RULING OF THE MARITIME DISCIPLINARY COURT OF THE NETHERLANDS OF 30 OCTOBER 2026 (NO. 7 OF 2026) IN THE CASE 2026.V2- AMADEUS SILVER

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 (hereinafter: the inspector)

versus

R. de J.,
the person concerned,
counsel for the defence: V. van der Kuil, LL.B. and V.S. Vogel, LL.B.

1. The case in brief

1.1 This case concerns an incident on board the Amadeus Silver cargo vessel on 10 December 2025. The vessel was docked in Szczecin (Poland) at the time. At the time of the incident, the victim, being the person concerned, was working with brake cleaner and cleaning cloths. This work was being carried out in the sump tank. At a certain point, the person concerned lost consciousness. After fresh air had been blown into the tank through a hose, the person concerned was touched and his name was called out. He regained consciousness and climbed out of the sump tank unaided. The person concerned sustained no lasting injuries as a result of the incident.

1.2 The inspector alleges that the person concerned acted contrary to good seamanship. The objection consists of the following elements. On 10

December 2025 (and also on the preceding day), the person concerned failed to review and complete the 'Enclosed space entry' checklist, including the 'Permit to Work', in advance. He entered the sump tank without the tank having been mechanically ventilated immediately beforehand and without the atmosphere inside the tank having been measured beforehand. Furthermore, the person concerned used brake cleaner inside the sump tank, a highly flammable aerosol that can cause drowsiness or dizziness, without wearing a gas mask.

1.3 The Disciplinary Court considers the objection well-founded, and imposes on the person concerned the measure of suspension of the navigation license for a period of four (4) weeks, of which three (3) weeks conditional.

2. The course of the proceedings

2.1 In a written request (with annexes) received by the Disciplinary Court on 13 March 2026, the inspector requested disciplinary proceedings regarding the objection against the person concerned in his capacity as chief officer of the Dutch-flagged vessel Amadeus Silver.

2.2 The Disciplinary Court has notified the person concerned of the petition on 17 March 2026 (enclosing a copy of the petition with annexes) and informed the person concerned of the right to submit a statement of defence.

2.3 A statement of defence was received from the person concerned on 5 June 2026, after having been granted an extension of time.

2.4 The hearing of the case was held at 10:30 hours on 18 September 2026 at the courtroom of the Disciplinary Court in Amsterdam. Appearing on behalf of the petitioner was the Inspector, accompanied by a fellow senior

inspector. The person concerned appeared at the hearing. He was assisted by his female counsel.

3. Grounds

3.1 The petition for a disciplinary hearing was filed in response to the incident described above (in point 1).

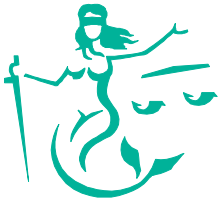
3.2 The Amadeus Silver (IMO number 9374909) is a Dutch cargo vessel (coastal freighter) owned by the De Bock Maritiem B.V. Shipping company, based in Alkmaar. Built in 2011, the vessel has a length of 87.5 metres, a width of 11.3 metres, and a gross tonnage of 1767.

4. The inspector's objection

4.1 According to the inspector, the person concerned acted or failed to act as chief 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 or shipping traffic (section 41 of the Maritime Crew Act).

Specifically, the objection consists of the following elements:

1. The person concerned entered the sump tank on 9 and 10 December 2025 without first reviewing and completing the 'Enclosed space entry' checklist, including the 'Permit to Work'.
2. On 10 December 2025, the person concerned entered the sump tank without the tank having been mechanically ventilated beforehand that day.
3. On 10 December 2025, the person concerned entered the sump tank without the atmosphere inside the tank having been tested beforehand.
4. On 10 December 2025, the person concerned used brake cleaner inside the sump tank without respiratory protection (a gas mask). Brake cleaner is a highly flammable aerosol that can cause drowsiness or dizziness. The accompanying safety data sheet also states this. It



further states that, where ventilation is inadequate, a gas mask must be used for respiratory protection.

4.2 The inspector cites as regulations that have not been complied with:

Occupational Health & Safety Act
Article 11 General obligations of employees
The employee is required, in the performance of their duties at the workplace, to take care, to the best of their ability and in accordance with their training and the instructions given by the employer, of their own safety and health and that of the other persons concerned. In particular, the employee is required to:

a. use work equipment and hazardous substances correctly;
b. use the personal protective equipment made available to them correctly and, after use, store it in the designated place, insofar as this Act does not provide that employees are not required to use such protective equipment;
c. participate in the training organised for them as referred to in article 8;
d. immediately report any dangers to safety or health that they observe to the employer or to the person responsible for on-site management on the employer's behalf.

