

**MARITIME DISCIPLINARY  
COURT OF THE NETHERLANDS**

# 2025 ANNUAL REPORT



## MARITIME DISCIPLINARY COURT OF THE NETHERLANDS

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VOOR DE  
SCHEEPVAART**



# 2025 ANNUAL REPORT



# TABLE OF CONTENTS

|                                                                           |    |
|---------------------------------------------------------------------------|----|
| General                                                                   | 5  |
| New and resolved cases                                                    | 7  |
| Rulings of the maritime disciplinary court of the netherlands in 2025     | 8  |
| Composition of the maritime disciplinary court of the netherlands in 2025 | 19 |



# GENERAL

The year 2025 was no average year for the Maritime Disciplinary Court. To begin with, there was the introduction, on 1 July 2025, of the [Maritime Crew Act](#), with further provisions set out in the [Maritime Crew Decree](#) and the [Maritime Crew Regulations](#)

This new act, which strengthens the position and authority of the captain, replaces the Seafarers Act and now forms the statutory basis for the Disciplinary Court and maritime disciplinary law. There are no major substantive changes to maritime disciplinary law. The standard against which conduct is assessed remains unchanged: “good seamanship”. There have, however, been some minor amendments. For example, the number of (deputy) members has been increased, all deputy members may cast a vote when a decision is being taken, it has been clarified that a preliminary investigation may be initiated not only ex officio but also at the request of a party, it has been provided that hearings may be held digitally, and the maximum fine that may be imposed has been increased. The new act also provides for the possibility of attaching a special condition to a conditional sanction. The expansion of the range of sanctions does not alter the fact that the primary purpose of maritime disciplinary law is not to punish an individual captain or ship’s officer, but to safeguard and promote the quality of professional practice and the professional standards appropriate to it. Serving this purpose is the recording and publication on the Disciplinary Court’s website of “[Focal points for professional practice](#)”.

The new act prompted an update of the Disciplinary Court’s Rules of Procedure. In doing so, we gratefully used input from the relevant stakeholders. The [Rules of Procedure](#) can be found on the Disciplinary Court website.

A further noteworthy development was the recruitment of a large number of new members. Fortunately, there was a strong response from the profession, with suitable candidates applying on each occasion. Our thanks for this. Thanks also for the many years of dedicated service provided by the departing members: captains S. Kramer, H. Schaap, J.L. Schot and J.K.J. Bout, chief engineer J.W.T.C. de Vreugd, captain C.R. Tromp and shipowner C.J.M. Schot. The new composition of the Disciplinary Court is set out later in this annual report.

The most memorable event was undoubtedly the departure of the much-appreciated presiding judge, Peter Santema, at the end of 2025. He led the Disciplinary Court for seven years. During his tenure, he succeeded in implementing several administrative and procedural innovations and in strengthening ties with the relevant stakeholders. By maintaining close contact with the maritime profession and keeping lines of communication open and accessible with the supervisory and prosecuting authorities, the relevant industry organisations and maritime professionals, the Disciplinary Court remains informed of developments in the field. This also contributes to the visibility of the court.

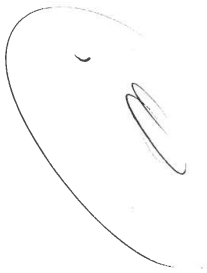
The Disciplinary Court is grateful to Peter Santema for the energy and intellectual commitment he devoted to his role. For me, it is an honour, supported by a strong team, to take over the helm.

As regards the number of cases received and resolved, 2025 was an average year.

Ten new cases were registered and judgements were delivered in six cases. Summaries of the resolved cases are given further on in this annual report. The full text of the judgements can be found at [www.tuchtcollegevoordescheepvaart.nl](http://www.tuchtcollegevoordescheepvaart.nl). One of the cases ([2025 V1](#)) clearly illustrates once again the distinction between criminal proceedings (punishment) and the purpose of disciplinary proceedings (in brief: safeguarding professional standards). The inspector brought the case, in which no sanction was sought, in order to obtain a ruling in the interests of the profession.

