



MINISTRY OF JUSTICE OF THE REPUBLIC OF LITHUANIA
TRANSPORT ACCIDENT AND INCIDENT INVESTIGATION DIVISION

2019

ANNUAL REPORT

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FOREWORD

The investigators-in-charge of accident and incident investigation appointed by the Minister of Justice of the Republic of Lithuania carry out safety investigations of aircraft, maritime and railway transport accidents and incidents in order to prevent future accidents and not to apportion blame or liability. The investigators-in-charge shall be independent and neither seek nor take instructions in the conduct of safety investigations.

In order to inform the public of the general safety level, the investigators-in-charge publish an annual safety review – annual report. The sources of information in this analysis shall be confidential and not subject to disclosure.

This is a courtesy translation of the safety investigation report. As accurate as the translation may be, the original text in Lithuania is the authentic version and the work of reference.

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1

SAFETY INVESTIGATION

1.1. Safety investigation

Safety investigation is a process conducted by a safety investigation authority for the purpose of accident and incident prevention which includes gathering and analysis of information, drawing of conclusions, including the determination of cause(s) and/or contributing factors and, when appropriate, the making of safety recommendations.

A safety investigation shall be independent of, separate from and without prejudice to any judicial or administrative proceedings to apportion blame or liability.

1.2. Stages of safety investigation

1.2.1. Notification of an accident or an incident

The first stage of a safety investigation is the receipt of a notification about an accident or an incident. Any person involved shall immediately report an accident or incident to the safety investigation authority that shall be accessible 24 hours per day and 7 days per week. Having received a notification about an accident or incident, the safety investigation authority shall classify it having regard to the injuries of people and the damage incurred to the vehicle, and then shall pass a decision regarding the launching of a safety investigation.

The safety investigation authority shall notify without delay the relevant international organisations, the European Commission, authorities of the European Union, Member States and third countries concerned in accordance with the international standards and recommended practices of the accidents or incidents of which it has been notified. Upon receipt of a notification about accident or incident, the Member States or third countries shall have a right to appoint representatives.

1.2.2. Investigation on the occurrence site

An accident or an incident investigation shall continue at the site of the occurrence until all the required evidence from the site of the occurrence is collected, all the relevant persons are inquired, and the required information or entries from the relevant authorities are obtained. However, not all investigations of accidents and incidents have this stage, as a safety investigation of less serious incidents may be carried out by means of correspondence.

In an event of an accident or an incident the priority in all cases shall be given to the search and rescue services whose duty is to help the victims, however, the safety investigation authority has a right to participate in the search and rescue operations in order to preserve, by photographic or other means, any evidence which might be removed, effaced, lost or destroyed. Safe custody shall also include the protection of evidence against further damage, access by unauthorised persons, pilfering and deterioration. Pending the arrival of safety investigators, no person shall modify the state of the site of the accident, take any samples therefrom, undertake any movement of or sampling from the vehicle, its contents or its wreckage, move or remove it, except where such action may be required for safety reasons or to bring assistance to injured persons, or under the express permission of the authorities in control of the site and, when possible, in consultation with the safety investigation authority.

Some evidence is short-lived (ice, liquid leakage, data entries, etc.), therefore they have to be recorded without any delay. However, the collection of evidence may in some cases take longer due to the threats at the site (flammable, explosive, toxic and radioactive materials, hazardous freight, biological risk, sharp, heavy and hazardous objects, etc.).

The safety investigation authority shall seek to carry out a safety investigation at the site of an accident or incident, in order to restore the infrastructure, and not to interfere with the provision of services by the service providers. The safety investigation authority shall collect and move the vehicle and/or its wreckage from the occurrence site if that is necessary for the performance of the further expertise.

1.2.3. Obtaining the factual information

Once the investigation starts at the accident site, the authority starts collecting all the evidence and factual information at the same time. Collection of evidence includes inquiries of the witnesses of an accident or incident, autopsy examination of the bodies of fatally injured persons, medical examination and tests of heavily injured persons, obtaining information from the owner of the vehicle, its operator, designer, manufacturer, technical maintenance organisation, training organisation, traffic control authority, etc.

Subject to the course of the safety investigation, the collection of evidence and factual information may continue even after the investigation at the occurrence site is completed, require more time and include a more thorough examination of the wreckage, additional inquiry of the witnesses, consultation with the experts, etc.

1.2.4. Analysis

An analysis starts after the safety investigation authority has performed all actions at an accident or incident site, and has collected all the evidence and the factual information.

An analysis includes an expert examination of the vehicle, its wreckage and other evidence, testing of components and systems, laboratory examination, decrypting of self-recording devices and their records, analysis of any relevant documents, results of the autopsies of the bodies of fatally injured persons, and of medical examination and tests of heavily injured persons, additional inquiries of witnesses, etc. The scope of the analysis shall be established only in the course of the safety investigation, when more information is obtained.

In other words, the course of the events is restored in the course of the analysis on the basis of the collected evidence. The safety investigation seeks to find out how and why an accident or incident had occurred.

A draft report is formed in the course of the analysis. In case an information gap cannot be filled in by facts, and instead the gap is filled by logical extrapolation and reasonable assumptions, those shall be explicitly indicated in the report. In the course of the process it may be useful to establish all probabilities, and reduce them, by way of analysis, to the most probable hypotheses. Safety deficiencies are identified having regard to the results, if necessary, followed by recommendations for removing safety deficiencies. Just like in the cases of every safety investigation, the public shall be informed about the course of a safety investigation.

1.2.5. Consultation

Before publication of the final report, the safety investigation authority shall solicit comments from the authorities concerned, who shall be bound by applicable rules of professional secrecy with regard to the contents of the consultation. In soliciting such comments, the safety investigation authority shall follow the international standards and recommended practices.

1.2.6. Submission of the report

Each safety investigation shall be concluded with a report in a form appropriate to the type and seriousness of the accident or incident. The report shall protect the anonymity of any individual involved in the accident or incident, and shall state that the sole objective of the safety investigation is the prevention of future accidents and incidents without apportioning blame or liability. The safety investigation report shall be based only on the facts established in the course of the safety investigation. The report shall contain, where appropriate, safety recommendations.

The safety investigation authority shall make public the final report in the shortest possible time and if possible within 12 months of the date of the accident or incident. If the final report cannot be made public within 12 months, the safety investigation authority shall release an interim statement at least at each anniversary of the accident or incident, detailing the progress of the investigation and any safety issues raised.

1.2.7. Safety recommendations

Safety recommendation means a proposal of a safety investigation authority, based on information derived from a safety investigation or other sources such as safety studies, made with the intention of preventing accidents and incidents. A safety investigation authority may also issue safety recommendations on the basis of studies or analysis of a series of investigations or having collected and analysed any other information related to transport safety.

At any stage of the safety investigation, the safety investigation authority shall recommend in a transmittal letter, after appropriate consultation with relevant parties, to the authorities concerned, including those in other Member States or third countries, any preventive action that it considers necessary to be taken promptly to enhance transportation safety.

Safety recommendations shall in no case create a presumption of blame or liability for an accident or incident.

1.3. Safety vs. judicial or administrative investigation

In a case of an accident or incident, other investigations may be initiated in addition to the safety investigation. Most often, where in the course of an accident or incident any fatal injuries have been incurred, judicial proceeding is

initiated with a view to establishing liability or indemnifying the damage incurred as a result.

The safety investigation shall be independent of, separate from and without prejudice to any judicial or administrative proceedings to apportion blame or liability. Any judicial or administrative proceedings shall be completely separated from the safety investigation. The accident or investigation report, and in particular its analysis, conclusions and safety recommendations cannot be used as evidence in a judicial or administrative process seeking to apportion blame or liability, because that was not established in the course of the safety investigation, and it is not compatible with the objective of the safety investigation. It should also be noted that a safety investigation authority shall not be authorised to provide an expert opinion in any judicial or administrative process related to transport safety. In this view, the authorities carrying out investigations independent from the safety investigation shall themselves take required decisions, and shall conduct and complete investigations irrespective of the course of safety investigations.

However, there is only one evidence, therefore the safety investigation and the pre-trial investigation shall refer to the same evidence. In that case investigation coordination becomes of extreme importance. All authorities that are likely to be involved in the activities related to a safety investigation, shall cooperate with each other through advance arrangements. Those arrangements shall respect the independence of the safety investigation authority, and the safety information collected by the safety investigation authority shall not be published or used for any purposes other than the safety investigation. When a judicial investigation is also instituted, the safety investigation authority shall be notified thereof. Where the judicial authority is entitled to seize any evidence, the safety investigation authority shall have immediate and unlimited access to such evidence.

Where, in the course of a safety investigation, it becomes known or it is suspected that an act of unlawful interference as provided for under national law was involved in the accident or incident, the safety investigation authority shall immediately inform the competent authorities thereabout.

1.4. Sensitive safety information

Any information collected by the safety investigation authority in the course of a safety investigation (all statements taken from persons; the identity of persons who have given evidence; information of particularly sensitive and personal nature; information concerning the health of individuals; notes, drafts, opinions written by the investigators; opinions expressed; drafts of preliminary and final reports or interim statements; information from self-recording devices, voice and image recordings and their transcripts) shall not be made available or used for purposes other than safety investigation.

2

SAFETY INVESTIGATION AUTHORITY

2.1. Safety Investigation Authority

Each Member State of the European Union shall ensure that safety investigations are conducted or supervised, without external interference, by a permanent national safety investigation authority capable of independently conducting a full safety investigation, either on its own or through agreements with safety investigation authorities of other Member States. The safety investigation authority shall neither seek nor take instructions from anybody and shall have unrestricted authority over the conduct of the safety investigations.