SOLAS
Chapter XI-1: special measures to enhance maritime safety
Regulation 7 – atmosphere testing instruments for enclosed spaces
Every ship to which chapter I applies shall carry an appropriate portable atmosphere testing instrument or instruments*. As a minimum, these shall be capable of measuring concentrations of oxygen, flammable gases or vapours, hydrogen sulphide and carbon monoxide prior to entry into enclosed spaces**. Instruments carried under other requirements may satisfy this regulation. Suitable means shall be provided for the calibration of all such instruments.

Resolution A.1050(27) Revised recommendation for entering enclosed spaces
aboard ships

2. Definitions

2.1 Enclosed space means a space which has any of the following characteristics:

.1 limited openings for entry and exit;

.2 inadequate ventilation; and

.3 is not designed for continuous worker occupancy,

and includes, but is not limited to, cargo spaces, double bottoms, fuel tanks, ballast tanks, cargo pump-rooms, cargo compressor rooms, cofferdams, chain lockers, void spaces, duct keels, inter-barrier spaces, boilers, engine crankcases, engine scavenge air receivers, sewage tanks, and adjacent connected spaces. This list is not exhaustive and a list should be produced on a ship-by-ship basis to identify enclosed spaces.

2.2 Adjacent connected space means a normally unventilated space which is not used for cargo but which may share the same atmospheric characteristics with the enclosed space such as, but not limited to, a cargo space accessway.

2.3 Competent person means a person with sufficient theoretical knowledge and practical experience to make an informed assessment of the likelihood of a dangerous atmosphere being present or subsequently arising in the space.

2.4 Responsible person means a person authorized to permit entry into an enclosed space and having sufficient knowledge of the procedures to be established and complied with on board, in order to ensure that the space is safe for entry.

2.5 Attendant means a person who is suitably trained within the safety management system, maintains a watch over those entering the enclosed space, maintains communications with those inside the space and initiates the emergency procedures in the event of an incident occurring.

STCW code – part A, Chapter VI/1 – Mandatory minimum requirements for safety familiarization, basic training and instruction for all seafarers
Table A-VI/1-4 Specification of minimum standard of competence in personal safety and social responsibilities:
Column 2 – Knowledge, understanding and proficiency – Precautions to be taken prior to entering enclosed spaces

ISM code – Chapter 7 – Shipboard operations
The Company should establish procedures, plans and instructions, including checklists as appropriate, for key shipboard operations concerning the safety of the personnel, ship and protection of the environment. The various tasks should be defined and assigned to qualified personnel

4.3 The sanction demanded by the inspector on the petition was to suspend the navigation licence for a period of four (4) weeks, two (2) of which conditionally. At the hearing, the inspector notes that the person concerned shows considerable remorse and, for that reason, amends the requested penalty to suspension of the navigation licence for a period of four (4) weeks, three (3) weeks of which are conditionally.

5. The position of the person concerned

5.1 The person concerned acknowledges that all the elements of the inspector's objection are correct, with the proviso that, contrary to his written statement, he stated at the hearing that he had not entered the sump tank on 9 December 2025. In his haste and with the intention of doing the right thing, he failed to consider the prescribed safety protocols that he should have followed beforehand and of which he was aware. He acted out of a desire to help and to resolve the problem of the dirty tank as quickly as possible, which was also what the Special Purpose Engineer (SPE) had asked him to do. The person concerned was deeply shocked by the incident and is aware that this must never happen again. The fact that a surveyor from Bureau Veritas was present at the time and that the person concerned was

the point of contact for this surveyor added to his workload on top of his normal duties. The person concerned was also relatively young and inexperienced, including with regard to working in a sump tank. It did not help that the captain provided him with no support or guidance.

5.2 The person concerned and his employer, De Bock Maritiem B.V., have since taken a number of measures. For example, the person concerned has been reassigned, namely as second officer on the chemical tanker Amadeus Titanium. On this vessel, additional safety protocols apply because of the special and hazardous nature of its cargo. Under the supervision of a chief officer, he is being trained to be more vigilant and consistent. He has also noticed that he is now considerably calmer and less impulsive. The incident has also been extensively reviewed within De Bock Maritiem B.V. During 'crewing weeks', the person concerned now shares his experience with colleagues so that everyone is aware of what went wrong and how similar incidents can be prevented in the future. Furthermore, the use of Last Minute Risk Analysis cards has once again been widely promoted within De Bock Maritiem B.V. These cards are intended to ensure that a person 'pauses to think' before taking action.