Other noteworthy events included:

- the successful and informative members' day of the Disciplinary Court in May at the Beurs van Berlage, including a guided tour of the building, with presentations on sailing on methanol and on the software development of Sensorium-C (how loads in stacks and forces in lashings can be calculated in real time);
- a visit to the Hydrographic Service of the Ministry of Defence, where the presiding judges and secretaries received further training in, among other things, the paper nautical chart;
- attendance at a symposium organised by the NVKK Association of Masters of the Merchant Navy and the KVN Royal Association of Netherlands Shipowners, on Security of the Infrastructure in the North Sea;
- the KVN networking meeting on, among other things, "Modernising legislation and regulations";
- meetings with relevant stakeholders, in connection with which they met Ed Barsingerhorn, the new chairman of the NVKK, and Sascha Meijer, the new chairman of Nautilus, and finally:
- the [interview given by Schuttevaer](#) with Ellis Doeven and Kiki Bouchla of the Disciplinary Court following the publication of the 2024 annual report.



Hans van der Klooster  
presiding judge

# NEW AND RESOLVED CASES

| Year   | Petitions by the inspector | Complaints | Preliminary investigations | number of cases closed by presiding judges settlement | Number of cases ruling |
|--------|----------------------------|------------|----------------------------|-------------------------------------------------------|------------------------|
| 2010   | 8                          | 0          | 4                          | 0                                                     | 0                      |
| 2011*  | 2                          | 1          | 1                          | 1                                                     | 6                      |
| 2012   | 7                          | 0          | 2                          | 1                                                     | 6                      |
| 2013   | 10                         | 0          | 0                          | 0                                                     | 6                      |
| 2014*  | 5                          | 0          | 0                          | 0                                                     | 12                     |
| 2015   | 10                         | 0          | 0                          | 0                                                     | 6                      |
| 2016   | 10                         | 0          | 0                          | 0                                                     | 6                      |
| 2017   | 10                         | 0          | 0                          | 0                                                     | 12                     |
| 2018   | 13                         | 0          | 0                          | 0                                                     | 12                     |
| 2019   | 3                          | 0          | 1                          | 0                                                     | 7                      |
| 2020   | 12                         | 0          | 0                          | 0                                                     | 5                      |
| 2021   | 5                          | 1          | 1                          | 0                                                     | 14                     |
| 2022   | 12                         | 0          | 0                          | 0                                                     | 7                      |
| 2023   | 14                         | 0          | 0                          | 0                                                     | 14                     |
| 2024   | 6                          | 0          | 0                          | 0                                                     | 12                     |
| 2025   | 10                         | 0          | 0                          | 0                                                     | 6                      |
| Totaal | 137                        | 2          | 9                          | 2                                                     | 131                    |

\* one case was withdrawn by the minister in 2011, and two cases were withdrawn by the inspector in 2014.

# RULINGS OF THE MARITIME DISCIPLINARY COURT OF THE NETHERLANDS IN 2025

All of the cases heard addressed the question of whether there had been any acts or omissions that came into conflict with the duty of care of the captain or officer concerned, expected of a good seaman in respect of the persons on board, the ship, the cargo, the environment or shipping traffic within the meaning of Section 55a of the Dutch Seafarers Act, and as of 1 July 2025 within the meaning of section 41 (1) of the Maritime Crew Act.

## COS MASTER

RULING OF 11 APRIL 2025  
NO. 1 OF 2025  
CASE 2024.V6-COS MASTER

*Person concerned: captain*

This case concerned the crew tender COS Master, which was en route from Ostend to the Borssele offshore wind farm, on 6 August 2024. There were 3 crew members and 13 passengers (technicians) on board. In Belgian waters, the vessel collided with a buoy (WP1) and suffered a leak. After checking the damage, the vessel turned around and returned to Ostend.

The inspector's objection against the captain consisted of the following elements:

1. he failed to arrange a good lookout despite being the officer of the watch;
2. he did not call the watch AB to the bridge to ensure a good lookout.
3. he continued to sail at a high speed (approx. 20 knots) while engaging in other activities, whereby he could not simultaneously ensure a good lookout.
4. he had handed over the watch to the AB, who did not hold a (Dutch recognition of a foreign) navigation license.

