



**RULING OF THE MARITIME DISCIPLINARY COURT OF THE NETHERLANDS OF  
20 DECEMBER 2024 (NO. 12 OF 2024) IN THE CASE 2024.V4- STAVFJORD**

As petitioned by:

the Minister of Infrastructure and Water Management  
in The Hague,

**petitioner,**

authorised representative: (ir) B.A.C. v. G.,

senior inspector Human Environment and Transport Inspectorate  
(ILT)/Shipping in Zwijndrecht

versus

R.V. C.,

**the person concerned.**

**1. The course of the proceedings**

On 04 July 2024, the Disciplinary Court received a written request (with annexes) for disciplinary treatment from (ir) B.A.C. v. G., aforementioned (hereinafter the inspector) petitioning for a disciplinary hearing of an objection against the person concerned as first officer of the Stavfjord vessel sailing under the Dutch flag.

The Disciplinary Court has notified the person concerned of the petition (enclosing a copy of the petition with annexes, as well a video file), and informed the person concerned of the right to submit a statement of defence.

No statement of defence has been received from the person concerned.



The presiding judge stipulated that the hearing of the case will be held at 11:00 hours on 22 November 2024 at the courtroom of the Disciplinary Court in Amsterdam.

The court hearing was held on 22 November 2024. (ir) B.A.C. v. G. appeared at the hearing as petitioner, accompanied by his colleague, (ir) K. v.d. W.

The person concerned participated in the hearing via an online video link from the Philippines, and was assisted by an interpreter.

## **2. Grounds**

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

On 18 February 2024, the Stavfjord was travelling from Hekkelstrand near Narvik, to Holmestrand in the vicinity of Oslo. The vessel was sailing in the Norwegian fjords with a draft of Tmean 6.18 metres. Midway through the afternoon, the route took it past Bergen Flesland airport. There, the (new) first officer had landed at 13:55 hours, following a flight from Manila lasting nearly 26 hours in total, including two transfers. At approximately 15:30 hours, the person concerned was transported by MOB boat to board the Stavfjord, which was kept running. Once on board, the person concerned quickly assumed the sea watch following brief transfer instructions. He was replaced for a meal between 17:15 and 17:25 hours. At approximately 18:58 hours, the vessel grounded at position 59 53 50.4N, long 005 31 43.2E (Norway), whereby the Stavfjord bow collided with the rocky shoreline on a course of 143 degrees and a speed of around 10.5 knots. The person concerned was asleep at that time; he had fallen asleep, and estimates this to be approximately 20 minutes before the grounding. He was alone on the bridge and the watch alarm was switched off. Following grounding of the bow, the vessel moved to aft, resulting in the stern colliding with the rocks. As a result of the collision, the forepeak ballast water tank of the Stavfjord



flooded. The vessel also suffered damage to its steering gear and thruster. On that same evening, the Stavfjord was towed to nearby Eldoyane (Stord).

The Stavfjord (IMO number 9321380) is a Dutch cargo vessel, owned by the Stavfjord B.V. Shipping company in Delfzijl and managed by Fonnes Shipping AS. Built in 2005, the vessel is 113 metres long, 14 metres wide and has a gross tonnage of 4206. At the time of the accident, the crew consisted of nine persons in total.

### **3. The Inspector's objections**

3.1 According to the Inspector, the person concerned acted or failed to act as first officer 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 (Section 55a of the Seafarers Act).

The objection against the person concerned consists of the following elements:

1. The person concerned was inadequately rested to be capable of assuming duty upon commencement of the watch, and did not inform the captain of this.
2. The person concerned did not activate the BNWAS upon commencement of his sea watch.
3. The person concerned dismissed the lookout from the bridge to conduct another task.
4. Despite the audible alerts of the ECDIS not forming a replacement for the BNWAS, the inspector holds the person concerned responsible that he maintained the audible alerts switched off (silent mode).
5. He fell asleep due to (the combination of) these circumstances, was not alerted and the grounding could take place.