5.3 With regard to the requested measure, the person concerned considers it disproportionate to the seriousness of the breach and to his personal circumstances. After all, he endangered only himself, climbed out of the sump tank unaided, caused no damage to the vessel or to third parties, and sustained no lasting injuries. In this regard, the person concerned also refers to previous (recent) rulings by this Disciplinary Court in which less severe measures were imposed for comparable breaches (2025.V4-VB Seal and 2025.V1,2,3-Eems Warrior), or in which suspension of the navigation licence was imposed but the cases in question involved consequences that were far more serious and also affected others (2025.V6-Amadeus Gold, 2025.V5-Confidence, 2024.V6-COS Master, 2024.V3 and 4-Stavfjord, and 2022.V5-Sydborg). Moreover, the person concerned has consistently

demonstrated an awareness of his mistakes and has actively worked to ensure that he never again puts himself or others in the same situation.

6. The 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, among other things:

A. The statement of the person concerned at the hearing, in so far it contains the following, in concise form summarised:
It is correct that on 9 and 10 December 2025, we were in dry dock with the vessel Amadeus Silver in Szczecin, Poland. It was the first time I had been in dry dock with a vessel as chief officer. We had to carry out routine major maintenance. Unlike the previous occasions when I had been there as a trainee and second officer, I now had to do everything myself. I did receive assistance from the office, but I had to take on more of a leadership role. I sometimes found this quite difficult. I was running back and forth a lot and consequently forgot to follow the procedures. This was also the first time I had worked in a sump tank. I had worked in tanks before, but these had been ballast tanks, fuel tanks or fresh water tanks.

In response to your question, I can provide the following information about the work carried out on 9 and 10 December 2025.
On 9 December 2025, we held a work meeting attended by the entire crew and the captain. It was indeed discussed that work would be carried out in an enclosed space. The office had instructed us that the sump tank needed to be cleaned. As far as I can remember, we had already opened the sump tank and ventilated it the evening before. The following morning, we pumped more oil out of the tank, as there was still a lot of oil in it. In the evening, someone entered the tank. The atmosphere was first thoroughly tested. An Indonesian crew member then entered the sump tank with a meter. Two men were standing by. I did not enter the sump tank to clean it that day. I shared

the results of the cleaning, in the form of photographs of the sump tank that I had taken, with the Special Purpose Engineer (SPE), who was also on board the vessel at the time. The SPE was on board to provide assistance. He was going to carry out maintenance work that I was less familiar with. According to the SPE, the tank was not yet clean enough, and it was decided to continue the work the following day.
On 10 December 2025, we held a morning work meeting again, attended by the entire crew and the captain. As on 9 December 2025, the 'Enclosed Space Entry Permits' and 'Work Permits' were not used. I forgot to do that. Colleagues went into the tank to clean it that day, but the result was still unsatisfactory. I can no longer remember whether those colleagues measured the oxygen level in the tank or whether they took the meter with them. Eventually, I decided to enter the tank myself, with colleagues standing by. Because of all the activity, I failed to follow a new procedure. I was also carrying out other maintenance work. I did not ventilate the tank or monitor the atmosphere beforehand. It had been agreed with the superintendent that brake cleaner would be used. I had worked with it before. That was indeed outdoors. I knew that the product was highly flammable, but I did not know that it could also displace oxygen. My colleagues had not used this product that morning.

In response to further questions from your Disciplinary Court, I answer as follows.
I acknowledge all the allegations made against me by the inspector.
The Safety Data Sheets for the brake cleaner were kept in a folder on the bridge.
I had not fully come round when I climbed out of the tank. I heard my name being called twice, then climbed out and assumed it was coffee break time. I eventually went to hospital for a check-up, where I regained full consciousness.
I have not received any training in gas monitoring. Online training courses are readily available if you wish to take them. We do not have a matrix. However, we do conduct drills on board. At the time, I considered myself a

'competent person', as defined in the Safety Management System. After all, I had learned the job properly during my internship and on previous occasions.
Furthermore, I had carried out 'tank entry' several times and therefore felt that, in principle, the information discussed during the toolbox meetings was sufficient, namely that all necessary measures had to be taken to ensure that the sump tank could be entered and cleaned safely.
As regards risk management, we had discussed the hazards and what could happen during the work meetings.
The captain had been on board for only one or two weeks at the time, and I did not know him yet. He had not sailed with De Bock Maritiem B.V. before. I felt that he was sometimes somewhat distracted. For example, he would arrive on the bridge a little later, and so on. The captain had not told me that he was actually ill at the time. I sometimes found it difficult that I still had to explain various things to the captain. In that respect, I did feel that I had lacked support from the captain on board, particularly with regard to procedures.
I also felt under considerable pressure because the strict surveyor who was on board at the time expected a great deal from me.
I do not blame anyone else; I should have thought things through properly myself, should not have relied on others, and was certainly capable of completing the checklist. Ultimately, I was the one who entered the tank and did everything myself.

