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**REPORT OF THE INVESTIGATION
INTO
THE LOSS OF THE
SAIL TRAINING PASSENGER
VESSEL
“STV ASTRID”
ON
24th JULY 2013**

**REPORT NO. MCIB/232
(No.2 OF 2015)**



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1. SUMMARY

(Note: All times are in local time which is UTC+1)

- 1.1 The vessel, a 42 metre (m) Dutch registered sail training passenger ship, of steel construction and brig rigged, was anchored in Oysterhaven Anchorage, Co. Cork at approximately 14.00 hrs on the 23rd July 2013. On-board on arrival at Oysterhaven were the Master and permanent crew of three, a temporary cook, a mentor and 24 trainees/passengers. The trainees ranged in age from 15 to 24 and eight were Irish nationals. Of the remaining trainees four were Dutch nationals, three were UK nationals, six were French nationals, two were Belgian nationals and one was a Spanish national.
- 1.2 On the 24th July 2013 the ship was scheduled to be one of the flotilla of boats taking part in a sailing festival between Oysterhaven and Kinsale.
- 1.3 The ship hauled anchor at 11.00 hrs and proceeded out of Oysterhaven, using engine power. At approximately 11.35 hrs sails were being hauled and the course was altered. Whilst hauling sails the engine was still being used and the ship proceeded in a SW direction at a speed of approximately 3 knots.
- 1.4 At approximately 11.40 hrs the engine failed and the ship was unable to sail out of the situation that grounded the “*STV Astrid*” on the coast 0.7 NM North West of the Big Sovereign, which is a small island just outside Oysterhaven.
- 1.5 Rescue services were alerted and all trainees and crew were safely evacuated and landed into Kinsale, without any injuries being sustained. The ship sank but was subsequently salvaged and deemed an economic write-off.



2. FACTUAL INFORMATION

2.1 Particulars of the Vessel



Photograph Courtesy of Provision, Cork

Name of Vessel: *“STV Astrid”*.

Year of Build: 1924.

Overall Length: 41.90 (m).

Breadth: 6.48 (m).

Moulded Depth: 2.87 (m).

Draft: 2.65 (m).

Gross Tonnage: 140.

Place of Build: Scheveningen, The Netherlands.

Main Engine: Scania, DS 1402 four stroke, diesel engine serial No. 4150735 of 253 KW Capacity.

General Description of Vessel: A dual-masted, square-rigged, iron/steel-hulled tall ship, with a mast height of 25 (m).

“STV Astrid” had two deckhouses; one at the stern with navigational equipment and charts, and another forward containing a bar. The lower deck had twelve 2-person

cabins (of which three could be used as 3-person cabins) as well as showers, toilets and a galley.

Type of marine casualty or incident: Very Serious Marine Casualty.

Location of incident: Quay Rock at Ballymacus Point, near the Sovereign Islands, Ireland.

Damage/ environmental impact: Nil.

Persons on-board: 30.

2.2 Ship's Certificates

TYPE OF CERTIFICATE	DATE OF ISSUE	VALID UNTIL
Certificate of Registry (Appendix 7.1)	11th April 2007	
Register Holland Certificate of Class (Appendix 7.2)	11th May 2012	11th May 2013
Special Purpose Ship Safety Certificate (Appendix 7.3)	11th May 2012	11th May 2015
Passenger Ship Safety Certificate EU Directive 2009/45 (Appendix 7.4)	10th April 2012	10th April 2013
Minimum Safe Manning Document (Appendix 7.5)	11th May 2010	11th May 2015
Certificate of Seaworthiness (This is a national requirement of the Netherlands and this certificate has no status under international law) (Appendix 7.6)	11th May 2010	11th May 2015 - Last Annual Survey carried out 10th May 2012 - no evidence of annual survey provided
Liferaft Certificates Annual Survey	26th April 2012	26th April 2013
Safety Management Certificate Document of Compliance (ISM) Code	None	
International Sewage Pollution Prevention Certificate (Appendix 7.7)	11th May 2010	11th May 2015
SOLAS Exemption Certificate for Passenger Ship	None	
International Ship and Port Facility Security (ISPS)	None	
Passenger Ship Liability Certificate (Appendix 7.8)	5th July 2013	20th February 2014
International Load Line Certificate	Not Submitted	

Register Holland is a Classification Society with national recognition from the Netherlands only. Register Holland are not authorised under EU law to carry out any statutory surveys in accordance with the International conventions.

The Safety Plan for the “STV Astrid” is shown in Appendix 7.9 of this report.

Annual inspection of liferafts, due on the 26th April 2013, had not been carried out nor had the National Seaworthiness Certificate been endorsed for 2013. (Please refer to Photographs 1 and 2 of Appendix 7.10). Therefore the ship did not have a valid ‘Certificate of Seaworthiness’.

2.3 Crew Particulars

The Minimum Safe Manning Document issued by the Netherlands Shipping Inspectorate requires a minimum crew of 4 holding the following STCW Certification issued under the provisions of Regulation V/14.2 of the INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, copy attached in Appendix 7.5.

GRADE / CAPACITY	CERTIFICATE (STCW REGULATION)	NUMBER
Master	II/2	1
Chief mate	II/2	1
Rating deck	II/4	2

The Master’s Certificate of Competency expired on the 5th June 2013. The expired certificate was for the requirements of Regulation II/3, which is of a lesser standard than required by II/2.

Notwithstanding that the Master’s Certificate of Competency had expired; his qualifications did not meet with the requirements of the Minimum Safe Manning Document for the “STV Astrid” Certificate No. 3904.

The Mate’s Certificate of Competency was issued under Regulation II/4 that is a qualification for a rating forming part of a navigational watch. This is a significantly lower qualification than II/2 qualification required by the Minimum Safe Manning Document for the “STV Astrid” Certificate No. 3904.

Crewmember No.1 held the necessary STCW Class II/4 Certificate but was not in possession of a Dutch Certificate of Competency for sailing ships, to be in compliance with the Dutch Manning Act.

Crewmember No.2 held the necessary STCW Class II/4 Certificate but was not in possession of a Dutch Certificate of Competency for sailing ships, to be in compliance with the Dutch Manning Act.

Neither the Master nor any of the crew members held the necessary qualifications for the manning of the “*STV Astrid*”.

2.4 Application of Legislation

Twenty-four trainees/passengers of various nationalities embarked on-board the ship in Southampton on the 14th July 2013 for an adventure holiday. The trainees/passengers comprised of the following; eight Irish nationals, four Dutch nationals, three UK nationals, six French nationals, two Belgian nationals and one Spanish national. Passage on the “*STV Astrid*” was arranged via national sail training organisations and was paid for by the individual trainees/passengers or grant aided by their national organisations.

The trip consisted of a voyage from Southampton to Weymouth (at anchor overnight) to Penzance (under engine due to lack of breeze) to Cork and on to Oysterhaven where it was at anchor overnight. The intention was to continue from Oysterhaven to Kinsale and on to Cherbourg where the trainees would pay off.

The “*STV Astrid*” was registered as a sailing passenger vessel in the Netherlands and subject to the laws of the Netherlands. However, when on an international voyage to a port in another State the ship must comply with the requirements of International Maritime Law which are set out in International Maritime Conventions. The most important such convention is the International Convention on the Safety of Life at Sea, commonly referred to as the SOLAS Convention. The SOLAS Convention regulates the safety of shipping including design, construction and operation covering structure, life-saving, fire fighting, radio, navigation matters amongst others. The SOLAS Convention has been amended by means of a Protocol and its technical annex is subject to on-going updating to reflect best practice.

Under the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS). The following definitions are relevant:

“International voyage” means a voyage from a country to which the present Convention applies to a port outside such country, or conversely.

A “passenger” is every person other than the Master and the members of the crew or other persons employed or engaged in any capacity on-board a ship on the business of that ship.

“Special purpose ship” means a mechanically self-propelled ship which by reason of its function carries on-board more than 12 special personnel.

“Special personnel” means all persons who are not passengers or members of the crew or children of under one year of age and who are carried on-board in connection with the special purpose of that ship or because of special work being

carried out aboard that ship. Personnel engaging in training and practical marine experience to develop seafaring skills suitable for a professional career at sea. Such training should be in accordance with a training programme approved by the Administration. No formal training programme or log books for recording training were given to the trainees/passengers.

Some sail training ships may be classified by the Administration as “not propelled by mechanical means” if fitted with mechanical propulsion for auxiliary and emergency purposes. However, this is only permitted for domestic voyages for non-EU flagged ships and such a designation is not recognised under the International Conventions. In this case the vessel was propelled by mechanical means as the ship was fitted with an engine. Additionally the “*STV Astrid*” made the passage from Weymouth to Penzance propelled by its engine, i.e. by mechanical means.

Where a ship carries more than 12 passengers, as defined in SOLAS, the ship should not be considered a special purpose ship, as it is a passenger ship as defined by SOLAS.

The “*STV Astrid*” is considered to be a passenger ship, but does not meet the SOLAS requirements for a passenger ship.

It is possible for a sail training ship to be considered as a Special Purpose Ship. In such cases the ship may be issued with an International Passenger Ship exemption certificate and also issued with a Special Purpose Ship Certificate. However, the EU directive on passenger ships applies in any case and the standards in the EU Passenger Ship Directive are essentially comparable with the IMO SOLAS standard. It is noted that the “*STV Astrid*” had been issued with a Passenger Ship Safety Certificate under EU Directive 2009/45 but that this certificate had expired.

2.5 Environmental Conditions

GENERAL SITUATION

A large Low Pressure area in the Atlantic was centred west of Ireland. Associated bands of rain and some showers moved north-north-eastwards across the area. There were widespread thunderstorms across Ireland and the surrounding sea areas.

DETAILS

Winds: From the south, ranged Moderate to Strong, Force 4 to Force 6.

Weather: Mostly cloudy with spells of rain and heavy showers, a few bright dry periods.

Visibility: Good generally, but reduced to Moderate or Poor for short periods in the heavier rain and showers.

Seastate: Moderate with Significant Wave Heights of 1.5 to 2 (m) and maximum individual wave heights of 4 to 5 (m), mainly from a south-west or southerly direction.

Sea surface temperatures: 18°C.

(See Appendix No. 7.11 for full details of the weather report).

2.6 Radio Equipment/Operation

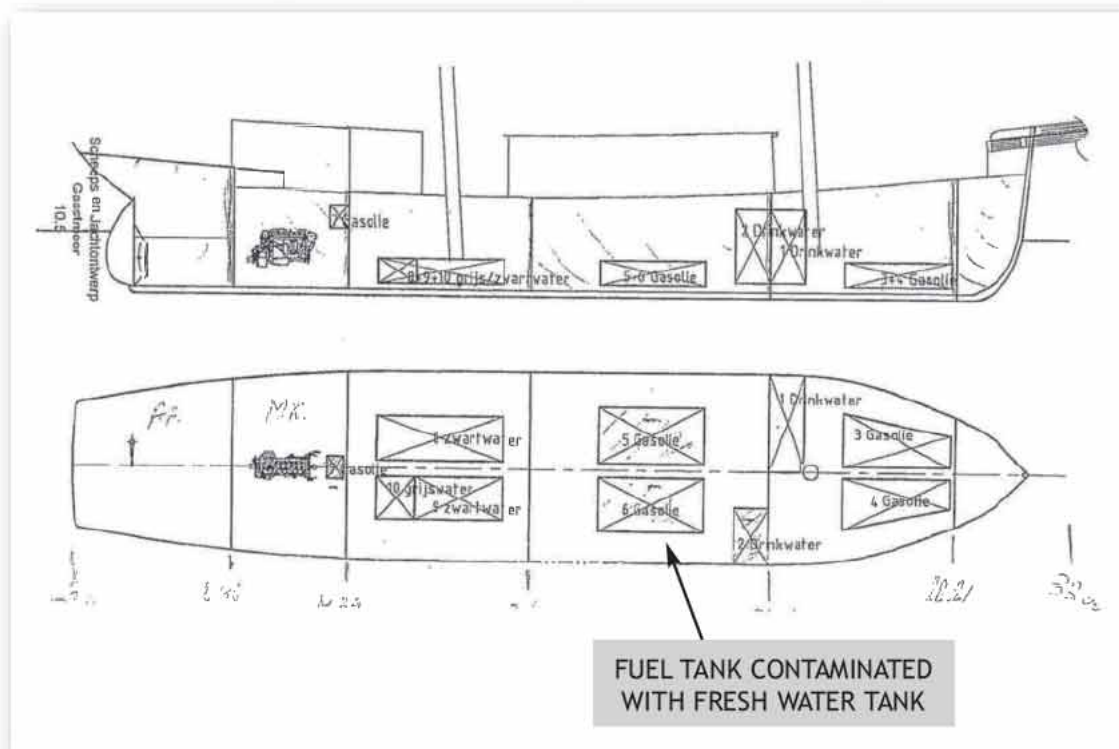
During the incident the first indication of problems being experienced was at 11.44 hrs when a blind transmission from an unknown vessel calling, the transcript of message as follows:- “organisation organisation we have a problem” followed by a break of 15 seconds “organisation organisation this is the operating vessel “*Astrid*” our engine is stopped our engine is stopped can you help us please”.

No further information was received from the “*STV Astrid*” by radio.

3. NARRATIVE

3.1 Background

On a previous voyage on or about the 12th July 2013 whilst the vessel was in Brighton, fresh water was taken on-board. When the vessel was taking on fresh water, the water filling hose was inadvertently placed into a fuel tank filler contaminating the starboard aft fuel tank with approximately 1,000 litres (l) of fresh water (See below).



Tank Layout

It was stated that the contaminated diesel had been pumped out and disposed of ashore prior to the ship's departure from Brighton. The fuel tank had been isolated at this time and had not been used since.

From Brighton, until the ship's arrival in Cork on the 22nd July 2013, the port aft fuel tank had been in use. The fuel handling procedure requires that the fuel is pumped from whichever one of the four storage tanks is in use to a 350 (l) capacity daily service tank.

Fuel for the main engine and the two auxiliary generators is drawn from the daily service tank and spilled back into the daily service tank.

When the main engine was in operation, fuel was pumped to the daily service tank prior to sailing and every hour whilst the main engine was running. When the auxiliary engines were in use, it was pumped as required.

The daily service tank had an automatic filling arrangement through a float switch starting and stopping the transfer pump. The system was not used on the “*STV Astrid*”. Filling of the daily service tank was carried out by manual starting and stopping of the transfer pump.

When the vessel was in Cork on the 22nd July 2013, the fuel suction was changed over from the port aft fuel tank to the starboard forward fuel tank. The suction fuel filters were also changed twice whilst the ship was in Cork.

3.2 Pre Incident

The passengers/trainees joined the ship in Southampton on the 14th July 2013. On arrival on-board the *Mentor* gave them a familiarisation tour.

The familiarisation included introduction to ropes, rigging etc. and how to don and use the full climbing harness to be used when ascending the rig. Harnesses were shared. No Personal Floatation Devices (PFDs) were provided.

The first emergency drill was held after leaving Southampton on the first day at sea. No demonstrations of alarms was given during the emergency drill.

At sea, passengers/trainees carried out watch routines, including: helm, lookout, navigation (course plotting, chart work etc.), recognition of lights and domestic chores.

For anchor watches, the watch was to be split with half on deck for two hours at a time and the other half on standby. Routines included a regular position check every 20 minutes by GPS and compass transit. In the event of any concerns, no matter how trivial, the passengers/trainees were instructed to call a crew member.

The voyage consisted of passage from Southampton to Weymouth (at anchor overnight) to Penzance (under engine due to lack of breeze) to Cork, arriving in Cork on the 22nd July 2013. They were moored alongside in Cork overnight. The “*STV Astrid*” then proceeded from Cork to Oysterhaven arriving at approximately 14.00 hrs and anchored overnight on the 23rd July 2013.

The original intention was for the vessel to go from Cork to Kinsale and moor on Castlepoint Marina overnight and then from Kinsale to Cherbourg where the passengers/trainees would leave the ship.

This was then changed to enable the “*STV Astrid*” to take part in the Parade of Sail of the ‘Gathering Cruise’, making its way from Oysterhaven to Kinsale on the morning of 24th July 2013.

‘The Gathering’ was a tourism-led initiative taking place in Ireland at the time. It

aimed to mobilise the Irish diaspora to return to Ireland during 2013 to be part of specially organised local gatherings and events during the year. The ‘Gathering Cruise’ was one aspect of this initiative and brought together a flotilla of yachts from across the UK, Europe and further afield as they sailed to Irish ports as part of the event. This 19 day event took place across July 2013 with 100 cruising boats and 600 crew members creating a spectacle across key designated Gathering gateway ports as they cruised the east and south coasts of Ireland together. The ‘Gathering Cruise’ participants, comprising fifteen vessels, stayed at anchor overnight on the 23rd July 2013 at Oysterhaven.

On arrival in Oysterhaven, the “STV Astrid” crew and passengers/trainees were entertained ashore by the Oysterhaven Centre on the evening of 23rd July 2013. The party and barbeque was arranged as part of the ‘Gathering Cruise’. The Master remained on-board for the anchor watch.

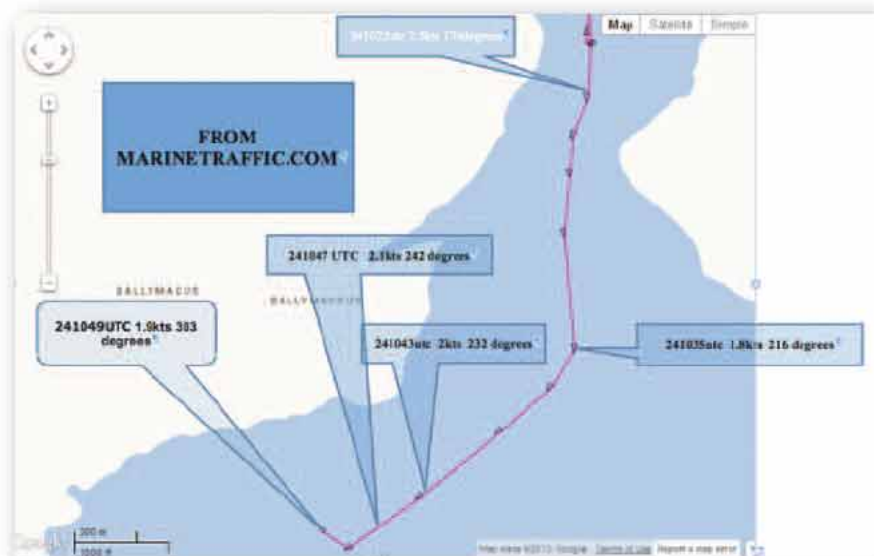
The crew and passengers/trainees were transported ashore and back to the “STV Astrid” by local boats from Oysterhaven. They returned to the “STV Astrid” at approximately 01.30 hrs on the 24th July 2013. During the transport passengers/trainees were provided with SOLAS approved lifejackets from the “STV Astrid”.

The “STV Astrid” dragged its anchor during the night/morning of the 23rd - 24th July 2013 without any known adverse effects or corrective action being taken.

3.3 The Incident

The plan for the departure from Oysterhaven was for the cruising boats in the ‘Gathering Cruise’ to stay close to the “STV Astrid” for a photo opportunity.

At 11.00 hrs, on the 24th July 2013 the “STV Astrid” weighed anchor and left Oysterhaven under engine power, as shown in Photograph 4 of Appendix 7.10. The yachts “Spirit of Oysterhaven” and “Discover Ireland” were close by with journalists on-board (See below).



Vessel's Track From Oysterhaven

At approximately 11.35 hrs at position N51.41'06.50: W8.26'55.0 the sails were being hauled and the course was altered to 231° to sail inside the Big Sovereign. Whilst hauling sails the engine was still being used and the sailing ship was proceeding in a SW direction at a speed of approximately 3 knots.

At approximately 11.40 hrs the engine failed and the sailing ship was unable to sail out of the situation.

An Irish Sailing Association (ISA) 6.5 (m) Rigid Inflatable Boat (RIB) fitted with a 90 HP engine which was sheltering in the lee of the Big Sovereign saw the Master of the "STV Astrid" waving at them. The RIB proceeded towards the sailing ship which was approximately 300-400 (m) from the shore.

As they approached the "STV Astrid" the Master hailed to say his engine had stopped and asked them to push his bow for him.

The ISA RIB attempted to push the "STV Astrid's" bow through the wind as they tried to raise sail. The attempt was unsuccessful, because the sailing ship rolled and pitched significantly.

The "STV Astrid" then passed a line to the ISA RIB and an attempt was made to tow the "STV Astrid" out of danger. The RIB did not have enough power to effect the tow and as the RIB was becoming swamped the tow was released.

The "STV Astrid" was then blown onto the rocks. No attempt was made to drop either anchor and possibly prevent the vessel going aground. The position of the grounding is shown in Appendix 7.12, and Photographs 3, 6 and 7 of Appendix 7.10 show the vessel sinking at this location.

The Marine Rescue Coordination Centre (MRCC) received the first incoherent transmission from the "STV Astrid" at 11.44 hrs as detailed in 2.6 above. The call was blind with no position or Mayday. The transcript reads "organisation organisation we have a problem" followed by a break of 15 seconds "organisation organisation this is the operating vessel 'Astrid' our engine is stopped our engine is stopped can you help us please".