The activities entrusted to the safety investigation authority may be extended to and the authority may be tasked with the gathering and analysis of safety related information, in particular for accident prevention purposes, in so far as these activities do not affect its independence and entail no responsibility in regulatory, administrative or standards matters.

The safety investigation authority shall be functionally independent in particular of the authorities responsible for worthiness, certification, maintenance, licensing, traffic control and, in general, of any other party or entity the interests or missions of which could conflict with the task entrusted to the safety investigation authority or influence its objectivity.

2.2. Safety investigation authority resources

The safety investigation authority shall have a plan to ensure that having received a notification about an occurrence, or while preparing for a safety investigation, no time is wasted for irrelevant and/or unnecessary information, for the lack of preparedness or knowledge. Such preparatory plan shall ensure that, upon receipt of a notification about an accident or incident, the quickest possible access is available to the resources and procedures, including a sufficient number of required qualification investigators, and the required coordination both at the national and international levels, so that all primary actions are performed immediately.

Each Member State shall provide to the safety investigation authority all the required means and facilities be able to obtain sufficient resources to carry out its responsibilities independently. Therefore, the safety investigation authority shall be allocated the budget to enable it to carry out its functions. The safety investigation authority shall have at its disposal, either on its own or by means of the cooperation, or through arrangements with other national authorities or services, qualified personnel and adequate facilities, including offices and hangars to enable the storage and examination of vehicles, their contents and

its wreckage. All the investigators shall have the professional knowledge and practical experience in the areas related to their regular investigation duties in order fulfil their tasks. Given that the safety investigation authority is a permanently operating authority, in the case of a multimodal authority, no less than two investigators shall be appointed for each type of transportation. This would ensure that in case a major accident occurs at least one investigator is on duty and able to lead the investigation.

2.3. Cooperation between safety investigation authorities

Upon receipt of a notification of the occurrence of an accident or incident from another Member State or third country, the Member States which are the State of Registry, the State of the Operator, the State of Design and the State of Manufacture shall, as soon as possible, inform the Member State or third country in the territory of which the accident or incident occurred whether they intend to appoint an accredited representative in accordance with the international standards and recommended practices. Such an accredited representative appointed by the Member State shall be an employee of the safety investigation authority.

A safety investigation authority may request the assistance of safety investigation authorities from other Member States. When a safety investigation authority agrees to provide assistance, such assistance shall, as far as possible, be provided free of charge. A safety investigation authority may delegate the task of conducting an investigation into an accident or incident to another safety investigation authority subject to mutual agreement. In that case, the safety investigation authority shall facilitate the investigation process by that other authority.

2.4. Assistance to the victims of accidents and their relatives

The safety investigation authority shall only perform investigations of accidents and incidents, therefore shall not provide any assistance to victims of the accidents and their relatives. When an accident occurs, the Member State in charge of the investigation, the Member State in which the vehicle is registered, the Member state which vehicle was involved in the accident, or the Member State which had a large number of its nationals on board the vehicle involved in the accident, shall appoint a reference person as a point of contact and information for the victims and their relatives.

Victims of the accidents and their relatives very often provide useful information to the safety investigation authority, they are, however, not participants of the safety investigation. The safety investigation authority shall be allowed to inform the victims and their relatives or make public any monitoring information, the information about the progress of the safety investigation, possibly preliminary reports or conclusions, and/or safety recommendations, provided it does not compromise the objectives of the safety investigation and fully complies with applicable legislation on the protection of personal data. Before making such information public, the safety investigation authority shall communicate that information to the victims and their relatives in a way which does not compromise the objectives of the safety investigation.

2.5. Safety investigation authority of the Republic of Lithuania

2.5.1. Investigators-In-Charge

Safety investigations of aircraft accidents and incidents, maritime accidents and incidents and serious accidents, accidents and incidents of railway transport in the Republic of Lithuania are carried out by investigators-in-charge appointed by

the Minister of Justice of the Republic of Lithuania. Investigators-in-charge work at the Transport Accident and Incident Investigation Division of the Ministry of Justice, which reports directly to the Minister of Justice.

The Transport Accident and Incident Investigation Division was established in the Ministry of Transport and Communications of the Republic of Lithuania on 1 December 2010, having merged into one division the two independent positions of the investigator-in-charge of aircraft accidents and incidents and the investigator-in-charge of serious accidents, accidents and incidents of railway transport. The Transport Accident and Incident Investigation Division started its actual activity on 1 February 2011 when the positions of the Head of the Division (investigator-in-charge of aircraft accidents and incidents) and of the Chief Specialist (investigator-in-charge of railway transport serious accidents) were established. On 16 September 2011, the position of the Senior Specialist (investigator-in-charge of maritime accidents and incidents) was established.

As of 1 January 2016, the Transport Accident and Incident Investigation Division was transferred from the Ministry of Transport and Communications of the Republic of Lithuania to the Ministry of Justice of the Republic of Lithuania. There were three positions in the Division at that time – head of the Division (investigator-in-charge of aircraft accidents and incidents), chief specialist (investigator-in-charge of railway transport serious accidents) and senior specialist (investigator-in-charge of maritime accidents and incidents).

On 12 September 2017, the Ministry of Justice revoked existing positions in other units of the Ministry and added three additional positions to the Transport Accident and Incident Investigation Division. On 6 March 2019, one position was revoked in the Transport Accident and Incident Division and one will be revoked from 21 May 2020. New structure of the Transport Accident and Incident Division is shown in Fig. 1.

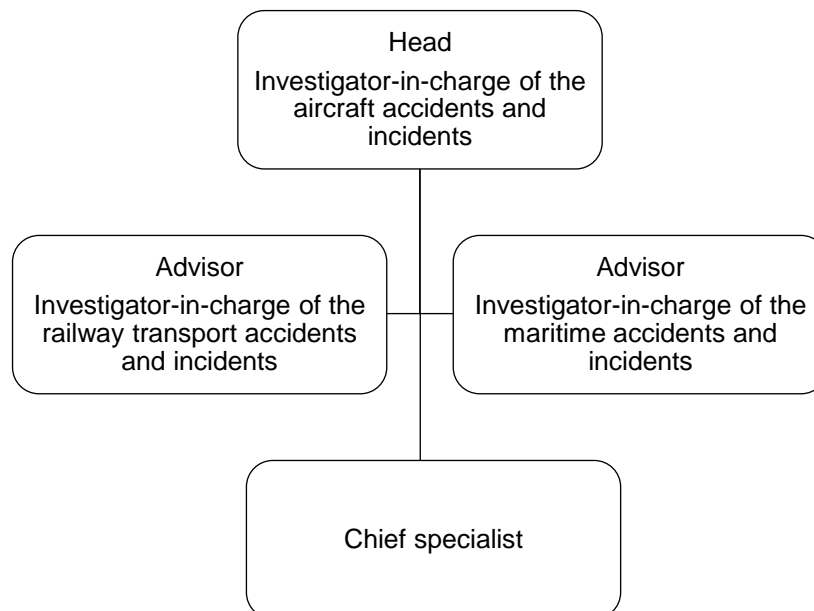


Fig. 1. Structure of the Transport Accident and Incident Division

2.5.2. Activity and cooperation

Having received a notification about an accident or incident, Member States or third parties have the right to appoint their accredited representatives, therefore, many undertaken safety investigations, in particular the safety investigations of accidents and incidents of aircraft and maritime vessels, are of international nature.

Investigators-in-charge cooperates with international organisations and authorities. In 2019, it was participated in the activities of the European Maritime Safety Agency (EMSA), the European Union Railway Transport Investigation Bodies and the European Network of Civil Aviation Safety Investigation Authorities (ENCASIA). In 2019 it was not participated in plenary meetings of European Union Railway Transport Investigation Bodies due to lack of reimbursement from organisers.

In 2019, the investigator-in-charge appointed to investigate serious railway accidents or accidents and incidents which under slightly different conditions might have led to serious accidents participated in European Union Investigation Bodies Network's Peer Review program, which took place in Lithuania.

In order to raise the awareness of the seafarers' community of safety investigations of maritime accidents, to brief members of this community about the statutory requirements concerning notifications about maritime accidents or incidents and to promote cooperation between seafarers and the investigator-in-charge in the notification and investigation of maritime accidents and incidents, the maritime investigator-in-charge visited 8 entities (shipping companies, state authorities, associations, etc.) in 2019.

2.5.3. Training and professional development

All the safety investigators shall have the professional knowledge and practical experience in the areas related to their regular investigation duties in order fulfil their tasks. For this reason, introductory, basic and professional development training on safety investigation are required. The supply of such training on the market, however, is overly limited, the training events offered are costly, therefore training is undertaken only having regard to financial means.

In 2019, it was participated in fully funded Core skills training course for accident investigators, the European Marine Casualty Information Platform (EMCIP) workshop, the 4th Permanent Cooperation Framework for the Investigation of Accidents in Maritime Transport Sector Intersessional seminar – Human and Organisational Factors in Accident Investigation held by European Marine Safety Agency. Also, it was participated in fully funded workshop on peer review held by the European Network of Civil Aviation Safety Investigation Authorities (ENCASIA).