The inspector's demand was to impose a suspension of the navigation licence of the captain for a period of six weeks, two weeks of which conditionally.

The captain acknowledged that he had failed to maintain a proper lookout. He considered that he should not have sent the AB to the galley, but should have kept him on the bridge to maintain a proper lookout. According to the captain, he allowed himself to be distracted by a change in his task and the weather report, and consequently (also) failed to reduce the speed of the vessel. However, the captain wished to check for himself whether the AB was capable of safely sailing back to Ostend with 13 passengers on board. The captain thought that, given his experience with this AB, he could leave the bridge watch in his hands.

The Disciplinary Court declared all objections to be well-founded.

The Disciplinary Court concluded that the captain as officer of the watch did not facilitate a good lookout, that he neglected to have the AB of the watch keep a good lookout, and that he continued to sail at high speed (approx. 20 knots). A captain is prohibited from assigning or allowing crew members who are not authorized to perform such duties, such as in this case the watch AB, to act as bridge watch. By doing so, the captain had acted in a manner warranting disciplinary sanction. Additionally, contrary to the statement made by the captain, the watch AB most certainly continued for 8 to 9 minutes at a speed of 7 knots, diagonally across a traffic separation zone, with all the resulting consequences. While there was no other shipping traffic at that time, that does not detract from the aforementioned facts. The captain should have assigned the mechanical engineer to inspect the damage (together with the AB) while personally remaining on the bridge. The Disciplinary Court regarded this 'failure to act' as a serious matter on the part of the captain.

The Disciplinary Court suspended the navigation licence of the captain for a period of four weeks, of which two conditionally. Because the captain had cooperated during the investigation, was aware of his shortcomings, felt responsible for the collision and, as a co-owner of the vessel, had already suffered financial consequences, the sanction was lower than that sought by the inspector.

As a focal point for professional practice, the Disciplinary court saw cause to draw attention to the fact that a single-person bridge watch carries an added responsibility on familiar routes, particularly when sailing at high speed through congested waters. Strict compliance with the applicable rules is required in such circumstances, thereby minimising routine conduct and, consequently, the risk of danger.

# EEMS WARRIOR

## RULING OF 18 JUNE 2025 NUMBERS 2 TO 4 OF 2025 CASES 2025. V1 TO V3-EEMS WARRIOR

*Persons concerned: captain, chief and second officers*

These cases concerned the following accident involving two bridges. 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 second officer had drawn up the voyage plan for this trip.

### THE CAPTAIN

The inspector's objection against the captain consisted of the following elements:

1. he was unaware of the air draft of the Eems Warrior;
2. he was unaware of the clearance heights of the closed Botlekbrug and Spijkenisserbrug;
3. he had not discussed passing the Botlekbrug and Spijkenisserbrug in closed or open state with the chief officer, who took over the watch before passing the first of the two bridges, because of him going to the toilet;
4. he had approved the voyage plan, which gave no description of the passage under the Botlekbrug and Spijkenisserbrug in closed or open state;
5. there were no prescribed Nautical Pilots for the voyage on board.

The inspector had requested that the court make a ruling for the benefit of the professional group. He had not sought any sanction against the captain because the captain had already paid, from his own funds, a settlement proposal of €609.00 made by the Public Prosecutor, and a person cannot be prosecuted twice on the basis of the same factual circumstances (the ne bis in idem principle).

The captain acknowledged the inspector's objections. Due to the poor weather conditions and the urgency with which the pontoon needed to be collected, he had opted to accelerate the passage

under the bridges. As he himself had navigated this route along the Oude Maas on numerous occasions, he relied on his experience. Before leaving the wheelhouse to go to the toilet, he did not discuss the necessity of opening the bridges with the chief officer. He was willing to accept full responsibility.

The Disciplinary Court declared all objections to be well-founded.