No further information was received, but Marine Rescue Sub Centre (MRSC) Valentia made repeated calls on VHF Channel 16 - with no response.

At 11.52 hrs communications heard on Channel 16 from yacht "Adastra" and an unknown vessel.

At 11.54 hrs "Adastra" relayed Mayday information from the "STV Astrid" - "on rocks with 30 persons on-board - 0.5 nautical miles west of Oysterhaven Bay".

The passengers/trainees and crew of the "STV Astrid" were mustered on deck

and required to don lifejackets. Each lifejacket was checked by a crew member and each passenger/trainee checked the lifejacket of their neighbour. Photograph 5 of Appendix 7.10 shows the crew mustered in preparation for abandoning ship.

At 11.54 hrs the emergency services were alerted and a rescue response was initiated.

At 12.13 hrs the RNLI Kinsale Inshore Lifeboat RIB arrived on scene and commenced evacuation of all persons on-board the “*STV Astrid*”.

When the Kinsale Inshore Lifeboat RIB appeared they put a crewmember on-board the “*STV Astrid*” who then coordinated the evacuation process.

The first 12 passengers/trainees were transferred to the Kinsale Inshore Lifeboat RIB and taken from there to a Coast Guard RIB who put them aboard yacht “*Spirit of Oysterhaven*”. Those 12 passengers/trainees were subsequently landed into Kinsale at 13.30 hrs.

The lifeboat crew member who was positioned on the “*STV Astrid*” and the Mate then launched and tethered a liferaft from the “*STV Astrid*” as shown in Photograph 8 of Appendix 7.10. The remaining 18 crew, passengers/trainees, including the Master, jumped into the liferaft and were towed upwind away from the sailing ship by the RIB. Once clear of the casualty the tow was transferred to the Kinsale Harbour Masters RIB who subsequently transferred the survivors to the RNLI (ALB) from Courtmacsherry and then proceeded into Kinsale.

After transferring the tow from the Kinsale Inshore Lifeboat RIB to the Kinsale Harbour Master’s RIB, the Kinsale Inshore Lifeboat RIB proceeded back to the “*STV Astrid*” to pick up its crewmember still on-board. Photographs 9, 10, 11 and 12 of Appendix 7.10 show the rescue of the passengers/trainees and crew from the “*STV Astrid*”.

At 12.44 hrs all persons were evacuated from “*STV Astrid*” and landed safely in Kinsale by 13.33 hrs.

The “*STV Astrid*” sank in shallow water on rocks. It was subsequently salvaged and brought to Kinsale on top of a barge and secured in Kinsale on the 11th September 2013.

The extent of the damages to the “*STV Astrid*” precluded the owners from carrying out an economical repair and the vessel was subsequently disposed of for scrap. This damage is shown in Photographs 13 to 19 of Appendix 7.10.

3.4 Actions by Emergency Services

After the blind transmission received at 11.44 hrs on the 24th July 2013 MRSC Valentia made repeated calls on VHF Channel 16 without any response.

At 11.52 hrs (sic) communications were heard on Cork Harbour Radio VHF Channel 16 from the yacht “*Adastra*” and an unknown vessel.

At 11.54 hrs the “*Adastra*” relayed Mayday information from the “*STV Astrid*” - on rocks with 30 persons on-board - 0.5nm west of Oysterhaven Bay.

At 11.54 hrs Kinsale and Courtmacsherry RNLI Lifeboats were tasked, as were the Coast Guard helicopters R115 and R117, and Summercove and Oysterhaven Coast Guard Units.

At 11.54 hrs broadcast MAYDAY relay message. The yacht “*Snow Goose*” responded and proceeded to the area of casualty.

At 12.09 hrs the Courtmacsherry Lifeboat reported E.T.A. at scene within 20 minutes.

At 12.09 hrs Kinsale Inshore Lifeboat on scene.

At 12.18 hrs the MRSC requested the Duty Sergeant at Anglesea Street Garda Barracks to consider activating county emergency plan.

At 12.20 hrs Summercove Coast Guard Unit on scene.

At 12.23 hrs Old Head of Kinsale Coast Guard Unit on scene.

At 12.25 hrs National Aeromedical Coordination Centre advised and Marine Emergency Response Team tasked.

At 12.33 hrs the yacht “*Spirit of Oysterhaven*” reported that they had 12 casualties on-board.

At 12.37 hrs medical teams on scene in Kinsale.

At 12.41 hrs Courtmacsherry Lifeboat on scene.

At 12.43 hrs Courtmacsherry Lifeboats reported they had 18 casualties on-board.

At 12.44 hrs it was confirmed that all casualties were off the “*STV Astrid*”.

At 12.44 hrs helicopter R115 on scene. Confirmation that all survivors were to be taken to Kinsale and that all were okay.

At 13.16 hrs Courtmacsherry Lifeboat transferred 18 survivors ashore in Kinsale.

At 13.30 hrs yacht “*Spirit of Oysterhaven*” transfers remaining 12 survivors ashore.

At 13.33 hrs all units stood down.

3.5 Investigation & Inspection of “*STV Astrid*”

3.5.1 Liferrafts:

The liferafts used in the rescue operation were found to be out of date. Although they did operate effectively, they should have been serviced in April 2013.

3.5.2 Fuel System:

An investigation of the fuel system of the “*STV Astrid*” was carried out with various samples taken at various points in the system. Based on silver nitrate tests and subsequent analysis the following was found:

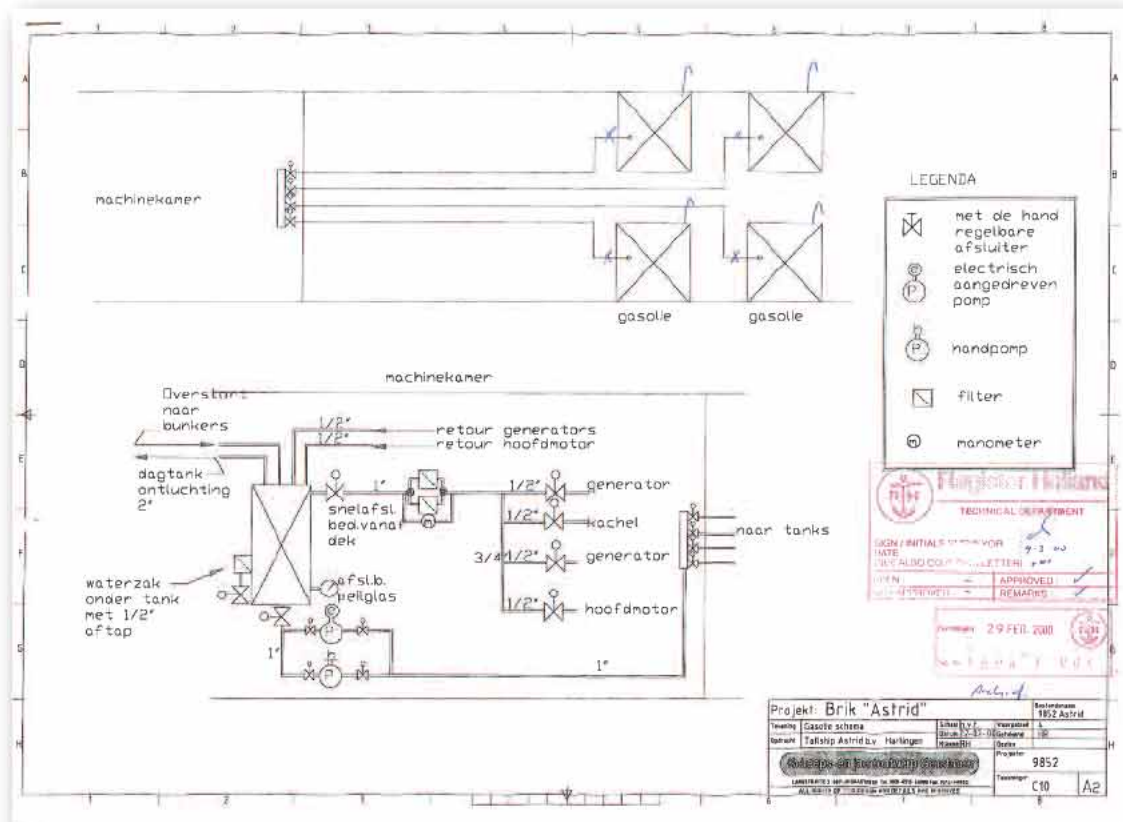
	LOCATION	CONTENT	SILVER NITRATE	Cl g/lt.	COMMENT
1	Sample cock between day tank and filter	Water	++	32.0	Salt Water
2	Sample between day tank and filter	Water	++	31.6	Salt Water
3	Fuel supply to stbd. auxiliary engine	Diesel	N.A.	N.A.	Engine not running at time of incident
4	Spill line from main engine	Water/ Diesel	-	0.7	Fresh Water
5	Fuel supply to main engine	Water/ Diesel	+	6.3	Fresh Water
6	Fuel supply line to port auxiliary engine	Water	+	1.6	Fresh Water
7	Suction manifold fuel transfer pump	Water/ Diesel	++	31.5	Salt Water
8	Spill return line from port auxiliary engine	Water	+	-	Fresh Water

Remarks:

1. Silver Nitrate tests: ++ positive reaction / + slight positive reaction / - negative reaction.
2. Sample 8 consisted of a very limited quantity (approximately 5 ml) not sufficient for retention after silver nitrate testing. The silver nitrate reaction however indicated that the water was probably fresh.

The results obtained are indicative that the passenger ship's main and port auxiliary engines stopped as a result of fresh water contamination of the fuel system. The most probable source of water being the fresh water accidentally put into the starboard aft fuel tank on the 12th July 2013.

In Kinsale, after the ship was salvaged it was found that the suction valves from the port and starboard forward fuel tanks were in the open position.



Fuel System on "STV Astrid"



Fuel Suction Valves in Engine Room
Port Forward and Starboard Forward Found Open



Fuel Samples Taken in Kinsale

3.5.3 Log Book Entries:

The vessels Log Book was salvaged and found to be in a poor condition due to sea water saturation. However, pages for the 12th July 2013, the date of the alleged contamination of the starboard aft tank, and 24th July 2013 the day of casualty were partially retrieved. There is no mention on this day's entry of contamination of the fuel tank or the subsequent pumping out of the system to an ashore facility.

dag / day	maand / month	jaar / year
12	07	2013
Vindrichting en kracht weder, zee, barometerstand en temperatuur direction of the wind and wind-book weather sea barometer and temperature Wind / wind Weder / weather Zee / sea Dering / swell Barometerstand / height of the barometer Temperatuur (lucht) / temperature (air) Temperatuur (zeewater) / temperature (sea water)	Pomp- of vullingpomp pump or filling pump POMP- of vullingpomp pump or filling pump	Aantekeningen van peiling en gebeurtenissen, en andere bijzonderheden Entries for Azimuth bearing, navigation and other events VERTIJK 200 BRITEN DE HOOVEN 200
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Wind / wind Weder / weather Zee / sea Dering / swell Barometerstand / height of the barometer Temperatuur (lucht) / temperature (air) Temperatuur (zeewater) / temperature (sea water)		
Wind / wind Weder / weather Zee / sea Dering / swell Barometerstand / height of the barometer Temperatuur (lucht) / temperature (air) Temperatuur (zeewater) / temperature (sea water)		
Wind / wind Weder / weather Zee / sea Dering / swell Barometerstand / height of the barometer Temperatuur (lucht) / temperature (air) Temperatuur (zeewater) / temperature (sea water)		
Wind / wind Weder / weather Zee / sea Dering / swell Barometerstand / height of the barometer Temperatuur (lucht) / temperature (air) Temperatuur (zeewater) / temperature (sea water)	Van 0-0.5m 1038	MK01 02 03 PRIVE VERIEK BS CHT IN CS 01 MK 01 04 260
Verbruiken / consumption brandstof / fuel voedingwater / foodwater drinkwater / drinking water tonnen / tons Restant gisteren op de middag / remainder yesterday noon Verbruik in dit etmaal / consumption this day hours Restant heden op de middag / remainder today noon		jaar / year zijing met het hoofd / east
GMDSS (Global Maritime Distress Safety System) Radiodagboek bladzijde: Radio Log page		

Log Book entry for 12th July 2013

van / from	naar / to	dag / day	maand / month	jaar / year
Cyprusvaan	Kinsale			2013
Windrichting en kracht weder, zee, barometerstand en temperatuur direction of the wind and windforce, weather sea, barometer and temperature				
Wind / wind				
Weder / weather				
Zee / sea				
Dieping / depth				
Barometerstand / height of the barometer				
Temperatuur (lucht) / temperature (air)				
Temperatuur (zee/water) / temperature (sea/water)				
Wind / wind				
Weder / weather				
Zee / sea				
Dieping / depth				
Barometerstand / height of the barometer				
Temperatuur (lucht) / temperature (air)				
Temperatuur (zee/water) / temperature (sea/water)				
Wind / wind				
Weder / weather				
Zee / sea				
Dieping / depth				
Barometerstand / height of the barometer				
Temperatuur (lucht) / temperature (air)				
Temperatuur (zee/water) / temperature (sea/water)				
Wind / wind				
Weder / weather				
Zee / sea				
Dieping / depth				
Barometerstand / height of the barometer				
Temperatuur (lucht) / temperature (air)				
Temperatuur (zee/water) / temperature (sea/water)				
Wind / wind				
Weder / weather				
Zee / sea				
Dieping / depth				
Barometerstand / height of the barometer				
Temperatuur (lucht) / temperature (air)				
Temperatuur (zee/water) / temperature (sea/water)				
Wind / wind				
Weder / weather				
Zee / sea				
Dieping / depth				
Barometerstand / height of the barometer				
Temperatuur (lucht) / temperature (air)				
Temperatuur (zee/water) / temperature (sea/water)				
Verbruiken / consumption	brandstof / fuel	voedingwater / water	drink water / drinking water	
Restant gisteren op de middag / remainder yesterday noon				
Verbruik in dit etmaal / consumption in 24 hours				
Restant heden op de middag / remainder today noon				
OMSOS (Global Maritime Distress Safety System) Raadboekblad / radio log page				De ac / dag / day De kap / meester / Master

Log Book entry of the 24th July 2013

On this day's entry there is no mention of the inspection of controls, the steering gear and navigational and radio communications equipment or reference to or changes of the voyage plan.

The ship's Log Book did not contain information in respect of navigational activities and incidents which are of importance to safety of navigation and which must contain sufficient detail to restore a complete record of the voyage. SOLAS Chapter V, Regulation 28, requires the above information.

4. ANALYSIS

- 4.1 The purpose of the analysis is to determine the contributory causes and circumstances of the casualty as a basis for making recommendations to prevent similar events from occurring in the future.

Sail Training Ships

Sail Training Ship is a loosely used term. It is not a term which has legal standing in the International Maritime Conventions regulating maritime safety. As outlined above, the main convention regulating maritime safety is the SOLAS Convention, which applies to ships on international voyages.

Under the SOLAS Convention there are essentially two types of ship, the first is a passenger ship which is any ship carrying more than 12 passengers and by definition any ship which is not a passenger ship is a cargo ship. On this basis as the “*STV Astrid*” was a ship on an international voyage and it was regulated by SOLAS and as it carried more than 12 passengers it was a passenger ship.

Even though the term Sail Training Ship has no standing under SOLAS it is often used in a general manner and some sail training ships may be declared by their Administration as “not propelled by mechanical means if fitted with mechanical propulsion for auxiliary and emergency purposes”. The importance of this declaration is that the SOLAS Convention only applies to ships which are propelled by mechanical means and by declaring that their ships are not propelled by mechanical means may be an attempt to exempt the ships from the safety requirements of SOLAS.

This is not permitted as the ships do have an engine and they use it for manoeuvring in port, for transits of canals and for passage at sea when there is insufficient wind or for motor sailing. Therefore, it is not possible to exempt a sail training ship fitted with an engine from the requirements of the SOLAS Convention, and depending on the number of passengers carried, such sail training ships are either passenger ships or cargo ships. One of the main differences between a passenger ship and a cargo ship is that passenger ships have a greater degree of redundancy over cargo ships in cases of a maritime casualty.

The “*STV Astrid*” had an engine and was propelled by mechanical means as it carried out a passage from Weymouth to Penzance and was departing Oysterhaven propelled by mechanical means only. It cannot be reconciled that the ship on a scheduled voyage could travel in the case of unfavourable wind and weather conditions without using the engine as a means of temporary propulsion.

Additionally, it is noted that the Netherlands have issued a Declaration for many of their sail training ships stating that they are not propelled by mechanical

means and as such SOLAS Chapter XI - 2 does not apply and by implication none of SOLAS applies. A copy of this Declaration is included in Appendix 7.13 of this report. All of the ships listed are fitted with permanent engines and on this basis the SOLAS Convention applies and the ships must hold the required certification under the conventions. Additionally, this issue arose in the German courts who ruled that the ships must comply with the SOLAS Convention. A copy of the court's ruling is attached as Appendix 7.14 of this report.

As the "*STV Astrid*" carried more than 12 passengers it must be certified as a passenger ship and hold a passenger ship certificate. There is an alternative compliance mechanism, being the Special Purpose Ship, also known as the SPS Code. Effectively the SPS Code is a means of equivalent compliance with the requirements of the SOLAS Convention. In such cases trainees may be classified as special personnel as they have a status in-between regular passengers and full-time crew members. However, the SPS Code only applies to ships of 500 gross tonnage or above.

However, in order for this to apply, they must take part in a training scheme approved by the flag state, in this case the Netherlands. There was no such scheme in place for the "*STV Astrid*". Exploring this alternative compliance mechanism further, the "*STV Astrid*" would need to fully comply with the SPS Code and hold a SPS Certificate, which the "*STV Astrid*" did. The other part of the compliance mechanism is that the "*STV Astrid*" should hold a passenger ship exemption certificate. There was no such certificate in place at the time of the casualty.

It appears that the ship was attempting to be certified under the alternative compliance methodology using the SPS Code. There is considerable confusion with the certification issued to the "*STV Astrid*" as the ship held a passenger liability certificate under the Athens Convention which would imply that it was a passenger ship. The ship also held in the past a passenger ship safety certificate under the EU Directive 2009/45 again implying a passenger ship, and the ship was registered as a Passenger Sailing Vessel.

Consequently, the certification status of the "*STV Astrid*" was contradictory as it appeared to be trying to comply with the Passenger Ship EU requirements, IMO SPS Code requirements, and the international passenger ship requirements. It didn't comply with any of these requirements on the date that the casualty occurred nor in the time running up to the casualty.

The owner should have adopted a clear strategy for compliance and the owner should have complied with the requirements of the EU directive on passenger ships 2009/45 as the ship is operating in the EU on national voyages in the Netherlands. This is also the determining standard and on this basis it does not make sense to apply the lower standard of SPS Code for international voyages.

The ship should have held an International Passenger Ship Safety Certificate under SOLAS. Additionally, the crew of the ship should have held the required Certificates of Competency under the IMO STCW Convention without restrictions as above and be fully certified accordingly.

- 4.2 Passage planning of the voyage from Oysterhaven to Kinsale was inadequate, for a passenger ship navigating a course within 300 (m) of a lee shore in a Force 6 wind.
- 4.3 The passage planning appears to have been influenced by the desire for photograph opportunities for the 'Gathering Cruise' event. Priority should have been given to safe navigation and avoidance of dangerous situations.

SOLAS Chapter V Regulation 34 requires:

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.
2. The voyage plan shall identify a route which:
 - (a) takes into account any relevant ships' routing systems;
 - (b) ensures sufficient sea room for the safe passage of the ship throughout the voyage;
 - (c) anticipates all known navigational hazards and adverse weather conditions; and
 - (d) takes into account the marine environmental protection measures that apply, and avoids as far as possible actions and activities which could cause damage to the environment.
- 4.4 From sampling of main engine and auxiliary engine fuel lines it is apparent that the main and auxiliary engines failed on the 24th July 2013 due to fresh water contamination of the fuel system.

The starboard aft fuel tank was contaminated with fresh water on the 12th July 2013. The water filling hose was placed into the filler connection for fuel instead of the one for fresh water. Approximately 1,000 (l) of fresh water was put into the tank, which has a total capacity of 1,918 (l). The starboard aft fuel tank was stated to have been isolated from the system and pumped out to a shoreside facility.

When the vessel was in Cork on the 22nd July 2013 the fuel suction was changed over from the port aft fuel tank to the starboard forward fuel tank. When the vessel was salvaged the fuel suctions were found to be open on both the port and starboard forward fuel tanks.

It is apparent that fresh water got into the starboard aft fuel tank as well as into one of the forward fuel tanks which was being used at the time of the casualty.

The fuel tank venting system has a common manifold with just one vent exiting above the main deck and this was a possible source of the ingress. If, during the filling of the starboard aft fuel tank with fresh water, the tank was filled to capacity it is possible that it could have contaminated other tanks through the venting system.

If the appropriate procedures were in place for the filling of fresh water tanks, contamination of fuel tanks with fresh water would not have occurred.

If an efficient fuel tank sounding and monitoring system was in place it would have been apparent that more than one tank was contaminated and the necessary corrective action could have been taken.

