



**RULING OF THE MARITIME DISCIPLINARY COURT OF THE NETHERLANDS OF
1 DECEMBER 2023 (NO. 10 VAN 2023) IN THE CASE OF 2023.V8-RUYTER**

As petitioned by:

the Minister of Infrastructure and Water Management
in The Hague,

petitioner,

authorised representative: ing. K. van der Wall,
senior inspector Human Environment and Transport Inspectorate
(ILT)/Shipping in Zwijndrecht

versus

A.M. Z.,

the person concerned,

counsel: M.M. van Leeuwen, LL.M.

1. Course of the proceedings

On 27 March 2023, the Disciplinary Court received a written request for disciplinary treatment from ing. K. van der Wall, aforementioned, against the person concerned as Maroff of the Dutch vessel de Ruyter. 27 appendices and a video were attached to the petition.

The Disciplinary Court has notified the person concerned of the petition, enclosing a copy of the petition with appendices, and informed the person concerned of the right to submit a statement of defence.

A statement of defence was received from counsel for the person concerned on 9 June 2022.

The Inspector did not take the opportunity to reply to the defence.



The presiding judge stipulated that the oral hearing of the case would be held at 11.00 hours on 20 October 2023 at the offices of the Disciplinary Court in Amsterdam.

The court hearing was held on 20 October 2023.
Inspector Ing. K. van der Wall appeared at the hearing for the petitioner.
The person concerned appeared at the hearing, together with his counsel.

2. Grounds

The petition for a disciplinary hearing was filed in response to the accident described below.

On 11 April 2022, around 17.33 hours LT, de Ruyter trailing suction hopper dredger collided with the Maltese vessel, the Celestine, on exiting the Westerschelde.

Once de Ruyter had discharged its cargo into other vessels in the fairway close to the Hoofdplaat, the vessel departed again to sea at around 17.00 hours LT. The Maroff was the officer of the watch. The captain was also on the bridge. The Maroff reported the departure from the transshipment point to the vessel traffic service. They agreed that the vessel would sail out behind the other shipping traffic. This concerned the incoming Sunny Horizon and the outgoing Celestine. The captain agreed with this decision. Once de Ruyter had passed the Sunny Horizon, the captain became seated at a table on the bridge, with his back to starboard. He was therefore unable to see the Celestine approaching. The first officer also joined them on the bridge with food. The collision took place shortly afterwards.

De Ruyter (IMO number 9085467) is a Dutch trailing suction hopper dredger owned by Noordzee Zand B.V. at Terneuzen. Built in 1994, the vessel has a length of 82 metres, a width of 11.5 metres, and a gross tonnage of 1455GT. At the time of the accident, the crew consisted of 6 people in total.



3. The Inspector's objections

According to the Inspector, the person concerned as Maroff acted or failed to act as a good seaman contrary to the duty of care that he, as a good seaman, should observe with regard to the persons on board, the ship, the cargo, the environment, and shipping traffic (article 55a of the Seafarers Act). The inspector states Rules 8, 15, 16 and 17 of the Collision Regulations (COLREG) in the petition, with an indication that this summary is not intended to be comprehensive. During the hearing, the inspector also referred to article 8, paragraphs 2 and 3, and article 16 of the Westerschelde Shipping Regulations (SRW 1990).

The inspector's objection against the person concerned consists of the following elements:

1. the person concerned kept much too small a CPA from the Celestine
2. the person concerned did not alter course sufficiently after passing the Sunny Horizon.
3. besides altering course, the person concerned should have reduced the speed sooner in order to keep a safe distance from the Celestine.
4. the person concerned did not adequately anticipate the slowing of the Celestine.
5. the collision occurred partly because of the aforementioned objections.

The demand is to suspend the navigation licence of the person concerned for 8 (eight) weeks, 2 (two) weeks of which conditionally.

4. The position of the person concerned

In summarised form, the person concerned has put forward the following arguments.