The vessel, which had too high an air draft, collided with the two bridges. The voyage plan was drawn up by the second officer. The captain had signed this voyage plan for approval without having checked it properly. He therefore did not notice that there was no mention of the Botlekbrug and Spijkenisserbrug needing to be opened. As he was unaware of the air draft of the Eems Warrior and the clearance heights of the bridges, but instead depended on his earlier experience on that route, an unsafe situation arose when he left to go to the toilet without informing the chief officer about the need to open the bridges. He should have taken more action to halt the vessel immediately following the first collision, in order to have prevented the collision with the second bridge.

In view of the seriousness of the conduct established, the Disciplinary Court considered that in this particular case, there were grounds to impose, in addition to the settlement already paid, a (partly conditional) suspension of the navigation license. However, the Disciplinary Court chose not to impose such a measure because the inspector did not demand such a measure in the petition, and there was no communication with the captain during the hearing that the Disciplinary Court was not itself bound to do so. After all, this had given the captain the impression that prosecution by the Disciplinary Court would not result in a measure being imposed.

The Disciplinary Court agreed with the inspector that this disciplinary case concerned the same set of facts, but nevertheless held that there was no violation of the *ne bis in idem* principle under criminal law. The Disciplinary Court explained that criminal proceedings have a different purpose from disciplinary proceedings. Criminal law has a punitive basis while the primary purpose of disciplinary law is to safeguard the quality of the professional group. Despite the fine already paid, the inspector could have demanded a measure for the same complex of facts within this disciplinary case. For that matter, should there indeed have been a violation of the “*ne bis in idem*” principal, the presiding judge of the Disciplinary Court would apparently be able to declare the inspector’s petition for disciplinary handling of the case inadmissible directly upon receipt of the petition.

## THE CHIEF OFFICER

The inspector’s objection against the chief officer consisted of the following elements:

1. he was unaware of the air draft of the Eems Warrior;
2. he was unaware of the clearance heights of the closed Botlekbrug and Spijkenisserbrug;
3. he had not discussed passing the Botlekbrug and Spijkenisserbrug in closed or open state with the captain, who went to the toilet before passing the first bridge;
4. before passing the first bridge, he informed the VTS operator that there was sufficient space, after the VTS operator had asked him whether the air draft of the Eems Warrior would enable passage under the closed Botlekbrug.

The inspector sought the imposition of a fine of €600.00 on the chief officer, while indicating in advance that he would agree if the Disciplinary Court decided, in view of the chief officer's personal circumstances, to impose part of that amount conditionally or to reduce the amount.

The chief officer did not dispute the inspector's objections. This was the first occasion that he had sailed this route. He trusted in the experience of the captain, who knew the route well, and assumed that the vessel would be able to sail under the bridges without any problem.

The Disciplinary Court declared the first, second and fourth objections to be well-founded. The chief officer should have been aware that he had the watch. The Botlekbrug had four openings under which a vessel can navigate. Even without a voyage plan, he should at least have considered which of the four openings he should choose. He should in any case have reduced speed or have requested the clearance height from VTS. The clearance height of the Botlekbrug can also be read on the height scale given on the bridge.

There had already been an earlier height scale warning. He could have prevented the collisions if he had been aware of the air draft and the clearance height of the vessel.

The Disciplinary Court dismissed the third objection. The captain entered the wheelhouse before passing the piers at Hook of Holland because they were approaching inland waterways, and took over the watch from the chief officer, who remained in the wheelhouse. The captain, who was ultimately responsible, put the chief officer in a difficult situation by having him take over the wheel just before approaching the bridges, because the captain needed to use the toilet. After all, the captain was familiar and experienced with the route, unlike the chief officer. Before leaving the wheelhouse, the captain should have informed the chief officer that the bridges were to be opened. It was not the responsibility of the chief officer to ask the captain to do so.

The Disciplinary Court imposed a fine of € 200 on the chief officer. As the third element of the objection was found to be unfounded, and in view of the personal circumstances of the chief officer (who had to return home due to family circumstances, had no income and was unlikely to have his contract with the shipping company renewed as a result of the collisions), the Disciplinary Court imposed a lower fine than that sought by the inspector.

