



**RULING OF THE MARITIME DISCIPLINARY COURT OF THE NETHERLANDS OF
2 JULY 2021 (NO. 7 OF 2021) IN THE CASE OF 2020.V9-LADY HANNEKE**

As petitioned by:

the Minister of Infrastructure and Water Management
in The Hague,
petitioner,
authorised representative: K. van der Wall,
Senior Inspector ILT/Shipping

versus

G. S.
the person concerned.

1. The course of the proceedings

On 27 October 2020, the Disciplinary Court received a written request for disciplinary action from the petitioner's proxy (referred to below as the Inspector), directed against the person concerned as master of the Dutch vessel Lady Hanneke. Sixteen annexes were attached to the petition.

The Disciplinary Court sent the person concerned a letter (both by registered and ordinary mail) informing him of the petition, enclosing the petition and its annexes. The person concerned was informed of his right to file a statement of defence.

The petitioner did not make use of this option.

The presiding judge has ruled that the oral hearing of the case will take place on 21 May 2021 at 11:00.

The Inspector and the person concerned were summoned to appear at the hearing of the Disciplinary Court.



The hearing was held at 11.00 hours on 21 May 2021. The Inspector appeared on behalf of the applicant. The person concerned attended the hearing via a video link from Odessa. He was heard with the assistance of an interpreter.

2. The accident – brief description

The petition for a disciplinary hearing was filed as a result of the accident described below.

On 24 June 2020, the Dutch vessel Lady Hanneke ran aground in Danish waters on Boels Plade in position 56°37.6N 010°28.3E. The vessel freed itself under its own power after the grounding and was detained by the Danish Maritime Authority. The Danish authorities reported the grounding via SafeSeaNet. The shipping company reported the accident to ILT at 09:02 on 25 June 2020.

3. The Inspector's objection

3.1 The Inspector accuses the person concerned of failing to adequately fulfil his responsibility as the master in the inspection of the voyage planning. It had not been noticed that the planned route ran across the shallow Boels Plade, which resulted in a grounding.

3.2 The Inspector cites the following as regulations that have not been complied with:

- a. Resolution MSC.232(82) Revised performance standards for ECDIS: (11.2 and 11.3.4);
- b. SOLAS Chapter V regulation 34: Safe navigation and avoidance of dangerous situations (1);
- c. IMO resolution A.893 (21) Guidelines for voyage planning (2.1, 3.2, 3.4);



- d. STCW Code Part A, Chapter VIII, Section A-VII/2, Part 2: Voyage planning (3, 5).

4. The position of the person concerned

The person concerned stated that the second mate prepared the voyage (from Russia to Randers) and that he (the person concerned) checked the voyage plan prior to the voyage together with this second mate. He signed the voyage plan for approval on 15 June 2020. He attributes what went wrong to a stupid mistake. The shallow was overlooked because the electronic charts were not properly set.

5. The assessment of the petition

A. Attached to the documents is a voyage plan dated 15 June 2020, signed by the person concerned as master. It was stated that the Lady Hanneke would leave Arkhangelsk (Russia) for Randers (Denmark) on 16 June 2020 with a cargo of wood pellets. At the time of departure from Arkhangelsk, the ship's maximum draught according to the voyage plan was 5.90 metres. On board of the Lady Hanneke, use was made of Ecdis equipment (brand: Transas). The waypoint list (attached to the voyage plan) lacks information on draught, squat and UKC.

B. At the hearing of the Disciplinary Court, the person concerned confirmed that he had checked the voyage planning together with the second mate. It was not noted at the time that the route ran across a shallow area, namely off the Danish coast, in the approach to Randers/Randers Fjord, across the Boels Plade, where the depth was (almost one metre) less than the vessel's draught. It was also not noticed that the Ecdis was not properly configured. The shallow contour was set to 2 metres, while the draught on departure (according to the voyage plan) was max. 5.9 metres.



C. The documents include a master's statement signed by the person concerned as master. It states that the grounding on 24 June 2020 took place at 17:20 UTC/19:20 ship's time in the position Lat.: 56°-37.6N Long.: 010°-28.3E at a speed of 7.1 STW / 7.3 SOG. It was calm (summer) weather. The wind was south 2-3.

D. The person concerned confirmed at the hearing that the first mate was on watch during the grounding. The vessel's speed had already been reduced (to approximately 7.1 STW) before the grounding because they were awaiting the (delayed) arrival of a pilot. Shortly after the grounding – which took place at the location indicated by the Inspector on Boels Plade – a photograph was taken of the Ecdis screen. This photo, enclosed with the documents, shows under shallow contour: 2m Also attached is a screenshot of the Ecdis from the time of the grounding. That print shows that the Lady Hanneke sailed with a straight course over the shallow water of Boels Plade, heading for Randers. The water depth is indicated as: 5.0.

E. Also submitted is a Final Attendance Report of an underwater inspection of the vessel on 25 June 2020. The report states: *'No hull deformations found during underwater examination. The bottom plate to be specially examined and dealt with as necessary at next Drydocking.'*

6. The ruling of the Disciplinary Court

6.1 Based on (i) the contents of the documents and statements mentioned above and (ii) what was further presented and discussed at the hearing, the following has become evident in this case.