Admissibility

The inspector has based the petition on the COLREG, but this should have been primarily the SRW 1990. Seeing as the petition in question omits



essential aspects for the basis of the petition, this should be interpreted as being a fundamental shortcoming, and the inspector's petition should therefore be declared inadmissible, in the opinion of the person concerned.

CPA and anticipation of the Celestine slowing

With regard to the objection concerning keeping too small a CPA, the counsel for the person concerned disputes whether a CPA of approximately 180 metres was insufficient in this case. The person concerned also disputes that he should have anticipated the Celestine slowing down. The person concerned therefore believes that the first and fourth elements of the objection should not constitute a disciplinary accusation.

Change of course and speed reduction

The person concerned believes the accusations regarding the change of course and speed reduction (elements 2 and 3 of the objection) to be understandable, but to be based on an excusable error. He made an error in this case and realised too late that the necessary change of direction to starboard should have been made earlier by activating and switching to the river pilot system, setting the sea pilot system to standby and changing the selector switch. This all constituted a human, one-off error, in a total of approximately 70 trips made on de Ruyter, of which 30 responsible for navigation on the bridge. This was not a decision of bad seamanship; accusations of a disciplinary nature can therefore not be made against the person concerned, in his opinion.

The final element of the objection has no independent significance, according to the person concerned.

Suspension of the navigation licence

The person concerned requests that, in the event of the Disciplinary Court ruling to suspend the navigational licence, that this suspension only applies to his authority as maritime officer and therefore not to his authority as engineer.



5. The ruling of the Disciplinary Court

Admissibility

Pursuant to article 55a of the Seafarers Act (Wet Zeevarenden) in connection with article 4, paragraph 4 of the Seafarers Act, the Disciplinary Court assesses whether the acts or omissions of the person concerned are contrary to the care that he, as a good seafarer, should observe towards the persons on board, the ship, the cargo, the environment or shipping traffic. Based on article 55h of the Seafarers Act, the petition must give reasons and must at least include the personal information and position of the person concerned, information regarding the vessel, a description of the behaviour and the objections which have arisen against the challenged behaviour. The petition complies with these requirements.

The standard of good seamanship as described in article 4, paragraph 4 and article 55a of the Seafarers Act, is an open standard for which guidance can be found in treaties, laws and decrees for shipping. The inspector stated this open standard of article 55a of the Seafarer Act in the petition, while also referring to various COLREG conditions. The inspector did not refer to the conditions from the applicable Westerschelde Shipping Regulations (SRW 1990), in the petition. However, this does not deter from the standard of good seamanship and the disciplinary conditions of the Seafarers Act for a vessel covered by that act, such as in this case de Ruyter. The Disciplinary Court therefore rejects the appeal for inadmissibility by the person concerned.

The evidence

In assessing the petition, the Disciplinary Court takes the following evidence as its starting point:

- A. The statement of the person concerned at the hearing, insofar as it contains the following:

Regarding the situation on the bridge



“Once we had finished discharging into another vessel, we went back out onto the Westerschelde, to continue our sand suction work. We had a replacement captain. I was therefore personally responsible for discharging. I was familiar with the vessel after all, while he was not. As soon as we were empty, we departed. I was together with the captain on the bridge at that point. He sat to my right on a chair, observing. We had the watch together, the same watch hours. Once I had passed the ‘Sunny Horizon’ vessel, my colleague, the first officer, came to the bridge with food. At that time, the captain assisted the first officer putting the food on the table, and they both became seated at the table. The captain sat on the bench with his back to starboard. I was still manoeuvring, seated in the helm chair. The captain kept lookout. I’m struggling to determine exactly which period he was lookout watch. In principle, we had the watch together. Though I had some experience, this was not sufficient experience to operate independently. The captain was aware of that. When the food arrived, the captain more or less left the lookout position, also because everything was progressing normally. I can no longer literally remember whether the captain said anything on joining the first officer to help with the food. In any case, he did not say anything which would cause me to take any action. In answering the Disciplinary Court question as to whether I felt sufficiently supported by the captain, I can answer that I did not feel I was insufficiently supported by the captain at that time. With hindsight, I might have acted differently in the position of captain. If I had been the captain, I would have remained in place during such a manoeuvre.”