## THE SECOND OFFICER

The inspector's objection against the second officer consisted of the following elements:

1. he was unaware of the air draft of the Eems Warrior;
2. he was unaware of the clearance heights of the closed Botlekbrug and Spijkenisserbrug;
3. in the voyage plan drawn up by him, he 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.

The inspector sought the imposition of a fine of €600.00 on the second officer, while indicating in advance that he would agree if the Disciplinary Court decided, in view of the second officer's personal circumstances, to impose part of that amount conditionally or to reduce the amount.

The second officer 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.

The Disciplinary Court declared the first three objections to be well-founded. The second officer had prepared 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. According to the Disciplinary Court, the second officer had acted with considerable carelessness.

The Disciplinary Court dismissed the fourth objection. With regard to the Nautical pilots, the second officer 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 judged that the second officer was not required to take any further action.

The Disciplinary Court considered a reprimand more appropriate than the fine sought, in view of the personal circumstances of the second officer (who was serving on the front line in Ukraine, had very limited income and was unlikely to have his contract with the shipping company renewed as a result of the collisions).

As focal points for professional practice in all cases of the Eems Warrior, the Disciplinary Court 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. The Disciplinary Court also determined that 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.

# VB SEAL

RULING OF 22 AUGUST 2025

NO. 5 OF 2025

CASE 2025.V4-VB SEAL

*Person concerned: captain*

This case concerned Sunday night, 23 February 2025, when 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 captain 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 captain 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 inspector’s objection was that the captain had failed to use the radar to determine whether he was maintaining his position relative to the Maas 5 buoy and had failed to notice that the VB Seal was increasingly moving to the north and crossing the course line of the incoming Gulholmen. The inspector maintained that the captain should have used the radar as the main means of orientation in the fog. He could then have been aware that he was not maintaining his position, but rather making leeway to the north.

The inspector’s demand was to impose a fine of € 600 on the captain. The inspector took into consideration that the captain prevented an even worse outcome by timely beaching the tug, that he would also receive a fine from the PP, and that he had retired, so that any measure concerning his navigation licence would not have any effect.

The captain disputed that he had acted contrary to good seamanship. He indicated that the radar was standing by and that he had also summoned the crew members to the wheelhouse to act as extra lookouts. At the Maas 5 buoy, he kept the green light of this buoy visually in sight as an orientation point, alongside the radar and ECS system. However, due to the variable visibility, he probably failed to notice that the VB Seal was drifting northwards.

In the event the Disciplinary Court was of the opinion that the Inspector’s objections were declared founded, the captain requested that the following was taken into account:

- he took those precautionary measures required by the circumstances to prevent damage.
- he had been sailing since 1977 and had never been disciplined by ILT or other bodies/ authorities, and had an exceptional record of service.
- he retired three days after the incident;
- there was no risk to 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 captain believed a penalty of € 600 to be out of all proportion. If any measure were to be imposed, which the captain disputed, then a warning would be appropriate.

The Disciplinary Court declared all objections to be well-founded. The captain was navigating on board the VB Seal, heading for the “Maas 5” buoy to await the incoming Maersk Iowa container vessel there, in the night of 23 February 2025. There were also two other crew members on board, namely a mechanical engineer and an AB. It was foggy. The Gulholmen oil tanker was sailing in front of the Maersk Iowa. Close to the “Maas 5” buoy, the captain 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 captain took action by beaching the VB Seal on the embankment.

The captain 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 captain was unaware that the VB Seal was making leeway to the north and crossing the track of the incoming Gulholmen.

The captain did not take those precautionary measures required by the circumstances to prevent 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 captain.

In view of the seriousness of the conduct established, the Disciplinary Court imposed a fine of €600 on the captain. The Disciplinary Court sees no reason to reduce the fine, based on the fact that the captain had 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 captain.

