



**RULING OF THE MARITIME DISCIPLINARY COURT OF THE NETHERLANDS OF
11 APRIL 2025 (NO. 1 OF 2025) IN THE CASE 2024.V6- COS MASTER**

As petitioned by:

the Minister of Infrastructure and Water Management
in The Hague,

petitioner,

authorised representative: senior inspector ILT/Shipping in Zwijndrecht,

versus

E.H.J. W.,

the person concerned.

1. The course of the proceedings

On 5 November 2024, 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 COS Master vessel sailing under the Dutch flag.

The Disciplinary Court has notified the person concerned of the petition (enclosing a copy of the petition with 23 annexes, including a video file), and informed the person concerned of the right to submit a statement of defence.

No statement of defence has been received from the person concerned. The presiding judge stipulated that the hearing of the case will be held at 11:00 hours on 13 February 2025 at the courtroom of the Disciplinary Court in Amsterdam.



The court hearing was held on 13 February 2025. The inspector, accompanied by a colleague, a senior inspector, appeared at the hearing on behalf of the petitioner.

The person concerned appeared at the hearing.

2. Grounds

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

On 6 August 2024, the crew tender COS Master – captained by the person concerned – was en route from Ostend to the offshore wind park in Borssele. There were 3 crew members and 13 passengers 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 COS Master (IMO number 9929405) is a Dutch crew tender. This crew tender has been contracted to transport technicians from the port of Ostend (Belgium) to the offshore wind park in Borssele. The vessel is owned by the Coastwise shipping company V.O.F. in Culemborg. Built in 2021, the vessel is 27 metres long, 10 metres wide and has a gross tonnage of 244. It has 2 main engines, each 1060 kW, enabling it to travel at a maximum speed of approximately 20 knots. The vessel is crewed by two shifts of 3 crew members each.

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 objections against the person concerned are:

1. The person concerned failed to arrange a good lookout despite being the officer of the watch;
2. The person concerned did not call the watch AB to the bridge to ensure a good lookout.
3. The person concerned 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. These objections contributed to the collision with the buoy.
5. Following the collision, the captain assigned the watch to the AB. The AB does not have a navigation licence, or Dutch endorsement of a foreign navigation licence, allowing him to hold watch on the bridge.

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.

COLREG, Part B, Section I, Rule 5 Look-out

Every vessel shall at all times maintain a proper lookout by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

COLREG, Part B, Section I, Rule 6 Safe speed

Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.

COLREG, Part B, Section I, Rule 7 Risk of Collision

a. Every vessel shall use all available means appropriate to the prevailing



circumstances and conditions to determine if risk of collision exists. [...]

SOLAS Chapter V Safety of Navigation, Reg. 34 Safe navigation and avoidance of dangerous situations

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

STCW Code Part A, Chapter VIII, Part 4-1 Principles to be observed in keeping a navigational watch

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

25 During the watch, the course steered, position and speed shall be checked at sufficiently frequent intervals, using any available navigational aids necessary, to ensure that the ship follows the planned course.

27 The officer in charge of the navigational watch shall not be assigned or undertake any duties which would interfere with the safe navigation of the ship.

Seafarers Act, Section 4

6. The master shall ensure that watchkeeping personnel observe the principles of safe watchkeeping in accordance with Regulation VIII/2 of the Annex to the STCW Convention.

Seafarers Act, Section 58

1. It is prohibited to assign the lookout duty or to have crew members who are not authorized to perform such duties act as the officer of the watch on the bridge [...],

3.3 The inspector's demand is: to suspend the navigation licence for a period of 6 (six) weeks, 2 (two) of which conditionally.



4. The position of the person concerned

The person concerned admits neglecting a good lookout, resulting in collision with the buoy. According to the person concerned, he made two errors, namely:

- he should not have sent the AB to the galley; he should have kept him on the bridge to ensure a good lookout.
- 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.

Furthermore, the person concerned is aware of the fact that he should not have left this AB responsible for the watch on the bridge, alone. However, the person concerned wished to check for himself whether he could safely sail back to Ostend with 13 passengers on board. With a view to his experience with this AB, the person concerned believed he could assign him responsibility for the bridge watch.

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 asked me to explain in my own words what happened on 6 August 2024 once we had left Ostend at 19.34 hours.
That day was not really different to any other. We had 13 passengers (PAX) on board that day. Prior to departure, we always discuss the voyage with the crew members. What are the plans, how's the weather, are there any challenges, do we need to pay extra attention to anything? We then also hold a 'toolbox' with the PAX. There were three*



teams on board, and the teams were to be dropped off at three individual towers.