3.2 The Inspector cites as relevant legislation, alongside non-observance of Section 55a of the Seafarers Act:



### **Seafarers Act section 4 paragraph 7**

The captain organises the work and the watch is scheduled such that the watch personnel is adequately rested and is otherwise capable of assuming duty upon commencement of the watch.

### **MSC.1/Circ. 1598 – Guidelines on fatigue Jet lag**

36. Jet lag occurs following long flights through several time zones. Seafarers crossing time zones to join their ship are exposed to a sudden change in the day/night cycle causing circadian disruption. It is a condition that causes fatigue in addition to sleep deprivation and irritability. The body clock will eventually adapt to a new time zone; however, depending on the new schedule, it takes several days to adjust. During the period of adaptation to the new time zone, common symptoms include wanting to eat and sleep at times that are out of step with the local routine, problems with digestion, degraded performance on mental and physical tasks, and mood changes. It is easier to adjust while crossing from east to west than from west to east.

### **STCW Code Part A /Chapter VIII/ Part 4 – WATCHKEEPING AT SEA**

#### **Lookout**

14. A proper lookout shall be maintained at all times [...]

15. The lookout must be able to give full attention to the keeping of a proper lookout and no other duties shall be undertaken or assigned which could interfere with that task.

### **MSC.1/Circ.1474 – Annex – GUIDANCE ON THE BRIDGE NAVIGATIONAL WATCH ALARM SYSTEM (BNWAS) AUTO FUNCTION**

SOLAS regulation V/19.2.2.3 requires the provision of a Bridge Navigational Watch Alarm System (BNWAS), which shall be in operation whenever the ship is under way at sea [...]



## **RESOLUTION MSC.232(82) – ADOPTION OF THE REVISED PERFORMANCE STANDARDS FOR ELECTRONIC CHART DISPLAY AND INFORMATION SYSTEMS (ECDIS)**

### 11.4 Route monitoring

11.4.3 ECDIS should give an alarm if, within a specified time set by the mariner, own ship will cross the safety contour.

11.4.5 An alarm should be given when the specified cross track limit for deviation from the planned route is exceeded.

11.4.6 An indication should be given to the mariner if, continuing on its present course and speed, over a specified time or distance set by the mariner, own ship will pass closer than a user-specified distance from a danger (e.g. obstruction, wreck, rock) that is shallower than the mariner's safety contour or an aid to navigation.

(Inspector's comment: if the audible alerts have been switched off, then part of the alarm function is already inactive. For that matter, the ECDIS alarms cannot be seen as a replacement for the BNWAS.)

3.3 The inspector demands: suspension of the navigation licence for a period of four weeks.

## **4. The position of the person concerned**

With the exception of the first part of the objection, the person concerned acknowledged the correctness of the inspectors objection.

## **5. The ruling of the Disciplinary Court**

### 5.1 The means of evidence

The Disciplinary Court bases its assessment of the inspector's objections regarding the acts or omissions of the person concerned on the following means of evidence:



A. The written reply by the person involved, on 6 March 2024, answering the inspector's question as to whether he was well rested at the start of his watch. "A bit" and why he had fallen asleep: "Maybe due to lack of sleep".

B. The statement of the person concerned at the hearing, in so far as it contains the following, in concise form:

I think it was around 15:30 hours in the afternoon that I was transported by MOB boat to board the Stavfjord, which was kept running. I had travelled from Bergen Flesland airport, where I landed at approximately 13:55 hours. The flight from Manila to Bergen Flesland had taken approximately 26 hours, including two transfers. Once on board, I began my four-hour watch at 16:00 hours following a brief transfer. This is normal operational procedure that an officer starts his watch immediately on arrival on board. I was briefly replaced for a meal between 17:15 and 17:25 hours. The BNWAS on the bridge was switched off. I did not activate it. The audio signal is barely audible on the bridge, but is annoying for other crew members during their resting period. The audible alerts of the ECDIS were also switched off.

There was only one lookout on the bridge when I began my watch on the bridge. Approximately half an hour before the grounding, he had gone below for a fire check. I was alone on the bridge after that. It is true that I estimate to have fallen asleep around 20 minutes before the vessel collided with the rock at 18:58 hours.