# CONFIDENCE

## RULING OF 21 NOVEMBER 2025 NO. 6 OF 2025 CASE 2025.V5-CONFIDENCE

*Person concerned: captain*

This case concerned the cargo vessel navigating during daylight hours from the North Sea through the passage at Terschelling, into the Den Helder-Harlingen-Terschelling seaport area, on 17 May 2025. The captain was owner of the vessel. The wind was northerly, 4 to 5 Beaufort. With a maximum draft of three metres and a strong rising tide, the vessel was en route to Harlingen. The captain was alone on the bridge. There was no pilot on board. From the Vliestroom, the captain turned to port side into the Blauwe Slenk. The combination of the strong current and northerly wind caused the vessel to sail over the separation buoy number BS 3/IN 2, and to become grounded a little further along. The captain had a “Temporary Pilotage Exemption Certificate for Small seagoing vessels” for said seaport area and the vessel.

The inspector’s objection was that the captain did not engage a pilot to navigate a vulnerable area (the Wadden Sea) with a complex pattern of currents, which was relatively unknown to him. Upon changing course to the Blauwe Slenk, he inadequately anticipated the strong current and northerly wind, resulting in him sailing over the BS3/IN2 separation buoy. This resulted in damage to the buoy and to the starboard rudder of the vessel, so that the vessel drifted off course and became grounded.

The inspector noted that the captain had received a temporary PEC for the navigation area in question, as the result of a transition scheme, but added that the captain had not been required to take appraisal and examination trips with a pilot on board in order to attain the PEC, and that he seldom navigated this area.

The inspector’s demand was a disciplinary measure to conditionally suspend the navigation licence of the captain for a period of four weeks.

The captain wrote in an e-mail to the Disciplinary Court that he did not wish to defend himself. He did however request attention for the fact that this was a human error and that he believed he had suffered sufficient punishment with a view to the damage and the loss of turnover.

In a preliminary observation preceding its ruling, the Disciplinary Court stated, with regard to the captain’s failure to appear, that under section 54 of the Maritime Crew Act, a person concerned is obliged to comply with a summons to appear at the hearing. If a person concerned does not attend the hearing, the Disciplinary Court may judge the case by default at the hearing or may request that the public prosecutor summons the person concerned, with an order to appear, if necessary. The possibility of judging the case by default in the event of non-attendance is (therefore) not an automatic assumption. A pertinent aspect is that disciplinary law is intended to maintain and promote the quality of the shipping trade, by monitoring the duty of care of

the captain and officers. That purpose of disciplinary law is better served by persons concerned attending the hearing in order to communicate their views regarding the incident and to answer any questions. After all, it is not the sole purpose of the hearing to judge whether a person concerned acted contrary to good seamanship, but also to determine whether the person concerned has learned from the incident and whether lessons can be learned within the broader sense. As (i) this was a clear case, (ii) the captain did not deny the objection of act/omission and did not wish to offer any defence, and (iii) there was luckily only material damage, the court elected to judge the case by default in this specific matter.

The Disciplinary Court declared the objection to be well-founded. Approaching from the North Sea, en route to Harlingen, the captain navigated the seaport area of Den Helder-Harlingen-Terschelling on the vessel, on 17 May 2025. This navigation area is located within the Wadden Sea. The Wadden Sea is a vulnerable natural area with a complex pattern of currents. Upon changing course to the Blauwe Slenk, the captain inadequately anticipated the strong current (strong rising tide) and the northerly wind (Beaufort 4 to 5). The vessel therefore began to drift, over separation buoy BS 3/IN2, before becoming grounded. The buoy and the starboard rudder of the vessel became damaged in the process.

The captain was alone on the bridge. He had not engaged a pilot, despite this being a relatively unfamiliar navigation area in which he had little experience. Although he did have a PEC, he had not been required to gain theoretical knowledge of the navigation area, nor had he undertaken appraisal and examination trips with a pilot on board, to obtain the PEC. The PEC was therefore no guarantee of him being sufficiently familiar with the navigation area and the complex pattern of currents within the area.

With a view to that complex pattern of currents, the natural obstacles and the greater traffic intensity, he should have taken precautionary measures upon passing through this navigation area. Due caution would require him to engage a pilot familiar with the navigation area, the shallows and the risks caused by the strong current in combination with the wind. A pilot is also aware of other (regular) water users navigating the area, such as in this case the ferry. The documents have shown that the express ferry was heading towards the vessel. It may be assumed that, should the captain have engaged a pilot, the movements would have been more effectively monitored/geared, thus reducing the risk of the vessel drifting (due to the strong current in combination with the wind) and subsequently becoming grounded.

