casualty occurs on the high seas or in an exclusive economic zone of a Country, the Administrator or his designee shall notify other Flag States affected as soon as is reasonably practicable.

5.2 Notification to other Flag States by the Administrator or his designee should be done promptly and shall not be delayed due to the lack of complete information.



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5.3 When a Palau-registered ship is involved in a marine casualty or a foreign-flagged ship is involved in a marine casualty in Palau's territorial waters, including the Exclusive Economic Zone, the owner, charterer, managing operator, Master or agent of a vessel shall make an initial notification to the Administrator or his designee at the earliest possible time. The mode of notification should be by the fastest possible means, including email, fax or telephone.

5.4 The initial notification referred to in 5.3 shall contain as much of the following information:

- The name of the ship and its Flag State,
- IMO Number,
- Nature of marine casualty,
- The location of the marine casualty,
- Time/date of marine casualty,
- Consequences of marine casualty to individuals, properties and the environment,
- The identification of any other ship involved,
- Confirmation that port or coastal state authorities have been notified, and
- Details for preferred contact, if other than the DPA.

## 6. DUTIES OF THE ADMINISTRATOR

6.1 The Administrator, upon receipt of a report of Marine Casualty, Marine Incident or Marine Situation, may carry out an investigation to determine the possible cause(s) or contributing cause(s) and whether there has been any act of misconduct, negligence or violation of law or regulation, so that appropriate action can be taken.

6.2 The Administrator or his designee may appoint an independent investigator(s) and bestow upon the independent investigator(s) the authority as may be required to carry out the investigation. The independent investigator shall have the working knowledge and experience in the subject areas pertaining to the investigation.

6.3 The Administrator may also enter into a memorandum of undertaking with other member States of the International Maritime Organization for cooperation and assistance between the parties in respect of marine investigation into a marine casualty or incident.

6.4 All investigation reports, including reports submitted to IMO and their accompanying investigative files, shall be kept by the Administrator for a period of five (5) years unless otherwise determined by the Administrator.



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## 7. RESPONSIBILITY OF THE OWNER

7.1 The owner(s) of a Palau-registered ship involved in a marine casualty or a foreign-flagged ship involved in a marine casualty in Palau's territorial waters, including the Exclusive Economic Zone, shall make the Initial Notification after such Marine Incident, Accident or Casualty to the Administrator. It is responsibility and duty of the Owner to contact Palau Ship Registry or Local Palau Port Authorities in order for the Marine Investigation to take place.

7.2 It is the duty of all owners and operators of vessels registered under Palau Flag to cooperate with the Administrator in the investigation of a Marine Casualty or a Marine Incident. Such cooperation includes being available to be interviewed; testifying orally or in writing; producing, when called upon, witnesses in their employ and relevant books, papers, documents and other Marine Safety Records in their possession; and permitting the Administrator or his duly designated representative(s) to board and examine vessels and their appurtenances.

7.3 Failure on the part of the owner to assist in the investigation or attempt to inhibit any marine investigation may result in:

- a) a suspension or revocation of the Certificate of Registry of the vessel directly involved or to any other vessel under the same Ownership; and/or
- b) a fine of not more than US\$25,000.

## 8. DUTIES OF SHIPBOARD PERSONNEL

8.1 It is the duty of Shipboard personnel to assist in an investigation conducted by the Administrator or person(s) authorized by him to carry out the investigation.

8.2 Failure on the part of the shipboard personnel to assist in the investigation or attempt to inhibit any marine investigation may result in the following:

- a) A suspension or revocation of any Seafarer License or other certification held;
- b) a fine of not more than US\$25,000

## 9. VOYAGE RECORDS

Owners and Ship Managers of a vessel involved in a Marine Casualty shall, unless otherwise instructed by the Administrator, retain for two (2) years the complete records of the voyage during which the casualty occurred as well as any other material which might reasonably be of assistance in investigating and determining the cause and scope of the Marine Casualty, including the Voyage Data Recorder (VDR) information and other automatically recorded data.





