



**RULING OF THE MARITIME DISCIPLINARY COURT OF THE NETHERLANDS OF
22 AUGUST 2025 (NO. 5 OF 2025) IN THE CASE 2025.V4-VB SEAL**

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

J.A. R.,
the person concerned,
counsel: M. Verhagen, LL.M.

1. The course of the proceedings

On 10 April 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 captain of the VB Seal 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 as video files), and informed the person concerned of the right to submit a statement of defence.

A statement of defence was received from the person concerned on 23 May 2025.



The presiding judge stipulated that the hearing of the case will be held at 10:00 hours on 11 July 2025 at the courtroom of the Disciplinary Court in Amsterdam.

The court hearing was held on 11 July 2025. The Inspector appeared at the hearing on behalf of the petitioner, accompanied by a colleague.

The person concerned appeared, represented by counsel.

2. Grounds

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

On Sunday night, 23 February 2025, the VB Seal tug was navigating from the Beerkanaal along the "green" side towards the "Maas 5" buoy. It was foggy and the speed of the VB Seal was approximately 5.5 knots over the ground. The plan was to wait at the "Maas 5" buoy. Close to the "Maas 5" buoy, there is a standard location where tugs wait for incoming vessels. The VB Seal was to collaborate with another tug (VB Schelde) in assisting the incoming container ship, the Maersk Iowa. Ahead of the Maersk Iowa, the Gulholmen oil tanker was heading for the 7e Petroleumhaven, in ballast.

Close to the "Maas 5" buoy, the person concerned reduced the speed of the VB Seal. The ground speed was reduced to approximately 1.5 knots while the VB Seal moved slightly to port side. The VB Seal then reversed into the north at an increasing ground speed of 2.9 knots. The VB Seal was hit on starboard side by the Gulholmen at 01.49 hours local time. It was quickly evident that the VB Seal was making water. The person concerned quickly beached her on the stone embankment on the eastern side of the Ertskade, to prevent sinking. Other tugs and port service boats came to assist, bringing pumps on board the VB Seal. The diesel fumes from the vessel's own pump, which was being operated indoors, caused crew members to become unwell.



The VB Seal (IMO number 9448188) is a Dutch tug. The vessel is part of the fleet owned by Boluda Towage Rotterdam BV shipowner in Rotterdam. The vessel was built in 2008, is 32 metres long and 11.60 metres wide. At the time of the collision, the vessel had three crew members on board.

3. The Inspector's objections

3.1 According to the Inspector, the person concerned acted or failed to act as captain 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 failed to use the radar to determine whether he remained "in position" in relation to the "Maas 5" buoy.
2. The person concerned was unaware that the VB Seal was making leeway to the north and crossing the track of the incoming Gulholmen.
3. The collision between the VB Seal and Gulholmen was partially due to the objections 1 and 2.

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

Commercial Code, second book, third title

Section 343(1): The captain is obliged to act strictly in conformity with the usual rules and the existing regulations to secure the seaworthiness and safety of the vessel, the safety of those on board and the goods on board.

Inland shipping police regulations, article 1.04

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.

Inland shipping police regulations, article 6.29

- 1. This section only applies in poor visibility.
- 2. A vessel navigates by radar, when using radar to navigate in the event of poor visibility.
- 3. Vessels must navigate by radar in the event of poor visibility in the fairways given in annex 9. In these fairways, any vessel which cannot navigate by radar must moor at the closest available and suitable location.
- 4. The third paragraph does not apply to vessels intended to provide services for the benefit of ocean-going vessels, and on which it is not technically possible to fit a radar system, with a view to the services to be provided. The authorities in question can agree on policy rules on this question.

(note by inspector: I have given this article to be relevant in order to indicate that the use of radar in fog should have played a greater role in preventing the collision)

3.3 At the hearing, the inspector explained that the person concerned should have used the radar as the main means of orientation in the fog. The person concerned could then have been aware that he was not maintaining his position, but rather making leeway to the north. As a focal point for professional practice, the inspector noted that crew members of vessels (often) operating in one particular area or visiting the same particular ports, should regularly compare the radar image of their surroundings with their visual observations, in good visibility. The radar image is then familiar in the event of poor visibility, giving the opportunity to recognise any deviations



from "normal", according to the inspector. At the hearing, the inspector stated that he did not at all agree with the defence that there had been no endangering of life, referring thereby to an earlier collision with another tug, whereby two people were killed.