4.5 Once it was evident the ship was in trouble a blind VHF Radio transmission was received from the “STV Astrid”. If a proper MAYDAY procedure had been carried out the emergency services could have been alerted some 10 minutes earlier. Notwithstanding this, all persons on-board were rescued promptly and without injury.

4.6 The ship did not have a current Document of Compliance for a Safety Management Certificate as required by the International Management Code for The Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code). The Document of Compliance had expired.

A Safety Management System (SMS) should provide for specific measures aimed at promoting the reliability of equipment or systems.

If a functioning ISM Code had been in place, annual audits would have been carried out by the flag state or Recognised Organisation, (RO) acting on its behalf.

4.7 During the emergency, no attempt was made to drop either anchor. However, it was determined that power was needed to warp the anchor out of the hawse pipe before it would run freely. With the loss of the generator, there was no power available to warp anchor out of the hawse pipe.

In confined navigable waters normal good practice is for anchors to be ready for immediate deployment. If anchors had been deployed it would have reduced the likelihood of the “STV Astrid” grounding and becoming a casualty.

4.8 One of the ship’s liferafts was utilised during the rescue operations and recovered on the 24th July 2013. The raft’s service history was noted to be out-of-date. The raft was last serviced April 2012. The other three rafts from the

vessel recovered on the 25th July 2013 were found to have the same service dates as the first raft. Notwithstanding the fact that all liferafts were out-of-date, the raft utilised deployed as designed.

Liferafts are required to be serviced on an annual basis, however, the liferafts on the “*STV Astrid*” had not received an annual service when they were due in April 2013.

- 4.9 The ship’s EU Passenger Ship Certificate expired on 10th May 2013 and no extension had been issued.

The “*STV Astrid*” was not certified to trade as a Passenger Ship in International Waters.

- 4.10 The first safety briefing was not held until the vessel was at sea after departure from Southampton.

SOLAS Chapter III Regulation 19 requires:

Whenever new passengers embark, a passenger safety briefing shall be given immediately before departure, or immediately after departure. The briefing shall include the instructions required by Regulations 8.2 and 8.4 and shall be made by means of an announcement, in one or more languages likely to be understood by the passengers.

Whilst this is considered a serious breach of requirements, it was not considered a contributory factor in the casualty as all passengers and crew were mustered and evacuated safely from the ship.

- 4.11 No crew were adequately qualified for the manning of the “*STV Astrid*”.

The Master did not have a Certificate of Competency that met with the requirements of the passenger ship’s safe manning certificate, namely a STCW II/2 Certificate. The Master’s certificate was a II/3, which is not as high a qualification as a II/2 Certificate. His certificate had had not been revalidated and was out-of-date.

The Mate’s certification consisted of a STCW II/4 Certificate. This is a certificate for a rating forming part of a navigational watch.

The two other permanent Crew Members were students at the Belgium Maritime Academy. Whilst they were on-board the “*STV Astrid*” they were gaining their sea time for their certification as an Officer of the Watch. Their certificates were for ratings as part of a navigational watch.

The Netherlands requires that all officers and crew shall be in the possession of a Certificate of Competency, issued by the authorities in the Netherlands, for sailing vessels in order to be in compliance with the Netherlands Manning Act. Notwithstanding that the Master's certificate was out of date, he was the only crew member who had a Certificate of Competency for sailing vessels.

The crew qualifications and manning requirements appear to call into question how the ship could engage on short international voyages maintaining a safe navigational watch.

- 4.12 During the voyage anchor watches were kept by the passengers/trainees. This would not be considered adequate to maintain a safe watch at all times. The ship dragged its anchor whilst at anchor in Oysterhaven Bay.

Every ship at an unsheltered anchorage, at an open roadstead or any other "at sea" conditions in accordance with Chapter VIII, Section A-VIII/2, part 4-1, paragraph 51, of the STCW Code should ensure that watchkeeping arrangements are adequate for maintaining a safe watch at all times. A deck officer should at all times maintain responsibility for a safe anchor watch. Effective watchkeeping was not in place.

5. CONCLUSIONS

- 5.1 The immediate cause of the ship grounding and subsequent sinking can be attributed to the loss of power from the main engine. The main engine stopped as a result of fresh water contamination of the fuel. The cause of the water contamination can be attributed to human error when taking on fresh water in Brighton on 12th July 2013. Once water contamination had been found, insufficient action was taken to ensure fresh water was removed from the fuel system.
- 5.2 Passage planning of the voyage from Oysterhaven to Kinsale was inadequate for a ship to navigate a course within 300 (m) of a lee shore in a Force 6 wind. The passage planning appears to have been influenced by the desire for photograph opportunities for the 'Gathering' event. SOLAS Chapter V Regulation 34 was not complied with.
- 5.3 Incorrect radio procedures were utilised to issue a MAYDAY Alert. If the initial MAYDAY message had been sent out in the correct format the emergency services could have been activated 10 minutes earlier, which could have been critical to the final outcome had conditions been more severe.
- 5.4 The main cause of this grounding is that the ship was not operated in a safe manner in compliance with the International Conventions.
- 5.5 The correct passage planning procedures should have been carried out and the Master should not have altered his passage in an unsafe manner to facilitate promotional activities.
- 5.6 The operation and condition of the ship did not correspond with the applicable SOLAS Conventions, presenting a danger to the ship and the persons on-board and a threat of harm to the marine environment.
- 5.7 The ship was not certified as a passenger ship for either EU or international voyages nor were the crew appropriately certified and the ship should not have been at sea.
- 5.8 The emergency services responded in a timely manner and effected the recovery of 30 persons without injury.

6. SAFETY RECOMMENDATIONS

- 6.1 Operators of sail training vessels, should ensure that ships engaged in sail training carrying passengers on international voyages comply with the requirements of the International Conventions and European Union Law as passenger ships.
- 6.2 The Minister for Transport, Tourism and Sport should explore mechanisms to ensure that sail training ships entering Irish waters and ports comply with the requirements of the International Conventions and European Union Law.
- 6.3 National sail training organisations or other organisations that arrange sail training activities should ensure that the ships conform to the necessary International Conventions, European Union Law and national requirements.
- 6.4 Ships engaged in any promotional activities must ensure that the Master has over-riding authority and the Master must not compromise good passage planning or the safety of the ship and persons on-board when engaged in such activities.

7. APPENDICES

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Appendix 7.1 Certificate of Registry.

Paginummer: 1 van 3 SI Schip id: **37289** Certificaatnummer: **3914/2007**
 Pagenummer: of SI Vessel id:
Zeebrief (Certificate of Registry) Certificatenummer:

IN NAAM VAN HARE MAJESTEIT DE KONINGIN DER NEDERLANDEN

IN THE NAME OF HER MAJESTY THE QUEEN OF THE NETHERLANDS

Gelet op artikel 4, 5 en 6 eerste lid, van de Zeebrievewet (Stb. 1992, 544);
 Having regard to sections 4, 5 and 6 (subsection 1) of the Certificates of Registry Act
 (Bulletin of Acts, Orders and decrees 1992, 544);

Hierbij wordt verklaard dat: **het Zeilpassagiersschip**
 This is to certify that: *the* Sailing passenger vessel

genaamd: **ASTRID**
 name of vessel:

roepnaam: **PCDS**
 call sign:

IMO nummer: **5027792**
 IMO number:

romp gebouwd van: **IJZER**
 hull constructed of: IRON

te: **SCHEVENINGEN (NEDERLAND)**
 at: SCHEVENINGEN (THE NETHERLANDS)

in het jaar: **1924**
 in the year:

verbouwjaar:
 year of conversion:

hebbende: **ACHTERONDER MET BERGRUIMTE, MACHINEKAMER, KAPITEINSHUT, SANITAIRE RUIJTE, KOMBUIS, DEKSALON, 1- EN 2 PERS. SLAAPHUTTEN, BEMANNINGSVERBLIJF, 2X 4 PERS. SLAAPHUTTEN MET SAINITAIRE GROEP EN PROVISIEKAMER;**

having: AFT CABIN WITH STOREROOM, ENGINEROOM, CAPTAIN'S CABIN, SANITARY SPACE, GALLEY, DECK SALOON, SINGLE AND TWIN CABINS, CREW'S ACCOMMODATION, 2 CABINS WITH 4 BERTHS EACH INCL. SANITARY ACCOMMODATION AND PROVISION ROOM;

voortbewogen door: met een vermogen van (kW): motonummer(s):
 propelled by: with a rated capacity of: motonumber(s):
SCANIA DS 1402 **253** **4150735**

de bruto tonnage is: **140**
 gross tonnage:

Model ZDII 21.08.2006 pcl/ea/gt/ht/mvv

Appendix 7.1 Certificate of Registry.

Paginanummer: 2 van 3

Paginumbr: of

Zeebrief (Certificate of Registry)

SI Schip id: **37289**

SI Vessel id:

Certificaatnummer: **3914/2007**

Certificatenumbr:

de netto tonnage is: **73**
net tonnage:

te boek gesteld in het scheeps-
register te: **Groningen**
*has been entered in the Ship's register
at:*

onder nummer: **6520 Z G 1999**
under registration number:

toebehorende aan:
owned by:

een Nederlands zeeschip is in de zin van het Wetboek van Koophandel en dat het gerechtigd is de
Nederlandse vlag te voeren.
Is a Dutch seagoing vessel within the meaning of the Commercial Code and is entitled to fly the Dutch flag.

Afgegeven te Rotterdam, **11-04-2007**
Issued at Rotterdam,

door de Minister van Verkeer en Waterstaat,
by the Minister of Transport, Public Works & Water Management,

en namens deze,
and signed on his or her behalf by,

De Inspecteur-generaal Inspectie Verkeer en Waterstaat,
namens deze,

*The Inspector general Transport and Water Management Inspectorate,
on his behalf*

Model ZDII 21.08.2006 pcl/ea/gt/ht/mvv

Appendix 7.1 Certificate of Registry.

Paginanummer: 3 van 3
Paginummer: of

SI Schip id: **37289**
SI Vessel id:

Certificaatnummer: **3914/2007**
Certificatenummer:

Zeebrief (Certificate of Registry)

Ruimte voor het aftekenen door Nederlandse diplomatieke of consulaire ambtenaren.
Space for endorsements by Dutch diplomatic or consular officials.

CONCEPT

Appendix 7.2 Register Holland Class Certificate.



Register Holland

Klassecertificaat
Beroepsvaart

Commercial Sailing Ship

zeevaart ZZP Nr. 9808Z 7556

Europa Nr. 2606520 IMC No. 5027792
ID No. 372081 ROMP
Hull
2 MACHINE
Engine
3 UITRUSTING
Equipment
4 TUIGAGE
Rig

NAAM SCHIP Ship's name	ASTRID	LENGTE Length	30,53 m.
ROEPNAAM Call sign	PCDS	BREEDTE Breadth	6,48 m.
NR. TEBOEKSTELLING Registration number	8520 Z G 1989	HOLTE Depth	2,87 m.
SCHEEPSTYPE Ship's Type	brik	BRUTO Grt	140 GT
BOUWJAAR Built	1924	NETTO Net	74 NT
THUISHAVEN Port of registry	VLISSINGEN	VLAG Flag	NEDERLANDSE
EIGENAAR Owner	Horizon Sailing		
ADRES Address	Ostrea 102		
WOONPLAATS City	Kamperland		
VAARGEBIED Trading area	IV (NSI 1)	MAX. AANTAL OPVARENDEN Max. number of persons	38
		MAX. AANTAL PASSAGIERS Max. number of passengers	36
KLASSE Class	Z 1 2 3 4. No ice class	INGAANDE Running from	TOT until
		11-5-2012	11-5-2013

Enkhuizen, 16-5-2012

REGISTER HOLLAND

This certificate remains its validity when within the window of the Safety Certificate or Certificate of Seaworthiness of NSJ.



v7-ikt2011

Appendix 7.2 Register Holland Class Certificate.

VOORTSTUWING

PROPULSION

Merk + type	Scania	NR.	4150735	VERMOGEN	280 kW
Engine Make+ type	DS 1402	Rpm	1800	Engine power	
				Merk reductie	Capitol
				Reductie	3,8 : 1
TUIG	BRIK	ZEILOPP	425 m ²	MASTHOOGTE	25,00 m.
Rig		sail area		Mastheight	

VEILIGHEIDSUITRUSTING

SAFETY EQUIPMENT

BOEGANKERS	2	TOT.GEWICHT	600 kg	TOT.KETTINGLENGTE	120 m.
Bow anchors		Total weight		Total chain length	
REDDINGSVLOTTEN	4	FABRIKAAT	DSB		
Life rafts		Manufacturer			
EN-Number	130	SERIENR.	65909/65910/67004/	AANTAL PERSONEN	
		Serial number	67005	Number of persons	4x25
REDDINGBOEIEN	4	BLUSTOESTELLEN	3x6kg CO2/ 3x6l. schuim/	2x6kg Poeder	
Life buoys		Fire extinguishers			
REDDING GORDELS	69	ANDERE BLUSINRICHTINGEN		CO2 installatie + Dekwas	
Life jackets		Other fire extinguishing equipment			

LENSINRICHTING

BILGEPUMPEN

AANTAL MOTORLENSPOMPEN	3	TOT. CAP.	63	m ³ /h.
Number of engine driven pumps		Tot. cap.		
AANTAL HANDLENSPOMPEN	--	TOT. CAP.	--	m ³ /h.
Number of hand pumps		Tot. cap.		

OPMERKINGEN

REMARKS

Het klassecertificaal dient aan boord bewaard te blijven. De klasse blijft geldig zolang het schip de voorgeschreven surveys ondergaat en eventuele vereiste verbeteringen naar tevredenheid van RH worden uitgevoerd. Indien een schip niet op tijd voor de klasse survey wordt aangeboden of vaargebied of diepgang wordt overschreden, wordt de klasse tijdelijk onderbroken. Indien het schip na averij, die de klasse beïnvloedt of na wisseling van eigenaar, niet voor survey wordt aangemeld, verliest het zijn klasse. Iedere verbouwing of verandering aan scheepsdelen waarvoor RH voorschriften heeft uitgevaardigd dient in overleg met en naar tevredenheid van RH te worden uitgevoerd. De surveyors dienen na iedere survey aantekeningen daarvan (in Nederlands of Engels) op het certificaat bij te schrijven. RH zal ervoor zorg dragen, dat haar surveyors en alle overige personen van wier diensten zij gebruik maakt ter nakoming van haar afspraken, zorgvuldig worden uitgekozen, doch aanspraak geen aansprakelijkheid voor schade die door fouten van deze personen ontstaat.

The classification certificate is to be kept on board. The class will continue as long as the vessel is submitted to all surveys prescribed in the rules and repairs found necessary have been carried out to the satisfaction of RH. If a vessel is not subjected to the class renewal survey at the due date or if the freeboard or the range of service is exceeded the class will be suspended. If a vessel has not been surveyed after a damage which affects the seaworthiness or after change ownership she will lose her class. All conventions and alterations on parts of the vessel for which RH has issued rules are to be carried out under the survey of RH.

The surveyors have to enter remarks in the class certificate (in Dutch or English) after each survey. RH will take care that their surveyors and all other persons of whose services they avail themselves for the fulfilment of her engagement, are carefully chosen, however, she takes no responsibility for detriment which may occur through the errors of judgement of these persons.

V 6-nov2007

Appendix 7.3 Special Purpose Ship Safety Certificate.

Page 1 of 11

SI Vessel no:
37289

Certificate no:
3907/2010

SPECIAL PURPOSE SHIP SAFETY CERTIFICATE

The Netherlands

This certificate shall be supplemented by a record of equipment

Issued in compliance with the provisions of the
CODE OF SAFETY FOR SPECIAL PURPOSE SHIPS
under the authority of the Government of the Netherlands
by
the Head of the Shipping Inspectorate

Name of ship		Port of Registry
ASTRID		VLISSINGEN
Distinctive number or Letters	Imo number	Gross tonnage
PCDS	5027792	140
Ship's Special Purpose		Sail training Ship

Sea areas in which ship is certified to operate (regulation IV/2): **A1,A2,A3**
NSI Sea Area 1 (wich ever is less)

Date of build:

Date of building contract	
Date on which keel was laid or ship was at similar stage of construction:	01-01-1924
Date of delivery	31-12-1924
Date on which work for a conversion or an alteration or modification of a major character was commenced (where applicable):	

All applicable dates shall be completed.

THIS IS TO CERTIFY:

- 1 That the ship has been surveyed in accordance with the requirements of regulation 1/6 of the Code.
- 2 That the survey showed that:
 - 2.1 The ship complied with the provisions of the Code as regards:
 - 2.1.1 the structure, main and auxiliary machinery, boilers and other pressure vessels;
 - 2.1.2 the watertight subdivision arrangement and details;
 - 2.2 the ship complied with the provisions of the Code as regards structural fire protection, fire safety systems and appliances and fire control plans;
 - 2.3 the life saving appliances and the equipment of lifeboats, liferafts and rescue boats were provided in accordance with the provisions of the Code;
 - 2.4 the ship was provided with a line throwing appliance and radio installations used in life saving appliances in accordance with the provisions of the Code;
 - 2.5 the ship complied with the provisions of the Code as regards radio installations;
 - 2.6 the functioning of the radio installation used in life saving appliances complied with the provisions of the Code;
 - 2.7 the ship complied with the provisions of the Code as regards shipborne navigational equipment, means of embarkation for pilots and nautical publications;
 - 2.8 the ship was provided with lights, shapes, means of making sound signals and distress signals, in accordance with the provisions of the Code and the International Regulations for Preventing Collisions at Sea in force;
 - 2.9 in all other respects the ship complied with the relevant provisions of the Code.
- 3 That an Exemption Certificate: **has not** been issued.
- 4 That the ship **is not** provided with Certificates issued under the 1974 SOLAS Convention as amended.

Model VCSPS2 10-11-2008 PCL/EA/GT/MVV
Sectie(s): KV

Appendix 7.3 Special Purpose Ship Safety Certificate.

Page 2 of 11

SI Vessel no:
37289

Certificate no:
3907/2010

This certificate is valid until **11 05 2015**
Issued at Rotterdam, the **11 05 2010** under number: **3907/2010**
The Head of the Shipping Inspectorate,
on his behalf,

CONCEPT

*Model VCSPS2 10-11-2008 PCL/EA/GT/MvV
Sectie(s): KV*

Appendix 7.3 Special Purpose Ship Safety Certificate.

Page 3 of 11

SI Vessel no:
37289

Certificate no:
3907/2010

**ENDORSEMENT FOR ANNUAL SURVEYS RELATING TO HULL,
MACHINERY AND EQUIPMENT REFERRED TO IN SECTION 2.1 OF THIS CERTIFICATE**

THIS IS TO CERTIFY that, at a survey required by 1.6 of the Code, the ship was found to comply with the relevant provisions of the Code.

Annual survey: Signed:
Place:
Date:

Annual survey: Signed:
Place:
Date:

Annual survey: Signed:
Place:
Date:

Annual survey: Signed:
Place:
Date:

*Model VCSPS2 10-11-2008 PCL/EA/GT/MVV
Settie(s): KV*

Appendix 7.3 Special Purpose Ship Safety Certificate.

Page 4 of 11

SI vessel number:
37289

Certificate number:
3907/2010

**ENDORSEMENT FOR ANNUAL AND PERIODICAL SURVEYS RELATING TO
LIFESAVING APPLIANCES AND OTHER EQUIPMENT REFERRED TO IN
SECTIONS 2.2, 2.3, 2.4, 2.5, 2.8, AND 2.9 OF THIS CERTIFICATE**

THIS IS TO CERTIFY that at a survey required by 1.6 of the Code, the ship was found to comply with the relevant provisions of the Code.

Annual survey: Signed:

Place:

Date:

Annual/Periodical survey: Signed:

Place:

Date:

Annual/Periodical survey: Signed:

Place:

Date:

Annual survey: Signed:

Place:

Date:

*Model VCSPS2 10-11-2008 PCL/EA/GT/MvV
Sectie(s): KV*

Appendix 7.3 Special Purpose Ship Safety Certificate.

Page 5 of 11

SI vessel number:
37289

Certificate number:
3907/2010

**ENDORSEMENT FOR PERIODICAL SURVEYS RELATING TO RADIO INSTALLATIONS
REFERRED TO IN SECTION 2.5 OF THIS CERTIFICATE**

THIS IS TO CERTIFY that, at a survey required by I/9 of the Convention, the ship was found to comply with the relevant requirements of the Convention.

Periodical survey: Signed:

Place:

Date:

Periodical survey: Signed:

Place:

Date:

Periodical survey: Signed:

Place:

Date:

Periodical survey: Signed:

Place:

Date:

*Model VCSPS2 10-11-2008 PCL/EA/GT/MVV
Settie(s): KV*

Appendix 7.3 Special Purpose Ship Safety Certificate.

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SI vessel number:
37289

Certificate number:
3907/2010

ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE

The ship complies with the relevant provisions of the Code, and this Certificate shall, in accordance with 1.7.3, be accepted as valid until

Signed:

Place:

Date:

*Model VCSPS2 10-11-2008 PCL/EA/GT/MvV
Sectie(s): KV*

Appendix 7.3 Special Purpose Ship Safety Certificate.