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## 10. QUALIFICATIONS AND TRAINING OF INVESTIGATORS

- 10.1 Marine Safety Investigations shall be conducted by the Administrator which will appoint Marine Investigators to carry out the Marine Safety Investigation.
- 10.2 The Administrator shall appoint Marine Investigators based on the criteria outlined in Resolution A.996(25). Such Marine Investigators shall have expertise in Marine Casualty Investigation and be knowledgeable in matters relating to the Marine Casualty or Incident. Areas of expertise need to include evidence collection techniques, interviewing techniques, analysis techniques and the identification of human and organizational factors in Marine Casualties and Incidents.
- 10.3 All Marine Investigators attending a Marine Casualty site should have sufficient knowledge in personal safety, taking particular note that the hazards present at a casualty site may well be beyond those encountered in normal ship operations.
- 10.4 The Administrator will provide Marine Investigators with required documentation, including Checklists and Report formats for carrying out Marine Safety Investigations.
- 10.5 Marine Investigator(s) carrying out a Marine Safety Investigation shall be impartial and objective. The Marine Investigator shall be able to report on the results of an MSI without direction or interference from any persons or organizations who may be affected by its outcome.
- 10.6 Appointed Marine Investigators have the right to obtain all the information necessary thereto, and
  - 10.6.1 have free access to any relevant area, the ship (including any place on the ship), and/or to the wreck of the ship;
  - 10.6.2 perform listing of items related to the Marine Casualty or Incident (for example, polluting substances or ship parts) and collection for further analysis thereof;
  - 10.6.3 have free access to any documents, including log books, expert opinions, examination deeds of Classification Societies and institutions performing control functions, as well as to copy and have use of these documents. Entries made by electronic information carriers (i.e. VDR and AIS) and itemized list thereof, as well as audio recordings and video recordings, shall be deemed documents in the sense of evidence;



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- 10.6.4 interview witnesses without being present any person whose interests could be considered as hampering the discovering of the causes of the relevant casualty or incident;
- 10.6.5 call for and receive the assistance of seafarers and other persons related to the casualty as well as employees of the relevant State Authorities, including Flag-State and Port-State surveyors, coastguard officers, vessel traffic service operators, employees of search and rescue teams, pilots and other persons;
- 10.6.6 Make video recordings and audio recordings during investigatory activities;
- 10.6.7 Request the performance of an expert-examination of the items related to the Marine Casualty or Incident (for example, polluting substances or ship parts).

## 11. INVESTIGATIONS

- 11.1 After receipt of a Notification regarding a Marine Casualty or a Marine Incident, a preliminary Marine Safety Investigation shall be conducted by the Administrator so that the Marine Casualty or Marine Incident may be evaluated and categorized to provide for subsequent and appropriate action to be taken by the Administrator in accordance with the Casualty Investigation Code and these requirements.
- 11.2 If a very serious Marine Casualty has occurred, a Marine Safety Investigation shall be carried out.
- 11.3 If a serious Marine Casualty, less serious Marine Casualty or Marine Incident has occurred, the Administrator will assess the usefulness of a Marine Safety Investigation, taking into consideration the level of seriousness of the Marine Casualty or Incident, the type of ships and cargo involved, and whether the results of the relevant investigation may help to prevent Marine Casualties and Incidents in the future.
- 11.4 If the Administrator, in accordance with section 11.3, decides not to conduct its own Marine Safety Investigation, it may assign the conducting of the relevant investigation to the shipping company of the ship involved in the Marine Casualty or Incident, which shall provide the materials relating to the investigation of the relevant Marine Casualty or Incident to the Administrator after the investigation is completed.
- 11.5 A Marine Safety Investigation should not be biased to ensure the free flow of information to it and, in order to achieve independence, the investigator(s) carrying out an MSI should have functional impartiality from:
  - the parties involved in the Marine Casualty or Marine Incident;
  - anyone who may make a decision to take administrative or disciplinary action against an individual or organization involved in a Marine Casualty or Marine Incident; and



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- judicial proceedings.
- 11.6 An Investigation shall be commenced as soon as possible, but not later than one month after the relevant Marine Casualty or Incident has taken place taking into account the time needed to remove the vessel from the casualty place or make the vessel available for the investigation.
- 11.7 The Investigation can include inspection of the ship/ships involved, fairway where the Casualty or Incident occurred, underwater survey and filming of the wreckage of a ship. Photo and/or video recording of the site prior to removal of any evidence is a high priority.
- 11.8 During the Marine Safety Investigation, investigators should aim to gather and record all the evidence and factual data which may be of interest within the scope of the Investigation. Physical and documentary evidence and witness statements should be gathered not only at the casualty site, but also from all other sources required to fully explain the accident events and their contributing factors (e.g. operation, management, inspection and regulation).
- 11.9 Evidence collection also needs to be broad enough to cover the human, organizational and environmental factors in relation to the Casualty or Incident. If a human and organizational factor specialist is required, it is essential to include this expert as early as possible in the investigation team.
- 11.10 Marine Investigators shall interview persons as soon as possible after a Marine Casualty or Incident. Particular consideration shall be taken in relation to seafarers so that the operations of the ship or repatriations of seafarers are not delayed.
- 11.11 Before interviewing any person, the Marine Investigators shall inform him or her regarding the substance and foundation of the investigation as well as:
- 10.11.1 the potential risk that the person may be incriminated in criminal acts due to the testimony which he or she will give within the scope of the investigation;
  - 10.11.2 the right not to testify against himself or herself and not to give any testimony at all; and
  - 10.11.3 protection which the person may receive so that any testimony given by him or her within the scope of the investigation will not be used against him or her.



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11.12 The Administrator shall provide the person to be interviewed with an opportunity to receive legal advice in relation to the risk referred in section 11.11 above and the consequences arising therefrom.