We then departed as planned. Soon after departure, one of the team supervisors came to the bridge to communicate that the sequence/rotation had been changed. He had been in touch with the colleague already on the tower in the wind park.

I took action to make the necessary changes; I can do so on the computer in the wheelhouse, so that the changes are then visible on the two screens in the PAX room. The teams then know when it is their turn. This is a service for the passengers as it were, and has indeed nothing to do with the safety of the vessel. I then used the ECDIS to look ahead at the most economic sequence for navigation purposes. I also checked the weather report. After all, it is important to know the status of the current and wind when 'landing' at the towers. This is because the ladder has a certain fixed position; you cannot choose where to 'land'.

The current had actually 'offset' the vessel further than I expected. And that is when I collided with the buoy. There was indeed not a strong current, but enough to result in shifting. Even at that speed. I must note that my course was very close to the buoy. I really did have the shortest route possible. This is of course the Schelde estuary; you will be offset either to starboard or to port.

It is indeed true that I very quickly switched to full speed. The vessel is operational for 24 hours, and all engines are therefore at operating temperature. There is still a speed limit at Ostend. I start to accelerate as soon as I am beyond the piers. This vessel responds immediately when accelerating. The vessel needs only a light touch.

You ask why - on receiving a change to the assignment - I did not consider whether I could carry it out safely. After all, it is my duty to ensure a good lookout. On that, I have this to say.

After leaving, the AB on watch returned to the bridge to report that all was well. I then requested that he go below to start preparing food for



the evening. I then started implementing the change. And that is precisely what went wrong of course. At that point, I should have requested that the AB remains on the bridge for another five minutes. The reason why I did not think of this at that time, is because of my routine I believe; I am so accustomed to working alone on such vessels and having a lookout available on call. It is also not a 100 metre-long vessel. You asked whether I was possibly unaccustomed to making such requests to the AB and that I had possibly never needed to request such assistance. I have made such a request in the past, but did not do so in this case. Moreover, the crew generally tends to naturally stay above deck.

I did not call a second lookout and I myself failed to keep a good lookout, allowing myself to become distracted. There is no excuse for that. I believe it took me a maximum 5 to 6 minutes in total for my planning work, before the collision occurred. This is indeed somewhat longer than I previously stated (namely 2 to 3 minutes).

As far as the speed of the vessel is concerned, I can say the following. I am certainly accustomed to sailing this vessel at (a higher) speed. Of course it plays a role in the eventual incident. One thing leads to another. If I had kept a good lookout, I could have sailed at 30 knots and passed close by the buoy. All the factors are simply interrelated. If for example I had consciously chosen to be distracted, I would have reduced speed. That sounds strange? After all, you are then consciously choosing to be distracted.

Once the collision occurred, I wanted to know what was wrong, as quickly as possible. The vessel was off track and was more or less stationary in the water. I wanted to quickly go below deck to see for myself whether I could safely head back. After all, I had 13 passengers on board. I did indeed leave the AB alone on the bridge, even though he does not have a navigation licence. However, I have been working with this AB for two seasons and I often allow the young crew members to navigate and manoeuvre in open water, when we are waiting, for example. I know that is not officially allowed. It is correct



that I have done so previously with this AB. I was of course on the bridge myself in the past.

I can answer the questions from the Disciplinary court members as follows.

It is correct that I switched off the 'cross track error' alarm. This was indeed due to the intensity of the shipping around us; it is a busy fairway.

I am aware that the 'Manual Shipboard Operations' states that the captain must assign a lookout on the bridge in the event of congested waters (watch level 2). That was not applicable in this case. I had the AB on call and he was not present on the bridge.

I am satisfied with the accuracy with which the vessel's autopilot did its job. In my opinion, it was the current which caused the deviation in my course. On the return journey, the autopilot functioned normally. I believe I navigated back by hand.

The standard setting on the radar is 4 or 6 miles at a speed of 20 knots. You need to realise that when reducing speed, this vessel is stationary in the water within 15 metres. You are indeed correct, that if I have set the radar to 4 miles, I have no indication of what is happening so far ahead of me. However, it was still daylight that evening. It was summertime with good visibility. I failed to maintain the visual 'lookout'.