3

AIRCRAFT ACCIDENTS AND INCIDENTS

3.1. Legal acts

Aircraft accident and incident investigations are carried out in accordance with Annex 13 of the Convention of the International Civil Aviation Organisation, Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC (hereinafter – Regulation (EU) No 996/2010), as well as Order No. 1R-388 of 31 December 2015 of the Minister of Justice of the Republic of Lithuania 'On the approval of the Description for the Procedure of Investigation of Civil Aircraft Accidents and Incidents'.

3.2. Definitions

Accident means an occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:

a) a person is fatally or seriously injured as a result of being in the aircraft; or, direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or, direct exposure to jet blast; except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

b) the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes) or minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike, (including holes in the radome); or

c) the aircraft is missing or is completely inaccessible.

Serious incident means an incident involving circumstances indicating that there was a high probability of an accident and is associated with the operation of an aircraft. In the case of a manned aircraft, takes place between the time any

person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down.

Incident means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.

3.3. Obligation to investigate

The investigator-in-charge of aircraft accidents and incidents appointed by the Minister of Justice of the Republic of Lithuania carries out the safety investigations of all accidents and serious incidents in the Republic of Lithuania involving the aircraft covered by Regulation (EU) 2018/1139¹ of the European Parliament and of the Council.

When an aircraft to which Regulation (EU) 2018/1139 applies and which is registered in the Republic of Lithuania is involved in an accident or serious incident the location of which cannot be definitely established as being in the territory of any State, a safety investigation shall be conducted by the investigator-in-charge of aircraft accidents and incidents appointed by the Minister of Justice of the Republic of Lithuania.

The investigator-in-charge of aircraft accidents and incidents appointed by the Minister of Justice of the Republic of Lithuania may decide to investigate incidents, as well as accidents or serious incidents of other types of aircraft, when he expects to draw safety lessons from them.

The investigator-in-charge of aircraft accidents and incidents appointed by the Minister of Justice of the Republic of Lithuania may decide not to initiate a safety investigation when an accident or serious incident concerns an unmanned aircraft for which a certificate or declaration is not required pursuant to Article 56 (1) and (5) of Regulation (EU) 2018/1139, or concerns a manned aircraft with a maximum take-off mass less than or equal to 2 250 kg, and where no person has been fatally or seriously injured.

3.4. Notification system

Any person involved who has knowledge of the occurrence of an accident or serious incident in the Republic of Lithuania incident shall immediately notify this to the investigator-in-charge of aircraft accidents and incidents appointed by the Minister of Justice of the Republic of Lithuania. Failure to report an accident or incident renders the person administratively liable under Article 396 of the Code of Administrative Offences.

The investigator-in-charge shall notify without delay the European Commission, the European Union Aviation Safety Agency, the International Civil Aviation Organisation, the Member States and third countries concerned in accordance with the international standards and recommended practices of the occurrence of all accidents and serious incidents of which he/she has been notified.

3.5. Accidents and serious incidents

Fig. 2 details the accidents and serious incidents related with Lithuania between 2010 and 2019.

¹ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91.

In 2019, 5 notifications were received about the aircraft accidents in Lithuania; all the aircraft involved were general aviation aircraft. Following the provisions of Article 5 of Regulation No 996/2010, one aircraft accident safety investigations have been initiated. Fig. 3 details the accidents and serious incidents in Lithuania between 2010 and 2019. Fig. 4 details the persons injured in the aircraft accidents in Lithuania.

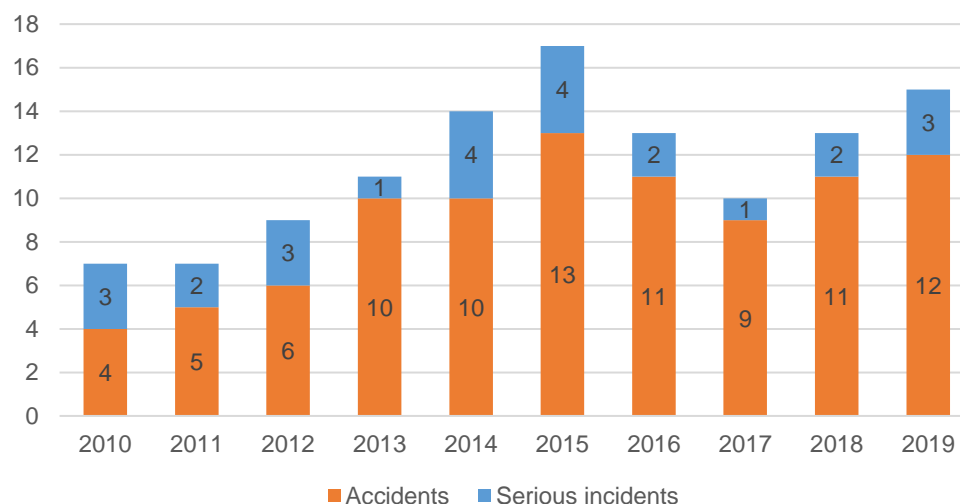


Fig. 2. Accidents and serious incidents related with Lithuania

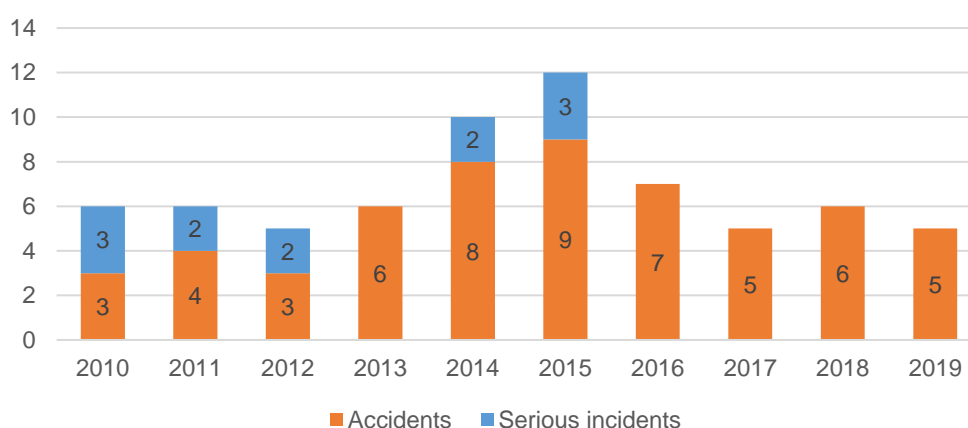


Fig. 3. Aircraft accidents and serious incidents in Lithuania

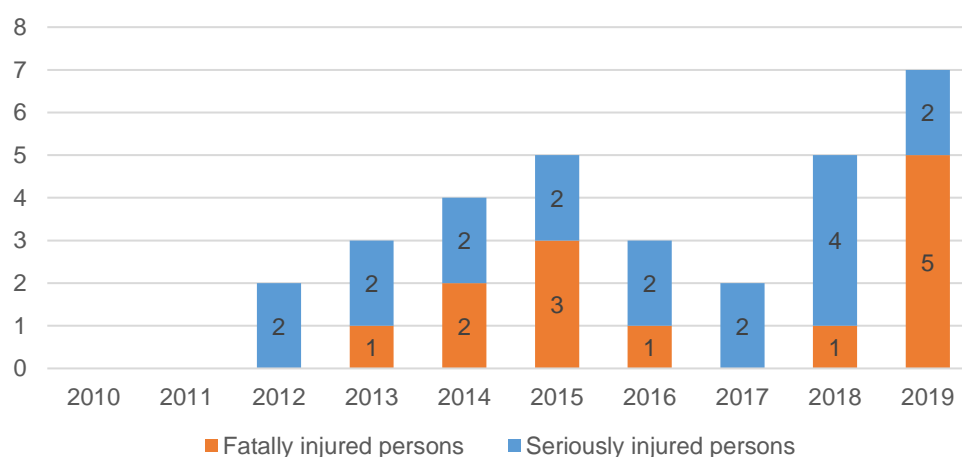


Fig. 4. The persons injured in the aircraft accidents in Lithuania

Fig. 5 shows the locations of aircraft accidents that took place in Lithuania between 2016 and 2019. The accidents that took place in 2016 are marked in violet Figures, in 2017 – in red, in 2018 – in green and in 2019 – in yellow.

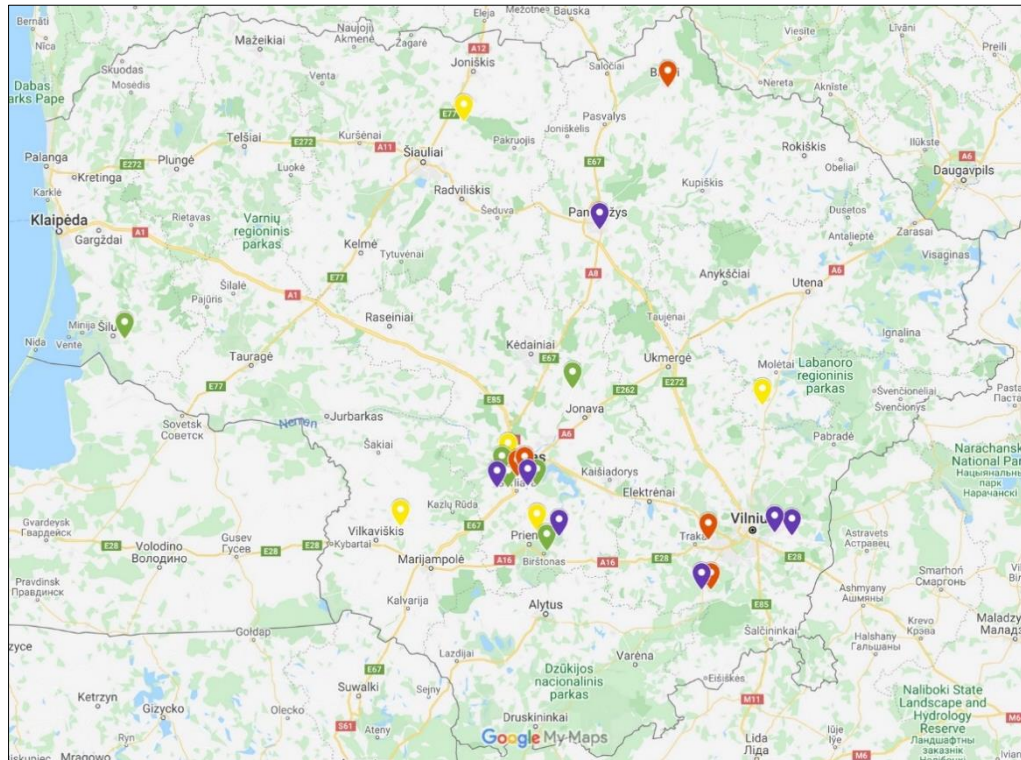


Fig. 5. Locations of aircraft accidents in Lithuania in 2016-2019 (Google My Maps)