3.4 The sanction demanded by the inspector was a fine of 600 Euros. As considerations to the demand, the inspector cited that the person concerned prevented an even worse outcome by timely beaching the tug, that the person concerned will also receive a fine from the PP, and that the person concerned has retired, so that any measure concerning his navigation licence will not have any effect.

4. The position of the person concerned

The person concerned disputes that he acted in breach of Section 55a of the Seafarers Act and that he did not take account of the customs of good seamanship. The radar was standing by and he also summoned the crew members to the wheelhouse to act as extra lookouts. At the Maas 5 buoy, the person concerned kept the green light of this buoy visually in sight as an orientation point. This was in addition to the radar and the ECS system, according to the person concerned. However, it was probably due to the variable visibility that he did not notice the VB Seal making leeway to the north, according to the person concerned.

In the event the Disciplinary Court is of the opinion that the Inspector's objections are declared founded in full or in part, the person concerned requests that the following is taken into account:

- The person concerned took those precautionary measures required by the circumstances to prevent damage.
- The person concerned has been sailing since 1977 and has never been disciplined by ILENT or other bodies/authorities, and has an exceptional record of service.



- The person concerned retired three days after the incident;
- There was no endangering of life;
- The authorities did not take timely measures;
- The HCC could also have seen that the VP Seal had leeway, yet no action was taken;
- The pilot and the captain of the Gulholmen also took no action to prevent the collision, even though that was possible at the point in time that the VB Seal became visible to the Gulholmen.

With a view to these circumstances, the person concerned believed a penalty of 600 Euros to be out of all proportion. If any measure were to be imposed, which the person concerned disputed, then a warning would be appropriate, in the opinion of the person concerned.

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 relevant, in concise form summarised:

You have requested that I sketch in my own words what happened on 23 February 2025. I was moored at the quayside when I was called with a request to assist a vessel. It was quite foggy at that point but there was still decent visibility. I believe there was sufficient visibility. By the time I left the Europahaven, the fog had increased. I thought to myself, if I had known this, I would not have gone. The fog became denser and denser. I stopped at buoy 5, parallel to the fairway. I could see nothing at all. I no longer had any reference point. I had the radio phone and pilot channel on standby.



I did not see the vessel appear on the radar. Apparently I had a great deal of leeway, of which I was not aware. I did use the radar, but needed to constantly stay alert and listen. I had already seen the vessel on the radar. I'm not sure whether I saw him on the radar between the point in time passing the mushrooms and the events afterwards. I did see him at the mushrooms. The fog was dense all around. I did not have as much visibility as the documents claim.

You have enquired about the situation of the criminal proceedings. We do not as yet know.

I can answer the questions from the Disciplinary court members as follows. I have radar and ECS. I have waited there thousands of times, so I really am aware of the situation there. I do not have 100% recollection of everything which happened before the collision. I assumed I was holding the same position as when I arrived. I was not aware that I was making leeway.

You asked whether I always have deck lighting switched on at night. When I am providing assistance, the deck lighting is switched on at night. There was no visibility and I had no reference point. I had the buoy in sight visually. I could see when it flashed green. I did not find it particularly troublesome that the deck lighting was switched on.

You asked why I was no longer paying attention to the Gulholmen. I no longer know.

There was really dense fog at that point. I admit that I made leeway, but I really don't understand how that happened. This is my life, in all my waking hours. I really don't understand how it happened.

You asked whether I used radar to navigate accurately. I switched between the radar, navigation and buoy. You asked why I remained at three quarters of a mile distance on the radar and whether I should not have navigated back and forth at a greater distance to give myself more response time. I can



answer that I do not know why I remained at the three-quarter, except that I am very familiar with it. However, the world looks very different in the fog, and that's where it went wrong. You asked whether, in the event of dense fog, radar navigation is given priority and all focus. My answer is 100%, that is indeed the case.

You have stated that the Seal very quickly becomes visible in video footage from the Gulholmen, reversing into the north. My reply is that this is true, but that I could see nothing.

I heard two messages "Seal what are you doing?" On the second message, the vessel's bows were already looming. I had drawn my levers transverse in order to remain motionless. I needed to take action, but could no longer do so. I wanted to reverse. I cannot explain what slowed the vessel down. Maybe I revved up, because that also slows it, before moving the lever back, or maybe I reduced speed. Seal has pitch propellers. They are never in the zero position. One gave a little more pitch than the other, in the zero position. You just use them and take that into account.