On 24 June 2020 at approximately 19:20 a.m. LT (17:20 a.m. UTC), the Dutch freighter m/v Lady Hanneke (Imo number 9828352) – on her journey from Arkhangelsk (Russia) to Randers (Denmark) – ran aground on the shallow side of Boels Plade off the Danish coast. On departure from Arkhangelsk, the draught of the Lady Hanneke shown in the voyage plan was



(max) 5.9 m. The master's statement of 24 June 2020 mentions as the draught: fore 5.25 m. and aft 5.75 m. The water depth at the location of the grounding was 5.0 m.

The voyage planning was completed by the second mate. The person concerned, who was the master of the Lady Hanneke, had checked these voyage preparations together with the second mate. At the time, it was not noticed that the route had been planned over the Boels Plade shallow area. It also went unnoticed that the shallow contour in the Ecdis was set to 2 metres. If, for example, 6 metres had been entered (slightly more than the draught at departure) the Boels Plade would have been given a different colour (green), making it clear at a glance that it was unsafe to let the route run over that area. It remains unclear whether, and if so, how the Ecdis settings had been configured for the voyage in question. It is also unclear whether the pilot for the area in question was consulted/interpreted correctly.

The first mate, who was on watch at the time of the grounding, also failed to notice that the planned route was not passable in terms of depth.

At the time of the grounding, the Lady Hanneke (carrying wood pellets) was sailing at a speed of approximately 7.5 knots. After the grounding, the ship freed itself under its own power. A dive inspection the following day found no holes or cracks in the hull, only some damage to the coating.

6.2 The Disciplinary Board is of the opinion that the person concerned, in his capacity of master, did not exercise sufficient care when checking, prior to the voyage, whether the planned route, in terms of draught, could be sailed safely. From the data concerning the draught of the Lady Hanneke in combination with the draught on the planned route (over the Boels Plade) it should have been clear to him that, without further provisions, a grounding was inevitable or at least there was a considerable chance of this happening. A grounding is not without risks. Even with a sandy bottom, uncharted hard objects such as stones, anchors, lost cargo can cause holes/cracks in the



hull, with all the consequences that entails. It is therefore important to be alert to preventing a grounding before and during the voyage.

6.3 The negligence on this point constitutes a violation of the regulation of Section 55a of the Dutch Seafarers Act in conjunction with Section 4.4 of that Act: acting or failing to act on board as master contrary to the duty of care expected of good seaman in relation to the persons on board, the ship, its cargo, the environment and shipping. For a number of more specific provisions that have not been (sufficiently) complied with, reference is made to the list in section 3.2.

7. The disciplinary measure

The Disciplinary Court judges that the person concerned has seriously failed in his responsibility as master. The grounding could have been prevented if sufficient attention had been paid to checking the voyage planning. In view of the seriousness of the negligence, a suspension of the navigation licence for the duration mentioned below is appropriate. Part of the measure will be imposed conditionally, this being in accordance with the Inspector's demand. In determining this measure, account was taken, in the favour of the person concerned, of the fact that the consequences of the negligence had remained limited (to some material damage to the ship) and that the person concerned has been made aware of the fact that and how he failed in his supervisory role and has also learnt from this. The conditional part of the measure is also intended to encourage greater vigilance in the future. This measure is the same as that imposed on the first mate on watch and the second mate.



8. Some recommendations

This grounding gives the Disciplinary Court reason to make the following recommendations:

1. There should be an explicit instruction that with every voyage, the Ecdis settings should be (i) adjusted to the new/current voyage and (ii) checked.
2. It is also recommended that awareness be raised by consulting the pilot guides that have been issued worldwide for many areas and explicitly warning of the dangers of entering ports – cf. the regulations mentioned under 3.2.b to d.

9. The decision

The Disciplinary Court,

- rules that the complaint against the person concerned is well-founded;
- suspends the navigation licence of the person concerned for a period of six (6) weeks;
- stipulates that of this suspension, a period of two (2) weeks will not be imposed unless the Disciplinary Court stipulates otherwise in a subsequent ruling based on the fact that the person concerned has once again behaved contrary to his duty of care as a good seaman in respect of the people on board, the vessel, its cargo, the environment or shipping prior to the end of a probationary period, which the Disciplinary Court hereby sets at two years;
- stipulates that the probationary period of the suspension shall commence on the date six weeks following the date of this ruling being forwarded.



Duly delivered by J.M. van der Klooster, LL.M., presiding judge, H. van der Laan, T.W. Kanders, members, in the presence of E.M. Dooting, LL.M., as secretary, and pronounced by J.M. van der Klooster, LL.M., in public session on 2 July 2021.

J.M. van der Klooster
presiding judge

E.M. Dooting
secretary

An appeal against this ruling can be lodged within six weeks of the date of forwarding with the Dutch Trade and Industry Appeals Tribunal ('College van Beroep voor het Bedrijfsleven'), Prins Clauslaan 60, 2595 AJ The Hague, P.O. Box 20021, 2500 EA The Hague, the Netherlands.