In 2019, two notifications were received about accidents and one notification was received about serious incident which occurred outside Lithuania and involved the aircraft registered in the Republic of Lithuania. All the accidents involved general aviation aircraft and serious incident – commercial aviation aircraft. The safety investigations of these accidents and serious incident are carried out by the safety investigation authorities of the state of the occurrence. The investigator-in-charge of aircraft accidents and incidents appointed by the Minister of Justice of the Republic of Lithuania is involved in the safety investigations of these occurrences as an accredited representative.

The notifications received in 2016-2019 on the accidents and serious incidents of the aircraft registered in the civil aircraft register of the Republic of Lithuania are shown in Fig. 6.

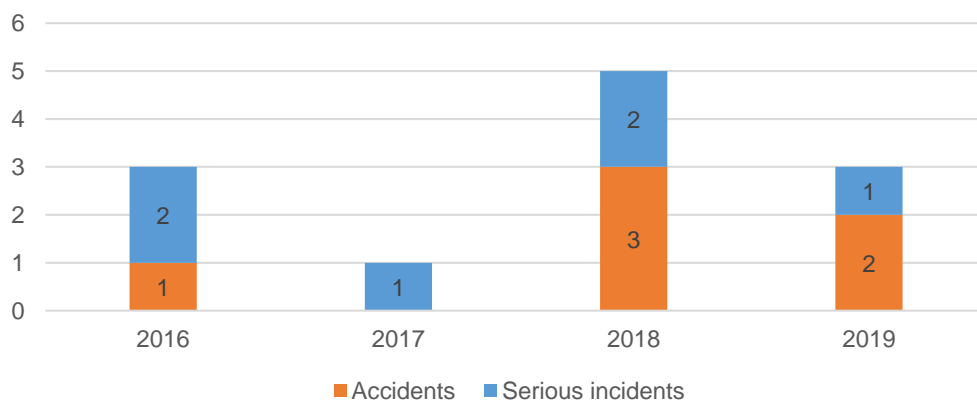


Fig. 6. Accidents and serious incidents outside Lithuania that involved the aircraft registered in the civil aircraft register in the Republic of Lithuania

The notifications received in 2016-2019 on accidents and serious incidents outside Lithuania that involved the aircraft designed and manufactured in Lithuania but were not registered in the civil aircraft register of the Republic of Lithuania are presented in Fig. 7. The investigator-in-charge of aircraft accidents and incidents appointed by the Minister of Justice of the Republic of Lithuania is involved in the safety investigations of these occurrences as an accredited representative.

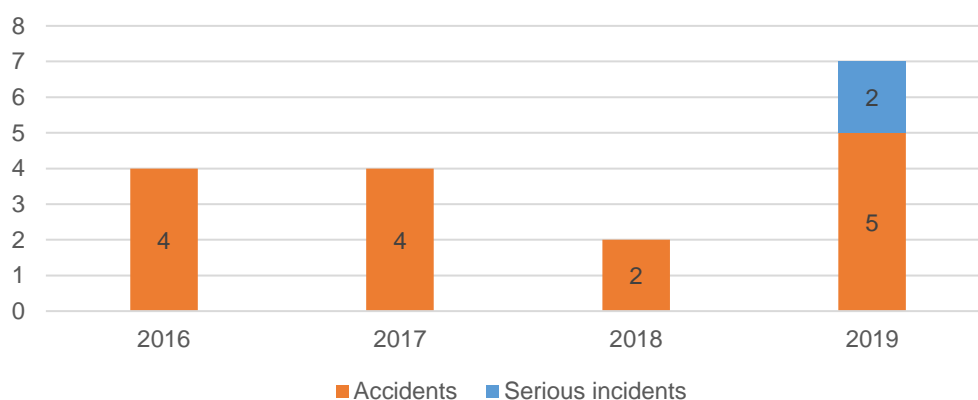


Fig. 7. Accidents and serious incidents outside Lithuania that involved the aircraft designed and manufactured in Lithuania

The locations of the accidents and serious incidents that took place between 2016 and 2019 in Lithuania and other states and involved the aircraft registered, designed and manufactured in the Republic of Lithuania are shown in Fig. 8. The violet colour Figures marks the occurrences that took place in 2016, red – in 2017, green – in 2018 and yellow – in 2019.



Fig. 8. Locations of aircraft accidents in 2016-2019 (Google My Maps)

3.6. Open safety investigations

Fig. 9 and Table 1 provide the data on the open accidents and serious incidents safety investigations.

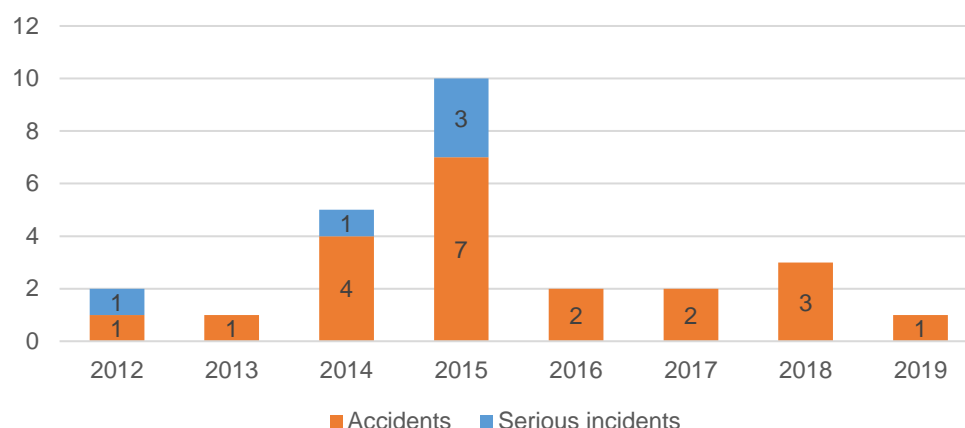


Fig. 9. Open safety investigations of aircraft accidents and incidents

Table 1. Open safety investigations of aircraft accidents and incidents

Date	Aircraft	Reg. No.
08-12-2019	Aircraft Piper PA-30	LY-ARS
22-07-2018	Aircraft Tecnam P2006T	LY-CPL
07-07-2018	Hot air balloon Cameron C-90	LY-OCT
05-05-2018	Sailplane LAK-12 Lietuva	LY-GCW
25-07-2017	Aircraft Tecnam P2006JF	EC-MLJ
08-07-2017	Hot air balloon Cameron Ballons Z-1315	LY-ORE
06-08-2016	Hot air balloon BB45	LY-DNB
13-03-2016	Aircraft Tecnam P2006T	LY-CPL
09-11-2015	Helicopter Cabri G2	LY-CJB
18-07-2015	Aircraft Hawker 800 XP	LY-LTC
23-06-2015	Aircraft Tecnam P2002JF	LY-FTO
23-06-2015	Aircraft Cessna F 172 H	LY-LAD
22-06-2015	Aircraft Tecnam P2002JF	LY-BAQ
20-06-2015	Aircraft Tecnam P2006T	LY-MEP
22-05-2015	Aircraft Cessna-150 M	LY-AGV
16-05-2015	Experimental-historical aircraft An-2	LY-AET
27-04-2015	Helicopter „Bell 407“ and aircraft „Cessna 172“	LY-ERA / LY-BAK
25-03-2015	Aircraft Tecnam P2002JF	LY-BAQ
29-08-2014	Aircraft PZL-104 Wilga -35A	LY-AJL
23-08-2014	Aircraft Piper PA-34-220T	LY-LMN
07-07-2014	Sailplane Jantar 2B	LY-GCR
08-06-2014	Sailplane Blanik L-13	LY-GII
30-05-2014	Boeing 737 and Bombardier CRJ200	
16-08-2013	Aircraft PZL-104 Wilga-35A	LY-AKS
23-07-2012	Aircraft Cessna 150	LY-CVT
14-06-2012	Sailplane Bocian	LY-BOC

4

MARITIME ACCIDENTS AND INCIDENTS

4.1. Legal acts

Maritime accident and incident investigations are carried out in accordance with Commission Regulation (EU) No 1286/2011 of 9 December 2011 adopting a common methodology for investigating marine casualties and incidents developed pursuant to Article 5(4) of Directive 2009/18/EC of the European Parliament and of the Council, International Maritime Organisation's Casualty Investigation Code, adopted by resolution of the Maritime Safety Committee MSC.255(84), other documents adopted by this Organisation, the Law on Maritime Safety of the Republic of Lithuania, the 'Description of the procedure on drawing up and submission of reports and safety recommendations for safety investigations into maritime accidents and incidents', adopted by the Order No 1R-386 of 30 December 2015 of the Minister of Justice of the Republic of Lithuania 'On the approval of the description of the procedure on drawing up and submission of reports and safety recommendations for safety investigations into maritime accidents and incidents', the agreements reached in the format of Permanent Cooperation Framework for the Investigation of Accidents in the Maritime Transport Sector, established by the EU Member States in close cooperation with the Commission (PCF) and other documents.