11.13 Parallel Investigations can occur when separate MSIs are undertaken by two or more Flag States at the same time. The Administrator shall seek, where possible, to coordinate the timing of its investigation with those of either the Marine Safety Investigating State or other Substantially Interested State(s) to avoid conflicting demands upon witnesses and to provide for reasonable access to evidence.

## 12. INTERNATIONAL COOPERATION

12.1 If the Casualty or Incident involves substantial interests of more than one State, the States should quickly reach an Agreement on Cooperation. This Agreement may include, but not be limited to:

- a) ensuring that the objectives of each participating State is in accordance with the Casualty Investigation Code;
- b) which State will lead the investigation;
- c) the possibilities of share casualty information and drafting Safety Investigation reports in accordance with chapter 13 of the Code with regard to national legislations on confidentiality as well as the potential risk of safety investigation findings being used in criminal and civil trials or other judicial proceedings; and
- d) distribution of costs related to the Investigation, if applicable.

12.2 If in accordance with the Agreement referred in section 12.1 above, the Administrator becomes the lead investigating State:

12.2.1 the Administrator shall, upon conducting the relevant Investigation, co-operate with the competent Authorities of other substantially interested States and shall take into account the opinion of such Authorities; and

12.2.2 within the scope of the relevant Investigation, the competent Authorities of other substantially interested States shall have the same rights as the Administrator.

12.3 If an Agreement referred to in 12.1 cannot be reached, the Administrator, together with the other involved States, should seek to share factual information to the greatest extent possible.

12.4 The Administrator, upon mutual Agreement with the competent Authority of another State, may delegate the authority to perform the management of the relevant investigation or a separate task related thereto to the other State.



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## 13. REVIEWING OF DOCUMENTS, PROCEDURES AND RECORDS

- 13.1 Documents to be reviewed can include personal and ship-related Certificates, reports from the ship's Classification Society, maintenance records, the Master's standing orders, etc.. An assessment may also be made of the company's Safety Management System from its safety policy through to its implementation within the organization.
- 13.2 Inspection of Casualty Site can include inspection of the ship/ships involved, fairway where the casualty or incident occurred, underwater survey and video recording of the wreckage of the ship(s). Photo and/or video recording of the site prior to removal of any evidence is a high priority.
- 13.3 Gathering or Recording Physical Evidence can include data from VDR, electronic charting systems, central fire alarm units, nautical charts and/or weather forecasts obtained on board and from logbooks. Physical evidence can also include technical samples of oil, paint or fire residues, broken parts, etc. and information from CCTVs, VTS, AIS, etc..

## 14. REPORTING

- 14.1 Preliminary MSI Report shall be sent by the Marine Investigator and should be received within 30 days from the start of the investigation. Administrator will review the draft and provide any additional information or assistance for the Final Report to be issued.
- 14.2 The Marine Investigator, together with the Administrator, shall prepare an Investigation Report on the Investigation conducted in accordance with this Marine Notice.
- 14.3 If during an Investigation the Administrator establishes that the results of the relevant Investigation, except an Investigation into very serious and serious Marine Casualties, cannot help in achieving the objective of the Investigation, the Administrator may prepare a Formal Notification without a detailed Analysis and Recommendations therein.
- 14.4 The Marine Investigator shall submit the final version of the Casualty Report to the Administrator. The Administrator will review the Report and submit it to the IMO as deemed necessary. The final Report should be submitted within 12 months after the relevant Marine Casualty or Incident.





# Palau International Ship Registry



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14.5 A copy the Report shall be sent to:

- the subjects involved in the casualty;
- the subjects to whom safety recommendations are addressed;
- any other subject, which in the opinion of the Administrator could find the report useful; and
- to the International Maritime Organization.

14.6 After the initial notification stated in paragraph 5.3 above, the owner shall forward to the Administrator or an official who is authorized to act on behalf of the Administrator a copy of the Report of Marine Casualty, Marine Incident or Marine Situation in the form prescribed in Annexes I/II. The report shall be completed and signed by the Master or the next officer in command of the vessel or the Owner. A Report of Marine Casualty, Marine Incident or Marine Situation shall be submitted whenever there is:

- loss of life or major injury to any person causing the person to remain incapacitated for a period in excess of 72 hours;
- the actual or presumed loss or abandonment of a vessel;
- collision, grounding or disablement of a vessel;
- material damage to any property, which includes damage to the vessel and/or to fixed or floating objects in excess of US\$100,000;
- failure of gear and equipment or any other damage which might affect or impair the seaworthiness of the vessel;
- all casualties involving life-saving appliances whether or not there are injuries or loss of life, or whether the life-saving appliances are used for drills or emergencies;
- spillage of 50 or more tons of oil or harmful substances;
- hazardous occurrences and near misses if there are important lessons to be learned;
- an act or intended act of armed robbery, piracy, hijacking, or terrorism;
- an Offense Against the Internal Order of the Vessel, if any;
- Fire; or
- Explosion

14.7 Where there is a failure to execute and file a report as required, the Master and Owner shall each be liable to a fine of US\$5,000 and US\$25,000 respectively upon notice from the Administrator.

