

This document is a translation of the original assessment in Swedish by SHK of the response to the recommendation. In case of discrepancies between this translation and the Swedish original text, the Swedish text shall prevail in the interpretation of the assessment.

The Government Offices of Sweden  
Ministry of Infrastructure

## **SHK's assessment of response to recommendations from the Government Offices**

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On 12 March 2018, the Swedish Accident Investigation Authority (SHK) published its final report (RS 2018:03) regarding an accident involving a person on board a RIB boat in Stockholm. In the report, SHK issued a safety recommendation to the Government Offices (then the Department of Enterprise and Innovation, now the Department of Infrastructure).

The Government Offices was recommended to consider extending the obligation to report maritime casualties and maritime incidents to include such government agencies as would normally participate in sea rescue operations.

The Government Offices has responded to the recommendation and accounted for the proposals regarding increased duty to report found in the report *Nya bestämmelser om säkerhetsutredning av olyckor, SOU 2014:82* (New regulations on accident investigations), and made reference to this report still being processed by the Government Offices.

SHK has an obligation to follow up on the responses given to the agency's safety recommendations. Within maritime transport, this obligation is indicated for example in the Regulation (EU) No 1286/2011 adopting a common methodology for investigating marine casualties and incidents.

One of the purposes of SHK's safety recommendations is that they are to form the basis for further considerations from the recipient. The recommendations are not binding, but aim to bring attention to safety issues that SHK believes should be addressed in order to increase safety within the area concerned. It is up to the recipient of the safety recommendations to make the more detailed considerations necessary to decide which measures are most suitable to achieve the desired safety improvement.

SHK's interpretation of the regulations on follow-up of safety recommendations is that for a response to a recommendation to be considered satisfactory, the response should be adequate in relation to the concerned recommendation and it should indicate possible measures that have been taken or which are planned. When it comes to future measures, which may require careful consideration or weighing of other interests, the response to the recommendation should at least include some form of intention.

The Government Offices can be considered both a government agency and a preparatory body for the Government, and it is politically governed. The special conditions that apply, for example in regard to the processes for case preparation and decision-making, entail that the same requirements for detailed responses regarding future measures in reply to SHK's safety recommendations cannot be imposed in the same way as with other administrative authorities. For SHK to consider a response to recommendations to be satisfactory, the response should at least provide an idea of whether the recipient of the recommendation agrees with the problem description in the final report that constitutes the basis for the recommendation in question.

SHK notes that the report referred to by the Government Offices is mentioned in SHK's final report. The response to recommendations thus contains no additional information to that presented in SHK's report. The circumstance that the report is still being considered, meaning that the case is still open, can be considered to mean that the recommendation is partially implemented. However, the response gives no other indication of how or when these considerations will be made or if the recipient fundamentally agrees with the problem description presented in the final report. SHK is therefore unable to consider the recommendations fully implemented. SHK closes the matter and makes the assessment that the safety recommendations has been partially implemented. (Closed – partially satisfactory response)

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