It is true that there was no further distraction and that there were no further passengers on the bridge. It is also correct that there was one hour between the time of departure and the collision, as I did not immediately commence the change to the assignment. With hindsight, I should of course have done so while the watch AB was on the bridge. Following the collision, I switched off both engines. I did not experience, nor do I recall the situation now being sketched, namely that the Den Helder police video shows the vessel to continue after the collision, on a course diagonally across the separation zone for 8 to 9



minutes at a speed of 7 knots (without other shipping vessels being present, for that matter).

It is true that the bridge watch alarm was disabled. I cannot actually answer the question from the presiding judge as to why this alarm was not enabled. I only enable it when we are positioning.

In terms of my personal situation and the situation for the company, I can inform you as follows.

The vessel needed repair to midships, hull and arms. We also had to leave the project. The damage to the vessel amounted to € 50,000.

The lost time was 2 weeks, at € 5,000 per day.

As far as the insurance is concerned: the deductible for the damage to the vessel's hull was € 35,000. The deductible for the lost time was 6 days.

We reported the collision with the buoy to the (Belgian) fairway management organisation. I have not yet heard from this management organisation. Apparently it can take up to a year. I subsequently heard from our sister vessel which was sailing towards us, that the buoy was still in position and that the light was operational.

It is true that I am co-owner. We do indeed have a two-man company. There are also some investors who own shares, but do not actively engage in our activities. I myself hold 10 percent of the shares.

I have been in shipping since the age of 18, therefore more than 30 years by now. I have been a captain since the age of 25. In the past, I have always worked on vessels carrying dry cargo and on coasters. I have been doing this work for the past three and a half years. I have been co-owner slightly longer, as we first needed to have the vessels built. We operate three vessels.

I understand the Inspector's demand. Suspension of my navigation licence does affect me; it is not nice to be informed that you have been suspended. I admit my mistake. Luckily I would be able to adjust



my leave schedule accordingly, should you agree to the inspector's demand.

- B. The 'Incident Investigation Report – Collision with buoy COS Master' of 6 August 2024 (annex 7 to the petition), insofar as it contains the following::

"(...) During the investigation, the following crew member has been interviewed:

- *Captain*

(...)

Incident Description

On 06/08/2024 at 19.34 vessel COS Master departed from Oostende with 13 pax and 3 crew with destination OWF Borssele.

During voyage, the sequence of operation was changed (...). Therefore the captain had to change the voyage plan. The vessel was proceeding at full speed (20kn) and on autopilot.

The Captain was looking for position of towers in the ECDIS. Therefore the ECDIS picture was moved forward and the actual vessel position was not visible at that time. The captain went to the SB-desk to work on the planning and to check the latest weather forecast on the computer. According to the captain, this took appr. 2–3 minutes.

(...)

The following consequences are identified:

- *Damages to the centre and Port Side hull*
- *Aborted operation of the night shift*
- *Off hire of the vessel for inspection and repairs*
- *Repair costs (unknown at the moment of this report)*
- *Damage to buoy (unknown, but position and lighting reported to be correct by COS Mariner)*

No personal injuries or pollution as a consequence of this incident.

(...)

The following (relevant) equipment has been checked:



- *SB-Radar operative on 4NM, no guard zone functionality available, working OK*
- *ECDIS operative*
- *GPS OK*
- *AIS OK*

(...)

The following environmental conditions were noted:

- *Wind: SW 6 m/s*
- *Sea: SW 0,5m*
- *Current: NNW 0,4kn*
- *Visibility: Good*

The captain was the only person on the bridge, with a deck hand on call in the accommodation.

(...)

Direct cause: Contact with navigation buoy

Contributing causes: offset by current, not all navigation means used, distraction as a result of changed planning

Root cause(s): Work preparation and work organization

(...)

Based on the investigation carried out, it may be concluded that the incident could have been prevented when the navigational watch would have been properly executed. The main causes of the incident are:

- *No proper look out in place, due to:
o distraction for adjusting planning and updating weather forecast
o Single person on the bridge*
- *Change of planning is related to the activities and will remain in future. However, organisation of changes during operations shall be improved"*

C. A statement by the watch AB of 7 August 2024 (annex 18 to the petition), insofar it contains the following:



"(...)