14.8 In all cases, the Master or shipowner shall submit a report to the Administrator of any instance of an offense or criminal act.



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14.9 When the proceedings of any investigation have been concluded, there shall be a preliminary report produced by either the investigator(s), who can either be an independent party or a staff from the office of the Administrator. This report would include preliminary findings, conclusions, and any recommendations for appropriate action. The Administrator may also forward this preliminary report to Interested Parties at his discretion.

14.10 The Administrator may:

- (1) Adopt the preliminary report as the final report and carry out its recommendations, if any; or
- (2) Return the preliminary report to the investigator for further investigation or revision as appropriate.

14.11 The Administrator shall submit

- (1) a final full investigation report to IMO for “Very Serious Marine Casualty” involving a vessel registered under the Republic or for “Very Serious Marine Casualty” being investigated by the Republic as a “Substantially Interested State” as defined in IMO Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident and in accordance with IMO Resolution MSC 55(84);
- (2) a final full investigation report to IMO for other Marine Casualties and Marine incidents where there are important lessons to be learned and which may prevent or mitigate the severity of such Marine Casualties or Marine Incidents in the future;
- (3) information as per Annexes 1, 2 and 3 of the attached reporting formats in MSC-MEPC.3/Circ.3 for “Very Serious Marine Casualty” and “Serious Marine Casualty”; and
- (4) information as per Annex 10 of the attached reporting format in MSC-MEPC.3/Circ.3 for all casualties involving lifesaving appliances whether or not there are injuries or loss of life or whether or not the lifesaving appliances are used for drills or emergencies.

14.12 Should the Administrator be hindered during the course of an investigation due to withholding of information which may frustrate, delay or prevent the submission of a full investigation report to the IMO as required, nothing contained in this Marine Notice shall be construed to stop the Administrator from submitting an interim report of causal factors as they may appear along with recommendations based upon the information available to satisfy this obligation.



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## 15. NON-DISCLOSURE OF INFORMATION

15.1 The Administrator shall not disclose the following information:

15.1.1 the details obtained during interviewing persons;

15.1.2 information allowing the identification of a person who has given a testimony or a person who is involved in the marine casualty or incident;

15.1.3 sensitive personal data; and

15.1.4 information contained in photographs, audio recordings, video recordings, recordings of the voyage data recorder (VDR), except if they have been appended to the report. The information contained in recordings of the voyage data recorder (VDR) shall be disclosed to law enforcement institutions upon their request.

15.2 While the Report has not been completed, the Administrator or his designee may disclose only general facts that have already been ascertained about the Marine Casualty or Incident and that has occurred, i.e. what happened, where and when did the Marine Casualty or Incident occur, and what are the consequences of the relevant event.

## 16. CONTACT DETAILS

16.1 Every Marine Casualty that occurs outside of the Republic's EEZ shall be reported to the Administration by email at [MSI@palaureg.com](mailto:MSI@palaureg.com) as soon as possible.

16.2 Every Marine Casualty that occurs within Palau's territorial waters or EEZ shall be reported to the Administration at telephone +680 488 4343 or by email at [dot@palaunet.com](mailto:dot@palaunet.com).

## 17. ATTACHMENTS:

- **ANNEX I – Marine Casualty Report**
- **ANNEX II – Personal Injury Report Loss of Life**
- **ANNEX III – Wind Force (Beaufort Scale)**
- **ANNEX IV – Sea State (Douglas Scale, Visibility Scale and Light Scale)**
- **ANNEX V – Specific Information Required**



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## ANNEX I - Marine Casualty Report



**Europe Head Office**  
5, Sachtouri Street  
Piraeus, Greece,  
18536, 6th floor  
T: +30 210 4293500  
F: +30 210 4293505

### MARINE CASUALTY REPORT

**USA Head Office**  
The Woodlands, TX, 77380  
9595 Six Pines Drive,  
Suite 8210, Office 277  
T: +1 832 631 6061  
F: +1 832 631 6001

### REPORT OF MARINE INCIDENT OR MARINE CASUALTY INSTRUCTIONS

1. An original of this form shall be submitted to Palau International Ship Registry as soon after the occurrence of the casualty as possible.
2. This form must be completed in full. Entries which do not relate to a particular case should be indicated as not applicable by inserting the initials "N/A".
3. This form should be completed by the Master or person in charge, or, if neither is available, by the owner or his duly authorized agent.
4. The crew list and copy of valid statutory certificates should be attached to this form.
5. An additional form (PERSONAL INJURY REPORT OR LOSS OF LIFE) is to be submitted for each person killed or injured and incapacitated in excess of 72 hours as a result of the vessel casualty reported herein.