Maritime accidents and incidents shall be notified in accordance with the 'Description of the procedure for notification on maritime accidents and incidents', adopted by the Order No 3-461 of 29 July 2011 of the Minister of Transport and Communications of the Republic of Lithuania 'On the approval of the description of the procedure for notification on maritime accidents and incidents'.

On 1 May 2020 Amendments to the Law on Maritime Safety of the Republic of Lithuania entered into force, which changed the regulation of safety investigations into maritime accidents and incidents: definitions of maritime accident and maritime incident were adjusted; definitions of very serious, serious and less serious maritime accidents have been included; a provision obligating to start safety investigation in the event of a very serious accident added; it was set that in the event of a serious accident, a preliminary assessment shall be carried out in order to decide whether to carry out a safety investigation; in the event of a less serious accident or incident a decision must be made as to whether or not to conduct a safety investigation; it has been established that the information collected during the safety investigation may be used solely for the purposes of the safety investigation into maritime accidents or incidents.

4.2. Definitions

A maritime accident 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 ship: the death of, or serious injury to, a person; the loss of a person from a ship; the loss, presumed loss or abandonment of a ship; material damage to a ship; the stranding or disabling of a ship, or the involvement of a ship in a collision; material damage to marine infrastructure external to a ship, that could seriously endanger the safety of the ship, another ship or an individual; or 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 maritime accident 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.

Maritime accidents are classified as very serious accidents, serious accidents and less serious accidents.

Very serious accidents are accidents to ships which involve total loss of the ship, loss of life, or severe pollution.

Serious accidents are accidents to ships which do not qualify as very serious accidents and which involve a fire, explosion, collision, grounding, contact, heavy weather damage, ice damage, hull cracking, or suspected hull defect, etc., resulting in:

- immobilization of main engines, extensive accommodation damage, severe structural damage, such as penetration of the hull under water, etc., rendering the ship unfit to proceed, or

- pollution (regardless of quantity); and/or

a breakdown necessitating towage or shore assistance.

Less serious accidents are accidents to ships which do not qualify as very serious accidents or serious accidents.

Maritime incident means an event, or sequence of events, other than a maritime accident, which has occurred directly in connection with the operations of a ship that endangered, or, if not corrected, would endanger the safety of the ship, its occupants or any other person or the environment. However, a maritime 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.

4.3. Scope

The area of responsibility for the investigator-in-charge of maritime accidents and incidents includes maritime accidents and incidents which:

- 1) involve a ship flying Lithuanian flag, irrespective of the location of the accident;
- 2) occurs within Lithuanian territorial sea or internal waters, as defined in the 1982 United Nations Convention on the Law of the Sea (areas of Lithuanian ports are classified as internal waters), irrespective of the flag of the ship;
- 3) involves a substantial interest of the Republic of Lithuania.

The area of responsibility for the investigator-in-charge of maritime accidents and incidents does not include maritime accidents and incidents involving only:

- 1) ships of war and troop ships and other ships owned or operated by the Republic of Lithuania and used only on government non-commercial service;
- 2) inland waterway vessels operating in inland waterways;
- 3) ships not propelled by mechanical means, wooden ships of primitive build,

traditional ships, pleasure yachts and pleasure craft not engaged in trade, unless they are or will be crewed and carrying more than 12 passengers for commercial purposes;

- 4) fishing vessels with a length of less than 15 metres;
- 5) fixed offshore drilling units.

4.4. **Obligation to investigate**

In case of a **very serious maritime accident** the investigator-in-charge of maritime accidents and incidents shall carry out safety investigation, if the accident:

- 1) involve a ship flying Lithuanian flag, irrespective of the location of the accident;
- 2) occurs within Lithuanian territorial sea or internal waters, as defined in the 1982 United Nations Convention on the Law of the Sea, irrespective of the flag of the ship;
- 3) involves a substantial interest of the Republic of Lithuania.

In case of a **serious accident**, the investigator-in-charge of maritime accidents or incidents shall carry out a preliminary assessment in order to evaluate the situation and to decide whether or not to undertake a safety investigation of serious accident. In case of a **less serious accident** or **maritime incident**, the investigator-in-charge of maritime accidents and incidents shall decide whether or not to undertake a safety investigation.

4.5. **Notification system**

Shipping company or the master of the ship must immediately notify the investigator-in-charge of maritime accidents or incidents in the most expeditious and appropriate manner:

- 1) in case a maritime accident or an incident occurred in the search and rescue area assigned to the Republic of Lithuania in the Baltic Sea, Klaipėda State Seaport, Šventoji Seaport or in Būtingė Oil Terminal marine area;
- 2) in case a maritime accident or an incident occurred outside the search and rescue area assigned to the Republic of Lithuania with a ship flying the flag of the Republic of Lithuania.

The Lithuanian Transport Safety Administration, Maritime Rescue Coordination Centre of Lithuanian Armed Forces, the state enterprise Klaipėda State Seaport Authority and / or other persons or entities, having received information about a maritime accident or incident, must immediately notify the investigator in charge of maritime accidents or incidents, and submit any information received in connection with the maritime accident or incident.

Failure to report a maritime accident or incident under the established procedure renders the person administratively liable under Article 401(1) of the Code of Administrative Offences.

The investigator-in-charge of maritime accidents and incidents shall notify the European Commission about maritime accidents and incidents by means of the European Marine Casualty Information Platform (EMCIP).

4.6. **Accidents and incidents**

In 2019, total 23 notifications about accidents and incidents involving seagoing ships were received. Data about the categories of accidents and incidents of 2019 are shown in Fig. 10, Fig. 11 and Fig. 12.

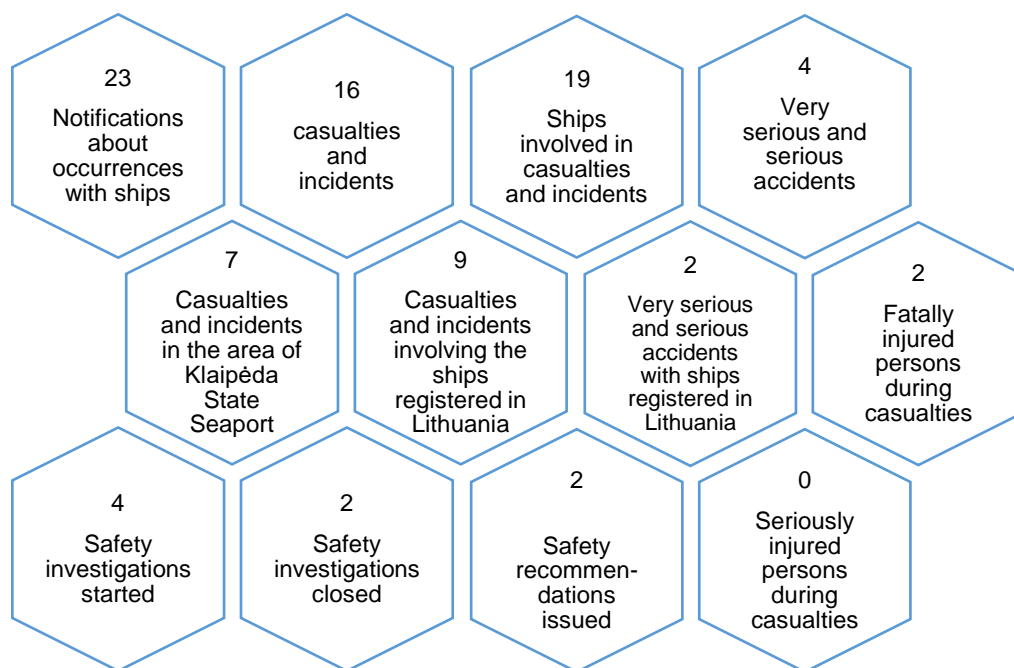


Fig. 10. Main data about the maritime accidents and incidents occurred in 2019

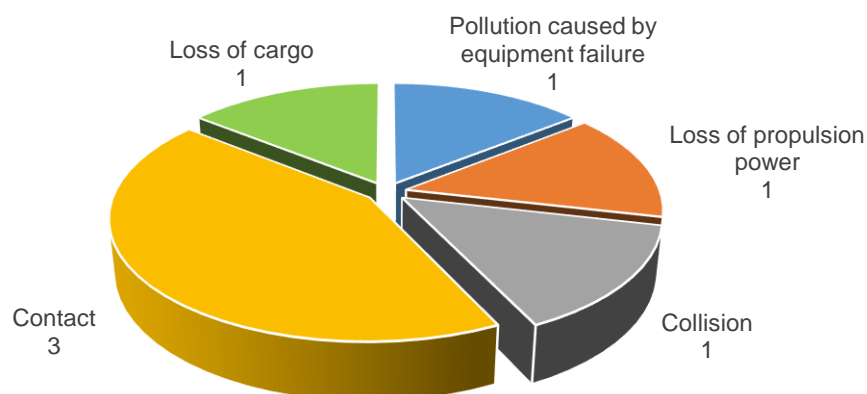


Fig. 11. Categories of maritime accidents and incidents involving ships registered in Lithuania