With hindsight, the alarms should have been activated in such a tricky situation, and another officer should have been present on the bridge. It is also true that a pilot is compulsory in this fairway. I do not have exemption (pilot certificate).

C. The reaction (by email message of 6 March 2024) from Fonnes Shipping to the inspector's question regarding how rested the person concerned had been when boarding the vessel and quickly starting his watch: "He travelled from Manila to Bergen, so I wouldn't imagine he'd be completely fit" and to the question regarding the procedures on



board to ensure that anyone joining the vessel is rested before his/her watch starts: “No procedure for this situation, is currently under improvement”.

- D. The Report of Inspection by the Port State Control, insofar as it contains the following:
- “Every vessel shall at all times maintain a proper look-out by sight and hearing (COLREG Rule 5). When the vessel collided on a rock in Langenuen at 1858 hrs. LT on February 18th 2024 the Chief Officer was alone on the bridge and fall asleep. The look-out was on a routine fire check when the collision occurred.
- (...)
- Bridge watch alarm system is not giving alarm to VDR, Bridge watch alarm system alarm sound to bridge is very low sound. BWAS to be repaired.”
- E. The illustration of the ECDIS screen following the grounding, showing: “Audible alerts switched off”.
- F. Annex 50 to the petition giving, among other things, the location data of the grounding. That position is also confirmed by other annexes (9, 10, 11, 15, 32, film file) in writing or geographically.

## 5.2 Considerations

The means of evidence given above are sufficient proof that the inspector’s objection is well-founded. This also applies to the objection that the person concerned was “inadequately rested and otherwise capable of assuming duty upon commencement of the watch” and that he should have drawn the captain’s attention to this. As an experienced first officer, he should have been aware of the possibility of being overwhelmed by fatigue, during such a long watch, so soon after a lengthy journey, possibly as a result of sleep deprivation, as he himself described. This is also a warning given in the circular MSC.1/Circ. 1598 – Guidelines on Fatigue, specifically concerning jet lag.

There should have been even more awareness – also by the person concerned – that constant vigilance was required while navigating in the dark



through a tricky navigation area (the fjord), while the person concerned was actually in an unfit state in which, objectively speaking, (travel) fatigue could trouble him. For that reason, among others, he should not have fulfilled this watch as sole officer on the bridge. The fact that the captain was aware of the lengthy journey made by the person concerned prior to his watch cannot be regarded to be a sufficient excuse. This would imply a failure by the person concerned to recognise the personal responsibility of a duty officer of the watch. It is also particularly harmful that he did not activate the BNWAS, which he knew to be switched off, and that he left the ECDIS in silent mode, while the functioning of such alarms carried extra importance in the given circumstances (which included: a sole officer on the bridge, who had also just completed an extremely long journey; sending the lookout below, navigating the fjords in the dark).

The person concerned has been accused and proven to act and fail to act in violation of the duty of care that he, as a good seaman, should take with regard to the persons on board, the ship, the cargo, the environment and shipping traffic.

### 5.3 The disciplinary measure

The Disciplinary Court judges that the person concerned failed seriously in his responsibilities as first officer of the Stavfjord, which resulted in the grounding. Luckily there was only material damage.

In view of the seriousness of the evident behaviours (acts and omissions), a suspension of the navigation licence for a duration to be determined is appropriate.

## 6. Focal points for professional practice

The current case emphasises the importance of recognition of fatigue factors when appointing and fulfilling watch duties. Such factors also include lengthy travel time prior to joining the vessel. Moreover, the (prescribed) use of alarm systems and a lookout remains essential.





## **7. The decision**

The Disciplinary Court,

- rules that the objection against the person concerned is well-founded;
- suspends the navigation licence of the person concerned for a period of four weeks.

Duly delivered by J.M. van der Klooster, LL.M., presiding judge, W.A. Barten and H.H. Pannekoek, members, in the presence of V. Bouchla, LL.M., as secretary and pronounced in public session on 20 December 2024.

J.M. van der Klooster  
presiding judge

V. Bouchla  
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.