Regarding CPA and the change of course

“In answering the Disciplinary Court question regarding the radar settings, I can answer that, in principle, we always navigate on the ‘true vector’ rather than the ‘relative vector’. I cannot really answer your question of whether the radar was set to course and ground



speed or course and water speed. I do however know that I was focusing on the 'Closest Point of Approach' (CPA) and 'Time to Closest Point of Approach' (TCPA) rather than the radar image.

Regarding my opinion of the fact that the CPA was set to 0.1 mile, I can answer that I would have acted very differently in terms of navigating. However, that CPA value depends on the situation. If I were in the same situation again, I would set a larger CPA. I struggle to express this in terms of figures. I have learned from the situation and have become more cautious.

In this situation, I set the plot to 'Automatic Identification System' (AIS), because this reacts quicker and more directly than the radar, especially when various vessels may change course.

If the AIS symbol is shown next to the radar target, I plot to 'Automatic Radar Plotting Aids' (ARPA). If the AIS symbol corresponds with the echo and there are situations in which action must be taken within a short period of time, I plot to AIS.

As I headed up behind the Sunny Horizon, the background bearing was not particularly useful, as you noted. After heading up two more times, the background once again changed. I then realised too late that we had approached too close.

I opted to navigate on the sea pilot, as there was one straight course from our departure point, the 'Hoofdplaat' tributary waterway in the direction of the Walvischstaart channel. We did however need to give way to oncoming traffic and other shipping traffic. That was also possible on the sea pilot on board de Ruyter, as that also reacts quickly. The river pilot could indeed have been an option, but we generally conduct such small manoeuvres such as giving way to two vessels on the sea pilot, on board de Ruyter.

When I realised that this would not work, and my colleague had also warned me, I immediately switched from sea pilot to river pilot, therefore automatically to 'non follow-up'/manual steering. I set the



sea pilot to ‘stand by’. I then steered full to starboard. Due to the stress of that moment, I forgot to change the selector switch between the sea pilot and river pilot, resulting in the signal not extending beyond the pilot. When the river pilot is operational, this allows for manual steering and gives a rate of turn of 60 degrees.”

Regarding the personal circumstances of the person concerned

“Regarding my personal circumstances, I can answer as follows: I was extremely shocked and everything was a blur following the incident. What had happened here? This was new to me and not a situation I would wish to repeat. The incident did influence my confidence as maritime officer, particularly because of not having extensive navigating experience. The decisions regarding the manoeuvres were sound, but did not have the desired effect. Following this incident, I have no longer functioned as a maritime officer. I now only work as an engineer on the same vessel with the same colleagues. I do not believe the shipping company blamed me, and I have received full support whenever necessary. The shipping company has not refused me the position of maritime officer, but I have personally declined for the time being. Should the Disciplinary Court rule to suspend my navigational licence, I would request that the suspension only apply to my authority as maritime officer. Should I be suspended for both positions (both maritime officer and engineer), the shipping company will make suitable arrangements together with me, as has become apparent from discussions with them. I therefore do not expect serious consequences for myself should the Disciplinary Court meets the inspector’s demand. There is currently no criminal process undertaken, as far as I know.”