### PART 1. VESSEL PARTICULARS

Vessel Name:		IMO Number:	
Vessel Flag:		Vessel Type:	
Port of Registry:		Call Sign:	
Year of Build:		Keel Laying Date:	
Country/City of Build:		Builder/Shipyard:	
Date of Conversion:		Place of Conversion:	
Hull Material:		Decks:	
Length:		Depth:	
Breadth:		Net Tonnage:	
Gross Tonnage:		Deadweight:	
Propeller Power (Kw):		Number of Engines:	
Engine Maker:		Type of Engines:	
Propulsion Type:	<input type="checkbox"/> Propeller / <input type="checkbox"/> Non-Propeller		
Dynamain Position Fitted:	<input type="checkbox"/> Yes / <input type="checkbox"/> No		



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## PART 2. OWNERS AND BAREBOAT CHARTER(S) PARTICULARS

### 2.1 INDIVIDUAL OR COMPANY OWNER(S) PARTICULARS

	First (or only) Owner	Second Owner	Third Owner
Owner Name			
IMO ID			
Address			
Town/City			
Country			
Post/Zip Code			
Telephone			
Fax			
Email			
Ownership(100%)			

### 2.2 BAREBOAT CHARTERS

	First (or only) Bareboat Charterer	Second Bareboat Charterer	Third Bareboat Charterer
BBC Name			
IMO ID			
Address			
Town/City			
Country			
Post/Zip Code			
Telephone			
Fax			
Email			

## PART 3. CLASSIFICATION AND RECOGNIZED ORGANIZATION

Classification Society:	
Recognized Organization:	

## PART 4. INTERNATIONAL SAFETY MANAGEMENT (ISM)

Is ISM Applicable?  Yes  No  Voluntary





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Appointed RO to Issue ISM DOC and SMC:

## 4.1 ISM COMPANY DETAILS

ISM Company Name	
IMO ID	
Address	
Town/City	
Country	
Post/Zip Code	
Telephone	
Fax	
Email	

## 4.2 DESIGNATED PERSON ASHORE (DPA) DETAILS

Name:	
24 Hours Telephone	
Email	

## 4.3 ALTERNATE DESIGNATED PERSON ASHORE (ADPA) DETAILS

Name:	
24 Hours Telephone	
Email	

## 4.4 DESIGNATED PERSON (DP) DETAILS (IN CASE OF VOLUNTARY ISM COMPLIANCE)

Name	
24 Hours Telephone	
Email	

## 4.5 ALTERNATE DESIGNATED PERSON (ADP) DETAILS (IN CASE OF VOLUNTARY ISM COMPLIANCE)

Name:	
24 Hours Telephone	
Email	

## PART 5. INTERNATIONAL SHIP AND PORT SECURITY (ISPS)



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Is ISPS Applicable?

Yes

No

Voluntary

Appointed RSO to Issue ISSC:

## 5.1 COMPANY SECURITY OFFICER (CSO) DETAILS

Name of CSO	
Address	
Town/City	
Country	
Post/Zip Code	
24 Hours Telephone	
Fax	
Email	

## 5.2 ALTERNATE COMPANY SECURITY OFFICER (ACSO) DETAILS

Name of Alternate CSO	
Address	
Town/City	
Country	
Post/Zip Code	
24 Hours Telephone	
Fax	
Email	

## PART 6. MARITIME LABOUR CONVENTION, 2006 (MLC)

Is MLC Applicable?

Yes

No

Voluntary

Appointed RO to Issue MLC:

## PART 7. MASTER OR PERSON IN CHARGE PARTICULARS

Master Name	
Master Surname	
Date of Birth	
License Grade:	
License Number:	



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Citizenship	
Telephone	
Fax	
Email	

## PART 8. MARINE INCIDENT OR MARINE CASUALTY PARTICULARS

Incident Date:		Local Time:	
Casualty Location:		Body of Water:	
Port of Departure: (if incident occurred underway)		Date of Departure:	
Scheduled Arrival Port:		Estimated Date of Arrival:	
Nature of Cargo (Dry, Bulk Liquid, Deck Cargo, etc) and amounts in Tons			
Speed in knots prior to Casualty		Draft Forward and Aft	

### CONDITIONS DURING INCIDENT

Time of Day	Atmospheric Conditions		Visibility
<input type="checkbox"/> Day <input type="checkbox"/> Night <input type="checkbox"/> Twilight	<input type="checkbox"/> Clear/Partly Cloudy <input type="checkbox"/> Overcast <input type="checkbox"/> Fog	<input type="checkbox"/> Rain <input type="checkbox"/> Snow <input type="checkbox"/> Other:	<input type="checkbox"/> Less than 1 NM <input type="checkbox"/> 1-2 NM <input type="checkbox"/> 2-5 NM <input type="checkbox"/> Over 5 NM
Wind Force:		Direction:	
Swell Height		Direction:	

Navigation Equipment (Check as applicable)	Radar	<input type="checkbox"/> Operational	<input type="checkbox"/> Used
	ARPA	<input type="checkbox"/> Operational	<input type="checkbox"/> Used
	ECDIS	<input type="checkbox"/> Fitted <input type="checkbox"/> Operational	<input type="checkbox"/> Primary Chart