When it became clear that the vessel was making water, the mechanical engineer panicked. I was the only person on board capable of navigating. I therefore could not go below deck. I beached the vessel on the embankment. I do not have the stability data available. It will no doubt be in the documents. I do not know how many compartments made water.

As far as my personal situation is concerned.

I retired immediately after that night. I would have preferred to have taken leave some other way. It was my last-but-one week. I did not sail during my final week, with approval from the office. I still wonder how I failed to see it. It still frustrates me. I wouldn't appreciate the 600 Euro fine. I would find it tough to retire with a fine pending.



B. A statement by the person concerned, of 25 February 2025 (annex 12 to the petition), insofar it contains the following, in concise form:

I've had vast experience in this area since 1975. I've worked on tugs or other ocean-going vessels since 1977. I've been navigating the VB Seal since 2022.

At 21.00 hours on 22 February 2025, we received a request to assist a container vessel in the Europahaven. I then reported this to our dispatch. There was no work at that point, but there was work coming our way. This was around 22.30 hours. I waited along the quayside at the end of the Europahaven. At a certain point, I noticed it was becoming foggy. I received a call from dispatch that an ocean-going vessel, the Maersk Iowa, wanted to come in because of the fog. Dispatch asked whether I was willing to take on the job. I was to receive assistance from the VB Schelde. I then consulted with the captain of the VB Schelde. We agreed that the VB Seal would be attached to the stern of the Maersk Iowa and that the VB Schelde would accompany the vessel unattached, remaining on standby. Dispatch then consulted with the pilot of the Maersk Iowa. I heard that the pilot agreed and that the assistance would indeed take place.

At around 00.30 to 00.45 hours, we consulted and were informed that the assignment was to go ahead. At 01.30 hours, I was informed that the Maersk Iowa would come in at 02.00 hours.

I consulted beforehand with the captain of the VB Schelde due to the foggy conditions. We wouldn't normally consult on such matters.

I used the green buoy as the reference point for my navigation equipment. There was no visibility in between the green lamp flashing, I'd estimate 30 to 40 metres. I found it difficult to orientate.

I had activated my standard lighting, stern light, side lights and top light. I also switched on my deck lighting. I have attempted it without deck lighting



but the screen of my radar and ECDIS subsequently malfunctioned. Having the deck lighting switched on gave a less stressful effect in my opinion.

I departed from the end of the Europahaven, with my radio phone on channel 66, Europoort sector. The pilot often reports into channel 66 while still navigating the Maasmond sector. That's why I stayed on channel 66. I could clearly hear the radio phone traffic. The volume was switched on.

I used my radar and ECDIS for navigation purposes. I also had the radio phone switched on, and the STORNO channel to enable contact with the pilot. The radar system range was set to 0.75 nautical miles.

The engineer, AB and myself were in the wheelhouse. In foggy conditions in particular, I want everyone to be present in the wheelhouse.

When I was on the west side of the Nijlhaven estuary, I saw the Gulholmen approaching, both on the radar and the ECDIS, and also saw an outgoing vessel approaching. I noticed the Gulholmen roughly when it was passing the mushrooms. I thought to myself that I needed to keep an eye on that.

I intended to keep our vessel close to the green buoy, Maas 5. I wanted to keep the bow of our vessel as close as possible to this green buoy, in order not to hinder other shipping. In my perception, I remained close to the green buoy throughout.

The three of us were in the wheelhouse, concentrating on the green buoy. Our STORNO system was set to pilot channel 45, where we heard: "Seal, what are you doing?" That message alarmed us and we checked what was happening around us. We then saw the bows of a vessel looming at approximately 40 metres' distance. After approximately 2 to 3 seconds, we felt the collision with the ocean-going vessel.



I was working so hard to focus on the green buoy and my navigation system, that I did not notice the increasing distance between my vessel and the green buoy, on the radar or ECDIS. I must note here that the radar and ECDIS systems are only tools, and that it's important to have a visual reference point.

Immediately after receiving the message from the STORNO channel, I was aware that the situation could not be saved. I immediately switched the thrusters from the 'station keeping' position into reverse, but this takes around 7 to 8 seconds for them to reach the full position. The collision resulted in us being swept up alongside the Gulholmen. I then made every effort to release us from the vessel by deploying full speed forward. This was successful but very difficult due to the high speed of the Gulholmen.