- B. The statement of the captain of 11 April 2022 (appendix 13 to the petition), in so far as it contains the following:
“Around 5 o’clock in the afternoon, we finished discharging and were ready to head out to sea again. The Maritime Officer was on watch. I



was also on the bridge. I heard the Maroff report our departure to the vessel traffic service. There was other shipping, the Sunny Horizon was coming in and the Celestine was going out. I heard the Maroff indicate that we would pass behind the two vessels. That sounded sensible to me. I saw no reason to become involved in the navigation. We had clear visibility and the weather was fine. I observed that we passed well behind the Sunny Horizon, after which I sat down on the bench at the bridge table, facing the port side bridge wing. The first officer entered the bridge with food, and sat down opposite me. I noticed the Maroff slowing down. At a certain point, the first officer noted that we were very close. I turned around and observed that we were indeed much too close to the Celestine. I called out to the Maroff to give full reverse thrust, which he did, but a collision could no longer be avoided; it was a hefty blow."

- C. An (officially taken) interrogation report of the person concerned on 12 April 2022, recorded by the Police, National Unit (appendix 23 to the petition). This includes a statement by the person concerned, insofar as relevant, as follows:

"[...]

Q: When did you join de Ruyter as maritime officer?

A: I began full-time work on de Ruyter in February of this year. That is approximately 7 weeks as maritime officer. This means that I have worked approximately 70 to 100 trips.

[...]

Q: When did you embark?

A: I embarked in the night of Sunday to Monday, at midnight.

Q: Were you familiar with the rest of the crew?

A: I know the crew, with the exception of the captain. He had been externally hired.

[...]

Q: After heaving anchor for the 3rd trip towards the suction area, who was on the bridge?



A: I was on the bridge together with the captain.

Q: Did you have the watch alone?

A: Yes I did, it was my watch from 12 hours on. The captain was on the bridge but was not involved in the navigation.

Q: What happened after departure?

A: I reported to the Vlissingen office on Canal 14 that we had heaved anchor and were heading for the suction area.

Q: Did you receive any further information from the Vlissingen office following departure? A: "Yes, indeed. I was informed that Sunny Horizon was incoming, that Celestine was outgoing, and my intentions were requested regarding Celestine.

Q: What did you answer?

A: I answered that I would pass behind the Sunny Horizon and would then head up to also pass behind the Celestine.

Q: What did the Vlissingen office reply?

A: I heard the Vlissingen office communicate this to the Celestine. They answered in English that they had understood.

Q: Was it clear to you what was to be expected?

A: Yes it was clear to me.

Q: Did you have good visibility of the vessels?

A: Yes the visibility was good and the vessels were clearly visible.

Q: Had you plotted the vessels on the radar?

A: Yes, I had plotted both vessels with a view to gaining experience and for safety purposes.

Q: After passing the Sunny Horizon, what did you do next?

A: I headed up twice and gave 2 ticks backwards, reducing capacity by 10%.

Q: Why did you head up twice and give 2 ticks backwards?

A: To increase my CPA to the Celestine.

Q: You used data to increase your CPA, what was that?

A: I used my plotting data and looked outside.

Q: Did anyone call anything to you up until the passage of the Sunny Horizon?



A: No, I independently undertook all actions.

Q: Who was on the bridge prior to the incident?

A: The captain was on the bridge and the first officer arrived with food.

Q: Just before the collision, did anyone call anything to you? A: I heard the first officer call: "That's getting very close" or words to that effect.

Q: What did you do following that comment?

A: I turned my rudder all the way to starboard. I was sailing on the sea pilot at that point. I then switched to the river pilot (steering manually). I turned to full starboard.

Q: Did you notice any difference after switching?

A: No I did not notice any difference, not enough to avoid the collision.

Q: Did anyone else call or do anything to avoid the collision?

A: Yes, the captain ordered me to give full reverse thrust. I did that immediately.

Q: Did that have any effect?

A: This was just before the collision. This action therefore did have effect but not enough to avoid the collision."

D. An (officially taken) interrogation report of the captain on 12 April 2022, recorded by the Police, National Unit (appendix 24 to the petition). This includes a statement by the captain, insofar as relevant, as follows:

"Q: What is your position on board de Ruyter?

A: My position is that of captain.