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SI vessel number:
37289

Certificate number:
3907/2010

RECORD OF EQUIPMENT FOR THE SPECIAL PURPOSE SHIP SAFETY CERTIFICATE

RECORD OF EQUIPMENT FOR COMPLIANCE WITH
THE CODE OF SAFETY FOR SPECIAL PURPOSE SHIPS

1 Particulars of ship

Name of ship: **ASTRID**
 Distinctive number or letters: **PCDS**
 MMSI number: **244361000**
 Minimum number of persons with required qualifications to operate the radio installations: **As stated on the valid Safe manning Certificate**

2 Details of life saving appliances

		38	
		Port Side	Starboard Side
1	Total number of persons for which life saving appliances are provided		
2	Total number of lifeboats		
2.1	Total number of persons accommodated by them:		
2.2	Number of totally enclosed lifeboats (regulation III/31 and LSA Code, section 4.6)		
2.3	Number of lifeboats with a self contained air support system (regulation III/31 and LSA Code section 4.8)		
2.4	Number of fire protected lifeboats (regulation III/31 and LSA code section 4.9)		
2.5	Other lifeboats		
2.5.1	Number		
2.5.2	Type		
2.6	Number of freefall lifeboats		
2.6.1	Totally enclosed (regulation III/31 and LSA Code, section 4.7)		
2.6.2	Self contained (regulation III/31 and LSA code section 4.8)		
2.6.3	Fire protected (regulation III/31 LSA Code section 4.9)		
3	Number of motor lifeboats included in the total lifeboats shown above		
3.1	Number of lifeboats fitted with searchlights		
4	Number of rescueboats		
4.1	Number of boats which are included in the total lifeboats shown above		
5	Liferafts		
5.1	Those for which approved launching appliances are required		
5.1.1	Number of liferafts		
5.1.2	Number of persons accommodated by them		
5.2	Those for which approved launching appliances are not required		
5.2.1	Number of liferafts		4
5.2.2	Number of persons accommodated by them		100
5.3	Number of liferafts required by regulation III/31.1.4		

Model VCSPS2 10-11-2008 PCL/EA/GT/MV
 Section(s): KV

Appendix 7.3 Special Purpose Ship Safety Certificate.

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SI vessel number:
37289

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6	Number of lifebuoys	4
7	Number of lifejackets	40
8	Immersion suits	
8.1	Total number	3
8.2	Number of suits complying with the requirements for lifejackets	
9	Number of thermal protective aids (Excluding those required by the LSA Code, paragraphs 4.1.5.1.24; 4.48.31 and 5.1.2.2.13).	
10	Radio installations used in life saving appliances	
10.1	Number of radar transponders	1
10.2	Number of two way VHF radiotelephone apparatus	2

3. Details of radio facilities

	Item	Actual provision
1	Primary systems	
1.1	VHF radio installation:	
1.1.1	DSC encoder	YES
1.1.2	DSC watch receiver	YES
1.1.3	Radiotelephony	YES
1.2	MF radio installation:	
1.2.1	DSC encoder	YES
1.2.2	DSC watch receiver	YES
1.2.3	Radiotelephony	YES
1.3	MF/HF radio installation:	
1.3.1	DSC encoder	
1.3.2	DSC watch receiver	
1.3.3	Radiotelephony	
1.3.4	Direct printing telegraphy	
1.4	INMARSAT ship earth station	YES
2	Secondary means of alerting	YES
3	Facilities for reception of maritime safety information:	
3.1	NAVTEX receiver	YES
3.2	EGC receiver	YES, see 1.4
3.3	HF direct printing radiotelegraph receiver	
4	Satellite EPIRB	
4.1	COSPAS SARSAT	YES
4.2	INMARSAT	
5	VHF EPIRB	
6	Ship's radar transponder	YES
7	Radiotelephone distress frequency watch receiver on 2,182 kHz ²	
8	Device for generating the radiotelephone alarm signal on 2,182	

² Unless another date is determined by the Maritime Safety Committee, this item need not be reproduced on the record attached to certificates issued after 1 February 1999.

³ This item need not be reproduced on the record attached to certificates issued after 1 February 1999.

Appendix 7.3 Special Purpose Ship Safety Certificate.

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SI vessel number:
37289

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*Model VCSPS2 10-11-2008 PCL/EA/GT/MVV
Settie(s): KV*

Appendix 7.3 Special Purpose Ship Safety Certificate.

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SI vessel number:
37289

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3907/2010

4 METHODS USED TO ENSURE AVAILABILITY OF RADIO FACILITIES (SOLAS REGULATIONS IV/15.6 AND 15.7)

4.1	Duplication of equipment	NO
4.2	Shore based maintenance	YES
4.3	At sea maintenance capability	NO

5 DETAILS OF NAVIGATIONAL SYSTEMS AND EQUIPMENT

	Item	Actual provision
1.1	Standard magnetic compass*	YES
1.2	Spare magnetic compass*	YES
1.3	Gyro compass*	
1.4	Gyro compass heading repeater*	
1.5	Gyro compass bearing repeater*	
1.6	Heading or track control system*	
1.7	Pelorus or compass bearing device	YES
1.8	Means of correcting heading and bearings	YES
1.9	Transmitting heading device (THD)*	

2.1	Nautical charts	YES
2.2	Back up arrangements for ECDIS	
2.3	Nautical publications	YES
2.4	Back up arrangements for electronic nautical publications	

3.1	Receiver for a global navigation satellite system*	YES
3.2	9 GHz radar*	
3.3	Second radar (3 GHz/9 GHz λ)*	
3.4	Automatic radar plotting aid (ARPA)*	
3.5	Automatic tracking aid*	
3.6	Second automatic tracking aid*	
3.7	Electronic plotting aid*	

4.1	Automatic identification system (AIS)	
4.2	Long range identification and tracking system	

5	Voyage data recorder (VDR)	
---	----------------------------	--

6.1	Speed and distance measuring device (through the water)*	
6.2	Speed and distance measuring device (over the ground in the forward and athwartship direction)*	

7	Echo sounding device*	
---	-----------------------	--

8.1	Rudder, propeller, thrust, pitch and operational mode indicator*	
8.2	Rate of turn indicator*	

9	Sound reception system*	
---	-------------------------	--

Model VCSPS2 10-11-2008 PCL/EA/GT/MvV
Sectie(s): KV

Appendix 7.3 Special Purpose Ship Safety Certificate.

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SI vessel number:
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3907/2010

10	Telephone to emergency steering position*	
11	Daylight signaling lamp*	
12	Radar reflector*	YES
13	International Code of Signals	YES

* Alternative means of meeting this requirement are permitted under regulation V/19. In case of other means they shall be specified.

† Delete as appropriate.

*) See separate Exemption Certificate, Certificate number:

THIS IS TO CERTIFY that this Record is correct in all respects.

Completion date of the survey on which this certificate is based: **11 05 2010**

Issued at Rotterdam, the **11 05 2010**, under number: **3907/2010**

The Head of the Shipping Inspectorate,
on his behalf,

Appendix 7.3 Special Purpose Ship Safety Certificate.




Endorsement For Special Purpose Ship Certificate 3907
Date of Last Annual Inspection 10 May 2012

Appendix 7.4 Passenger Ship Safety Certificate.

90023

Page 1 of 7 SI Vessel number: 37289 Certificate number: 4043/2012



The Netherlands

PASSENGER SHIP SAFETY CERTIFICATE

Issued under the provisions of The Ships Decree 2004

and confirming compliance of the vessel named hereafter with the provisions of Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships

Under the authority of

The government of the Netherlands
by
The Head of the Shipping Inspectorate

Particulars of ship	
Name of Ship:	ASTRID
Port of Registry	VLISSINGEN
Distinctive numbers or letters	PCDS
IMO Number	5027792
Length (m)	30,53
Number of Passengers	61
Gross tonnage	140
Date on which keel was laid or ship was at a similar stage of construction:	01-01-1924
Date of initial survey:	31-10-2005
Sea Areas in which the ship is certified to operate (SOLAS Regulation IV/2)	A1,A2
Class of Ship in accordance with the sea area in which the ship is certified to operate:	C

VC-FDV 23.03.2012 ev
Sectie: KV

Appendix 7.4 Passenger Ship Safety Certificate.

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SI Vessel number: 37289

Certificate number: 4043/2012

Periodical Survey

THIS IS TO CERTIFY:

1. That the ship has been surveyed in accordance with Article 12 of Directive 2009/45/EC
2. That the survey showed that: the ship fully complies with the requirements of Directive 2009/45/EC, and
3. That the ship is, under the authority conferred by Article 9(3), of Directive 2009/45/EC, exempted from the following requirements of the Directive:

6.1.b (IV/7.2) Aeronautical frequencies
Annex I chapter III reg. 2. 3rd two-way VHF radiotelephone apparatus.

Conditions, if any, on which the exemptions are granted:

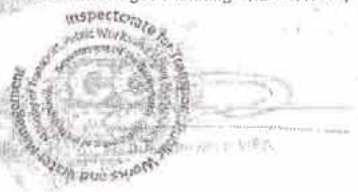
4. That the following subdivision load lines have been assigned:

Subdivision load lines assigned and marked on the ship's side at amidships (regulation II-1/B/11)	Freeboard (in mm)	Remarks with regard to alternative service conditions
C.1	-	
C.2	-	
C.3	-	

This certificate is valid until **10-05-2013** in accordance with Article 12 of Directive 2009/45/EC.

Issued at Rotterdam, on 15-04-2012, under number: 4043/2012

The Head of the Shipping Inspectorate,
on his behalf,
The Unit manager Planning and Services,



Appendix 7.4 Passenger Ship Safety Certificate.

Page 3 of 7 SI Vessel number: 37289 Certificate number: 4043/2012

**ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE
ONE MONTH IN ACCORDANCE WITH ARTICLE 13.2**

This certificate shall in accordance with Article 13.2 of Directive 2009/45/EC of the European Parliament
and of the Council be accepted

as valid until:

Place: Date:

Signed:

*VG PDV 23.03.2012 ev
Sectie KV*

COPY

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Appendix 7.4 Passenger Ship Safety Certificate.

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SI Vessel number: 37289

Certificate number: 4043/2012

RECORD OF EQUIPMENT FOR THE PASSENGER SHIP SAFETY CERTIFICATE

This record shall be permanently attached to the Passenger Ship Safety Certificate

RECORD OF EQUIPMENT FOR COMPLIANCE WITH THE PROVISIONS OF DIRECTIVE 2009/45/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

1 Particulars of ship

Name of ship	ASTRID
Distinctive number or letters	PCDS
Number of passengers for which certified	61
Minimum number of persons with required qualifications to operate the radio installations	As stated on the valid Safe manning Certificate

2 Details of life-saving appliances

1	Total number of persons for which life-saving appliances are provided	65		
2	Lifeboats and rescue boats	Port Side	Starboard Side	
2.1	Total number of lifeboats	-	-	
2.2	Total number of persons accommodated by them:	-	-	
2.3	Total number of lifeboats LSA 4.5			
2.4	Total number of lifeboats LSA 4.6			
2.5	Total number of lifeboats LSA 4.7			
2.6	Number of motor lifeboats included in the total lifeboats shown above			
2.7	Number of lifeboats fitted with searchlights			
2.8	Number of rescueboats			
2.9	Number of boats which are included in the total lifeboats shown above			
3	Liferafts	Port Side	Starboard Side	
3.1	Total number of liferafts	2	2	
3.2	Number of persons accommodated by them	50	50	
3.3	Number of liferafts for which approved launching appliances are required			
3.4	Number of liferafts for which approved launching appliances are not required	2	2	

Appendix 7.4 Passenger Ship Safety Certificate.

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SI Vessel number: 37289

Certificate number: 4043/2012

4 Personal Life saving appliances		
4.1	Number of lifebuoys	4
4.2	Number of adult lifejackets	69
4.3	Number of child lifejackets	6
4.4	Number of immersion suits	3
4.5	Number of immersion suits complying with the requirements for lifejackets	-
4.6	Number of thermal protective aids ¹⁾	-
5 Pyrotechnics		
5.1	Life throwing appliance	1
5.2	Distress flares	12
6 Radio life-saving appliances		
6.1	Number of radar transponders	1
6.2	Number of two-way VHF radio telephone apparatus	2
<small>1) Excluding those that are included in the lifeboat, liferaft and rescue boat equipment in order to comply with the LSA code</small>		
3 Details of radio facilities		
1 Primary systems		
1.1 VHF radio installation		
1.1.1	DSC encoder	YES
1.1.2	DSC watch receiver	YES
1.1.3	Radiotelephony	YES
1.2 MF radio installation		
1.2.1	DSC encoder	YES
1.2.2	DSC watch receiver	YES
1.2.3	Radiotelephony	YES
1.3 MF/HF radio installation		
1.3.1	DSC encoder	-
1.3.2	DSC watch receiver	-
1.3.3	Radiotelephony	-
1.3.4	Direct-printing radio telegraphy	-
1.4	INMARSAT ship earth station	-
2	Secondary means of alerting	YES

VC-PDV23 03/2012 ev
Secteur KV

Appendix 7.4 Passenger Ship Safety Certificate.

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SI Vessel number: 37289

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3 Facilities for reception of maritime safety information		
3.1	NAVTEX receiver	YES
3.2	EGC receiver	
3.3	HF direct-printing radiotelegraph receiver	
4 Satellite EPIRB		
4.1	COSPAS-SARSAT	YES
4.2	INMARSAT	
5	VHF EPIRB	
6	Ship's radar transponder	Yes

4 METHODS USED TO ENSURE AVAILABILITY OF RADIO FACILITIES
(regulations IV/15.6 AND 15.7)

7.1	Duplication of equipment	NO
7.2	Shore based maintenance	YES
7.3	At-sea maintenance capability	NO

6 DETAILS OF NAVIGATIONAL SYSTEMS AND EQUIPMENT

1.1	Standard magnetic compass*	YES
1.2	Spare magnetic compass*	YES
1.3	Gyro-compass*	
1.4	Gyro-compass heading repeater*	
1.5	Gyro-compass bearing repeater*	
1.6	Heading or track control system*	
1.7	Pelorus or compass bearing device*	YES
1.8	Means of correcting headings and bearings*	YES
1.9	Transmitting heading device*	
2.1	Nautical charts	YES
2.2	Back-up arrangements for ECDIS	
2.3	Nautical publications	YES
2.4	Back-up arrangements for electronic nautical publications	

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Section KV

Appendix 7.4 Passenger Ship Safety Certificate.

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SI Vessel number: 37289

Certificate number: 4043/2012

3.1	Receiver for a global navigation satellite system*	YES
3.2	9 GHz radar*	
3.3	Second radar 3 GHz *	
3.4	Automatic radar plotting aid(ARPA)*	
3.5	Automatic tracking aid*	
3.6	Second automatic tracking aid*	
3.7	Electronic plotting aid*	
4	Automatic identification system (AIS)	
5	Simplified voyage data recorder (S-VDR)	
6.1	Speed and distance measuring device (through the water)*	
6.2	Speed and distance measuring device (over the ground in the forward and athwartship direction)*	
7	Echo-sounding device*	
B.1	Rudder, propeller, thrust, pitch and operational mode indicator*	
B.2	Rate-of-turn indicator*	

*Alternative means of meeting this requirement are permitted under SOLAS V/19. In case of other means they shall be specified:

Appendix 7.5 Minimum Safe Manning Document.

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SI Vessel number :
37289

Certificate number:
3904/2010

**MINIMUM SAFE MANNING DOCUMENT
FOR THE TRADING AREA:**

1*

Issued under the provisions of regulation V/14.2 of the
INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as amended
and
Pursuant to article 5 "Manning Act" or "Manning Order for sea going fishing vessels" chapter 2 and
chapter 3.

The Head of the Netherlands Shipping Inspectorate declares that in accordance with the provisions
of the Manning Act, or in accordance with the Manning Order for sea going fishing vessels, the
following minimum safe manning is required on board of:

Name of Vessel		Distinctive number or letters	
ASTRID		PCDS	
IMO number	Gross tonnage	Propulsion power in kW	
5027792	140	253	
Port of Registry	Type of Ship	Periodically unattended machinery space	
VLISSINGEN	Sailing vessel	YES	

Table I

Grade / capacity	Certificate (STCW reg.)	Number	Particulars
Master	II/2	1	
Chief mate	II/2	1	
Rating deck	II/4	2	

For conditions table I see page 3

Note

All officers and crew shall be in the possession of a Dutch certificate of competency for sailing vessels, to be in compliance with the Dutch manning act.

*) Refer for description of Trade Area to Annex

Model BC3TAB 17-12-2008 EA/MVV/PI

Appendix 7.5 Minimum Safe Manning Document.

Page 2 of 7

SI Vessel number :
37289Certificate number:
3904/2010

For conditions table I see page 3**Note****All officers and crew shall be in the possession of a Dutch certificate of competency for sailing vessels, to be in compliance with the Dutch manning act.**

*) Refer for description of Trade Area to Annex

Model BC3TAB 17-12-2008 EA/MVV/PI

Appendix 7.5 Minimum Safe Manning Document.

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SI Vessel number :
37289

Certificate number:
3904/2010

Table II

Grade / capacity	Certificate (STCW reg.)	Number	Particulars
Master	II/2	1	
Rating deck	II/4	1	
Rating		2	

For conditions table II see page 3

Note II:

All officers and crew shall be in the possession of a Dutch certificate of competency for sailing vessels, to be in compliance with the Dutch manning act.

Table III

Grade / capacity	Certificate (STCW-reg.)	Number	Particulars
Master	II/2	1	
Rating deck	II/4	1	

For conditions table III see page 3

Note III:

All officers and crew shall be in the possession of a Dutch certificate of competency for sailing vessels, to be in compliance with the Dutch manning act.

Appendix 7.5 Minimum Safe Manning Document.

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SI Vessel number :
37289

Certificate number:
3904/2010

Conditions:

CONCEPT

Model BC3TAB 17-12-2008 EA/MVV/PI

Appendix 7.5 Minimum Safe Manning Document.

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SI Vessel number :
37289

Certificate number:
3904/2010

GENERAL:

Prior sailing master shall record in the ship's logbook which condition is applicable for each voyage.

Non continuous sailing: a voyage of maximum 12 hours.

One of the officers forming part of a navigational watch shall be in possession of a General Radio

Operator Certificate. All other officers forming part of a navigational watch shall be in possession of a Restricted Radio Operator Certificate.

The Master shall be in position of a medical training unlimited (EC Directive 92/29/EC).

The officers and crew have dispensation for the for the following trainings, as applicable:

- advanced fire fighting
- crowd management
- additional safety training
- crisis management and human behaviour training

At least one crewmember shall be in possession of proficiency in survival craft.

Master and officers have the proficiency in survival craft included in the Dutch certificate of competency for sailing vessels.

Every liferaft, needed for the evacuation of 100% of the total persons on board, should be handled

by a crewmember in possession of a Basic Safety Certificate.

TABLE I (Valid when sailing continuous):

***Special Purpose Ship Safety Certificate*:**

No additional crew required.

***Certificate of Seaworthiness*:**

No additional crew required.

***Safety Certificate 2009/45 (former 98/18/EC)*:**

When the number of passengers is more than 36, then an additional "Rating deck" shall be added.

TABLE II (Valid when sailing non continuous):

***Special Purpose Ship Safety Certificate*:**

- 1) The two "Ratings" may be replaced by special personnel at the Master's discretion.
- 2) When the number of special personnel is 36 or less no additional crew is required.
- 3) When the number of special personnel is more than 36, then an additional "Rating deck" shall be added.

***Certificate of Seaworthiness*:**

- 1) The two "Ratings" may be replaced by passengers if at the Master's discretion these are capable of fulfilling the duties of those two "Ratings".

***Safety Certificate 2009/45 (former 98/18/EC)*:**

- 1) When the number of passengers is 36 or less, the two "Ratings" may be replaced by passengers

Appendix 7.5 Minimum Safe Manning Document.

Page 6 of 7

SI Vessel number :
37289Certificate number:
3904/2010

if at the Master's discretion these are capable of fulfilling the duties of those two "Ratings".
2) When the number of passengers is more than 36, the two "Ratings" shall not be replaced by passengers.

TABLE III (Additional):
Valid when used as motorvessel only, when sailing without passengers.

The crew shall be relieved from the ship within a period of 12 continuous hours

This certificate does not exempt the master from his obligation to request for additional crew when actual working circumstances require this (art. 12 Manning Act (Zeevaartbemanningswet)). It is the obligation of the shipsmanager to enable the master to fulfil his obligations (art. 3, 12, 32 and 60 Manning Act (Zeevaartbemanningswet)).

This document remains valid until: 11 05 2015

Issued at Rotterdam, 11 05 2010

The Inspector general Transport and Water Management Inspectorate,
on his behalf,

Model BC3TAB 17-12-2008 EA/MVV/PI

Appendix 7.5 Minimum Safe Manning Document.