B. The statement by De Bock Maritiem B.V. to the ILT of 10 December 2025 (annex 4 to the petition), in so far it contains the following:
"[…]
I would like to inform you that we just had a medical incident on our vessel Amadeus Silver […].
The chief officer has briefly lost conscientiousness while working in a tank. He quickly regained conscientiousness and climbed out of the tank by him self.
[…]"

C. The 'Master's Statement' (revised on 11/12/2025) (annex 7 to the petition), in so far it contains the following:
"On 10/12 2025 at 09:25 Hrs AM while I was on the aft deck I was informed by our Indonesian crew that our Chief Officer [...] was unconscious in the sump tank.
Next I immediately informed our superintendent, who phoned for help with number 112. At the same time at the tank we blew more air inside of it by hose and at the same time one crew member form outside of this small thank touched [Chief Officer] and he woke up and next climbed out of the tank by himself. In the meantime we also carried oxygen to the entrance of the tank. Next the fire brigade arrived, but then [Chief Officer] was already out of the tank. Next also an ambulance arrived and [Chief Officer] had a check up into the ambulance. Next also the police arrived with 2 men and they asked questions about what happened, the also asked my name and the name of our super intendent. The policemen also did an alcohol test and it was confirmed that [Chief Officer] had not used any alcohol prior to the incident. At 10:15 Hrs the ambulance left with [Chief Officer] inside for a full check up at a hospital ashore.
On the same day at 16:15 hours [Chief Officer] came back on board from the hospital and he was looking okay again after being fully examined."

D. The 'Chief Officer Statement' (annex 8 to the petition), in so far it contains the following:
"Onboard of MV Amadeus Silver
Location Szcettin 9 and 10 December
[...]
9th December
07:00 – 07:30 daily toolbox cleaning on request of SPE (special purpose engineer) open sump tank
08:15 opened sump tank found out that there still was oil inside and we make standby to pump it empty
15:00 tank completely empty by oil and vacuum only aft part. Guys started cleaning the aft part from manhole

17:00 I heard it was finished and went on a check. I found out that the first part was done but not in the fully inside.
17:10 – 17:45 I went inside with multi gas. All was fine and not in alarm did some cleaning took the last oil out and didn't do it with any wd40 ore brake cleaner. After this I sended some pictures to the superintendent and to SPE. They sayed it wasn't clean enough and we decided to clean the next day. Because so everybody can have a good rest because another busy day was waiting for us
10th December
07:00 – 07:30 daily toolbox continues cleaning this sumptank. 2 guys cleaning it and 1 standby.
08:00 till 08:30 I was taking out the oil out of the steering gear 2 and because there was not a fully charged battery I decided to make a round. And went to engine room to check the progress. They said the sump tank was finished. The guys only cleaned inside the manhole what I could see. Here was no gas detector in use. Then I took some pictures and discussed it with superintendent. He said it needed to be cleaner.
I know that I entered the tank about 9 clocks. There was the OS standby, and the ab was with me in the tank. This was the same situation as yesterday. We cleaned today with brake cleaner. I was thinking its already open for almost 24 hours constantly air flowing and yesterday I was on the same spot. It will be fine. I cleaned a bit with brake cleaner and rags. I know the AB was here the whole time. Because sometimes we talked a bit to check we are both fine. After that I don't know anything anymore. I came outside the tank thinking it was time for coffee. When I came outside, I saw a lot of people, and I was thinking it was coffee time. Directly SPE was saying sit down and I was thinking what is happening. For my feeling I was hallucinating a lot. Thinking that I was fine, but I wasn't. After that I came outside by myself. I saw the fire department arriving checking if I was fine. Still didn't know what completely happened. But I heard in some noises that I was unconscious. After that I came in ambulance checking everything. From this I don't know that much. Only that they wanted to take me to the hospital. Checking if I got any damage on my lungs and heart. Then I arrived in the hospital. They checked

everything and all was fine. Only that I needed to take some rest for the day. This was good news
15:15 I got released from hospital 30 minutes later superintendent arrived.
15:15 – 15:45 Here we were driving home with the superintendent. We had some talks about how we can improve in this as a vessel. Because here went a lot wrong. The first one was no permit to work was filled in by me as C/O. After that no oxygen meter was used. After later inspection this one got found out defect from the day before.
Also, what I heard that a bottle of brake cleaner was completely empty. If this was leaking ore, make empty when I went unconscious this is unknown. We also will do a enclosed space drill how to fill in this permit to work. And we will talk about it in the meeting for the next day"

E. 'Safety Management System' procedures (annex 14 to the petition), which specify (under section 2d) that it must be checked whether 'enclosed/confined spaces' are adequately ventilated and, if not, that they may only be entered while wearing 'breathing apparatus'.

