



**RULING OF THE MARITIME DISCIPLINARY COURT OF THE NETHERLANDS OF  
18 JUNE 2025 (NO. 4 OF 2025) IN THE CASE 2025.V3-EEMS WARRIOR**

As petitioned by:

the Minister of Infrastructure and Water Management  
in The Hague,

**petitioner,**

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

versus

D. C.,

born on 03 January 1992 in Ukraine,  
residing temporarily in Charkov,

**the person concerned.**

**1. The course of the proceedings**

On 17 March 2025, the Disciplinary Court received a written request (with annexes) for disciplinary treatment from a senior inspector from (ILT)/Shipping,, aforementioned (hereinafter the inspector) petitioning for a disciplinary hearing of an objection against the person concerned as second officer of the Eems Warrior vessel sailing under the Dutch flag.

The Disciplinary Court has notified the person concerned of the petition (enclosing a copy of the petition with 59 annexes) 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 10:30 hours on 07 May 2025 at the courtroom of the Disciplinary Court in Amsterdam.

The court hearing was held on 07 May 2025. The inspector attended the hearing accompanied by a colleague.

The person concerned attended the hearing via an online video link from Ukraine. He was heard with the assistance of a Ukrainian-Dutch interpreter present in the courtroom.

## **2. Grounds**

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

On 18-12-2024, the Eems Warrior tug was en route from Eemshaven to 's-Gravendeel as an individual vessel. It was to collect a barge there. The captain entered the wheelhouse before passing the piers at Hook of Holland and took over the watch from the chief officer, who remained in the wheelhouse. The speed was 9 knots. There was no pilot on board, as it was an individual vessel without any obligation to have a pilot on board because of the length of the Eems Warrior. Before the Eems Warrior exited the VTS sector of Maassluis, between Maassluis and the Botlek, the captain left the wheelhouse to go to the toilet. The chief officer now had the watch, and turned from the Scheur river onto the Oude Maas a few minutes later. He then quickly passed the closed Botlekbrug bridge whereby the mast of the Eems Warrior collided with the underside of the bridge. A comparable incident occurred a few minutes later, this time at the closed Spijkenisserbrug bridge, while the captain had returned to the wheelhouse in the meantime. The person concerned had drawn the voyage plan for this trip.



The Eems Warrior (IMO number 9213674) is a Dutch tug. The vessel is part of the fleet of Amasus Shipping B.V. in Delfzijl and is owned by Warrior B.V. in Farmsum. The vessel was built in 2004, is 35.3 metres long and 8.8 metres wide. The vessel has a gross tonnage of 322. There were 7 crew members on board at the time of the incident.

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

3.1 According to the Inspector, the person concerned acted or failed to act as second 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 unaware of the air draft of the Eems Warrior.
2. The person concerned was unaware of the clearance heights of the closed Botlekbrug and Spijkenisserbrug.
3. In the voyage plan drawn up by him, the person concerned did not describe the fact that passage of the Botlekbrug and the Spijkenisserbrug required the bridges to be opened.
4. There were no prescribed Nautical Pilots for the voyage on board.
5. The Eems Warrior's navigation mast collided with both bridges partly because of the objections 1 through 3.

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

#### **SOLAS V Regulation 34 – Safe navigation and avoidance of dangerous situations**

1 Prior to proceeding to sea, the master shall ensure that the intended voyage has been planned using the appropriate nautical charts and nautical publications for the area concerned, taking into account the guidelines and recommendations developed by the Organization\*.



*\*Refer to the Guidelines for Voyage Planning, adopted by the Organization by resolution A.893(21).*

### **SOLAS Resolution A.893(21) Guidelines for voyage planning**

#### **3 Planning**

- 3.1 On the basis of the fullest possible appraisal, a detailed voyage or passage plan should be prepared which should cover the entire voyage or passage from berth to berth [...]

### **STCW Code Part A, Chapter VIII, Section A-VIII/2, Part 2: Voyage planning**

- 3 The intended voyage shall be planned in advance, taking into consideration all pertinent information, and any course laid down shall be checked before the voyage commences.
- 5 Prior to each voyage, the master of every ship shall ensure that the intended route from the port of departure to the first port of call is planned using adequate and appropriate charts and other nautical publications necessary for the intended voyage, containing accurate, complete and up-to-date information regarding those navigational limitations and hazards which are of a permanent or predictable nature and which are relevant to the safe navigation of the ship.

### **Resolution A.601 (15) PROVISIONS AND DISPLAY OF MANOEUVRING INFORMATION ON BOARD SHIPS**

#### **3 MANOEUVRING INFORMATION**

##### **3.1 Pilot card (appendix 1)**

The pilot card, to be filled in by the master, is intended to provide information to the pilot on boarding the ship. This information should describe the current condition of the ship, with regard to its loading, propulsion and manoeuvring equipment, and other relevant equipment. The contents of the pilot card are available for use without the necessity of conducting special manoeuvring trials.