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SI Vessel number :
37289

Certificate number:
3904/2010

TRADING AREAS	
Code	Description
1	Unrestricted
2	(200) Coastal waters, whereby the distance to the nearest port and the offshore distance does not exceed 200 nautical miles.
3	(30) Coastal waters whereby the offshore distance does not exceed 30 nautical miles and the sailingtime from safe harbour or anchorage shall be within 6 hours.
4	(30) Coastal waters whereby the offshore distance does not exceed 30 nautical miles and the sailingtime from the port of operation, mentioned on the safe manning certificate, shall be within 12 hours and shall not be more than 6 hours from a port of refuge.
5	(15) Coastal waters whereby the offshore distance does not exceed 15 nautical miles and the sailingtime from safe harbour or anchorage shall be within 6 hours.
6	(15) Coastal waters whereby the offshore distance does not exceed 15 nautical miles and the sailingtime from the port of operation, mentioned on the safe manning certificate, shall be within 12 hours and shall not be more than 6 hours from a port of refuge.
7	(5) Coastal waters whereby the offshore distance does not exceed 5 nautical miles and the sailingtime from the port of operation, mentioned on the safe manning certificate, shall be within 12 hours and shall not be more than 6 hours from a port of refuge.
8	(5) Coastal waters whereby the offshore distance does not exceed 5 nautical miles and the sailingtime from safe harbour or anchorage shall be within 6 hours.
9	(KINZ) Short international voyage, in the North Sea and English Channel south of a line from Newcastle and Elbe and north of a line from Dover to Calais.
10	(KIPCHI) Poole Guernsey to jersey v.v.
11	(GERSHAL) Over the Netherlands and German Shallows to the estuaries of the rivers Weser and Elbe.
12	Short international voyage
13	(DV) From the Vlie along the Netherlands - and German Frisian Islands to the estuaries of the rivers Weser, Elbe and Eider, through the North Baltic seacanal to the Baltic Sea as far as the line Stralsund - Trelleborg, as well as through the Sounds and the Belts to the Kattegat as far as the line Greena - Kullen.
14	(VZ, VO, VD) Vlissingen/Zeebrugge of Vlissingen/Oostende of Vlissingen/Dunkirk
15	(I) From the estuaries of the river Eems along the low waterline at the North Sea beach of the West German Frisian Islands to the east point of Spiekeroog - Harlebuoy - lightvessel Weser - lightvessel Elbe I - and the estuary of the river Elbe to Brunsbuttel, as far as the red buoyline. The North-Baltic Sea channel - the Kiekerfjord - the western Baltic sea, Belten and Sont as far as the line Greena-Kullen in the North and the line 10 sea-miles outside the Capes in the East.
16	(II) Coastal waters, 25 sea-miles out of Belgium, Netherlands and German coast from Nieuwpoort to the estuaries of the rivers Elbe and Eider, through the North-Baltic Sea Canal to the Baltic Sea, Belten, Sont and Kattegat in the north to the line Skagen - Gothenborg, and in the east Simrishamn - east coast Bornholm Greifswald, and 25 sea-miles around Bornholm.
17	(III limited) Coastal waters, 30 sea-miles out of the European coasts of the following areas: Northsea; Northerly limited by parallel 53° N and Southerly limited from the line Dover to Calais. The Baltic Sea; the North Sea up to 63° 30' N (not more than 25 sea-miles out of the Norwegian coast) - 61° N, 1° W - the line which connects Strathie Head with Barony Point - Mull - East coast of Colonsay - Islay (Ardmore Point) - Inishoven Head (North Ireland) and from Old Head of Kinsale (South Ireland) to 48° N, 6° W (about 25 sea-miles west from Pointe du Raz) to South Bank of Gironde (45° 30' N, 2° 3' W) and the Mediterranean Sea.
18	(3) The Baltic Sea; the North Sea up to 63° 30' N (not more than 25 sea-miles out of the Norwegian coast) - 61° N, 1° W - the line which connects Strathie Head with Barony Point - Mull - East coast of Colonsay - Islay (Ardmore Point) - Inishoven Head (North Ireland) and from Old Head of Kinsale (South Ireland) to 48° N, 6° W (about 25 sea-miles west from Pointe du Raz) to South Bank of Gironde (45° 30' N, 2° 3' W) and the Mediterranean Sea.
19	Short international voyage. North Sea and English Channel Service between limits of Newcastle to River Elbe and Dover to Calais. English Channel Service between limits of Dover to Calais and Ile d'Quessant to Isles of Scilly. Irish Sea Service, between the limits of Cork to Isles of Scilly and Ratlin Island to Mull of Kintyre.

Model BC3TAB 17-12-2008 EA/MVV/PI

Appendix 7.6 Certificate of Seaworthiness.

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SI Vessel number:
37289

Certificate number:
3947/2010



CONCEPT

The Netherlands

CERTIFICATE OF SEAWORTHINESS FOR THE TRADING AREA: 1*

Taking into account that the vessel is equipped for GMDSS Sea Area:
A1,A2,A3
NO MORE PERSONS ALLOWED THAN:
38

IN THE NAME OF HER MAJESTY THE QUEEN OF THE NETHERLANDS
issued under the provisions of the Shipping Act.

Name of Ship	Distinctive letters	IMO Number:
ASTRID	PCDS	5027792
Port of Registry	Gross tonnage	Year of build
VLISSINGEN	140	1924

Length in metres as defined in Article 2(1)1 Annex 1, Ships Order 1965: **30,53**

Propulsion power of main propulsion machinery in kW: **253**

Date of major conversion:

The Head of the Shipping Inspectorate certifies:

that abovementioned ship has been duly surveyed in accordance with the provisions of article 8 of the Ships Order, 1965, and that the survey showed that the ship in all respects complied with the applicable requirements of that order.

On account of which he has issued this Certificate which remains in force as long as the requirements of the Ships Order are complied with and ultimately until: **11-05-2015**

Completion date of the survey on which this certificate is based: **11-05-2010**

Issued at Rotterdam, **11-05-2010** under number: **3947/2010**

The Head of the Shipping Inspectorate
on his behalf,

Model CVD-B 26.07.2002 pci/kh/ev
Sector(s): KV

Appendix 7.6 Certificate of Seaworthiness.

Page 2 of 7

SI Vessel number:
37289

Certificate number:
3947/2010

**) Refer for description of Trade Area to Annex 1*

CONCEPT

*Model CVD-B 26.07.2002 pcl/kh/ev
Sectie(s): KV*

Appendix 7.6 Certificate of Seaworthiness.

Page 3 of 7

SI Vessel number:
37289

Certificate number:
3947/2010

TRADING AREAS	
Code	Description
1	Unrestricted
2	(200) Coastal waters whereby the offshore distance does not exceed 200 miles.
3	(30) Coastal waters whereby the offshore distance does not exceed 30 nautical miles and the sailingtime from safe harbour or anchorage shall be within 6 hours.
4	(30) Coastal waters whereby the offshore distance does not exceed 30 nautical miles and the sailingtime from the port of operation, mentioned on the safe manning certificate, shall be within 12 hours and shall not be more than 6 hours from a port of refuge.
5	(15) Coastal waters whereby the offshore distance does not exceed 15 nautical miles and the sailingtime from safe harbour or anchorage shall be within 6 hours.
6	(15) Coastal waters whereby the offshore distance does not exceed 15 nautical miles and the sailingtime from the port of operation, mentioned on the safe manning certificate, shall be within 12 hours and shall not be more than 6 hours from a port of refuge.
7	(5) Coastal waters whereby the offshore distance does not exceed 5 nautical miles and the sailingtime from the port of operation, mentioned on the safe manning certificate, shall be within 12 hours and shall not be more than 6 hours from a port of refuge.
8	(5) Coastal waters whereby the offshore distance does not exceed 5 nautical miles and the sailingtime from safe harbour or anchorage shall be within 6 hours.
9	(KINZ) Short international voyage, in the North Sea and English Channel south of a line from Newcastle and Elbe and north of a line from Dover to Calais.
10	(KIPCHI) Poole Guernsey to Jersey v.v.
11	(GERSHAL) Over the Netherlands and German Shallows to the estuaries of the rivers Weser and Elbe.
12	Short international voyage
13	(DV) From the Vlie along the Netherlands and German Frisian Islands to the estuaries of the rivers Weser, Elbe and Eider, through the North Baltic seacanal to the Baltic Sea as far as the line Stralsund Trelleborg, as well as through the Sounds and the Belts to the Kattegat as far as the line Greena Kullen.
14	(VZ, VO, VD) Vlissingen/Zeebrugge of Vlissingen/Oostende of Vlissingen/Dunkirk:
15	(I) From the estuaries of the river Eems along the low waterline at the North Sea beach of the West German Frisian Islands to the east point of Spiekeroog Harlebuoy lightvessel Weser lightvessel Elbe I and the estuary of the river Elbe to Brunsbüttel, as far as the red buoyline. The North Baltic Sea channel the Kielerfjord the western Baltic sea, Belten and Sont as far as the line Greena Kullen in the North and the line 10 sea miles outside the Capes in the East.
16	(II) Coastal waters, 25 sea miles out of Belgium, Netherlands and German coast from Nieuwpoort to the estuaries of the rivers Elbe and Eider, through the North Baltic Sea Canal to the Baltic Sea, Belten, Sont and Kattegat in the north to the line Skagen Gothenborg, and in the east Simishamn east coast Bornholm Greifswald, and 25 sea miles around Bornholm.
17	(III limited) Coastal waters, 30 sea miles out of the European coasts of the following areas: Northsea; Northerly limited by parallel 53° N and Southerly limited from the line Dover to Calais. The Baltic Sea: the North Sea up to 63° 30' N (not more than 25 sea miles out of the Norwegian coast) 61° N, 1° W the line which connects Strathie Head with Barony Point Mull East coast of Colonsay Islay (Ardmore Point) Inishoven Head (North Ireland) and from Old Head of Kinsale (South Ireland) to 48° N, 6° W (about 25 sea miles west from Pointe du Raz) to South Bank of Gironde (45° 30' N, 2° 3' W) and the Mediterranean Sea.
18	(3) The Baltic Sea: the North Sea up to 63° 30' N (not more than 25 sea miles out of the Norwegian coast) 61° N, 1° W the line which connects Strathie Head with Barony Point Mull East coast of Colonsay Islay (Ardmore Point) Inishoven Head (North Ireland) and from Old Head of Kinsale (South Ireland) to 48° N, 6° W (about 25 sea miles west from Pointe du Raz) to South Bank of Gironde (45° 30' N, 2° 3' W) and the Mediterranean Sea.
19	Short international voyage.

Model CVD-B 26.07.2002 pci/lkh/ev
Secfe(s): KV

Appendix 7.6 Certificate of Seaworthiness.

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SI Vessel number:
37289

Certificate number:
3947/2010

North Sea and English Channel Service between limits of Newcastle to River Bbe and Dover to Calais. English Channel Service between limits of Dover to Calais and Ile d'Quessant to Isles of Scilly. Irish Sea Service, between the limits of Cork to Isles of Scilly and Ratlin Island to Mull of Kintyre.

**THIS ENCLOSURE SHOULD BE PERMANENTLY ATTACHED TO
THE CERTIFICATE OF SEAWORTHINESS NO.: 3947/2010.**

THIS IS TO CERTIFY that the structure, machinery, lifesaving and firefighting appliances, the shipborne navigational equipment, the radio equipment and other equipment have been inspected and found to be in compliance with the relevant requirements of the Dutch Ships order 1965.

RADIO	HULL, MACHINERY, ETC.
Periodical Survey:	Annual Survey:
Signed:	Signed:
Place:	Place:
Date:	Date:
Periodical Survey:	Annual/periodical/intermediate Survey:
Signed:	Signed:
Place:	Place:
Date:	Date:
Periodical Survey:	Annual/periodical/intermediate Survey:
Signed:	Signed:
Place:	Place:
Date:	Date:
Periodical Survey:	Annual Survey:
Signed:	Signed:

Model CVD-B 26.07.2002 pcl/kh/ev
Sectie(s): KV

Appendix 7.6 Certificate of Seaworthiness.

Page 5 of 7

SI Vessel number:
37289

Certificate number:
3947/2010

Place:

Place:

Date:

Date:

CONCEPT

*Model CVD-B 26.07.2002 pci/kh/ev
Secite(s): KV*

Appendix 7.6 Certificate of Seaworthiness.

Page 6 of 7

SI Vessel number:
37289

Certificate number:
3947/2010

CONCEPT

LIFESAVING APPLIANCES

Annual Survey:

Signed:

Place:

Date:

Annual/periodical/intermediate Survey:

Signed:

Place:

Date:

Annual/periodical/intermediate Survey:

Signed:

Place:

Date:

Annual Survey:

Signed:

Place:

Date:

Appendix 7.6 Certificate of Seaworthiness.

Page 7 of 7

SI Vessel number:
37289

Certificate number:
3947/2010

CONCEPT

This certificate shall, in accordance with regulation 25 of the Dutch Ships order 1965 be accepted as valid until:

.....

Signed:

Place:

Date:

The last two inspections of the ship's bottom took place on **12-05-2009** and **07-03-2010**.

THIS IS TO CERTIFY that, at an inspection of the outside of the ship's bottom required by regulation 12.3 of the Dutch Ships order 1965 , the ship was found to comply with the relevant requirements of the Ships order.

FIRST INSPECTION

Signed:

Place:

Date:

SECOND INSPECTION

Signed:

Place:

Date:

THIRD INSPECTION

Signed:

Place:

Date:

FOURTH INSPECTION

Signed:

Place:

Date:

Appendix 7.7 International Sewage and Pollution Prevention Certificate.

Page 1 of 4

SI vessel nr.:
37289

Certificate no:
3905/2010



CONCEPT
The Netherlands

INTERNATIONAL SEWAGE POLLUTION PREVENTION CERTIFICATE

Issued under the Provisions of the International Convention for the Prevention of Pollution from Ships (1973), as modified by the Protocol of 1978 relating thereto, as amended (hereinafter referred to as "the Convention") under the authority of

the Government of the Netherlands

by the Inspector general Transport and Water Management Inspectorate

Name of ship	Distinctive Number or Letters	Port of Registry	Gross Tonnage	Number of persons which the ship is certified to carry	IMO Number
ASTRID	PCDS	VLISSINGEN	140	38	5027792

Type of ship: **Existing Ship**

Date on which keel was laid or ship was at a similar stage of construction or, where applicable, date on which a conversion or an alteration or modification of a major character was commenced: **01 01 1924**

THIS IS TO CERTIFY THAT:

- (1) The ship is equipped with a
Sewage treatment plant (see under 1.1)
Comminuter (see under 1.2)

X Holding tank (see under 1.3)

X Discharge pipeline (see under 1.4)

in compliance with regulations 9 and 10 of Annex IV of the Convention as follows:

(1.1) Description of the sewage treatment plant:

Type of sewage treatment plant:

Name of manufacturer:

The sewage treatment plant is certified by the Administration to meet the following effluent standards as provided for in resolution MEPC.2(VI).

(1.2) Description of comminuter:

Type of comminuter:

Name of manufacturer:

Standard of sewage after disinfection: .

(1.3) Description of holding tank equipment:

Total capacity of the holding tank: **4,361 m³**

Location: **See stability booklet / Tank arrangement.**

Model ISPP
Sectie(s): KV

30/03/2006 ht

Appendix 7.7 International Sewage and Pollution Prevention Certificate.

Page 2 of 4

SI vessel nr.:
37289

Certificate no.:
3905/2010

(1.4) A pipeline for the discharge of sewage to a reception facility, fitted with a standard shore connection.

(2) The ship has been surveyed in accordance with regulation 4 of Annex IV of the Convention

(3) That the survey shows that the structure, equipment, systems, fittings, arrangements and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex IV of the Convention.

Completion date of survey on which this certificate is based: **11 05 2010**

Issued at Rotterdam, the **11 05 2010** under number: **3905/2010**

This certificate is valid until: **11 05 2015** subject to surveys in accordance with regulation 4 of Annex IV of the Convention.

The Inspector general Transport and Water Management Inspectorate,
on his behalf,

Appendix 7.7 International Sewage and Pollution Prevention Certificate.

Page 3 of 4

SI vessel nr.:
37289

Certificate no.:
3905/2010

Endorsement to extend the validity of the Certificate if valid for less than 5 years where regulation 8.3 applies

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with regulation 8.3 of Annex IV of the Convention, be accepted as valid until:.....

Signed:
(signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Endorsement where the renewal survey has been completed and regulation 8.4 applies

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with regulation 8.4 of Annex IV of the Convention, be accepted as valid until:.....

Signed:
(signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the validity of the Certificate until reaching the port of survey or for a period of grace where regulation 8.5 or 8.6 applies

This certificate shall, in accordance with regulation 8.5 or 8.6* of Annex IV of the convention, be accepted as valid until:.....

Signed:
(signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)



Appendix 7.7 International Sewage and Pollution Prevention Certificate.

Page 4 of 4

SI vessel nr.:
37289

Certificate no.:
3905/2010

* Delete as appropriate

CONCEPT

Appendix 7.8 Passenger Liability Certificate.

Page 1 of 2

SI vessel number: 37289

Certificate number: 869/2013



CONCEPT

The Netherlands

CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN RESPECT OF LIABILITY FOR THE DEATH OF AND PERSONAL INJURY TO PASSENGERS

Issued in accordance with the provisions of Article 4bis of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 2002

Name of Ship	Port of Registry
ASTRID	VLISSINGEN
Distinctive number or letters	IMO ship identification number
PCDS	502792

Name and full address of the principal place of business of the carrier who actually performs the carriage:



This is to certify that there is in force in respect of the above named ship a policy of insurance or other financial security satisfying the requirements of Article 4bis of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 2002.

Type of security: **Insurance**

Duration of security: from the **20-02-2013** until the **20-02-2014**.

Model PLG 20.12.2012/jw/ev
Sectie: KV

Appendix 7.8 Passenger Liability Certificate.

Page 2 of 2

SI vessel number: 37289

Certificate number: 869/2013

Name and address of the insurer(s) and/or guarantor(s):
The Shipowners' Mutual Protection & Indemnity Association (Luxembourg)
16, Rue Notre-Dame, L-2240
Luxembourg

The insurance cover hereby certified is split in one war insurance part and one non-war insurance part, pursuant to the implementation guidelines adopted by the Legal Committee of the International Maritime Organisation in October 2006. Each of these parts of the insurance cover is subject to all exceptions and limitations allowed under the Convention and the Implementation guidelines. The insurers are not jointly and severally liable. The insurers are:

for war risks: **100%**

for non-war risks: **100%**

This certificate is valid until: **20-02-2014**.

Issued by **The Government of the Netherlands**

At **Rotterdam** on **05-07-2013** under number **869/2013**.

THE MINISTER OF INFRASTRUCTURE AND THE ENVIRONMENT

on his behalf,

The **Unit** manager of Maritime Shipping Permits,



Model PLC 20.12.2012/jw/ev
Sectie: KV

Passenger Liability Certificate Current at Time of Casualty

APPENDIX 7.10

Appendix 7.10 Photographs.



Photograph No.1 - Service label on liferaft showing annual survey not carried out



Photograph No.2 - Liferaft due service inflated as designed

Appendix 7.10 Photographs.



Photograph No.3 - Wreck after sinking 26th July 2013
(Photograph Courtesy of Sub Sea Marine)



Photograph No.4 - Ship coming out of Oysterhaven Bay
(Photograph Courtesy of Provision Cork)

Appendix 7.10 Photographs.



Photograph No.5 - Crew mustered in preparation for abandoning ship
(Photograph Courtesy of Provision Cork)



Photograph No.6 - Ship going ashore
(Photograph Courtesy of Provision Cork)

Appendix 7.10 Photographs.



Photograph No.7 - Ship going ashore *(Photograph Courtesy of Provision Cork)*



Photograph No.8 - Rescue Operation in Progress

Appendix 7.10 Photographs.



Photograph No.9 - Rescue operation in progress *(Photograph Courtesy of Provision Cork)*



Photograph No.10 - Rescue operation in progress *(Photograph Courtesy of Provision Cork)*

Appendix 7.10 Photographs.



Photograph No.11 - Rescue operation in progress (Photograph Courtesy of Provision Cork)



Photograph No.12 - Rescue operation in progress (Photograph Courtesy of Provision Cork)

Appendix 7.10 Photographs.



Photograph No.13 - Port side of aft of vessel after salvage



Photograph No.14 - Starboard side aft after salvage

Appendix 7.10 Photographs.



Photograph No.15 - Starboard side aft after salvage Note popped rivet



Photograph No.16 - Fuel oil daily service tank full of seawater as expected

Appendix 7.10 Photographs.



Photograph No.17 - Top of main engine fuel lines split to obtain samples




Photograph No.18 - Fuel filters found lying in engine room

Appendix 7.10 Photographs.



Photograph No.19 - General view of ship after salvage

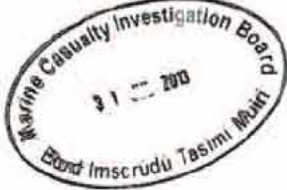
Appendix 7.11 Weather Report.



MET ÉIREANN
The Irish Meteorological Service

Glasnevin Hill, Cnoc Ghlas Naíon Tel: +353-1-806 4200
Dublin 9, Ireland. Baile Átha Cliath 9, Éire. Fax: +353-1-806 4247
www.met.ie E-mail: met.eireann@met.ie

Secretariat
Marine Casualty Investigation Board
Leeson Lane
Dublin 2



26/7/2013

Our Ref. WS WS3018/2_15138
Your Ref. MCIB/13/111

Re: Estimate of weather conditions in the sea area off Kinsale, at 51°40.9'N, 8°28'W, between 10 and 14 hours on the 24th July 2013.