C. A statement by the person concerned to questions by the inspector, of 01 April 2025 (annex 31 to the petition), insofar it contains the following, in concise form:

I take extra measures in foggy weather. I turn up the volume of the radio phone and the pilot channel and I do not allow music or loud conversations in the wheelhouse. I'm familiar with these fog regulations, which I always apply in fog or impending fog. I sometimes use the variable range marker (VRM) and the electronic bearing line (EBL). While waiting at the Maas 5, I used the VRM but not the EBL.

D. A statement by the engineer (annex 18 to the petition), insofar it contains the following, in concise form:

I came on board at 20.00 hours. We received an assignment – I think around 20.30 hours – to assist an outgoing ocean-going vessel that was moored in the Europahaven. We provided assistance to that outgoing vessel. We cast it off at the entrance to the Yangtze harbour. After hearing from onshore that



we were required for further assistance, for an incoming vessel destined for the Europahaven, we waited at the end of the Europahaven.

There we waited while sitting in the mess room. At some point we looked outdoors and noted that visibility was decreasing. We therefore sought contact with the dispatch department regarding the fog and they in turn asked whether we were willing to lend assistance. We then contacted the VB Schelde which was also to assist, and reached agreements with the VB Schelde.

I went outdoors with the AB in order to cast off. After doing a round of the engine room and collecting something from my cabin, I went back upstairs. In foggy conditions, the captain requires us all to be on the bridge. I noticed that we were drifting. I also noticed that the visibility was extremely poor. When I went to sit on port side, I suddenly saw the bows of a vessel looming on starboard side. Just before that, I had heard a radio message being called: "Seal what are you doing?" I think I could already see the vessel at that point. The ocean-going vessel hit our starboard bow. This pushed us to port side, grazing along the hull of the ocean-going vessel. There was no damage to be seen either in the engine room or on deck. There was however a heavy flow of water on the stairs to the lower accommodation quarters. I headed to the engine room to collect the emergency fire extinguishing pump.

The diesel pump I had placed in the mess room was operational but not pumping. That was strange because the pump had worked normally when we tested it two weeks earlier.

After I informed the captain that the pump would not be sufficient and that we needed to get to dry land as soon as possible, the captain beached the vessel. The VB Tiger then also brought a pump, but the cord broke when I attempted to start it, and it therefore could not be used for pumping. On switching off our pump, I noticed that I had become light-headed. I was tended to by ambulance staff and received oxygen for approximately four hours.



E. A statement by the AB (annex 19 to the petition), insofar it contains the following, in concise form:

I've been a relief seaman employed by the shipping company since 1 August 2024, and have been permanently employed on the VB Seal since 1 January 2025. I sailed on other vessels previous to that.

My estimate would be that we moored at the end of the Europahaven at around 23.00 hours. I went below deck to carry out some maintenance work. It wasn't particularly foggy at that point. I no longer know exactly what time we cast off. I do remember that when I went on deck to cast off, there was dense fog. I would estimate the visibility to have been less than 100 metres. We were required to be on the bridge because of the fog. We were also needed as lookouts. We remained waiting at the green buoy on the corner where the Maasmond meets the Beerkanaal. We were lying flat out in the fairway, ahead towards the sea. Sitting on the bridge, I could see the buoy at approximately 25 metres slightly over port side. I'd estimate that we waited there for around 15 to 20 minutes. I did not hear any radio traffic while waiting. We were however consulting with the VB Schelde.

We did see a vessel approaching on the green side, on the ECDIS. I remember commenting to the captain that "he's a daredevil", or something similar. I think I first saw the ocean-going vessel on the ECDIS when it was about half a mile away. I think we were still in the same position at that point. I could still see the buoy. On seeing her on the ECDIS, I didn't expect her to pass by so closely. At some point, I heard someone calling: "Hello Seal, what are we doing?" About 5 seconds later, we could see the bows of the vessel on our starboard side. I was surprised because I didn't believe we'd moved from our original location, flat out in the fairway. I think the captain tried to change course before we were hit, but the thrusters could never turn that quickly. I'd estimate that the bulbous bow of the vessel hit us at an angle of 45 degrees. Once we had freed ourselves from the ocean-going vessel, I took a look on deck. There was nothing to be seen there. When I opened the door to the accommodation quarters, we could see water streaming in. I ran to the bridge, got a life vest for the captain and informed him of the situation. The



engineer and I installed the emergency fire extinguishing pump in the mess room. We were able to start the pump but couldn't get it to work. The captain then beached the vessel on the Ertskade. The pump provided by the VB Tiger also didn't work because the cord broke upon starting it. A little later on, I noticed that the crew below deck were feeling unwell. Although the crew were fully conscious, I believe they were taken away by ambulance as a precaution.