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Communication Equipment (Check as applicable)	Radiotelephone	<input type="checkbox"/> In use with other vessels
		<input type="checkbox"/> In use with shore stations
		<input type="checkbox"/> Not Used
	DSC Alert	<input type="checkbox"/> Transmitted
		<input type="checkbox"/> Acknowledge by another vessel
		<input type="checkbox"/> Acknowledge by Shore Station

Voyage Data Records (VDR / SVDR)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Manufacturer / Model		

Rules of the Road Applicable at Time of Casualty	<input type="checkbox"/> International/COLREG
	<input type="checkbox"/> Other (Specify)

Deck Officer on Duty at time of Incident	
Name:	
License Grade:	
License Number:	

Engineer Officer on Duty at time of Incident	
Name:	
License Grade:	
License Number:	
In UMS Mode	<input type="checkbox"/> Yes <input type="checkbox"/> No

## PART 9. NATURE OF INCIDENT OR CASUALTY (CHECK ONE OR MORE AS APPLICABLE)

<input type="checkbox"/>	Collision with another Vessel(s): Provide Name and Flag of other vessels:		
	Other Vessel Name:	Vessel Flag:	
	Other Vessel Name:	Vessel Flag:	
	Other Vessel Name:	Vessel Flag:	
<input type="checkbox"/>	Contact with Floating, submerged or fixed Object: Please specify:		



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<input type="checkbox"/>	Fire / Explosion
<input type="checkbox"/>	Main Engine Malfunction / Failure
<input type="checkbox"/>	Over-pressurization / Implosion
<input type="checkbox"/>	Ice Damage
<input type="checkbox"/>	Grounding / Stranding
<input type="checkbox"/>	Steering Malfunction / Failure
<input type="checkbox"/>	Sinking
<input type="checkbox"/>	Machinery Damage (auxiliaries, boilers, electrical)
<input type="checkbox"/>	Loss of Stability / Compromised Stability
<input type="checkbox"/>	Material Damage (ship structure)
<input type="checkbox"/>	Flooding
<input type="checkbox"/>	Critical Equipment Failure / Damage (Lifesaving, etc)
<input type="checkbox"/>	Heavy weather Damage
<input type="checkbox"/>	Environmental Incident
<input type="checkbox"/>	Other incident / Casualty (Describe)

## PART 10. CAUSE OF INCIDENT/CASUALTY (CHECK ONE OR MORE AS APPLICABLE)

Personnel Fault	
<input type="checkbox"/>	Failure to comply with Regulations
<input type="checkbox"/>	Failure to obtain ship's position or course
<input type="checkbox"/>	Improper watchkeeping or lookout
<input type="checkbox"/>	Improper maintenance
<input type="checkbox"/>	Incorrect operation
<input type="checkbox"/>	Failure to secure closing arrangements
<input type="checkbox"/>	Improper stowage of cargo
<input type="checkbox"/>	Improper loading or overloading
<input type="checkbox"/>	Incorrect ballasting
<input type="checkbox"/>	Negligence
<input type="checkbox"/>	Illicit smoking or use of smoking materials or uncontrolled use of heat source





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<input type="checkbox"/>	Inadequate training
<input type="checkbox"/>	Unable to fulfil duties
<input type="checkbox"/>	Other:

## Failure of ship, its machinery or equipment

<input type="checkbox"/>	Propulsion machinery
<input type="checkbox"/>	Essential ancillary
<input type="checkbox"/>	Steering gear
<input type="checkbox"/>	Navigational or communication equipment
<input type="checkbox"/>	Closing arrangements
<input type="checkbox"/>	Structural failure
<input type="checkbox"/>	Hull fittings or shaft seals
<input type="checkbox"/>	Subdivision arrangements
<input type="checkbox"/>	Bilge pumping
<input type="checkbox"/>	Spontaneous combustion
<input type="checkbox"/>	Component failure
<input type="checkbox"/>	Other:

## Not related to ship

<input type="checkbox"/>	Force of wind, tide or current
<input type="checkbox"/>	Failure to provide instructions, charts or nautical publications
<input type="checkbox"/>	Failure of aids to navigation
<input type="checkbox"/>	Uncharted obstruction
<input type="checkbox"/>	Weather damage
<input type="checkbox"/>	Faulty design or construction
<input type="checkbox"/>	Blame (in whole or part) attributed to third party
<input type="checkbox"/>	Arson
<input type="checkbox"/>	Unknown
<input type="checkbox"/>	Other:



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## PART 11. PERSONNEL

	Crew	Passenger	Other	Totals
Number on Board				
Number Known Dead				
Number Missing				
Number Injured				

## PART 12. ENVIRONMENTAL INCIDENTS (COMPLETE ONLY FOR ACTUAL OR POTENTIAL RELEASES)

<input type="checkbox"/> Bunkers	<input type="checkbox"/> Ship's Stores	<input type="checkbox"/> Cargo
<input type="checkbox"/> Other (Specify)		
Material Released:		
Quantity (m <sup>3</sup> /tonnes):		
Is Vessel a total loss?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

## PART 13. DESCRIPTION OF CASUALTY – PLEASE DESCRIBE WHAT HAPPENED, INCLUDING THE SEQUENCE OF EVENTS LEADING TO THE CASUALTY. ATTACHED DIAGRAM AND ADDITIONAL SHEETS IF NECESSARY.