A further addition by the Disciplinary Court was the information guide named “Pilot exemption certificates Sea harbour region of the Northern Netherlands” published by Rijkswaterstaat, which emphasises that there are circumstances under which a pilot must be engaged. The own “Voyage Plan Guidance” (page 3) of the vessel also advises the engagement of a pilot “if you are not familiar with the approach and/or port.”

The captain – who failed to take this precautionary measure advised (in relation to the persons on board, the ship, environment and shipping traffic) – allowed the vessel to drift off course and become grounded. There were no circumstances beyond his control in this case. By failing to engage a pilot, he acted contrary to good seamanship (and contrary to article 1.04 of the Inland shipping police regulations, as well as Sections 342 and 344 of the Commercial Code, second book, third title).

The Disciplinary Court imposed a conditional suspension of the navigation licence of the captain for four weeks. To the advantage of the captain, this ruling takes into account the circumstances that there was only material damage.

As a focal point for professional practice, the Disciplinary Court noted that holding a PEC (Pilotage Exemption Certificate) does not preclude the requirements of good seamanship from necessitating the use of pilot assistance in certain circumstances.

# COMPOSITION OF THE MARITIME DISCIPLINARY COURT OF THE NETHERLANDS IN 2025

## PRESIDING JUDGE

P.C. Santema  
*Senior judge A District Court in Rotterdam*

## DEPUTY PRESIDING JUDGES

J.M. van der Klooster  
*Senior justice at the Court of Appeal in the Hague*

W. van der Velde  
*Lector Maritime Law at Maritiem Instituut  
Willem Barentsz  
Deputy Justice of the Court of Appeal in the Hague*

## MEMBERS

A. Aalewijnse  
*Chief Engineer*

R.E. Roozendaal  
*Captain*

E.R. IJssel de Schepper  
*Captain*

C.R. Tromp (honourably discharged in February 2025)  
*Captain*

T.W. Kanders  
*Captain*

J.L. Schot  
*Skipper in marine fishing*

C. Kuiken  
*Ship's officer*

P.L. van Slooten  
*Skipper in marine fishing*

S. Kramer  
*Skipper in marine fishing*

J.W.T.C. de Vreugd  
*Former Chief engineer in marine fishing  
(deep sea fishing)*

O.F.C. Magel  
*Captain*

R.A. Oppelaar  
*Captain*

## DEPUTY MEMBERS

W.A. Barten  
*Hydrographer*

R. Bennetts (appointed on 1 August 2025)  
*Captain*

J. Berghuis  
*Captain*

R.M. Boeijen  
*Chief Engineer*

J.K.J. Bout  
*Skipper in marine fishing*

V.C. Engel  
*Captain*

G. Heins (appointed on 15 May 2025)  
*Captain*

R.J.N. de Haan  
*Registered pilot*

A.J. de Heer  
*Former Shipowner*

H.J. Ijpma  
*Former skipper in marine fishing*

C. Kornet (appointed on 15 May 2025)  
*Former Shipowner*

N.P. Kortenoeven-Klasen  
*Hydrographer*

H.H. Pannekoek  
*Captain*

S.W. Postma  
*Captain/North Sea pilot*

D. Roest (promoted to permanent member on 15 May 2025)  
*Captain*

R.H.P. Ruigrok  
*Registered pilot*

H. Schaap  
*Former skipper in marine fishing*

C.J.M. Schot (honourably discharged on 15 May 2025)  
*Shipowner*

P.H.G. Schonenberg  
*Ship's officer*

J.J. Spaan  
*Hydraulic engineer*

A.W. Taekema  
*Captain*

E. E. Zijlstra  
*Hydraulic engineer*

## SECRETARY

V. Bouchla

## DEPUTY SECRETARIES

E.M. Dooting

F.S. Pietersma-Smit

## SECRETARIAT

E. Doeven