Dear [REDACTED]

Please find enclosed the above report. Also attached are copies of the Sea Area Forecasts that were issued at 0, 6 and 12 hours by the Met Éireann Forecast Division on the 24th July 2013.

Yours sincerely,

[REDACTED]

Appendix 7.11 Weather Report.



MET ÉIREANN
The Irish Meteorological Service

Glasnevin Hill,
Dublin 9, Ireland.

Cnoe Ghlin Naíon
Baile Átha Cliath 9, Éire.
www.met.ie

Tel: +353-1-806 4200
Fax: +353-1-806 4247
E-mail: met.eireann@met.ie

26/7/2013

Our Ref. WS WS3018/2_15138
Your Ref. MCIB/13/111

Estimate of weather conditions in the sea area off Kinsale, at 51°40.9'N, 8°28'W, between 10 and 14 hours on the 24th July 2013

General Situation

A large Low Pressure area in the Atlantic was centred west of Ireland. Associated bands of rain and some showers moved north-north-eastwards across the area. There were widespread thunderstorms across Ireland and the surrounding sea areas.

Details

Winds: from the south, ranged Moderate to Strong, Force 4 to Force 6,

Weather: mostly cloudy with spells of rain and heavy showers, a few bright dry periods.

Visibility: good generally, but reduced to Moderate or Poor for short periods in the heavier rain and showers.

Seastate: Moderate with Significant Wave Heights of 1.5 to 2 metres and maximum individual wave heights of 4 to 5 metres, mainly from a south-west or southerly direction.

Sea surface temperatures: 18°C



Research & Applications Division
Met Éireann

Appendix 7.12 Position of Grounding.



Appendix 7.13 Netherlands Declaration on Sail Training Vessels.



Human Environment and Transport
Inspectorate
Ministry of Infrastructure and the
Environment

Declaration

To whom it may concern

ILT
Netherlands Shipping
Inspectorate
Weena 723
3013 AM Rotterdam
Postbus 16191
2500 BD Den Haag

Contact
J.W. Beekelaar
senior surveyor
M +31(0)6-22926599
Jan.Beekelaar@ILenT.nl

Date
15 February 2013

According EU regulation 2004/0725/EU reg. 3.7., the said regulation does not apply to ships of war and troopships, cargo ships less than 500 gross tonnage, *ships not propelled by mechanical means*, wooden ships of primitive build, fishing vessels or vessels not engaged in commercial activities.

According to the SOLAS convention, chapter I, part A, reg. 3, the SOLAS convention, unless expressly provided otherwise, does not apply to ships of war and troopships, cargo ships of less than 500 gross tonnage, *ships not propelled by mechanical means*, wooden ships of primitive build, pleasure yachts not engaged in trade or fishing.

The Netherlands Shipping Inspectorate declares that the following Commercial Sailing vessels, sailing under the Netherlands Flag, are classified as ships not propelled by mechanical means.

As a result the ISPS-code is not applicable for;

Name of the ship	Call sign
Abel Tasman	PCVM
Albert Johannes	PCKB
Antigua	PCRA
Aphrodite	PCSR
Artemis	PFCB
Astrid	PCDS
Atlantis	PCDT
Banjaard	PCXV
Bisschop van Arkel	PDDG
Catherina	PIHH
De Albertha	PCOK
De Gallant	PDPS
De Tukker	PIBM
Eems no. 1	PHPI
Eldorado	PEEA
Elegant	PDUH
Esther Jensen	PDZP
Flying Dutchman	PIAK
Gulden Leeuw	PCBH
Hendrika Bartelds	PEQP

Appendix 7.13 Netherlands Declaration on Sail Training Vessels.


Ide Min	PC8366
Iris	PEGO
J.R. Tolkien	PFRB
Jacob Meindert	PEYR
Jan Huygen	PDYM
Kairos	PHKP
Loth Lorien	PFPF
Luciana	PFQK
Lutgerdina	PFQD
Mare Frisium	PCBM
Marie Galante	PFTM
Mercedes	PCMC
Minerva	PFZT
Morgenster	PHMY
Najade	PGCW
Neerlandia	PGED
Noorderlicht	PGJG
Oban	PDWJ
Oosterschelde	PGNP
Pedro Doncker	PGRP
Pegasus	PGRS
Regina Maris	PGZM
Sir Robert Baden Powel	PBMP
Skylge	PHLS
Stella Maris	PHSR
Stortemelk	PHTK
Swaensborgh	PHVY
Tecla	PHXI
Thalassa	PHYD
Twister	PCAB
Wylde Swan	PIWS
Zephyr	PIXB
Zuiderzee	PIYX

ILT
Scheepvaart
Vergunningen Zeevaart

Date
15 February 2013

This declaration remains in force as long as an individual vessel complies with The Netherlands requirements and ultimately until 01-01-2014

The Head of the Shipping Inspectorate
On his behalf,


senior surveyor

Appendix 7.14 German Court Ruling - Translations and Original Text.

Hanseatic Superior Regional Court
3rd Chamber for Monetary Fine Matters
Ruling

3 - 20/11 (Appeal)

3 Ss 38/11 Misdemeanour

218 20/10 Misdemeanour

7402 Js 119/10 Misdemeanour

In the Monetary Fine Matter
against

Defender: Solicitor _____

concerning here an Appeal against the judgment of Division 218 of the Hamburg District Court dated 22.12.10,

the Hanseatic Superior Regional Court in Hamburg, 3rd Chamber for Administrative Fine Matters, ruled on 27.06.11 as handed down by

_____ at the Superior Regional Court

pursuant to § 80a Section 1 OWiG¹:

that the Appeal of the Party Concerned against the Judgment of the Hamburg District Court, Section 218, dated 22.12.10 is dismissed with costs.

Grounds:

The Hamburg District Court handed down a fine of €500.00 to the Party Concerned in its judgment dated 22.12.10 for negligent breach of § 2 Section 2 Clause 1 no. 3 of

¹ "Misdemeanour Act"

Appendix 7.14 German Court Ruling - Translations and Original Text.

the See-Eigensicherungsverordnung² in conjunction with Regulation 9.1.1 of Chapter XI-2 (ISPS Code dated 12.12.02) of the International Convention of 1974 for the Safety of Life at Sea SOLAS 74/88.

According to the determinations in the Judgment the Party Concerned was steering as the skipper the passenger sailing ship "Pegasus" sailing under a Dutch flag from Aerököbing in Denmark to Kiel-Holtenau. The trip from 29.09. to 24.09.09 in which 16 paying passengers were taking part, had taken the route from Laboe via Holtenau, Kappeln, Lyö (Denmark) and Aerököbing (Denmark) to Holtenau.

The sailing ship "Pegasus" is a 36-metre long two-masted clipper built in the year 1904. After the ship had served for several decades as a sailing cargo ship, it was thereafter in use as a mastless motor clipper until it was converted back to a two-masted clipper in 1990 and put into use as a passenger sailing ship. It is fitted out for 43 persons as day trippers or for up to 18 persons as overnight passengers. The ship is equipped with a main engine with a performance of 176 kw. Maximum speed is 9 knots under sails and 8 knots with motorised travel.

There was no International Ship Security Certificate on board the ship pursuant to Regulation 9 Section 1.1 Chapter XI-2 SOLAS 1974 (International Ship Security Certificate - ISSC) and also no relevant Interim Certificate. The Party Concerned should at the very least have realised that such a Certificate was required.

II.

The permissible Appeal is unfounded.

The District Court has concluded in a non-contestable way from the determinations, having drawn on further items of circumstantial evidence by way of assistance, that the ship "Pegasus" is regularly driven using the engine as the main propulsion. Thus it is subject to the ISSC Code that was not upheld here.

Insofar as it is submitted in the grounds for appeal that this state of facts was established erroneously, this does not follow. The consideration of evidence is a matter for the Trial Court and can be reviewed only to a limited extent in the appeals proceedings. Errors in the consideration of evidence, measured against this yardstick, are not apparent. Insofar as it is submitted that other determinations should have been made, the grounds for appeal replace the consideration of evidence carried out by the Trial Court with one of its own in an impermissible way.

The review of the allegation that the details of the "Pegasus" internet presence are wrong, is not available to the substantive contention. Here it should rather have been shown by way of a clarifying contention that the Court failed to draw on other items of evidence which should have been deemed necessary and which would have led to a different outcome. However there is no such submission.

² "Sea Personal Safety Directive"

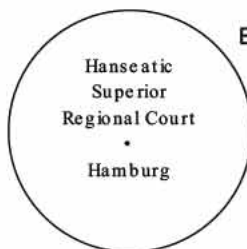
Appendix 7.14 German Court Ruling - Translations and Original Text.

The deliberations of the District Court on the *mens rea* and its statement on the legal consequences do not fall to be contested. For the avoidance of reiterations, reference is made to the arguments set out in the challenged judgment.

III.

The order for costs is based on §§ 46 Section 1 OWiG, 473 Section 1 Clause 1 StPO³.

Sakuth



Engrossed:

[signature]

lerk of the Court

This Judgment is ~~not~~ legally valid.

Hamburg District Court

Record no.:
 218 Misdemeanour 20/10
 7402 Js Misdemeanour 119/10

Please quote in all correspondence!

Judgment

³ Code of Criminal Procedure [German]

Appendix 7.14 German Court Ruling - Translations and Original Text.

**In the name of the people
In the Monetary Fine Matter against**

— — — — —
born on — — — — —
in — — — — / — — — —
domiciled in: — — — — ,
— — — — —

The Hamburg District Court,
Section 218, for Administrative Fine Matters
at the sitting on 22nd December 2010,
at which were present:

1. District Court Justice [REDACTED]
as Chairman,
2. [REDACTED] ./.
as an official in the Office of the Director of Public
Prosecutions,
2. Barrister [REDACTED]
as Defence Counsel,
4. Courts official [REDACTED]
as Clerk of the

holds that:
The Party Concerned
is handed down

**a fine in the amount of
€500.00 (five hundred) euro**

for negligent breach of § 2 Section 2 Clause 1 no. 3 of the See-Eigensicherungsverordnung in conjunction with Regulation 9.1.1 of Chapter XI-2 (ISPS Code dated 12.12.2002) of the International Convention of 1974 for the Safety of Life at Sea SOLAS 74/88.

The costs of the proceedings are awarded against the Party Concerned.

Applied provisions:

§§ 12 Section 1 No. 1 See-EigensichV⁴, 15 Section 1 No. 2 SeeAufgG⁵, 17 OWiG.

Grounds:

I.

The — year old Party Concerned is a Dutch citizen and works as a skipper of Dutch passenger sailing ships.

II.

On 24.9.2009 the Party Concerned was steering as the skipper the passenger sailing ship "Pegasus" sailing under a Dutch flag (home port: Groningen) from Aørököbing in Denmark to Kiel-Holtenau. The trip from 29.09.2009 to 24.09.2009 in which 16 paying passengers were

⁴ Abbreviation of "Sea Personal Safety Directive"

⁵ Abbreviation of "Federal Maritime Responsibilities Act"

Appendix 7.14 German Court Ruling - Translations and Original Text.

taking part, had taken the route from Laboe via Holtenau, Kappeln, Lyö (Denmark) and Aerököbing (Denmark) to Holtenau.

The sailing ship "Pegasus" is a 36-metre long two-masted clipper built in the year 1904. After the ship had served for several decades as a sailing cargo ship, it was thereafter in use as a mastless motor clipper until it was converted back to a two-masted clipper in 1990 and put into use as a passenger sailing ship. It is fitted out for 43 persons as day trippers or for up to 18 persons as overnight passengers. The ship is equipped with a main engine with a performance of 176 kw. Maximum speed is 9 knots under sails and 8 knots under engine power.

On board there was a permit as a passenger ship pursuant to EU Council Directive 98/18/EC dated 17.3.1998 on safety rules and standards for passenger ships, but no International Ship Security Certificate pursuant to Regulation 9 Section 1.1 Chapter XI-2 SOLAS 1974 (International Ship Security Certificate - ISSC) and also no such Interim Certificate. The Party Concerned was aware of this - he knew that the "Pegasus" was not certified in accordance with Regulation 2 Section 1.1.1.1 Chapter XI-2 SOLAS 1974 in conjunction with No. 3.1.1.1 of part A of the ISPS code. The Party Concerned should at the very least have realised that such a Certificate was required.

It cannot be reconciled with the requirements that operating the "Pegasus" as a passenger ship booked in advance by the paying guests entails, that the ship travels also in the case of unfavourable wind and weather conditions without using the engine as temporary main propulsion.

III.

The above state of facts was conceded in respect of the trip from 20.9.2009 to 24.9.2009 by the Defence Counsel as the representative of the Party Concerned, who had been relieved of the obligation to attend in person, at the main hearing.

The further details on the ship are based on the ship's internet presence which was read into the record of proceedings.

From numerous similar cases, the Court is aware that passenger sailing ships such as the "Pegasus" are regularly driven under engine power as needed, if for example a certain port must be reached within a deadline for switching passengers perhaps or in adverse windy conditions (headwinds or calm). The witness ——— who has served for years as an official of the water safety police *inter alia* on the Flensburg outer fjord, a typical estuary of the Dutch passenger sailing ships, confirmed this in the within proceedings also, and reported that in his experience it depended exclusively on the weather whether these ships travel under sail or under engine power; whereas genuine traditional ships - equipped only with an auxiliary propulsion - would also at times arrive with a considerable delay in the case of unfavourable circumstances; this was not the case for the Dutch passenger sailing ships which had a fixed schedule.

Irrespective of the fact that the Court is also aware from these proceedings that the legal problematic issue of the applicability of the ISPS code to their ships and in particular the position of the Danish and German authorities that is at odds with the Dutch stance are very well known to the captains of so-called traditional sailing boats from the Netherlands, the negligence of the Party Concerned arises in any event from the fact that he could not - as he asserted in his plea - at the latest after the ISPS Code had become legally valid on 12.12.2002, invoke a letter from the Federal Transport Ministry dated 03.02.1995 according to which the SOLAS Convention ought not to be applied to vehicles of this type. The onus of particular care was on the Party Concerned as skipper of the ship in adherence to the applicable safety provisions for his ship, his crew and the passengers. This also includes

Appendix 7.14 German Court Ruling - Translations and Original Text.

familiarising himself with the legal situation in force. This would have been readily possible and reasonable for him by making enquiries of the relevant authority.

IV

In accordance therewith the Party Concerned committed a misdemeanour at least negligently pursuant to §§ 12 Section 1 No. 1 See-EigensichV. 15 Section 1 No. 2 SeeAufgG.

According to Regulation 19.3 or 19.4 part A of the ISPS Code, an ISSC was to be carried on board and made available at all times for reviews.

Since the passenger ship "Pegasus" was on an overseas trip (between Denmark and Germany), the regulations of the SOLAS Convention of 1974 and of the ISPS Code of 2002 are applicable. Ships which are operated mainly under sails are as such not excluded from the applicability of the provisions. It can be left open whether ships that have only possibly bow thrusters and / or such a low rated engine that it can only serve as an auxiliary propulsion in the case of port manoeuvres, but not come into consideration as a possible main propulsion, are to be viewed as vehicles with no mechanical propulsion ("not propelled by mechanical means") and are to be excluded from the applicability of the regulations. Because contrary to the view of the Defence, this does not in any event apply to the Pegasus. This has a main engine with a performance of 176 kw and travels by machine scarcely slower than under sails. It is immaterial whether a ship that is equipped with a motor (that is not only a pure auxiliary motor, unsuitable as the main propulsion) is to be mainly propelled or is in fact propelled with this motor. There is no evident substantive reason for such a differentiation between ships that are, in addition to fully-fledged machine propulsion, also equipped with the option of sailing, and other motor-propulsion passenger ships - all the more so as many passenger sailing ships were originally not sailing ships at all, but instead had masts mounted only for this purpose (whereby less stringent safety requirements would then apply).

V.

Taking into consideration the significance of the misdemeanour, as well as the fact that the Party Concerned is only being charged with negligence, the Court has pronounced a fine of €500.00 which the Court is satisfied is reasonable and necessary for having an impact on the Party Concerned.

VI.

The order for costs is based on §§ 46 Section 1 OWiG, 473 Section 1 Clause 1 StPO.

██████████
Engrossed:

██████████
as Clerk of the Court

Appendix 7.14 German Court Ruling - Translations and Original Text.

OVERSÆTTELSE



Appendix 7.14 German Court Ruling - Translations and Original Text.



Hanseatisches Oberlandesgericht

3. afdeling for bødesager

Afgørelse

3 – 20/11 (RB)
3 Ss 38/11 OWi
218-20/10 OWi
7402 Js 119/10 OWi

I bødesagen

mod

[overstreget]
[overstreget]
[overstreget]
Forsvarer: Advokat [overstreget]

her vedrørende appel ("Rechtsbeschwerde") af dom afsagt af afdeling 218 ved Amtsgericht Hamburg den 22.12.10,

har Hanseatisches Oberlandesgericht i Hamborg, 3. afdeling for bødesager, den 27.06.11 ved

Sakuth, dommer ved Oberlandesgericht,

i henhold til § 80a, stk. 1, i den tyske lov om administrative forseelser, Ordnungswidrigkeitengesetz, OWiG, truffet følgende afgørelse:

Tiltaltes appel af dommen afsagt af Amtsgericht Hamburg, afdeling 218, den 22.12.10 afvises, idet sagsomkostningerne pålægges tiltalte.

Appendix 7.14 German Court Ruling - Translations and Original Text.

- 2 -

Præmisser: -**I.**

Amtsgericht Hamburg har ved dom af 22.12.10 idømt tiltalte en bøde på 500,- € for uagtsom overtrædelse af § 2, stk. 2, første punktum, nr. 3, i den tyske bekendtgørelse om søgående skibes egne sikringssystemer, See-Eigensicherungsverordnung, sammenholdt med regel 9.1.1 i kapitel XI-2 (ISPS-koden af 12.12.2002) i den internationale konvention af 1974 om sikkerhed for menneskeliv på søen, SOLAS 74/88.

Ifølge oplysningerne i dommen førte tiltalte som skibsfører passagersejlskibet "Pegasus", der sejlede under nederlandsk flag, fra Aerøköbing [Ærøskøbing] i Danmark til Kiel-Holtenau. Sejladsen fra den 20.9.2009 til den 24.9.2009, hvori deltog 16 betalende passagerer, gik fra Laboe over Holtenau, Kappeln, Lyø (Danmark) og Aerøköbing (Danmark) til Holtenau.

Sejlskibet "Pegasus" er en 36 meter lang tomastet klipper, der blev bygget i 1904. Efter at skibet i flere årtier havde tjent som sejlfragtskib, sejlede det herefter som motordrevet klipper uden master, indtil det i 1990 på ny blev ombygget til tomastet klipper og anvendt som passagersejlskib. Det har kapacitet til 43 personer som dagsgæster og op til 18 personer som overnattende gæster. Skibet er udstyret med en hovedmotor med en effekt på 176 kW. Den maksimale hastighed er 9 knob for sejl og 8 knob ved motorsejlad.

Om bord på skibet befandt sig ikke noget internationalt skibssikringscertifikat i overensstemmelse med regel 9, stk. 1.1, kapitel XI-2, SOLAS 1974 (International Ship Security Certificate - ISSC) og heller ikke noget tilsvarende foreløbigt certifikat. Tiltalte burde i det mindste have erkendt, at et sådant certifikat var påkrævet.

II.

Appellen, der kan antages til realitetsbehandling, er ubegrundet.

Amtsgericht har på uangribelig vis på grundlag af de fastslåede omstændigheder under inddragelse af yderligere indicier konkluderet, at skibet "Pegasus" jævnligt sejles med motor til hovedfremdrivning. Dermed er det omfattet af ISSC-koden,

Appendix 7.14 German Court Ruling - Translations and Original Text.

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som ikke er blevet overholdt.

For så vidt som det i appellens begrundelse gøres gældende, at denne faktiske omstændighed er fastslået fejlagtigt, må dette argument forkastes. Det tilkommer den ret, der skal træffe afgørelse om sagens realitet, at bedømme beviserne, og denne bedømmelse kan kun i begrænset omfang efterprøves under appelsagen. Der ses ikke at foreligge fejl i bevisbedømmelsen, der skal bedømmes ud fra dette kriterium. For så vidt som det gøres gældende, at der burde være draget andre konklusioner med hensyn til de faktiske omstændigheder, erstatter appellens begrundelse uberettiget den foretagne bevisbedømmelse med sin egen.

En efterprøvelse af påstanden om, at oplysningerne i præsentationen af "Pegasus" på internettet er forkerte, kan ikke gøres til genstand for et materielt klagepunkt. Her skulle det i stedet i et klagepunkt vedrørende sagens oplysning være påvist, at retten har undladt at inddrage andre beviser, som retten burde have været opmærksom på, og som ville have ført til et andet resultat. Et sådant anbringende er imidlertid ikke blevet fremsat.

Der er ikke grundlag for at kritisere Amtsgerichts betragtninger vedrørende det subjektive aspekt af handlingen og dens udtalelse vedrørende retsfølgerne. For at undgå gentagelser henvises til betragtningerne i den appellerede dom.