F. Uncompleted 'Checklist enclosed space entry dry cargo', which also serves as a 'Permit to Work' (annex 15 to the petition) and states that 'the Master or substitute' must carry out the relevant checks.

G. 'Risk Inventory and Evaluation' concerning 'enclosed spaces' (sections 3.45–3.48) on board the Amadeus Silver (annex 16 to the petition), which systematically describes all safety and health risks on board the vessel, including the measures to control those risks. In particular, section 3.48 states that, for work in a space where there is a risk of asphyxiation and/or poisoning, an 'Enclosed entry procedure' and a 'Permit to Work' procedure have been implemented.

H. The safety data sheet for the 'Eurol Brake Cleaner Spray 500ML' used (annex 19 to the petition), which states that it is an extremely flammable aerosol (H222) that may cause drowsiness or dizziness (H336) and (on page

8/17 of annex 19) that, in the event of inadequate ventilation, suitable respiratory protective equipment (a gas mask with an AX filter) must be used.

7. The ruling of the Disciplinary Court regarding whether the inspector's objections are well-founded

On the basis of the evidence set out above, it has been established in this case that all the elements of the inspector's objection are correct and that the objection is well-founded.

Although the Disciplinary Court considers it understandable that this young and relatively inexperienced person concerned felt that he had received insufficient support and guidance from the captain, he was nevertheless responsible, as chief officer, for organising and carrying out the work in the sump tank in question safely.

It has been established that, on 9 and 10 December 2025, the person concerned failed to review and complete the prescribed 'Enclosed space entry' checklist and the associated "Permit to Work" required for entering an enclosed space. The same applies to the point at which the nature of the work changed, as the person concerned was instructed by the superintendent to use brake cleaner. It was precisely because of these changed circumstances that the person concerned should have been expected to reassess the risks and determine which safety measures were necessary.

On 10 December 2025, he also failed to mechanically ventilate the enclosed space again beforehand and to re-test the atmosphere. Finally, he failed to use the necessary protective equipment. The person concerned admits this and blames himself for not having done so.

This constitutes a violation of the regulation of Section 41 of the Maritime Crew Act in conjunction with Section 4.4 of that Act: acting or failing to act on board as a ship's officer contrary to the duty of care expected of a good

seaman in relation to the persons on board, the ship, the cargo, the environment or shipping traffic.

8. The disciplinary measure

The Disciplinary Court judges that the person concerned failed in his responsibilities as Chief Officer, which resulted in the incident.

The person concerned made serious errors in connection with the cleaning of the sump tank. Contrary to the view of the person concerned, the fact that the incident ended well was not within his control. Although he climbed out of the sump tank himself, it was the other people present who made this possible by acting as they did. Furthermore, the person concerned did indeed put others at risk, namely the crew members who also worked in the sump tank on 9 and 10 December 2025 without the proper procedures having been followed beforehand.

Suspension of the navigation licence is therefore appropriate.

In determining the duration of the suspension, the Disciplinary Court takes into account, in favour of the person concerned, that he feels an extremely strong sense of responsibility for the incident, has learned from the incident, and has taken various measures together with De Bock Maritiem B.V. to prevent a similar incident from occurring in the future. For that reason, the Disciplinary Court is satisfied that the suspension of the navigation licence can be imposed largely conditionally.

The decision is thereby in accordance with the Inspector's demand (amended during the hearing).

9. Focal points for professional practice

The Disciplinary Court considers it appropriate to highlight several focal points for professional practice.

First, the Disciplinary Court considers it advisable for shipping companies to always maintain a training matrix for employees, specifying the mandatory courses on entering enclosed spaces and using and maintaining gas-measuring equipment. This will ensure that safety on board continues to be safeguarded.

Furthermore, the Disciplinary Court emphasises the importance of conducting a thorough risk assessment before commencing work. Such an assessment must be carried out in a timely and serious manner and discussed jointly with the crew members concerned.

10. 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 (4) weeks;
- stipulates that of this suspension, a period of three (3) 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 ship, 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 R.P. van Campen, LL.B., presiding judge, O.F.C. Magel and A.W. Taekema, members, in the presence of E.M. Dooting as secretary, and pronounced in public session on 30 October 2026.

R.P. van Campen	E.M. Dooting
presiding judge	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.