### **3.2 Wheelhouse poster (annex 2) (note by inspector: not compulsory for the Eems Warrior, due to the nature and dimensions of the vessel)**

The wheelhouse poster should be permanently displayed in the wheelhouse. It should contain general particulars and detailed information describing the manoeuvring characteristics of the ship, and be of such a size to ensure ease of use. The manoeuvring performance of the ship may differ from that shown on the poster due to environmental, hull and loading conditions.

### **Inland shipping police regulations article 1.04 precautionary measures**

Even when these regulations do not include specific directions, the captain must take all precautionary measures necessary according to good seamanship or with regard for the circumstances applicable to the vessel or combination, to avoid:

- a. endangering the life of any person;
- b. causing damage to other vessels or to floating objects, or to embankments, structures and facilities of any nature, found in the fairway or along the embankments;
- c. endangering the safety or normal progress of shipping.

3.3 The inspector has demanded a fine of 600 euros to be imposed on the person concerned. In doing so, the inspector noted that should the Disciplinary Court decide to impose part of that amount conditionally or to reduce the amount payable, because of the personal circumstances concerned, the inspector is in agreement.

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

In summary, the person concerned acknowledged the inspector's objections. He drew up the voyage plan and in doing so was unaware of the current air draft and the clearance heights. He was asleep at the time of the collision with the bridges, and did not notice anything.



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

"I was asleep when the Eems Warrior collided with the bridges on 18 December 2014. I didn't hear anything.

I drew up the *voyage plan* while we were still in the Eemshaven. I had never navigated the route to 's-Gravendeel in the past. When drawing up the voyage plan, I made use of all the digital tools available on board, including *ECDIS*. The chart showed that we would pass under a number of bridges along our route. In the *voyage plan*, I did not include whether or not the bridges needed to be opened. According to the *air draft* calculations, we could pass under the bridges without them being opened. We did not have current information regarding the *air draft*. We gained the information from old nautical charts and *voyage plans*. I no longer recall whether I included an *air draft* of 25 metres in the *voyage plan*. I also no longer recall whether the 18.3 metres of *expected minimal overhead clearance* was included. When making the calculation, we take the height of the bridge and deduct the *air draft* from that height. I was unaware that the bridges needed to be opened. I no longer recall who told me, but I had heard from someone that the vessel had passed under these bridges in the past without them being opened. If I remember rightly, we were informed during the transfer that the shipowner was aware that there were no *Nautical pilots* on board.

You could conclude that because I was unaware of the correct *air draft* and the clearance height, and the *voyage plan* did not include the information that the bridges needed to be open, and there was a lack of *Nautical pilots* on boards, that this was the reason for the vessel colliding with the two bridges.



I do not believe I paid any attention to the tidal differences near the bridges, in the *voyage plan*. The *voyage plan* also did not include a section where you could fill in information on tidal calculations.

We had increased our speed due to the bad weather. We arrived at the bridges earlier than originally planned.

The *voyage plan* did not include the locations where you can find warnings of the clearance heights on signs along the banks. This can however be seen in the *ECDIS*.

We gauged the depth in the Eemshaven to be 4.2 metres. We assumed that this type of tug would have a standard depth.

I don't think the figure of 25 metres which I stated previously was the *air draft*, but rather the height of the vessel.

At 4.00 hours in the morning, I transferred the watch to the *chief officer*. I can no longer recall whether I discussed specific instructions with him at that point."

B. In an FSC, Eems Warrior questionnaire of 18 December 2024 – formulated by two inspectors of the ILT, and enclosed as annex 15 to the petition – their findings read as follows in point 8:

"There is no official record of air draught. This is taken from the GA. Captains answer: There is no actual data for the air draught anywhere in the vessel. Data is retrieved from GA plan. Assumption is made by the Captain that the air draught is 15 mtrs. On the voyage planning the air draught is 25 mtrs".

C. An Event Report by Amasus, enclosed as annex 26, states the following on pages 83 and 84:

**"Root cause analysis:**

Based on the (separate) Statements of the Master and Chief Officer and questioning from the QHSE Manager, the reason why the mast touched the two bridges can be defined out of two important facts;

1. The height of the bridges was unknown by the Master, Chief Officer and Second Officer (hereafter called Crew).
2. The air draught of the tug was unknown by Crew.



First point:

The Crew has mentioned during the interview towards the QHSE Manager, there was no information available regarding the heights of the bridges, located on the “Oude Maas”.

However, the information regarding bridge heights can be found:

- in the Nautical Pilot of the designated area.
- in the ECDIS.
- can be requested via VHF or telephone communication to the designated bridge or local VTS.
- can even be found on internet.