Q: When did you embark?

A: Yesterday, Monday, 11 April 2022, at approximately midnight.

[...]

Q: Have you previously sailed as captain on board de Ruyter?

A: Yes, indeed. In May 2020

Q: May I ask whether you are a replacement captain?

A: No, I have been posted by Delta Marine Services.



Q: Do you believe you are competent as captain, in other words, do you know all the ins and outs of this vessel?

A: No, I do not know all the ins and outs of this vessel. But yes, I am competent as captain.

[...]

Q: Had any agreements been reached with regard to the watch on the bridge?

A: Yes, they had been made. My shift was from 06:00–18:00 hours. The Maroff and first officer are 8 on 8 off.

Q: When did you sail out for the 3rd time?

A: Following the second discharge in the Fairway alongside Hoofdplaat, near buoy VH 14, we once again set out to sea. That was yesterday 11 April 2022 at around 17:10 hours.

Q: Who was on the bridge upon departure?

A: Myself and the Maroff.

Q: Who was responsible for navigation at that time?

A: The Maroff had the watch upon departure and was therefore responsible for navigation.

Q: Was your departure reported on leaving?

A: Yes, the Maroff made the necessary report.

Q: Did the traffic service give any traffic information?

A: Yes, the traffic service informed us to take account of other traffic.

Q: Did you hear what was reported and replied by the Maroff?

A: Yes, the Maroff replied that de Ruyter would pass behind the incoming vessel and behind the outgoing vessel. I no longer know which VHF channel was used.

Q: Was the information clear to you, in other words, was the situation clear?

A: Yes, it was clear.

Q: What happened next?

A: at around 17:30 hours, the first officer came up with a tray of food.

Q: Is it normal for officers to eat on the bridge?

A: Yes, that's normal on this vessel. Between 17:30 and 18:00 hours.



Q: What happened then?

A: As we were passing behind the incoming vessel, the Sunny Horizon, I sat down to eat. At that point, I could see that we would pass well behind the Sunny Horizon. I could see the outgoing Celestine at that point.

Q: You sat down to eat, and what happened next?

A: I sat down to eat with the first officer. The Maroff had the watch and was navigating.

[...]

Q: What happened then?

A: While eating, I heard the first officer comment to the Maroff “that’s going to be close,” or words to that effect. This was a few minutes after the first manoeuvre. [...]

Q: What did you do following that comment?

A: I turned around because I had my back to the situation. I was looking out to port side and could not see the situation.

Q: What did you see?

A: The Celestine very close by. Too close. I can’t tell you the exact distance. My gut feeling said too close. I saw the Maroff moving the rudder to starboard.

Q: What did you do then?

A: I realised that we were not moving quickly enough to starboard. I then called out: “full reverse thrust”.

Q: Did the Maroff react to your command?

A: Yes, immediately.

Q: Did you see whether your command had any effect at that time?

A: The collision occurred before the adjustable thruster was in full reverse. I felt there was cavitation.

Q: Did the Maroff report anything to you while you were eating?

A: No, he did not.

[...]

Q: Did the Maroff take any navigational action while you were eating?



A: While eating, I noted that the Maroff had given 2 x ticks backwards. I could hear the blower revs being reduced.

Q: Did you have sufficient overview to be able to do anything to prevent the collision?

A: I can't answer that.

Q: Is the collision alarm set on the radar?

A: No, there was no point. I had seen the Maroff plot both vessels, therefore no alarm was needed.”

- E. The statement of 22 April 2022 from the shipping company to the inspector (appendix 8 to the petition), in so far as it contains the following:

“7. Who was on the bridge at the time of the collision?

At the time of the collision, the Maroff was the watch officer. [...] Also present but not on watch were the Captain and the First officer.

8. Who had which tasks? The Maroff had command of the ship.

Who was the OOW? The Maroff was OOW.

9. Did any technical problems cause this collision?

No technical problems were detected.

