



Bundesstelle für Seeunfalluntersuchung

Federal Bureau of Maritime Casualty Investigation

Federal Higher Authority subordinated to the Ministry of
Transport and Digital Infrastructure

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Date

E-Mail: posteingang-bsu@bsh.de 8 December 2015

Press Release 18/15

The Federal Bureau of Maritime Casualty Investigation (BSU) hereby gives notice that it withdraws from the investigation involving the very serious marine casualty of the NORMAN ATLANTIC, which occurred on 28.12.2014, with immediate effect. At the same time, the investigation involving the very serious marine casualty of the COSTA CONCORDIA on 13.01.2012 is concluded as well.

NORMAN ATLANTIC

A fire broke out on board the RoPax-vessel NORMAN ATLANTIC (ferry carrying passengers, trucks and passenger cars) flying the Italian flag, during the passage from Igoumenitsa (Greece) to Ancona (Italy) in the early morning of 28.12.2014, approximately 14 nm off the Albanian coast. The fire spread rapidly. The rescue operation proved difficult due to high swell and strong winds. According to official figures 14 people died as a consequence of the accident, one of which was a German citizen and two of which used to live in Germany.

Italy made clear from the outset that a marine casualty investigation will be conducted there and that it Italy intends to take the lead. This is common practice and does not merit any criticism.

However, because of the casualties Germany is a substantially interested state and therefore entitled and obliged to conduct an investigation or to participate in the investigation, respectively. The same applies to Greece. Therefore Co-operation with the Italian and Greek colleagues was immediately agreed upon after the accident became known.

Co-operation with these authorities proceeded perfectly. However, it had to be noted that the legal position in Italy does not permit an objective technical accident investigation because of its absolute prioritization of criminal proceedings. That

means that the vessel was seized by the public prosecutor's office, so that this authority and later on the competent court possessed the sole power of disposition with respect to the vessel and all objects on board.

Altogether, it is to be stated, that the investigators of the three states involved could not move freely and unhindered on board the vessel. Access to the particularly relevant areas such as the engine room or the auxiliary diesel room was only granted to a limited extent or prohibited at all.

Moreover, it was not allowed to carry out a detailed inspection of the components in these areas. Insofar, it is not possible to make any statements as to the technical condition of components or tank levels. This would be of particular importance for the verification of the statements given with respect to the operability of the emergency diesel generator or the auxiliary diesel or the fire pumps. No findings can be made with regard to the scene where the fire broke out, since the vehicle decks 3 and 4 were not freely accessible. Given these circumstances the BSU does not consider a further participation in the investigation promising.

COSTA CONCORDIA

32 people, 12 of which were German citizens, died as a consequence of the accident involving the COSTA CONCORDIA on 13.01.2012 off the island of Giglio. In the first 10 month after the accident an investigation was not possible at all, because the Italian public prosecutor's office did not permit an investigation. However, the Italian investigation authority published an investigation report in May 2013. This report did not comprise findings of the Italian investigators, but was largely based on the findings gained from the public prosecutor. Accordingly, the overall response to the report was negative, since it did not satisfy the severity and complexity of the accident.

Since the BSU considered further investigations necessary, it was at least attempted to throw some light on the case. However, it was not possible to conduct an investigation complying with European law to any extent, since the public prosecutor's office, then the criminal law and finally other authorities have the sovereignty with regard to complete procedure when such a severe accident has occurred, whereas the accident investigation authorities are completely relying on the goodwill of the authorities mentioned.

Had the Italian investigation authority practically no own competency, this was particularly true as regards the investigative bodies having a substantial interest because of the casualties. Information obtained from second or third parties are not suitable for carrying out a serious investigation.

With regard to the aforementioned explanations, further activities of the BSU do obviously make no sense. Therefore the BSU permanently discontinues the investigation.

Volker Schellhammer
Director