But not any action was taken to gather this information prior departure from previous port, or during the passage inbound as the Crew assumed that the height should be fine as they had passed the Oude Maas several times before without issues. Therefore, the speed was kept on 9 knots as it was assumed as safe speed due to no expected limitations.

During inspection (the next day) by QHSE Manager it was noticed that not any Nautical Pilots were onboard, as none of the Crewmembers could explain the location of the booklets and/or why they were absent.

For the good sake order; Nautical Pilots should be onboard of each vessel. They are digital supplied from the Office.

On the ECDIS, by means of the information tool, the vertical clearance was stated in bridge open and close condition (both bridges were able to open upon request). Heights are depending on water level (tidal level).

By means of VHF communication the VTS has asked the tug if a bridge opening was required, but has been rejected by the Chief Officer as he stated that there was clearance enough to pass safely.

On the question from the QHSE Manager “why no Nautical Pilots were available and why they were absent”, no answer could be given.





Second point:

The Crew has mentioned that they was not sure about the air draught of the tug as it was not written anywhere onboard.

The air draught, or better said the dimensions of the vessel could be measured by the ships drawing (e.g. General Arrangement Plan) which is available onboard. Also those dimensions could be measured by the Crew them self by means of measuring tape (the practical way) to get at least a close indication of the height.

If the total height of the tug is known (top of mast to keel), and deduct the draft of the vessel, the air draught can be calculated as it also has to be mentioned on the voyage plan.

This is not been investigated by the Crew, nor any doubts were reported towards the Office.

Referring to the follow SMS procedures;

- SMS.P2.1070 - Charts and Nautical Publications.
- SMS.P2.1010 - Voyage Planning.
- SMS.P4.0110 - IMO resolution A.893(21)
- SMS.P2.1050 - Pre-departure and pre-arrival.
- SMS.P2.1060 - Pilotage.
- SMS.P3.0150 - Pre-arrival checklist - Bridge

Based on above mentioned, and all the available information onboard, the conclusion is that the Crew did not perform a proper Voyage Planning due to the fact that important factors were not known, while sufficient information was onboard available. Factors like reporting channels of bridges, height limits during the passage, sufficient tidal information, own air draught.

Also is has not been reported to the Office that Nautical Pilots were absent (which should be available all time) and height of the vessel was in doubt.



Herefore it is concluded that the Crew did not followed the SMS procedures (referring to the above mentioned procedures) as it is been requested and required by the Company.”

D. An email message with questions from ILT and replies from Amasus ILT (in italics), included as annex 29, reads as follows:

“It would seem that the 2nd officer drew up the voyage plan, which the captain approved. The Chief officer had no further comments. Is that correct? *That is correct*”.

## 5.2 Considerations

In his position as Second Officer, the person concerned was responsible for the voyage plan. Due to the air draft and clearance heights not being known, there was no awareness that the bridges should have been opened and this was therefore not included in the voyage plan. The person concerned took a very complacent attitude to his work. The first three elements of the objection are well-founded.

With regard to the Nautical pilots, the person concerned stated that the crew had been informed by the shipowner that there were no Nautical pilots on board. This does not match the report by the shipowner. In any case, the Disciplinary Court judges that the person concerned was not required to take any further action, as second officer. The fourth element of the objection is therefore unfounded.

Finally, the fifth objection is also well-founded. At the hearing, the person concerned admitted that the Eems Warrior’s navigation mast collided with both bridges partly because of the objections 1 through 3.

## 5.3 The disciplinary measure

The Disciplinary Court judges that the person concerned failed in his responsibilities as Second Officer, which resulted in the collision with two bridges.



With a view to the severity of the behaviours, and taking into account the personal circumstances of the person involved (in the front line in Ukraine, with very limited income and will probably not have his contract extended with the shipowner because of the collisions), the Disciplinary Court believes a reprimand to be appropriate.

## **6. Focal points for professional practice**

Following on from, but also separately from, the decision in this case, the Disciplinary Court sees cause to draw attention to the following points:

1. It is recommended that shipowners include a separate box in their standard forms for the voyage plan, with questions regarding tidal heights, allowing for safe passage under bridges.
2. There should be clear instructions that each voyage plan must be signed by all officers of the watch, as proof that they are familiar with the plan.

## **7. The decision**

The Disciplinary Court,

- declares the fourth element of the objection against the person concerned is unfounded and the other elements well-founded;
- imposes the measure of a reprimand on the person concerned.

Duly delivered by P.C. Santema, LL.M., presiding judge, H.H. Pannekoek and P.H.G. Schonenberg, members, in the presence of F. Pietersma-Smit, LL.M. as secretary and pronounced in public session on 18 June 2025.

P.C Santema  
presiding judge

F. Pietersma-Smit  
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.