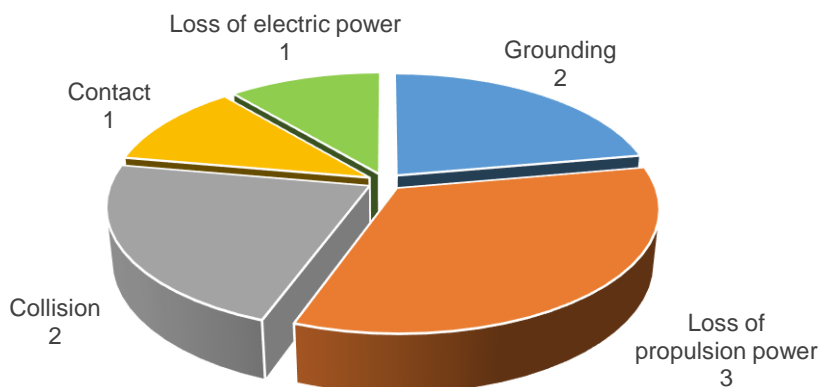


Fig. 12. Categories of maritime accidents and incidents in the area of Klaipėda State Seaport

Number of maritime accidents and incidents registered during 2010-2019 are provided in Fig. 13. Between 2010 and 2019 a total number of 141 notifications about maritime accidents and incidents were received – approximately 14.1 occurrences annually. Over this period of 10 years, 1.3 very serious accidents, 2.3 serious accidents, 5.9 – less serious accidents and 4.6 incidents per calendar year have been registered on average.

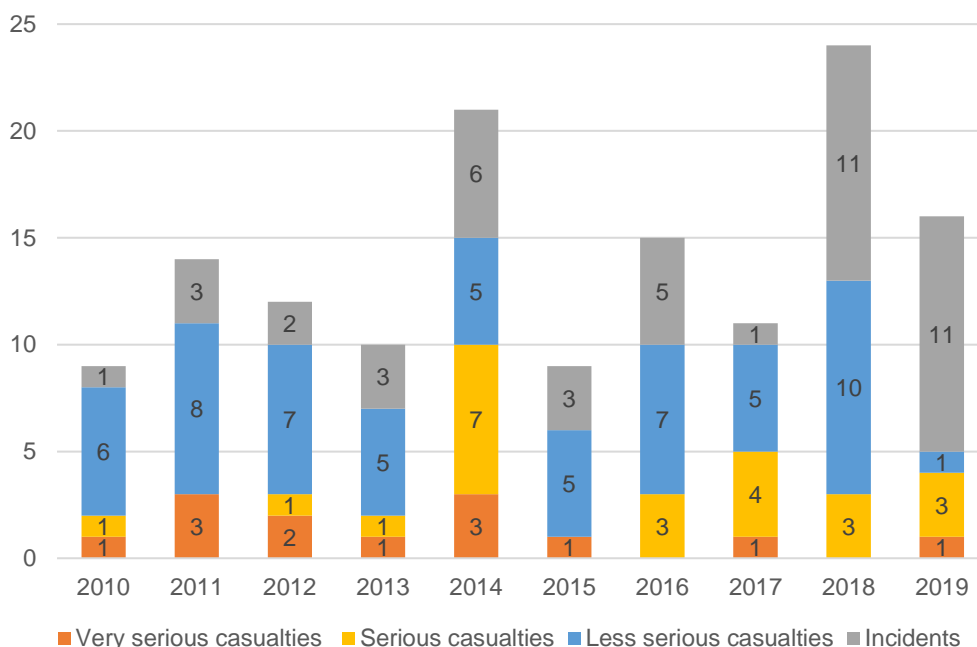


Fig. 13. Notifications about maritime accidents and incidents received in 2010–2019

Data about location of the maritime accidents and incidents occurred in 2016-2019 are shown in Fig. 14.

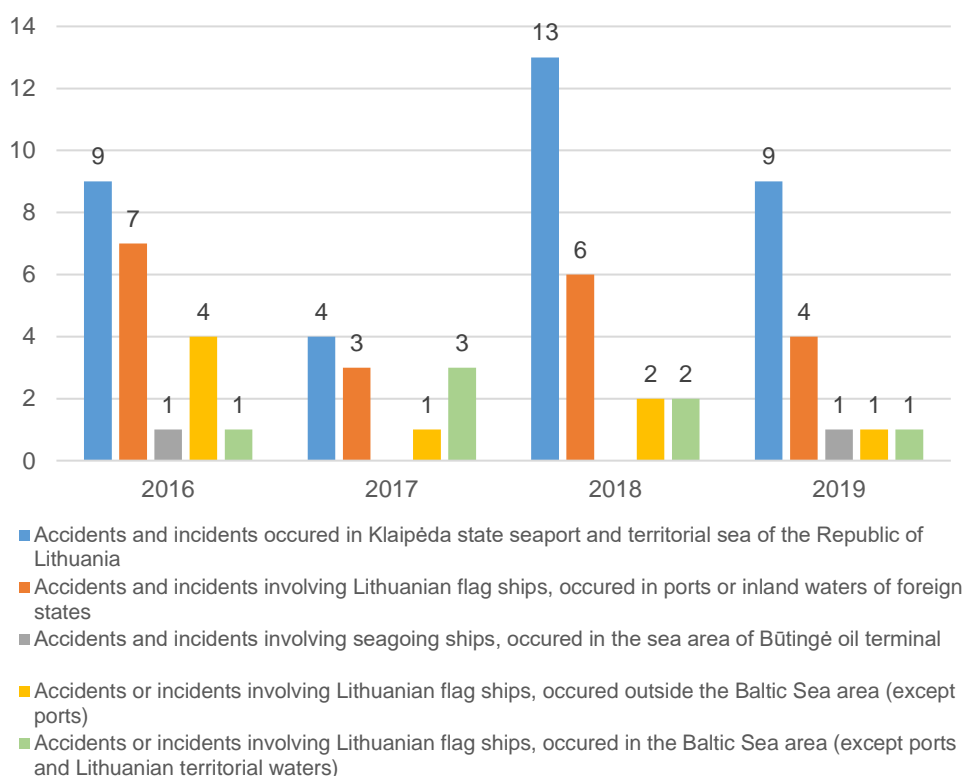


Fig. 14. Locations of maritime accidents and incidents in 2016-2019

The locations of the maritime accidents and incidents, falling under the competence of investigator in charge of maritime accidents and incidents, occurred in 2018-2019 (except the area of Barents Sea) are shown in Fig. 15. The locations of the maritime accidents and incidents, occurred in the area of Klaipėda State Seaport and in the territorial waters of the Republic of Lithuania in 2018-2019 are shown in Fig. 16. The red colour Figures marks the maritime accidents and incidents occurred in 2018 and yellow – in 2019.



Fig. 15. Locations of maritime accidents and incidents in 2018-2019 (Google My Maps)

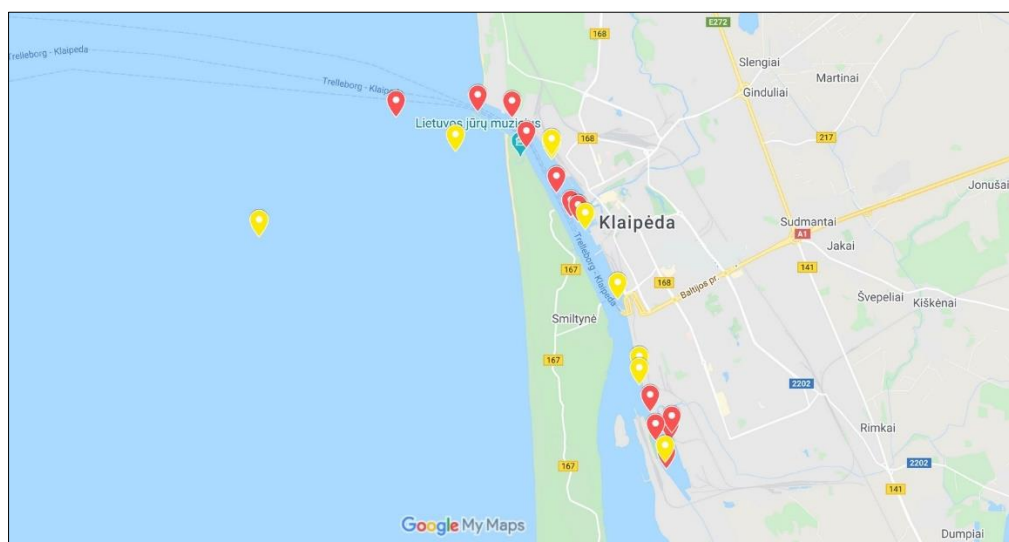


Fig. 16. The locations of maritime accidents and incidents in the area of Klaipėda State Seaport and in the territorial waters of the Republic of Lithuania in 2018-2019 (Google My Maps)

4.7. Open safety investigations

On 16 April 2018, the Lithuanian registered ro-ro cargo vessel *Finlandia Seaways* suffered a main engine failure and subsequent engine room fire while on passage off the east coast of the United Kingdom. Fire was successfully extinguished by the crew. Engine room and equipment sustained severe damages. One crew member, who was in the engine room at the moment of the accident suffered injuries, he was evacuated by helicopter to the hospital. The United Kingdom Marine Accident Investigation Branch leads the safety investigation. Safety investigation is carried out in co-operation with investigator in charge of maritime accidents and incidents.