III.

Afgørelsen af omkostningsspørgsmålet sker på grundlag af OWiG's § 46, stk. 1, og § 473, stk. 1, første punktum, i den tyske lov om strafferetsplejen, Strafprozessordnung, StPO.

S a k u t h

[Retten's stempel]

Udskriftens rigtighed bekræftes

[sign.]

som dommerkontorets protokolsekretær

Appendix 7.14 German Court Ruling - Translations and Original Text.



Dommen er ikke retskraftig.

Amtsgericht Hamburg

Journal nr.:
218 OWi 20/10
7402 Js-OWi 119/10

Bedes anført i alle skriftlige henvendelser!

Dom
Thi kendes for ret

I bødesagen mod

[overstreget]
født den [overstreget]
i [overstreget]
adresse: [overstreget]

har **Amtsgericht Hamburg**,
afdeling 218, for bødesager
på retsmødet den 22. december 2010,
under medvirken af:

1. Dommer ved Amtsgericht [redacted]
som retsformand,
2. [redacted] /.
som embedsmand ved statsadvokaturen,
3. advokat [overstreget]
som forsvarer,
4. justitsassistent [redacted]
som dommerkontorets protokolsekretær

afsagt følgende dom:

Appendix 7.14 German Court Ruling - Translations and Original Text.

- 2 -

Tiltalte

idømmes

for uagtsom overtrædelse af § 2, stk. 2, første punktum, nr. 3, i den tyske bekendtgørelse om søgående skibes egne sikringssystemer, See-Eigensicherungsverordnung, sammenholdt med regel 9.1.1 i kapitel XI-2 (ISPS-koden af 12.12.2002) i den internationale konvention af 1974 om sikkerhed for menneskeliv på søen, SOLAS 74/88

en bøde på 500,- (fem hundrede) euro

Tiltalte bærer sagens omkostninger.

Anvendte bestemmelser:

§ 12, stk. 1, nr. 1, i den tyske bekendtgørelse om søgående skibes egne sikringssystemer, See-Eigensicherungsverordnung, See-EigensichV, § 15, stk. 1, nr. 2, i den tyske lov om forbundsstatens opgaver inden for søfarten, Seeaufgabengesetz, SeeAufgG, § 17 i den tyske lov om administrative forseelser, Ordnungswidrigkeitengesetz, OWiG.

Præmisser:

I.

Den [overstreget]-årige tiltalte er nederlandsk statsborger og arbejder som skibsfører på nederlandske passagersejlskibe.

II.

Den 24.9.2009 førte tiltalte som skibsfører passagersejlskibet "Pegasus", der sejlede under nederlandsk flag (registreringshavn: Groningen), fra Aerököbing [Ærøsköbing] i Danmark til Kiel-Holtenau. Sejladsen fra den 20.9.2009 til den 24.9.2009, hvori

Appendix 7.14 German Court Ruling - Translations and Original Text.

- 3 -

deltog 16 betalende passagerer, gik fra Laboe over Holtenau, Kappeln, Lyø (Danmark) og Aerøköbing (Danmark) til Holtenau.

Sejlskibet "Pegasus" er en 36 meter lang tomastet klipper, der blev bygget i 1904. Efter at skibet i flere årtier havde tjent som sejlfragtskib, sejlede det herefter som motordrevet klipper uden master. I 1990 blev skibet på ny ombygget til tomastet klipper, og "Pegasus" har siden da sejlet som passagersejlskib. Det har kapacitet til op til 43 personer som dagsgæster og op til 18 personer som overnattende gæster. Skibet er udstyret med en hovedmotor med en effekt på 176 kW. Den maksimale hastighed er 9 knob for sejl og 8 knob ved motorsejlad.

Om bord befandt sig en godkendelse som passagerskib i henhold til Rådets EU-direktiv 98/18/EF af 17.3.1998 om sikkerhedsregler og -standarder for passagerskibe, men ikke noget internationalt skibssikringscertifikat i overensstemmelse med regel 9, stk. 1.1, kapitel XI-2, SOLAS 1974 (International Ship Security Certificate - ISSC), og heller ikke et sådant foreløbigt certifikat. Tiltalte var bekendt hermed og vidste, at "Pegasus" ikke var certificeret i henhold til regel 2, stk. 1.1.1.1, kapitel XI-2, SOLAS 1974, sammenholdt med nr. 3.1.1.1 ISPS/A. Tiltalte burde i det mindste have erkendt, at et ISSC-certifikat var påkrævet.

Det er ikke foreneligt med de krav, som driften af "Pegasus" som passagerskib, der reserveres på forhånd af passagererne, indebærer, at skibet også under ugunstige vind- og vejrforhold sejler uden brug af motoren til periodevis hovedfremdrivning.

III.

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Forsvareren indrømmede i sin egenskab af repræsentant for tiltalte, der var fritaget fra forpligtelsen til personligt fremmøde, under domsforhandlingen ovenstående faktiske omstændigheder vedrørende sejladsen fra den 20.9.2009 til den 24.9.2009.

De øvrige skibsdata stammer fra præsentationen af skibet på internettet, som blev fremlagt ved oplæsning.

Retten er fra flere lignende tilfælde bekendt med, at passagersejlskibe som "Pegasus" jævnligt sejles med motor, når der er behov herfor, eksempelvis når en bestemt havn under ugunstige vindforhold (modvind eller vindstille) skal nås rettidigt, f.eks. med henblik på passagerers af- og påstigning. I den foreliggende sag er dette også blevet bekræftet af vidnet [overstreget], der i mange år har gjort tjeneste som tjenestemand ved kystpolitiet, bl.a. på den ydre del af Flensborg Fjord, et typisk område for nederlandske passagersejlskibe, og som har berettet, at det ifølge hans iagttagelser udelukkende afhænger af vejret, om disse skibe sejler for sejl eller med motor; mens ægte traditionelle skibe - der kun er udstyret med en hjælpemotor - under ugunstige forhold af og til ankommer med betydelige forsinkelser, er det ikke tilfældet med de nederlandske passagersejlskibe, har en fast ruteplan.

Uafhængigt af, at retten fra disse sager ligeledes er bekendt med, at kaptajnerne, de såkaldte traditionelle sejlere, fra Nederlandene har et indgående kendskab til den juridiske problematik om anvendelsen af ISPS-koden på deres skibe og navnlig den nederlandske holdning, der afviger fra de danske og tyske myndigheders, følger tiltaltes uagtsomhed under alle omstændigheder af det forhold, at han, senest efter at ISPS-koden af 12.12.2002 var trådt i kraft, ikke - som han gjorde gældende i sin forklaring - kunne påberåbe sig en skrivelse af

Appendix 7.14 German Court Ruling - Translations and Original Text.

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03.02.1995 fra det tyske trafikministerium, hvorefter SOLAS-konventionen ikke skulle anvendes på denne type fartøjer. I tiltaltes egenskab af skibsfører påhvilede det denne at udvise særlige omhu med hensyn til overholdelsen af de sikkerhedsforskrifter, der gjaldt for hans skib, hans besætning og passagererne. Dertil hører også at indhente information om den gældende retsstilling. Han havde uden videre med en rimelig indsats kunnet gøre dette ved at rette henvendelse til den ansvarlige myndighed.

IV.

Tiltalte har herefter i al fald uagtsomt begået en forseelse i henhold til See-EigensichV's § 12, stk. 1, nr. 1, og SeeAufgG's § 15, stk. 1, nr. 2.

Ifølge hhv. regel 19.3 og 19.4 i ISPS-kodens del A skulle et ISSC-certifikat medføres om bord på fartøjet og til enhver tid være til rådighed for en kontrol.

Da passagerskibet "Pegasus" befandt sig i international sejlads (mellem Danmark og Tyskland), finder reglerne i SOLAS-konventionen af 1974 og ISPS-koden af 2002 anvendelse. Skibe, der hovedsageligt sejles for sejl, er ikke som sådan udelukket fra bestemmelsernes anvendelsesområde. Det kan lades ubesvaret, om skibe, der eksempelvis kun er udstyret med bovpropel og / eller en motor, der er så svag, at den alene kan tjene som hjælpemotor i forbindelse med havnemanøvrer, men ikke kan komme i betragtning som muligt hovedfremdrivningsanlæg, skal anses for ikke mekanisk fremdrevne fartøjer ("not propelled by mechanical means") og skal undtages fra reglernes anvendelse. For modsat forsvarerens opfattelse gælder dette i al fald ikke for Pegasus. Skibet er udstyret med en hovedmotor med en effekt på 176 kW og sejler kun lidt langsommere for motor end for sejl. Det

Appendix 7.14 German Court Ruling - Translations and Original Text.

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afgørende er ikke, om et skib, der er udstyret med en motor (der ikke blot er en ren hjælpemotor, der er uegnet til hovedfremdrivning), overvejende skal drives eller rent faktisk bliver drevet af denne motor. Der ses ikke at foreligge nogen saglig grund til en sådan differentiering mellem skibe, der foruden et fuldt fungerende mekanisk fremdrivningsanlæg også kan sejle for sejl, og andre motordrevne passagerskibe - ikke mindst fordi mange passagersejlskibe oprindeligt slet ikke var sejlskibe, men først fik påsat master til dette formål (hvorved der gælder mindre strenge sikkerhedskrav).

V.

Henset til forseelsens betydning og den omstændighed, at tiltalte kun bliver foreholdt uagtsomhed, har retten fastsat en bøde på € 500,-, der efter rettens opfattelse er rimelig og nødvendig med henblik at gøre indtryk på vedkommende.

VI.

Afgørelsen af omkostningsspørgsmålet følger af OWiG's § 46, stk. 1, sammenholdt med § 463, stk. 1, i den tyske lov om strafferetsplejen, Strafprozessordnung, StPO.

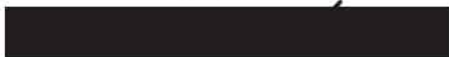
████████████████████
Udskriftens rigtighed bekræftes

████████████████████
som dommerkontorets protokolsekretær

Appendix 7.14 German Court Ruling - Translations and Original Text.

*Undertegnede translator,
Sussi Skov-Christensen,
bekræfter herved, at foranstående oversættelse
er en fuldstændig og nøjagtig gengivelse
af vedhæftede tyske tekst.*

København, den 27. september 2013



Appendix 7.14 German Court Ruling - Translations and Original Text.



**Hanseatisches Oberlandesgericht
3. Senat für Bußgeldsachen
Beschluss**

3 – 20/11 (RB)
3 Ss 38/11 OWi
218-20/10 OWi
7402 Js 119/10 OWi

In der Bußgeldsache

gegen

[REDACTED]

Verteidiger: Rechtsanwalt [REDACTED]

hier betreffend Rechtsbeschwerde gegen das Urteil der Abteilung 218 des Amtsgerichts Hamburg vom 22.12.10,

hat das Hanseatische Oberlandesgericht in Hamburg, 3. Senat für Bußgeldsachen, am 27.06.11 durch

Richter am Oberlandesgericht Sakuth

gemäß § 80a Abs. 1 OWiG beschlossen:

Die Rechtsbeschwerde des Betroffenen gegen das Urteil des Amtsgerichts Hamburg, Abteilung 218, vom 22.12.10 wird kostenpflichtig verworfen.

Appendix 7.14 German Court Ruling - Translations and Original Text.

— 2 —

Gründe:

I.

Das Amtsgericht Hamburg hat mit Urteil vom 22.12.10 gegen den Betroffenen wegen fahrlässigen Verstoßes gegen § 2 Abs. 2 S.1 Nr. 3 der See-Eigensicherungsverordnung i.V.m. Regel 9.1.1 des Kapitels XI-2 (ISPS-Code vom 12.12.02) des Internationalen Übereinkommens von 1974 zum Schutz des menschlichen Lebens auf See SOLAS 74/88, eine Geldbuße von 500,- € festgesetzt.

Nach den Urteilsfeststellungen führte der Betroffene das unter niederländischer Flagge fahrende Fahrgastsegelschiff „Pegasus“ als Schiffsführer von Aerököbing in Danemark nach Kiel-Holtenau. Die Fahrt vom 20.09. bis zum 24.09.09, an der 16 zahlende Fahrgäste teilnahmen, hatte von Laboe über Holtenau, Kappeln, Lyö (Dänemark) und Aerököbing (Dänemark) nach Holtenau geführt.

Bei dem Segelschiff „Pegasus“ handelt es sich um einen im Jahr 1904 gebauten 36 Meter langen Zwei-Mast-Klipper. Nachdem das Schiff mehrere Jahrzehnte als Segelfrachtschiff gedient hatte, war es anschließend als Motorklipper ohne Masten im Einsatz, ehe es 1990 wieder zum Zweimastklipper umgebaut und als Fahrgastsegelschiff eingesetzt wurde. Es ist für 43 Personen als Tagesgäste bzw. für bis zu 18 Personen als Mehrtagesgäste ausgelegt. Das Schiff ist mit einem Hauptmotor mit einer Leistung von 176 kw ausgerüstet. Die maximale Geschwindigkeit beträgt 9 Knoten unter Segeln und 8 Knoten bei Motorfahrt.

An Bord des Schiffes befand sich kein internationales Zeugnis über die Gefahrenabwehr an Bord eines Schiffes nach Regel 9 Abs. 1.1 Kapitel XI-2 SOLAS 1974 (International Ship Security Certificate – ISSC) und auch kein entsprechendes vorläufiges Zeugnis. Der Betroffene hätte zumindest erkennen können, dass ein solches Zeugnis erforderlich war.

II.

Die zulässige Rechtsbeschwerde ist unbegründet.

Appendix 7.14 German Court Ruling - Translations and Original Text.

— 3 —

Das Amtsgericht hat in nicht zu beanstandender Weise aus den Feststellungen unter Zuhilfenahme weiterer Indiztatsachen geschlossen, dass das Schiff „Pegasus“ regelmäßig unter Motor als Hauptantrieb gefahren wird. Damit unterliegt es dem ISSC-Code, dem hier nicht genügt wurde.

Soweit in der Beschwerdebegründung vorgetragen wird, dass dieser Sachverhalt fehlerhaft festgestellt worden sei, kann dem nicht gefolgt werden. Die Beweiswürdigung ist Sache des Tatgerichts und im Rechtsbeschwerdeverfahren nur eingeschränkt überprüfbar. An diesem Maßstab zu messende Fehler in der Beweiswürdigung sind nicht erkennbar. Soweit vorgetragen wird, es hätten andere Feststellungen getroffen werden müssen, ersetzt die Beschwerdebegründung die Beweiswürdigung des Tatgerichts in unzulässiger Weise durch eine eigene.

Die Überprüfung der Behauptung, die Angaben des Internetauftritts der „Pegasus“ seien falsch, ist der Sachrüge nicht zugänglich. Hier hätte vielmehr im Wege einer Aufklärungsrüge aufgezeigt werden müssen, dass es das Gericht versäumt hat, andere Beweismittel heranzuziehen, die sich ihm hätten aufdrängen müssen und die zu einem anderen Ergebnis geführt hätten. An einem solchen Vortrag fehlt es jedoch.

Die Erwägungen des Amtsgerichts zur subjektiven Tatseite und zum Rechtsfolgenauspruch sind nicht zu beanstanden. Zur Vermeidung von Wiederholungen wird auf die Ausführungen in dem angefochtenen Urteil Bezug genommen.

III.

Die Kostenentscheidung beruht auf §§ 46 Abs. 1 OWiG, 473 Abs. 1 Satz 1 StPO.



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Gegen den Betroffenen

wird wegen

fahrlässigen Verstoßes gegen § 2 Abs. 2 Satz 1 Nr. 3 der See-Eigensicherungsverordnung i.V.m. Regel 9.1.1 des Kapitels XI-2 (ISPS-Code vom 12.12.2002) des Internationalen Übereinkommens von 1974 zum Schutz des menschlichen Lebens auf See SOLAS 74/88

eine Geldbuße in Höhe von
500,- (fünfhundert) Euro

festgesetzt.

Die Kosten des Verfahrens trägt der Betroffene.

Angewendete Vorschriften:

§§ 12 Abs. 1 Nr. 1 See-EigensichV, 15 Abs. 1 Nr. 2 SeeAufgG, 17 OWiG.

Gründe:

I.

Der ~~30~~ Jahre alte Betroffene ist niederländischer Staatsangehöriger und arbeitet als Schiffsführer von niederländischen Fahrgastsegelschiffen.


II.

Am 24.9.2009 führte der Betroffene das unter niederländischer Flagge fahrende Fahrgastsegelschiff „Pegasus“ (Heimathafen: Groningen) als Schiffsführer von Aerököbing in Dänemark nach Kiel-Holtenau. Die Fahrt vom 20.9.2009 bis 24.9.2009, an der 16 zahlende Fahrgäste teilnahmen, hatte von Laboe über Holtenau, Kappeln, Lyö (Dänemark) und Aerököbing (Dänemark) nach Holtenau geführt.

...

Appendix 7.14 German Court Ruling - Translations and Original Text.

Das Urteil ist ~~nicht~~ rechtskräftig.



Amtsgericht Hamburg

Geschäfts-Nr.:
218 OWi 20/10
7402 Js-OWi 119/10

Bitte bei allen Schreiben angeben!

Urteil
Im Namen des Volkes

In der Bußgeldsache gegen

geboren am [REDACTED]
in [REDACTED] / [REDACTED],
wohnhaft: [REDACTED]

hat das **Amtsgericht Hamburg**,
Abteilung 218, für Bußgeldsachen
in der Sitzung vom 22. Dezember 2010,
an welcher teilgenommen haben:

1. Richter am Amtsgericht [REDACTED]
als Vorsitzender,
2. [REDACTED] ./.
als Beamter der Staatsanwaltschaft,
3. Rechtsanwalt [REDACTED]
als Verteidiger,
4. Justizangestellte [REDACTED]
als Urkundsbeamtin der Geschäftsstelle

für Recht erkannt:

...

Appendix 7.14 German Court Ruling - Translations and Original Text.

- 3 -

Bei dem Segelschiff „Pegasus“ handelt es sich um einen im Jahr 1904 gebauten 36 Meter langen Zwei-Mast-Klipper. Nachdem das Schiff mehrere Jahrzehnte als Segelfrachtschiff gedient hatte, war es anschließend als Motorklipper ohne Masten im Einsatz. 1990 wurde das Schiff wieder zum Zweimastklipper umgebaut und die „Pegasus“ wird seitdem als Fahrgastsegelschiff eingesetzt. Es ist für bis zu 43 Personen als Tagesgäste bzw. bis zu 18 Personen als Mehrtagesgäste ausgelegt. Das Schiff ist mit einer Hauptmotor mit einer Leistung von 176 kw ausgerüstet. Die maximale Geschwindigkeit beträgt 9 Knoten unter Segeln und 8 Knoten bei Motorfahrt.

An Bord befand sich eine Zulassung als Fahrgastschiff nach der EU-Richtlinie 98/18/EG des Rates vom 17.3.1998 über die Sicherheitsvorschriften und -normen für Fahrgastschiffe, jedoch kein internationales Zeugnis über die Gefahrenabwehr an Bord eines Schiffes nach Regel 9 Abs. 1.1 Kapitel XI-2 SOLAS 1974 (International Ship Security Certificate - ISSC) und auch kein vorläufiges solches Zeugnis. Dies war dem Betroffenen bekannt, der wusste, dass die „Pegasus“ nicht zertifiziert war gemäß Regel 2 Abs. 1.1.1.1 Kapitel XI-2 SOLAS 1974 i.V.m. Nr. 3.1.1.1 ISPS/A. Der Betroffene hätte zumindest erkennen können, dass ein ISSC erforderlich war.

Es ist mit den Erfordernissen, die der Betrieb der „Pegasus“ als von den Fahrgästen im Voraus gebuchtes Passagierschiff mit sich bringt, nicht vereinbar, dass das Schiff auch bei ungünstigen Wind- und Wetterverhältnissen ohne Nutzung des Motors als zeitweiligem Hauptantrieb fährt.

III.

...

Appendix 7.14 German Court Ruling - Translations and Original Text.

Der vorstehende Sachverhalt wurde bzgl. der Umstände der Fahrt vom 20.9.2009 bis 24.9.2009 von dem Verteidiger als Vertreter des Betroffenen, der von der Verpflichtung zum persönlichen Erscheinen entbunden worden war, in der Hauptverhandlung eingeräumt.

Die weiteren Schiffsdaten beruhen auf dem durch Verlesung eingeführten Internetauftritt des Schiffes.

Aus mehreren gleichgelagerten Fällen ist gerichtsbekannt, dass Passagiersegelschiffe wie die „Pegasus“ bei Bedarf regelmäßig unter Motor gefahren werden, wenn beispielsweise bei widrigen Windverhältnissen (gegenan oder Flaute) ein bestimmter Hafen etwa für einen Fahrgastwechsel termingerecht erreicht werden muss. Dies hat auch in vorliegendem Verfahren der Zeuge ████████ bestätigt, der seit Jahren als Beamter der Wasserschutzpolizei u.a. auf der Flensburger Außenförde, einem typischen Revier der niederländischen Passagiersegelschiffe, Dienst tut und berichtet hat, dass es nach seiner Beobachtung ausschließlich vom Wetter abhängt, ob diese Schiffe unter Segel oder unter Motor fahren; während echte - nur mit einem Hilfsantrieb ausgerüstete - Traditionsschiffe bei ungünstigen Verhältnissen auch mal mit erheblicher Verspätung einträfen, sei das bei den niederländischen Passagiersegelschiffen, die einen festen Fahrplan hätten, nicht der Fall.