10. How was the visibility just before the collision? Visibility was good.”

- F. The email replies of 29 August 2022 from the person concerned to the inspector (appendix 15 to the petition), in so far as it contains the following:

“[...]”

5. Who else was on the bridge, beside yourself, just before and during the collision? The captain was on watch and the first officer came up just before the collision. All three of us were up there during the collision.

[...]”

7. What were their tasks? The captain had the watch together with me. The first officer had no watch and no task.



8. Was there a lookout on the bridge? Yes

9. If so, who? The captain

10. According to the captain's statement, you were in contact with the vessel traffic service to report your departure. You agreed with the vessel traffic service that you would pass behind the 'Sunny Horizon' and the 'Celestine'. Is that correct? Yes indeed.

11. At the point in time that the 'Sunny Horizon' has just passed you, you momentarily lose sight of the 'Celestine'. Around that time, you also change course to starboard to pass behind the 'Celestine'. With hindsight, this change of course was insufficient. Did you have insight into both the CPA and TCPA on the bridge? Yes, I had plotted both vessels on the radar and the CPA and TCPA were therefore both visible.

12. And were you actually paying attention to them? Yes

13. If so, what were they? I can't remember the CPA for the Sunny Horizon. The CPA for the Celestine was 0.1 mile. What was the CPA for the Celestine when you reported to the vessel traffic service? I plotted both vessels after reporting to the traffic service. And what was the CPA after that? After reporting and agreement, the CPA was 0.1 Mile.

14. Why did you not steer to starboard earlier and/or more sharply, once you regained sight of the Celestine after the 'Sunny Horizon' had passed? I could not steer earlier because of the Sunny Horizon. I steered as far to starboard as seemed necessary.

15. Did you reduce speed before the collision? Yes. If so, when did you reduce speed? After passing the Sunny Horizon.

16. What was the draught upon departure (after discharging)? 3 metres.

17. Can you explain in your own words what when wrong, and why the collision took place?

The Celestine slowed after I had reached agreement and confirmed with the radar service about how de Ruyter would pass the Sunny Horizon and Celestine."



G. The email replies of 6 January 2023 from the captain to the inspector (appendix 19 to the petition), in so far as it contains the following:

“1. According to the Maroff, you were the lookout until shortly before the collision. Is that correct?

A: as given in the police report: the Maroff had the watch independently. I was on the bridge but was not involved in the navigation.”

2. What do you believe to be a safe CPA when passing other ships?

A: that varies, is the fairway busy? is there direct VHF contact with the vessels? the weather conditions, etc.

3. Did you notice the CPA for the Celestine?

A: no I heard the traffic centre referring to an incoming and an outgoing vessel to be taken into account. I heard the Maroff reply that he would give way to both vessels and pass them to the rear.

4. Did you comment on that to the Maroff?

A: No. There was no reason to do so.”

H. A video from the National Unit, Maritime Police team of Den Helder, showing the tracks navigated by the vessels involved, following a collision between the vessels involved (appendix to the petition). The film images show that de Ruyter navigated at a good distance behind the Sunny Horizon.

Findings

The content of the evidence referred to above has led to the following conclusions being drawn in this case with an adequate measure of certainty.

The person concerned was Maroff and officer of the watch of de Ruyter when leaving the Westerschelde on 11 April 2022. The person concerned consulted with the vessel traffic service to navigate behind the incoming Sunny Horizon and the outgoing Celestine. Once de Ruyter had passed the Sunny Horizon (at a good distance), the captain who was also present on the bridge, became



seated at a table to eat, with his back to starboard. The collision with the Celestine took place shortly afterwards.