In 2019 safety investigations into four accidents were launched:

On 8 April 2019, at 23:54, split hopper barge *Boann*, IMO 9808792, registered in Finland, while proceeding towards berth No 52 in the Klaipėda State Seaport, contacted the floating dock PD-408, registered in the Register of inland waterways craft of the Republic of Lithuania, which was moored at berth. *Boann* and PD-408 sustained hull penetration damages. Investigator in charge of maritime accidents and incidents leads the safety investigation, the investigation is carried out in co-operation with the Safety Investigation Authority of Finland (*Onnettomuustutkintakeskus*).

At 2:08 on 19 August 2019, in the Barents Sea, the fishing vessel *Reval Viking*, IMO No. 9211030, registered in Estonia collided with the fishing vessel *Lokys*, IMO No. 9226736, registered in the Lithuanian Register of Seagoing Ships. At the time of the collision *Lokys* was hoisting trawls and *Reval Viking* had already completed trawl hoisting and was proceeding at a speed of about 11 knots. Due to the impact *Lokys* sustained penetration damage of the underwater part of the hull, significant damage of the hull above the waterline, the starboard side cabins have been severely damaged. *Reval Viking* sustained significant damages to the stem, upper and lower forecastle decks. Following the accident, both vessels reached the port of Tromsø in the Kingdom of Norway. No information on environmental damage or injuries was received during the safety investigation. Investigator in charge of maritime accidents and incidents leads the safety investigation, the investigation is carried out in co-operation with the Estonian Safety Investigation Bureau (*Ohutusjuurdluse Keskus*).

On 15 September 2019, commercial yacht *Lilla W*, bound for Klaipėda State Seaport, lost control and was thrown ashore by a storm. There were seven persons on board the yacht from which five rescued, two died. Polish State Marine Accident Investigation Commission (*Państwowa Komisja Badania Wypadków Morskich*) is leading the safety investigation. Safety investigation is carried out in co-operation with investigator in charge of maritime accidents and incidents.

On 28 September 2019, seagoing ship *Aramis*, IMO 9281562, registered in the register of seagoing ships of the Republic of Lithuania, while proceeding by French river Rhone, pilot on board, allided with the road transport bridge by her superstructure, and soon after that – with the railway bridge by her hull. The ship's superstructure, forward part of the hull and some other structures were damaged during the accident. After the accident ship was towed to the quay, repairs are planned as she is not seaworthy. Safety investigation is carried out by the French Marine Casualties Investigation Board (*Bureau d'enquêtes sur les événements de mer*) is leading the safety investigation. Safety investigation is carried out in co-operation with investigator in charge of maritime accidents and incidents.

4.8. Safety investigation reports

Investigator in charge of maritime accidents and incidents has published the following safety investigation reports:

On 20 June 2020 was published safety investigation report of serious accident with general cargo ship Klaipeda, IMO 9106584, registered in the register of seagoing ships of the Republic of Lithuania, occurred on 24 September 2018 in Riga Bay;

On 26 July 2020 was published safety investigation report of less serious accident with Ro-Pax ferry Regina Seaways, IMO 9458535, registered in the register of seagoing ships of the Republic of Lithuania, occurred on 2 October 2018 in the Baltic Sea.

In addition to that, on July 2019, the Polish State Marine Accident Investigation Commission (*Państwowa Komisja Badania Wypadków Morskich*) published safety investigation report of serious accident with tugboat Zeus, IMO 6605503, and towed pontoon T6, registered in the Register of Inland Waterway Vessels of the Republic of Lithuania, occurred on 13 July 2018 in the Baltic Sea.

4.9. Safety recommendations

Two safety recommendations, published by investigator in charge of maritime accidents and incidents in 2019, are being implemented:

SR-2019-L-01

Engine manufacturer Wärtsilä is recommended to identify ships with installed engines with connecting rod big end bearing housings at risk, propose and implement measures to eliminate such risk.

SR-2019-L-02

It is recommended to Afalita Shipping Ltd, in cooperation with the engine manufacturer Wärtsilä, to assess whether the cylinder block of the main engine of Klaipeda is fit for use and if action is required, ensure suitability for use.

The safety recommendation published by investigator in charge of maritime accidents and incidents in 2018 is also being implemented:

SR-2018-L-02

It is recommended to the Lithuanian Transport Safety Administration to prepare and implement a plan, according to which it will periodically check whether the companies operating ro-ro ships flying Lithuanian flag, properly ensures implementation of applicable risk assessment requirements for cargo operations on weather decks in its' ro-ro vessels.

5

SERIOUS ACCIDENTS, ACCIDENTS AND INCIDENTS IN RAILWAY TRANSPORT

5.1. Legal acts

All serious accidents, accidents and incidents in railway transport are investigated following the provisions of Chapter V of Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification, which was transposed to Order No 1R-385 of 30 December 2015 of the Minister of Justice of the Republic of Lithuania 'On the approval of the description of the procedure for the drawing up and the submission of reports on the investigation of serious accidents, accidents and incidents, and of safety recommendations in railway transport', the Law on Railway Traffic Safety of the Republic of Lithuania, and Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (recast) the transposition whereof into the national law has been postponed until 16 June 2020.

5.2. Definitions

Serious accident means any train collision or derailment of trains resulting in the death of at least one person or serious injuries to five or more persons or extensive damage of no less than EUR 2 million to rolling stock, the infrastructure or the environment is incurred, and any other accident with the same consequences which has an obvious impact on railway safety regulation or the management of safety.

Accident means an unwanted or unintended sudden event or a specific chain of such events which have harmful consequences; accidents are divided into the following categories: collisions; derailments; level crossing accidents; accidents to persons involving rolling stock in motion; also an accident when at least one person suffers injury because of moving rolling stocks, or when fire strikes in rolling stocks, and any other events causing comparable harmful consequences.

Incident means any occurrence, other than an accident or serious accident, affecting the safety of railway operations that however, did not cause any outcomes of serious accident or accident.

5.3. Obligation to investigate

All investigations related to railway transport serious accidents in the Republic of Lithuania are performed by the investigator-in-charge appointed by the Minister of Justice of the Republic of Lithuania to investigate railway serious accidents, accidents or incidents which under slightly different conditions might have led to serious accidents. Having received a notification about a railway transport occurrence, the investigator-in-charge shall within 3 calendar days assess whether this railway transport occurrence meets the characteristics of a serious accident, and in case it does match such characteristics, initiate an investigation of the railway transport serious accident.

In addition to serious accidents, the investigator-in-charge may investigate the accidents and incidents that under slightly different conditions could have caused serious accidents. The investigator-in-charge shall at his own discretion decide whether to initiate an investigation of such accident or the incident. In his decision, the investigator-in-charge shall take into account the seriousness of the accident or the incident, whether it forms part of a series of accidents or incidents relevant to the system as a whole, its impact on railway safety on a Community level, as well as requests from infrastructure managers, railway undertakings, the safety authority or Member States.

5.4. Notification system

Upon an occurrence of a railway transport serious accident or incident, the railway undertakings (carriers), the undertakings using the railway infrastructure and the railway infrastructure manager shall without delay, and in case of a railway transport incident – within no later than 24 hours, inform the investigator-in-charge appointed by the Minister of Justice of the Republic of Lithuania to investigate serious railway accidents or accidents and incidents which under slightly different conditions might have led to serious accidents, and shall submit an initial notification of an approved form about the serious accident, accident or incident in railway transport. In 2019, the investigator-in-charge was informed within an average of 73 hours after the occurrence.

An initial notification to the investigator-in-charge may be sent by railway infrastructure managers, railway undertakings (carriers) and undertakings that use the railway infrastructure or by their authorised persons by sending a digital copy of the initial notification by e-mail. In case the Lithuanian Transport Safety Administration receives such initial notification directly, it shall, within 24 hours after the moment of receipt of the initial notification, forward it by e-mail to the investigator-in-charge appointed by the Minister of Justice of the Republic of Lithuania to investigate railway serious accidents or accidents and incidents which under slightly different conditions might have led to serious accidents.

Details on the time of receipt of notifications about railway transport occurrences are shown in Fig. 17. The horizontal axis shows the time of receipt of notifications about occurrences and the vertical – the reference number of the notification. In 2019, 54 per cent (in 2018 – 39 per cent) of the notifications have been received during the working hours of the investigator-in-charge, while 46 per cent (in 2018 – 61 per cent) of the notifications – outside the working hours. The attention should be drawn to the fact that the working hours of the investigator-in-charge are from 8 a.m. to 5 p.m. during workdays.

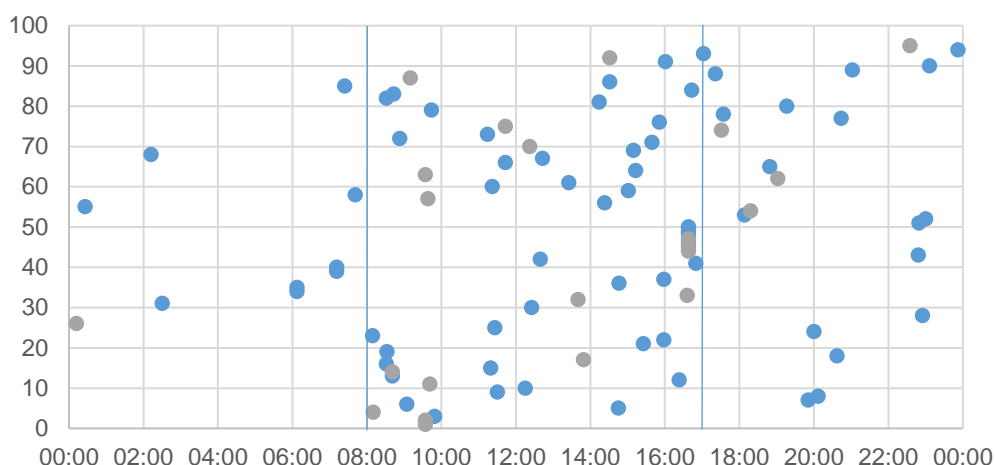


Fig. 17. Time of the notifications received in 2019 about railway transport occurrences

5.5. Serious accidents, accidents and incidents

The notifications on serious accidents, accidents and incidents in railway transport received in 2016-2019 are shown in Fig. 18.