I feel I should note that I believe it was very reckless of the ocean-going vessel to pass us so closely at that speed and with such poor visibility.

F. The statement by the pilot on board the MT Gulholmen, of 23 February 2025 (annex 29 to the petition), insofar it contains the following:

"On approaching the Maas 5 buoy, coming from the Calandkanaal, a collision occurred between the MT Gulholmen and VB Seal tug. The VB Seal was waiting on the southern side of the fairway, for the incoming Maersk Iowa (the standard area for waiting tugs for incoming ocean-going vessels). There was limited visibility, so that the VB Seal only became visible at a distance of approximately 600 metres (already visible on radar). As it became visible, the VB Seal was located on the starboard side of the MT Gulholmen bows. As we approached the VB Seal, the latter reversed slowly from starboard bow to port bow. I contacted the captain of the VB Seal via the Storno Channel 45, and asked: "What are you doing?" Following this contact, the VB Seal reacted by changing direction, from reverse to forward. MT Gulholmen had no further opportunity to avoid the tug, resulting in a collision. Following this collision, the captain replied via the Storno 45 channel "I hadn't seen you". We conducted a damage inspection on board the MT Gulholmen. This showed there to be no significant damage, so that we could continue our voyage and moor safely."

G. The images of the Gulholmen ECDIS (video annex to the petition) showing the VB Seal making leeway to the north prior to the collision, crossing the track of the incoming Gulholmen. The camera images from the



Gulholmen bridge (video annex to the petition), showing that the VB Seal lighting was visible from the Gulholmen at least one minute before the collision.

5.2 Considerations

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 navigating as captain in the night of 23 February 2025, on board the VB Seal, heading for the "Maas 5" buoy to await the incoming Maersk Iowa container vessel there. There were also two other crew members on board, namely a mechanical engineer and an AB. It was misty. The Gulholmen oil tanker was sailing in front of the Maersk Iowa. Close to the "Maas 5" buoy, the person concerned reduced the speed of the VB Seal. The VB Seal then reversed into the north. The VB Seal was then hit on starboard side by the Gulholmen. The VB Seal began making water and the person concerned took action by beaching the VB Seal on the embankment.

The Disciplinary Court declares the Inspector's first objection to be well-founded. The person concerned had the radar on standby yet he failed to use the radar to determine whether he remained "in position" in relation to the "Maas 5" buoy.

The Disciplinary Court also declares the Inspector's second objection to be well-founded. As the person concerned also stated, he was unaware that the VB Seal was making leeway to the north and crossing the track of the incoming Gulholmen.

The Disciplinary Court also considers the third objection of the Inspector well-founded. The collision between the VB Seal and Gulholmen was partially due to the first and second elements of the objection.



This omission must be seriously imputed to the person concerned. Contrary to the defence offered by the person concerned, the Disciplinary Court is of the opinion that the person concerned did not take the precautions required by the circumstances to avoid damage. Endangering of life of the VB Seal crew members cannot be precluded. The actions or failure to act by other persons and authorities does not detract from the responsibility of the person concerned as captain. The Disciplinary Court sees no reason to reduce the fine, based on the fact that the person concerned has never before been disciplined by ILT or other bodies, or on the fact that the person concerned retired three days after the incident. However, the Disciplinary Court would indeed wish a different conclusion to the career of the person concerned.

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

5.3 The disciplinary measure

The Maritime Disciplinary Court judges that the person concerned seriously failed in his responsibilities as captain, which resulted in a collision.

In view of the seriousness of the evident behaviours, a fine of 600 Euros is appropriate. The Disciplinary Court does not believe an official warning to be appropriate in this case, if only for the fact that the person concerned has retired by now.



6. The decision

The Disciplinary Court,

- rules that the objection against the person concerned is well-founded;
- imposes a fine of € 600.00 on the person concerned, with the stipulation that this fine must be paid within three months from today.

Duly delivered by W. van der Velde, LL.M., presiding judge, J. Berghuis and R.E. Roozendaal, members, in the presence of V. Bouchla, LL.M., as secretary and pronounced in public session on 22 August 2025.

W. van der Velde
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.