It has been established that the person concerned maintained a CPA of 0.1 mile from the Celestine. In the given circumstances, namely on the Westerschelde with crossing vessels and the local current, the Disciplinary Court believes a CPA of 0.1 mile to be greatly insufficient. At such a CPA, the person concerned had not planned sufficient margin to take account of the realistic possibility that other vessels can change course and/or speed. When questioned at the hearing, the person concerned informed the court that he would plan a larger CPA should such a situation occur again. The above information means that the first and the fourth elements of the objection are declared to be founded.

With regard to the objections regarding the course and speed change, the following applies. The person concerned has stated that after passing the Sunny Horizon, he headed up twice and reduced his speed by 10 percent, and that he could not steer to starboard any earlier due to the Sunny Horizon. In heading up, the person concerned used his plot data and looked outside. In his statement to the police, the captain confirmed that the person concerned gave two ticks backwards and that he heard the blower revs being reduced. The captain has also declared that he saw they would pass 'well behind the Sunny Horizon'. The film images also show de Ruyter navigating at a good distance behind the Sunny Horizon. In the opinion of the Disciplinary Court, the person concerned should have changed his course much more strongly after passing the Sunny Horizon, for which there was space, and should have reduced his speed earlier. The fact that the person concerned forgot to change the selector switch between the sea pilot and river pilot directly prior to the collision, as a result of the stress, does not deter from accusations of a disciplinary nature being made with regard to the change of course. Operating the equipment is a basic skill required of any maritime officer, despite the relatively young age and inexperience in this case. A maritime officer may always be expected to have the required knowledge and skills. Moreover, the person concerned had already



undertaken various trips as maritime officer on board de Ruyter. Although the level of supervision by the captain – who was also aware that the person concerned was relatively inexperienced – was certainly not entirely adequate, this does not deter from the individual responsibility of the person concerned.

The Disciplinary Court notes hereby that it was indeed the first officer who cautioned the person concerned regarding the emergency situation. The person concerned does not seem to have realised at all that this was a hazardous situation. He seemed surprised by the circumstances. The above considerations result in the court also declaring the second and third elements of the objection to be founded.

The above elements contributed to the collision occurring.

The failure of the person concerned to comply with the safety regulations constitutes a violation of the regulation of article 55a of the Dutch Seafarers Act in conjunction with article 4 paragraph 4 of that Act: acting or failing to act on board as ship's officer contrary to the duty of care expected of a good seaman in relation to the persons on board, the vessel, the cargo, the environment and shipping traffic.

The disciplinary measure

The Disciplinary Court judges that the person concerned has seriously failed in his duties. In view of the seriousness of the evident behaviours, a suspension of the navigation licence for the duration mentioned below is appropriate.

Considering the circumstances that the person concerned is a relatively inexperienced and young maritime officer, who received little to no support from the captain, and whose statement at the hearing shows him to be certainly aware of his failure and lack of practical know-how and skills, the Disciplinary Court stipulates that the suspension of the navigation licence be



imposed for 4 (four) weeks conditionally, rather than the 2 (two) weeks demanded by the inspector.

Given the information received, the Disciplinary Court sees no reason to have this suspension only apply to the authority of the person concerned as maritime officer. Aside from that, suspension of part of the authority of the person concerned would also not be feasible in practice. The person concerned is a Maroff and his *certificate of competence* as such covers both the authority to navigate a vessel as maritime officer and the authority to work on board as an engineer. Upon suspension of the navigation licence, the *certificate of competence* must be surrendered. Suspension of the navigation licence therefore applies to both the authority as maritime officer and the authority as engineer.

6. The decision

The Disciplinary Court,

- declares the inspector's petition admissible;
- rules that the objections against the person are well-founded;
- suspends the navigation licence of the person concerned for a period of 8 (eight) weeks;
- stipulates that of this suspension, a period of 4 (four) 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 persons on board, the vessel, the cargo, the environment or shipping traffic 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 W. van der Velde, presiding judge, H.H. Pannekoek and C.R. Tromp, members, in the presence of E.M. Dooting as secretary, and pronounced in public session on 1 December 2023.

W. van der Velde
president

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.