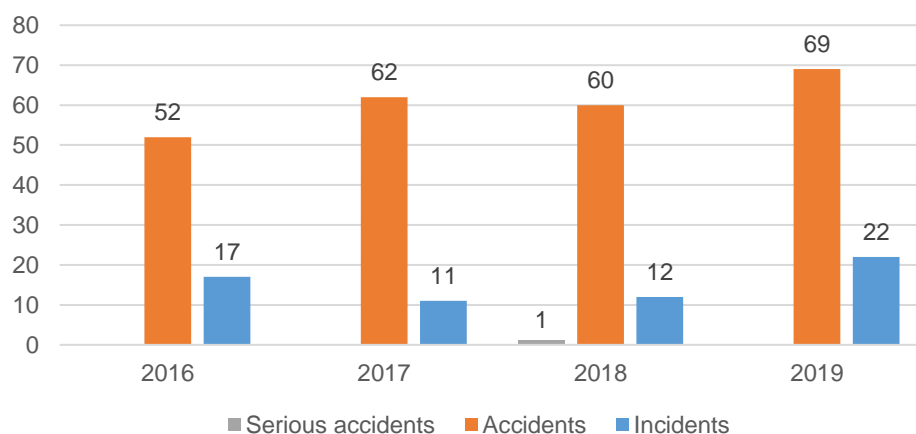


Fig. 18. Received notifications about railway transport occurrences

Data about the number of persons injured during railway transport serious accidents and accidents in 2016-2019 are shown in Fig. 19.

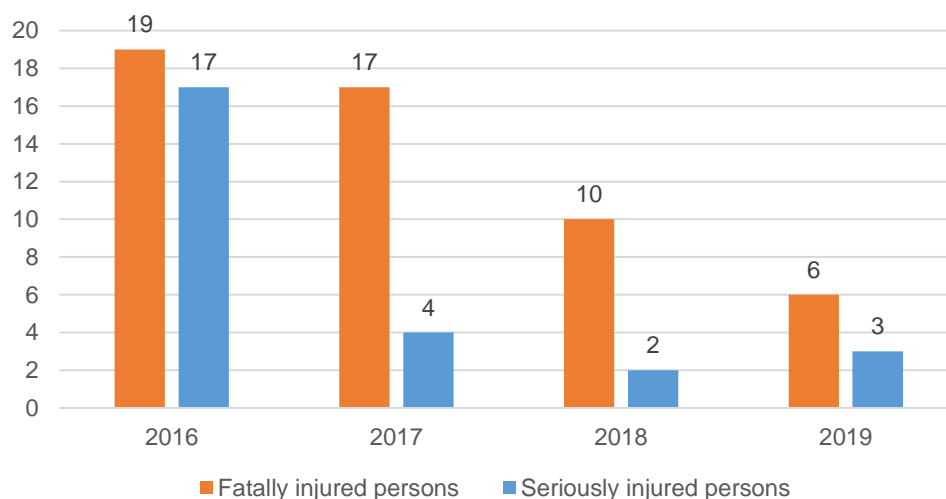


Fig. 19. Persons injured in railway transport occurrences

Number of railway transport accidents by categories are presented in Fig. 20. Here GRS – rolling stock collision; GRS-K – rolling stock collision with obstacles within the clearance gauge; GRN – rolling stock derailment; JR – accident to persons from moving rolling stock; EIP – level crossing accidents; GR – fire in rolling stock; KEI – other accidents.

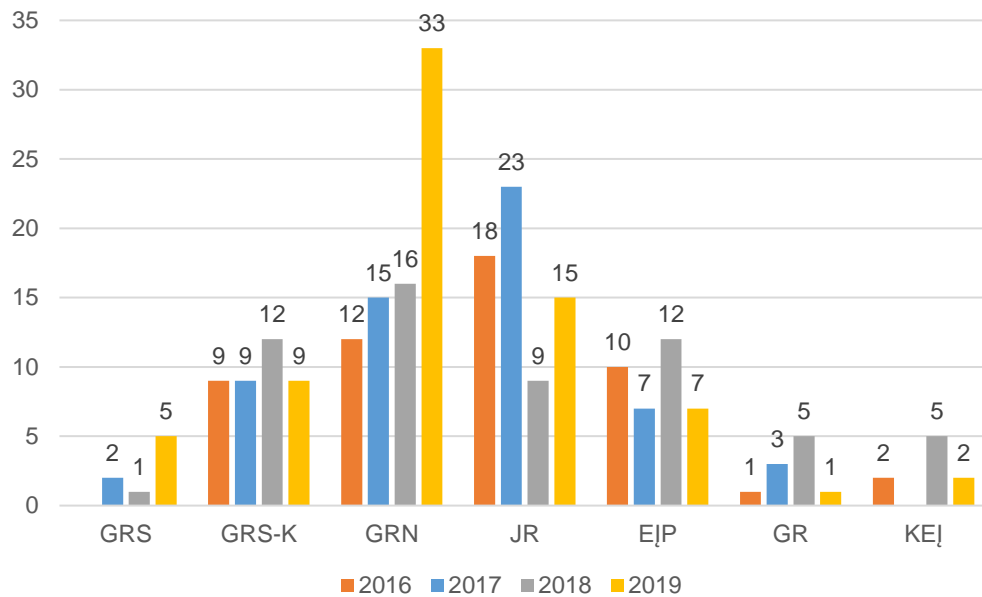


Fig. 20. Number of railway transport accidents by categories

Fig. 21 shows the places of railway transport serious accidents, accidents and incidents in Lithuania in 2018-2019. Red colour figures indicate occurrences in 2018 and yellow colour – 2019.

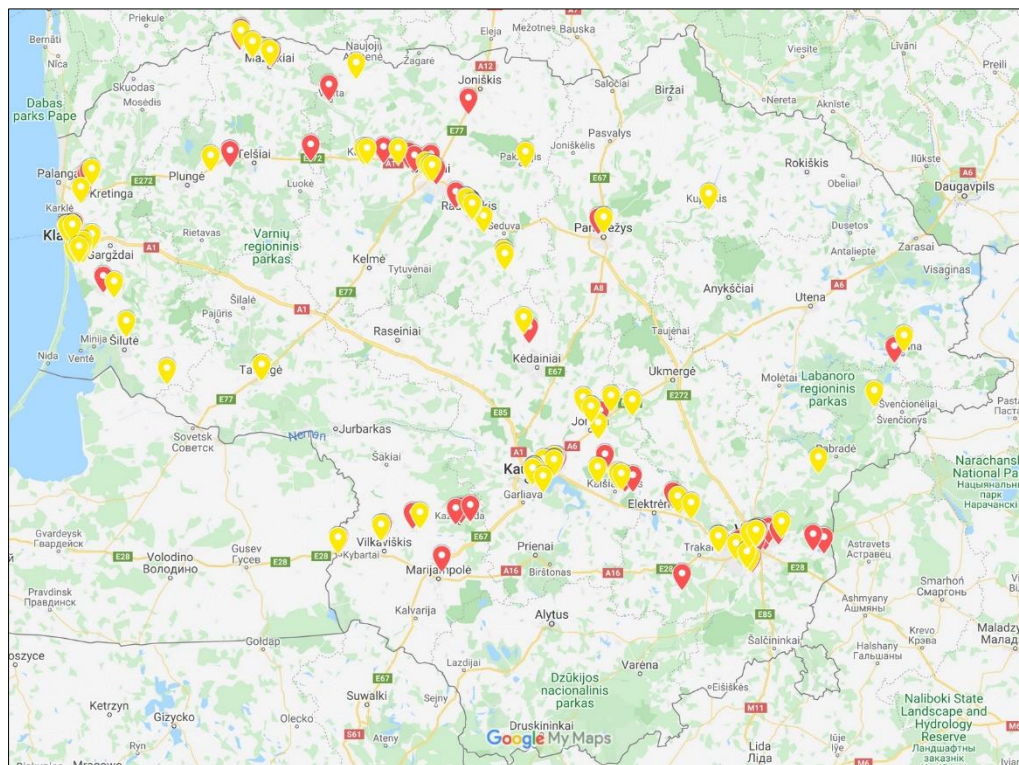


Fig. 21. Places of railway transport serious accidents, accidents and incidents in Lithuania in 2018-2019 (Google My Maps)

5.6. Open safety investigations

On 5 March 2018, a railway transport serious accident in track No LNR near the track switch No 2K of Vaidotai Railway Station. The train No 3270SV was passing from Vaidotai Railway Station towards Kena Railway Station and collided into two track workers on the track No LNR. Both track workers were fatally injured during the collision, no major damage to the train and the infrastructure. The safety investigation stage – analysis.