To whom it may concern: On Tuesday 06/aug/2024 I was as AB part of the night shift on board of COS Master together with a Captain and a Engineer. Our shift started at 18.30 hrs and we took over the vessel from the dayshift. After the PAX came on board and the toolbox meeting of the crew and the toolbox meeting with the PAX were finished we sailed from Oostende at about 19.30/19.35 hrs. My work on departure is on deck, I am in contact with the wheelhouse by handled VHF, we use channel 15, and on command of the captain I let go all the ropes. After departure I secured all ropes and fenders on deck and when done I reported to the captain the wheelhouse that the deck was ready, clear and secured.

The captain asked me to check in the PAX area if all was clear, the PAX are seated and using their seatbelts, also to collect the signed toolbox forms and report back to the wheelhouse. At about 20.00 hrs I was back in the wheelhouse to bring the signed toolbox forms. The captain have to scan these signed forms and upload them on our client portal on internet. Captain then asked me to check galley and take some food from freezer and refrigerator so we could prepare some meal later that evening when we dropped of the PAX. I was all the time having my handheld VHF with me so if needed captain could call me.

At about 20.30/20.35 when I was in Galley/Messroom I felt the vessel hitting something, I rushed to the wheelhouse and while underway heard the engines go down to minimum, found the captain in the wheelhouse in the control seat with steering on hand and engines on minimum. Captain told me we hit a buoy and ordered me to take over the wheel so he and engineer could go and check all areas, engine room and voids etc.

When captain came back after abt 10/15 minutes he told me that there was no leakage of water, we tested the engines/propulsion, all



seemed to work good and captain decided to return back to port for inspection of the vessel.”

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 operating as captain and officer of the watch on 6 August 2024 on board the COS Master, departing Ostend and transporting 13 passengers to the wind park in Borssele for working purposes. There were also two other crew members on board, namely the mechanical engineer and the watch AB. In Belgian waters, the vessel collided with a buoy and suffered a leak. The AB held watch on the bridge while the person concerned and the mechanical engineer inspected the damage. The person concerned had assigned the AB to do so, even though the latter did not have a navigation licence (or endorsement thereof) allowing him to hold watch on the bridge. The vessel then returned to Ostend (under the command of the person concerned).

The Disciplinary Court finds the first four objections of the inspector to be well-founded. The person concerned also agrees that it should be concluded that as officer of the watch, he 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). The conduct of the person concerned constitutes a violation of the regulations quoted by the inspector.

The Disciplinary Court also declares the Inspector's fifth objection to be well-founded. 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. Having indeed undertaken such conduct, he has acted in a manner culpable under disciplinary law. Additionally, contrary to the statement made by the person concerned, the watch AB most certainly continued for 8 to 9 minutes at the 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 person concerned should have assigned the mechanical engineer to inspect the damage (together with the AB) while personally remaining on the bridge. This omission must be seriously imputed to 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 vessel, the cargo, the environment and shipping traffic.

5.3 The disciplinary measure

The Disciplinary Court judges that the person concerned seriously failed in his responsibility as captain, which resulted in the collision with the buoy and the subsequent assignment of bridge watch duty by a crew member who was not authorised to perform such a duty. Given that there were 13 passengers on board the vessel, there is good cause for suspension of the navigation licence for the duration mentioned below.

Considering that the person concerned cooperated fully during the investigation and is certainly aware of his shortcomings and feels responsible for the collision, also taking into account that the person concerned has already been financially impacted as co-owner of the vessel, the Disciplinary Court see good cause to order a suspension of the navigation licence for a period of four weeks, two of which conditionally. The sanction is thereby shorter than the Inspector's demand.



6. Focal points for professional practice

Following on from, but also separately from the decision in this case, the Disciplinary court sees cause to draw attention to the fact that a single-person bridge watch carries an added responsibility on familiar routes, particularly when sailing at high speed through congested waters. Strict observance of the rules in force is necessary in such circumstances. In this way, routine behaviour (and the associated risk) is avoided as much as possible.

7. The decision

The Disciplinary Court,

- rules that the objections against the person concerned are well-founded;
- suspends the navigation licence of the person concerned for a period of four weeks;
- stipulates that of this suspension, a period of two (2) 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 vessel, 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 P.C. Santema, LL.M., presiding judge, J. Berghuis and R.A. Oppelaar, members, in the presence of E.M. Dooting, LL.M., secretary, and pronounced in the public hearing on 11 April 2025.



P.C. Santema
presiding judge

E.M. Dooting
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.