## PART 14. VESSEL OPERATOR'S INVESTIGATION / REVIEW

<input type="checkbox"/> Not Planned	<input type="checkbox"/> In Progress	<input type="checkbox"/> Completed
--------------------------------------	--------------------------------------	------------------------------------

Note: Completion of section 14 and 15 are not necessary at this time if the Operator's Investigation is in progress. The information can be submitted to Palau International Ship Registry once the investigation is completed.

## PART 15. CASUALTY ANALYSIS / LESSONS LEARNED PLEASE DESCRIBE WHY THE CASUALTY HAPPENED AND LESSONS LEARNED. ATTACHED ADDITIONAL SHEETS IF NECESSARY.



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**PART 16. CORRECTIVE / PREVENTIVE ACTIONS**  
**PLEASE DESCRIBE CORRECTIVE ACTIONS TAKEN AFTER THE INCIDENT AND/OR**  
**THOSE THAT ARE PLANNED TO BE TAKEN IN ORDER TO PREVENT SIMILAR**  
**INCIDENTS AS WELL AS ANY RECOMMENDATIONS FOR THE ADMINISTRATOR.**

Date of Report:	
Submitted by (Print Name):	
Signature:	
Title:	



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## ANNEX II - Personal Injury Report Loss of Life



### PERSONAL INJURY REPORT OR LOSS OF LIFE

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### INSTRUCTIONS

1. An original of this form shall be submitted to Palau International Ship Registry as soon after the occurrence of the casualty as possible.
2. This form must be completed in full. Entries which do not relate to a particular case should be indicated as not applicable by inserting the initials "N/A".
3. This form should be completed by the Master or person in charge, or, if neither is available, by the owner or his duly authorized agent.
4. The crew list and copy of valid statutory certificates should be attached to this form.

### PART 1. VESSEL PARTICULARS

Vessel Name:		IMO Number:	
Vessel Flag:		Vessel Type:	
Port of Registry:		Call Sign:	

### PART 2. OWNER AND OPERATOR PARTICULARS

Owner Name		Operator Name	
IMO ID		IMO ID	
Address		Address	
Town/City		Town/City	
Country		Country	
Post/Zip Code		Post/Zip Code	
Telephone		Telephone	
Fax		Fax	
Email		Email	

### PART 3. PARTICULARS OF THE PERSON(S) INJURED, DECEASED OR MISSING





# Palau International Ship Registry



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## Witnesses to Accident (at least two (2) if possible)

Name:		Name:	
Address:		Address:	
Doctor Contacted?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
When medical response was obtained:			
By whom:			
Treatment Administered			
Name and address of Hospital if person was hospitalized			

## PART 13. VESSEL OPERATOR'S INVESTIGATION / REVIEW

Not Planned       In Progress       Completed

Note: Completion of section 41 and 42 are not necessary at this time if the Operator's Investigation is in progress. The information can be submitted to Palau International Ship Registry once the investigation is completed.

## PART 14. CASUALTY ANALYSIS / LESSONS LEARNED

PLEASE DESCRIBE WHY THE CASUALTY HAPPENED AND LESSONS LEARNED. ATTACHED ADDITIONAL SHEETS IF NECESSARY.

## PART 14. CORRECTIVE / PREVENTIVE ACTIONS

PLEASE DESCRIBE CORRECTIVE ACTIONS TAKEN AFTER THE INCIDENT AND/OR THOSE THAT ARE PLANNED TO BE TAKEN IN ORDER TO PREVENT SIMILAR INCIDENTS AS WELL AS ANY RECOMMENDATIONS FOR THE PALAU SHIP REGISTRY ADMINISTRATOR. ATTACHED ADDITIONAL SHEETS IF NECESSARY.

Date of Report:





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Submitted by (Print Name):	
Signature:	
Title:	



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## ANNEX III – Wind Force (Beaufort Scale)

(Information on how to complete certain brackets in Table I. NOT TO BE RETURNED)

Force	Description	Equivalent speed in Knots	Mean speed in Knots	Equivalent speed in m/sec	Equivalent speed in Km/h	Specification
0	Calm	00	00	0 - 0,2	01	Sea like a mirror
1	Light Air	01 - 03	02	0,3 - 1,5	01 - 05	Ripples with the appearance of scales are formed, but without foam crests.
2	Light breeze	04 - 06	05	1,6 - 3,3	06 - 11	Small wavelets, still short, but more pronounced. Crests have a glassy appearance and do not break.
3	Gentle	07 - 10	09	3,4 - 5,4	12 - 19	Large wavelets. Crests begin to break. Foam of glassy appearance. Perhaps scattered white horses.
4	Moderate	11 - 16	13	5,5 - 7,9	20 - 28	Small waves, becoming larger; fairly frequent white horses.
5	Fresh	17 - 21	19	8,0 - 10,7	29 - 38	Moderate waves, taking a more pronounced long form; many white horses are formed. Chance of some spray.
6	Strong	22 - 27	24	10,8 - 13,8	39 - 49	Large waves begin to form; the white foam crests are more extensive everywhere. Probably some spray.
7	Near Gale	28 - 33	30	13,9 - 17,1	50 - 61	Sea heaps up and white foam from breaking waves begins to be blown in streaks along the direction of the wind.
8	Gale	34 - 40	37	17,2 - 20,7	62 - 74	Moderately high waves of greater length; edges of crests begin to break into spindrift. The foam is blown in well-marked streaks along the direction of the wind.
9	Strong gale	41 - 47	44	20,8 - 24,4	75 - 88	High waves. Dense streaks of foam along the direction of the wind. Crests of waves begin to topple, tumble and roll over. Spray may affect visibility.



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10	Storm	48 - 55	52	24,5 - 28,4	89 - 102	Very high waves with long over-hanging crests. The resulting foam, in great patches, is blown in dense white streaks along the direction of the wind. On the whole the surface of the sea takes on a white appearance. The 'tumbling' of the sea becomes heavy and shock-like. Visibility affected.
11	Violent	56 - 63	60	28,5 - 32,6	103 - 117	Exceptionally high waves (small and medium-size ships might be for a time lost to view behind the waves). The sea is completely covered with long white patches of foam lying along the direction of the wind. Everywhere the edges of the wave crests are blown into froth. Visibility affected.
12	Hurricane	64 and above		32,7 and above	118 and above	The air is filled with foam and spray. Sea completely white with driving spray; visibility very seriously affected.
<b>Unknown</b>						

## WIND FORCE (BEAUFORT SCALE)



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## ANNEX IV – Sea State (Douglas Scale, Visibility Scale and Light Scale)

### SEA STATE (DOUGLAS SCALE)

0	Calm glassy	00 m
1	Calm rippled	0 – 0.1 m
2	Smooth	0.1 – 0.5 m
3	Slight	0.5 – 1.25 m
4	Moderate	1.25 – 2.5 m
5	Rough	2.5 – 4.0 m
6	Very rough	4.0 – 6.0 m
7	High	6.0 – 9.0 m
8	Very high	9.0 – 14.0 m
9	Phenomenal	+14.0 m
<b>Unknown</b>		

### VISIBILITY SCALE

Very poor	Vis. < 0.5 nm
Poor	0.5 ≤ Vis. ≤ 2.0 nm
Moderate	2.0 ≤ Vis. ≤ 5.0 nm
Good	5.0 ≤ Vis. ≤ 25.0 nm
Very good	Vis. ≥ 25.0 nm
Unknown	

### LIGHT SCALE

Daylight
Twilight
Night
Unknown



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## ANNEX V – Specific Information Required

As noted in Section 13.6 of the above Mandatory Requirements, specific information is required for some Marine Casualties and Marine Incident as listed below. The information should be included when submitting a Casualty Notification to Administrator in order to properly cooperate the Marine Investigation.

- Death (crew member) – regardless of cause
  - Copy of the autopsy report;
  - Copy of other documents received from local authorities in the port where the body of the deceased is landed ashore; and
  - Copy of the police report, if available
- Death (third party) – regardless of cause
  - Copy of other documents received from local authorities in the port where the body of the deceased is landed ashore; and
  - Copy of the police report, if available
  - Copy of ship's doctor's report (cruise ships)
- Serious injury (not fit for duty for more than 72 hours) crew member:
  - Medical / fitness for duty report
- Serious injury (third party)
  - Copy of applicable pages from visitor log; and
  - Copy of permits to work or similar documentation for third party personnel working onboard.
- Hull / Equipment / Machinery damage or malfunction
  - Class damage survey report

- Fire / explosion

The follow-up report should include as much information as possible, including:

- Location of the fire / explosion on board;
- Time from detection of fire to when first fire hose or extinguisher at the scene;
- How the fire / explosion was detected, and by whom;
- Action taken to extinguish the fire;
- Time required to extinguish and bring the fire under control;
- The nature of any impacts to passengers (passenger vessel's);
- The nature of any impacts to cargo or; and,
- Any other information that may be helpful to prevent other fires;



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- Flooding

The follow up report should include as much information as possible, including:

- Spaces affected;
- How the flooding was detected;
- Action taken to control or stop the flooding;
- Time required to control or stop the flooding; and
- The nature of any impacts to cargo or vessel operations