Unabhängig davon, dass dem Gericht aus diesen Verfahren ebenfalls bekannt ist, dass die rechtliche Problematik der Anwendbarkeit des ISPS-Codes auf ihre Schiffe und insbesondere die von der niederländischen Haltung abweichende Auffassung der dänischen und deutschen Behörden den Kapitänen sog. Traditionsegler aus den Niederlanden sehr gut bekannt ist, ergibt sich die Fahrlässigkeit des Betroffenen jedenfalls daraus, dass dieser sich spätestens nach Inkrafttreten des ISPS-Codes vom 12.12.2002 nicht - wie er in seiner Einlassung geltend gemacht hat

...

Appendix 7.14 German Court Ruling - Translations and Original Text.

- 5 -

- auf ein Schreiben des Bundesverkehrsministeriums vom 03.02.1995 berufen konnte, nach dem das SOLAS-Übereinkommen nicht auf Fahrzeuge dieser Art angewendet werden sollte. Dem Betroffenen oblag als Schiffsführer besondere Sorgfalt bei Einhaltung der für sein Schiff, seine Besatzung und die Passagiere geltenden Sicherheitsvorschriften. Dazu zählt auch, sich über die geltende Rechtslage zu informieren. Dies wäre ihm durch eine Anfrage bei der zuständigen Behörde ohne weiteres möglich und zuzumuten gewesen.

IV.

Der Betroffene hat danach zumindest fahrlässig eine Ordnungswidrigkeit nach §§ 12 Abs. 1 Nr. 1 See-EigenschaftV, 15 Abs. 1 Nr. 2 SeeAufgG begangen.

Nach Regel 19.3 bzw. 19.4 Teil A des ISPS-Codes war ein ISSC an Bord mitzuführen und jederzeit für Überprüfungen verfügbar zu halten.

Da sich das Passagierschiff „Pegasus“ in der Auslandsfahrt (zwischen Dänemark und Deutschland) befand, sind die Regelungen des SOLAS-Abkommens von 1974 und des ISPS-Codes von 2002 anwendbar. Schiffe, die überwiegend unter Segeln betrieben werden sind als solche von den Anwendbarkeit der Vorschriften nicht ausgenommen. Es kann dahinstehen, ob Schiffe, die nur etwa über Bugstrahler und / oder einen so schwachen Motor verfügen, dass dieser lediglich als Hilfsantrieb bei Hafenmanövern dienen kann, als möglicher Hauptantrieb jedoch nicht in Betracht kommt, als Fahrzeuge ohne mechanischen Antrieb („not propelled by mechanical means“) anzusehen und von der Anwendbarkeit der Regelungen auszunehmen sind. Denn entgegen der Auffassung der Verteidigung gilt das für die Pegasus jedenfalls nicht. Diese verfügt über einen

...

Appendix 7.14 German Court Ruling - Translations and Original Text.

-6-

Hauptmotor mit einer Leistung von 176 kw und fährt mit Maschine kaum langsamer als unter Segeln. Es kommt nicht darauf an, ob ein Schiff, das mit einem Motor (der nicht nur ein als Hauptantrieb ungeeigneter, reiner Hilfsmotor ist) ausgerüstet ist, überwiegend mit diesem Motor angetrieben werden soll oder tatsächlich angetrieben wird. Es ist kein sachlicher Grund für eine solche Differenzierung zwischen Schiffen, die neben einem vollwertigen Maschinenantrieb auch mit der Möglichkeit zum Segeln ausgestattet sind, und anderen motorgetriebenen Passagierschiffen ersichtlich - zumal viele Passagiersegelschiff ursprünglich gar keine Segelschiffe waren, sondern erst zu diesem Zweck Masten aufgestellt bekamen (wodurch dann geringere Sicherheitsanforderungen gelten würden).

V.

Unter Berücksichtigung der Bedeutung der Ordnungswidrigkeit sowie des Umstandes, dass dem Betroffenen nur Fahrlässigkeit zur Last gelegt wird, hat das Gericht auf eine Geldbuße von € 500,- erkannt, die zur Überzeugung des Gerichts zur Einwirkung auf den Betroffenen angemessen und erforderlich ist.

VI.

Die Kostenentscheidung folgt aus § 46 Abs. 1 OWiG in Verbindung mit § 465 Abs. 1 StPO.



8. CORRESPONDENCE RECEIVED

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Note: The name and contact details of the individual respondents have been obscured for privacy reasons.

CORRESPONDENCE 8.1

Correspondence 8.1 Dutch Safety Board and MCIB response.

From: [REDACTED]
Sent: 12 August 2014 09:46
To: [REDACTED]
Cc: [REDACTED]
Subject: tall ship Astrid

Dear [REDACTED]

Thank you for the opportunity to comment on your draft report of the Investigation into the loss of the Sail Training Passenger Ship "Astrid" on 24th July, 2013. The Dutch Safety Board has no further comments on the draft report.

Hope to have informed you correctly by this email.

With kind regards,



Visitingaddress
Anna van Saksenlaan 50
2593 HT The Hague

Postaddress
P.O. Box 95404
2509 CK The Hague

www.onderzoeksraad.nl

MCIB RESPONSE:
The Board notes the contents of this observation.

Correspondence 8.2 Irish Sailing Association and MCIB response.



Irish Sailing Association
3 Park Road, Dun Laoghaire, Co Dublin, Ireland
T: +353 (0)1 2800239
E: info@sailing.ie W: www.sailing.ie

██████████
Secretariat
Marine Casualty Investigation Board
Leeson Lane
Dublin 2

18 August 2014

Re: Draft Report of the investigation into the loss of the Sail Training Passenger Ship "Astrid" on 24th July 2013

Dear ██████████

I am in receipt of your letter dated 8th August 2014 and the Draft Report of the investigation into the loss of the Sail Training Passenger Ship "Astrid" on 24th July 2013.

I have read this report carefully and noted in particular the recommendations therein.

I have no further comment to make other than to commend the Irish Emergency Services in their professionalism and training, which lead to the recovery of all persons on board without injury.

Yours sincerely,

██████████

Chief Executive

MCIB RESPONSE:
The Board notes the contents of this observation.

Correspondence 8.3 Master of the “STV Astrid” (Page 1) and MCIB response.

Dear [REDACTED]

In this email, our reaction about your report Astrid ref. MCIB/12/232.

Please note: The MCIB responses to the numbers referred to are those of the completed published report.

2.1 Ships Certificates

Register Holland, as a national classification society, issues only national safety certificates. All international certificates for the Astrid (Marpol, ILLC, SPS, 98/18, etc) are issued by the NSI.

2.3 Application of legislation

Ireland and the Netherlands are both EU Member States. Within the European Community EU law applies. SOLAS is not EU law. For intra European voyages with ships flying the Flag of a European Member State, Council Regulation (EEC) No 4055/86 applies according to the European Commission^[1]. To quote the Commission:

“There is no European measure laying down harmonised rules for the certification of ships engaged on international voyages. Therefore, the Member States are in principle free to impose the safety rules they see fit on these ships, within the limits of European law.”

The Netherlands and almost all other Member States have set up dedicated rules for ‘these ships’. The Dutch national Rules for Sailing vessels are EU notified.

The fact that the 2009/45 certificate had expired is irrelevant to the case.

The EU Passenger Directive does not apply to sailing vessels^[2]. Sailing vessels however may choose to comply voluntarily with these regulations. This does not implicate that the ship does not belong to the exempted category.

3.1 Actions by Emergency services

3.1 We have not doing a blind transmission we ask only the organisation [of the Tall Ship race] if they can help us after that the whole procedure is in good faith taking over by a yacht skipper see above.

3.2.1 The life rafts where not out of date we have a window of two months and they next survey was planned on the end of July 2013 like the whole survey of stv Astrid.

4 Analysis

4.1

- Since the analysis is based on a faulty legal assumption (see above) all remarks about the certification mentioned under 4.1 should be stricken from the report.
- The MCIB report misquotes the German Court Ruling. The German Court did not rule that ‘the ships’ (plural) should comply with the SOLAS Convention as is stated in the MCIB report. The German Court ruled that the ship Pegasus (singular) should comply with Chapter XI of SOLAS and the ISPS Code. The German Court, instead of referring to SOLAS, should have referred to Regulation No 725/2004. The ISPS Code, in contrast with the SOLAS Convention, is implemented in European law through this regulation and is the only proper legal framework here.

^[1] Certification of passenger ships: the Commission sends reasoned opinion to Denmark
European Commission - IP/12/169 27/02/2012

^[2] Answer given by Mr Tajani on behalf of the Commission, 1 october 2008 (P-4724/2008)

MCIB RESPONSE:

The Board notes this observation and refers back to Section 2.2 of the report.

MCIB RESPONSE:

The reference to Council Regulation 4055/86 is noted. However, this is not considered relevant as that regulation relates to the internal market and the freedom to provide maritime transport services and that they may not be restricted based on the flag of a ship. Ireland notes this and Ireland does not restrict market access based on flag. Ireland, as do other EU states, simply requires all ships to be operated safely and in accordance with the maritime safety legislative requirements.

MCIB RESPONSE:

The Board does not agree with this observation, and reiterates the matters set out in Section 2.4 of the report.

Correspondence 8.3 Master of the “STV Astrid” (Page 1 repeated) and MCIB response.

Dear [REDACTED]

In this email, our reaction about your report Astrid ref. MCIB/12/232.

Please note: The MCIB responses to the numbers referred to are those of the completed published report.

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Register Holland, as a national classification society, issues only national safety certificates. All international certificates for the Astrid (Marpol, ILLC, SPS, 98/18, etc) are issued by the NSI.

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MCIB RESPONSE:
The Board does not agree with this observation and refers to the transcript at 2.6 in the report.

MCIB RESPONSE: A time window only exists when it is issued by the Flag State and documentation must be presented to verify this. No such document has been presented, therefore the Board concludes the liferafts were out of date as stated in Section 3.2.1.

MCIB RESPONSE:
The Board notes the observation but does not agree and the Board reconfirms its analysis in Section 4.1.

^[1] Certification of passenger ships: the Commission sends reasoned opinion to Denmark European Commission - IP/12/169 27/02/2012

^[2] Answer given by Mr Tajani on behalf of the Commission, 1 october 2008 (P-4724/2008)

Correspondence 8.3 Master of the “STV Astrid” (Page 2) and MCIB response.

The German Court ruling however came before the start of the European Infringement procedure against Denmark (see foot note 1). The owner of the Pegasus at the time was not aware of the position of the European Commission and was, we can safely say now, badly advised. The German Court however should have known better.

- The reference to the Passenger Liability Certificate is not relevant. The Athens Convention has its own scope and application. One should not mix definitions of one regulation with the other convention, even if they appear similar.
- The MCIB report mentions “considerable confusion” about the certification of the Astrid. There shouldn’t be. European law is quite clear about what is required and what is not, as we have explained above.

The Astrid did not ‘try’ to comply with contradictory regimes, nor did the NSI ‘attempt’ to exempt the Astrid from SOLAS, as is stated in the MCIB report.

The Astrid was (at the time of certification) in full compliance with the SPS Code (<500 GT). The Astrid was (at the time of certification) in full compliance with DR 2009/45 for existing passenger ships in Zone C waters.

The Astrid was (at the time of certification) in full compliance with Dutch national rules for seagoing sailing vessels.

The Astrid under Dutch law must comply with national rules for sailing vessels only and voluntarily complied with the Directive and the SPS Code. The only reason for the voluntary extra certificates is that there are no Common rules for sailing vessels and almost all European Maritime Nations have their own dedicated national safety regimes for these ships^[3] but have difficulties in accepting the regimes of others. The voluntary application to additional safety regimes (and the burden of the extra costs for the owner) is only to make Port State Control Procedures easier and to give in to local preferences even as, from a purely judicial point of view, these certificates should not be necessary.

- 4.6 The ISM Code is (in contrast with the SOLAS Convention) implemented in European law through Regulation (EC) No 336/2006. The regulation however exempts ships not propelled by mechanical means. Since the Astrid is designed and built as a sailing vessel, the Regulation does not apply (a view point not only held by the Dutch Government but also by the European Commission).
- 4.7 The Astrid can always drop two anchors, also when there is no power from electricity. My opinion was that all the ships around me can help me so for that reason I don’t drop the anchors but that was a misunderstanding. So we were too late to drop the anchors.
- 4.8 The life rafts are every year surveyed by the biggest company in the world so I don’t think that they are out of date. They have also a window off two months.
- 4.9 As explained above, the Astrid was not certified as a SOLAS passenger ship, nor should it be.

^[3] Germany, the UK, Denmark, Norway, Finland, Spain, Portugal, Poland, Estonia, The Netherlands, Greece, Sweden

MCIB RESPONSE:
The MCIB have confirmed from the official translation of the German Court Ruling that the word is ‘Ships’ not Ship. “Ships which are operated mainly under sails are as such not excluded from the applicability of the provisions”. Please see Appendix 7.14 Page 96 + 115 which is the official translation of the German Court

MCIB RESPONSE:
The MCIB notes this observation and considers the reference to the Passenger Liability Certificate is relevant as it states that a Passenger Liability Certificate can only be issued to a passenger ship.

MCIB RESPONSE:
The Board notes this observation and reiterates that there was confusion relating to the certification of the “STV Astrid” as set out in Section 4.1 of the report.

Correspondence 8.3 Master of the “STV Astrid” (Page 2 repeated) and MCIB response.

The German Court ruling however came before the start of the European Infringement procedure against Denmark (see foot note 1). The owner of the Pegasus at the time was not aware of the position of the European Commission and was, we can safely say now, badly advised. The German Court however should have known better.

- The reference to the Passenger Liability Certificate is not relevant. The Athens Convention has its own scope and application. One should not mix definitions of one regulation with the other convention, even if they appear similar.
- The MCIB report mentions “considerable confusion” about the certification of the Astrid. There shouldn’t be. European law is quite clear about what is required and what is not, as we have explained above.

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The Astrid under Dutch law must comply with national rules for sailing vessels only and voluntarily complied with the Directive and the SPS Code. The only reason for the voluntary extra certificates is that there are no Common rules for sailing vessels and almost all European Maritime Nations have their own dedicated national safety regimes for these ships^[3] but have difficulties in accepting the regimes of others. The voluntary application to additional safety regimes (and the burden of the extra costs for the owner) is only to make Port State Control Procedures easier and to give in to local preferences even as, from a purely judicial point of view, these certificates should not be necessary.

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- 4.8 The life rafts are every year surveyed by the biggest company in the world so I don’t think that they are out of date. They have also a window off two months.
- 4.9 As explained above, the Astrid was not certified as a SOLAS passenger ship, nor should it be.

MCIB RESPONSE:
The Board recognises that the Regulation exempts ships not propelled by mechanical means, however, the “STV Astrid” was being propelled by mechanical means thus the Regulation applies and reiterates the statement in Section 4.6 in the report.

MCIB RESPONSE:
The Board notes this observation.

MCIB RESPONSE:
The Board notes this observation but refers to its response to 3.5.1.

MCIB RESPONSE:
The Board notes this observation but refers to its response to 4.1.

^[3] Germany, the UK, Denmark, Norway, Finland, Spain, Portugal, Poland, Estonia, The Netherlands, Greece, Sweden

Correspondence 8.3 Master of the “STV Astrid” (Page 3) and MCIB response.

4.12 The anchor watches. The watches do we always together with our trainees. Everybody they have duty from the crew is available and responsible during this watch and all trainees know this.

MCIB RESPONSE:
The Board notes this observation and refers to Section 4.12 of the report.

5 Conclusions

5.1 The report is not correct. We have make a lot of attention about the water in the full tanks in Brighton. We spend with more than 10 people a whole day en evening to clean everything and controlling everything. After that we sailing without any problems to Cork. The big problem wash that another tank is also fill up with water that I don't know that was the problem but not that we have not doing everything to control this.

MCIB RESPONSE:
The Board notes this observation however does not agree. The Board refers back to Narrative in Section 3 which clearly sets out the sequence of events in relation to the contamination of fuel and on which conclusion 5.1 is based.

5.2 Passage planning for 5 miles sailing was more than enough that day.

5.3 What about the mayday procedure, we have doing every thing correct. We ask in the first the organisation if they can help us and after that there was a very friendly skipper take over the procedure after asking of he is professional enough, so what is wrong on this? It was a very good solution on that moment.

MCIB RESPONSE:
The Board notes this observation and refers back to the Narrative in Section 3.3 and also the Analysis at 4.2 and 4.3 and reconfirms its Conclusion of 5.2.

5.6 As explained above, the Astrid was not certified as a SOLAS passenger ship, nor should it be. The MCIB report, by repeatedly mentioning that the ship should be certified as a SOLAS Passenger ship, implies that the ships certification (the safety requirements it has to comply with) played a role in the sinking of the Astrid. But the report fails to make clear what technical SOLAS requirements could have prevented the sinking of the Astrid apart from the positive effects of an implied safety management system (ISM).

Dutch national Rules for sailing vessels provide an equivalent level of safety to SOLAS. Dutch national rules for sailing vessels in many aspects go further than SOLAS. Additional requirements apply to the rigging and stability under sail for example.

EMSA has done a recent investigation in to the Dutch and other national rules for sailing vessels and could shed more light on the equivalence.

MCIB RESPONSE:
The Board notes this observation and refers back to the Factual Information at 2.6, Narrative at 3, Analysis at 4.5 and reconfirms Conclusion at 5.3.

5.7 see above

6 Recommendations

6.1 As explained above SOLAS does not apply and SOLAS could not have prevented the sinking of the Astrid.
It may however be a recommendation to strive for a European common approach to the certification of sailing vessels. It could contribute to understanding that sailing vessels need a dedicated approach and should be treated differently from 'conventional' passenger ships.



Correspondence 8.3 Master of the “STV Astrid” (Page 3 repeated) and MCIB response.

- 4.12 The anchor watches. The watches do we always together with our trainees. Everybody they have duty from the crew is available and responsible during this watch and all trainees know this.

5 Conclusions

- 5.1 The report is not correct. We have make a lot of attention about the water in the full tanks in Brighton. We spend with more than 10 people a whole day en evening to clean everything and controlling everything. After that we sailing without any problems to Cork. The big problem wash that another tank is also fill up with water that I don't know that was the problem but not that we have not doing everything to control this.
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EMSA has done a recent investigation in to the Dutch and other national rules for sailing vessels and could shed more light on the equivalence.

- 5.7 see above ←

6 Recommendations

- 6.1 As explained above SOLAS does not apply and SOLAS could not have prevented the sinking of the Astrid.
It may however be a recommendation to strive for a European common approach to the certification of sailing vessels. It could contribute to understanding that sailing vessels need a dedicated approach and should be treated differently from 'conventional' passenger ships.

MCIB RESPONSE:
The Board notes the observation and refers back to the Board's response at 4.1.

MCIB RESPONSE:
The Board notes the observation and refers back to the Board's response at 4.1.

MCIB RESPONSE:
The Board reiterates the status of certification as stated in Sections 2.2 and 2.4 of the report.

Correspondence 8.3 Master of the “STV Astrid” (Page 4) and MCIB response.

I would also like to respond to the situation as it really happened.

First of all, the certificates were checked before we started this trip. All the authorities said we could sail this trip and that we would have a two months window so we sailed and planned a survey after this trip.

Page 14 in the middle: The ISA rib with his 90 hp engine was sailing behind us, I asked him to push my bow to windward so we can sail away from the rocks. He sailing to my bow very slow and come to me stern without pushing anything. He was afraid that he damage his rib that is what he say to me. My answer was, than I buy a new rib for you it is cheaper than a new Astrid. The ship was not rolling a lot because of the standing sails, but his answer was now I will tow you but every one knows towing with a rib is horrible but we are on that moment maybe 50 metres from the rocks so there was not a lot of time available. The towing operation was a disaster he was afraid that the towing line is coming in his propeller and he ask more line so my mate give him more line on that moment he give full power so we lost the line, he never tow us and that was the end. After that we are so close to the rocks so we let the sails down and we prepare us for the saving of our trainees and crew. In the time that we discussed with the skipper of the rib there was a sport fishing boat with a big inboard engine and I ask him can you take a line of us so that you can tow us wind wards but his answer was, too dangerous for us??? My opinion was on that moment nobody want to help us only make photos and movies from our spectacular stranding.

Than what about MRCC, In the first time that we know that we have a black out in the engine room we ask the organisation to help us. Nobody is answer us. In the second time there was a sailing skipper, he ask us by vhf to do the may day procedure. I ask him can you do that and are you professional. He say I can do that for you so he do the whole may day procedure. So we have more time to try saving the ship and for saving trainees and crew on that moment. That moment there was no panic at all and everybody was calm and save on the poop deck. The first life boat was a rib and they ask us what they can do so I say take over the trainees and bring them to another ship. So the first six or seven people jumping over but this was not a save action so I make the decision that we throw a life raft over board so me and the my mate do this. In that time there was also one man of the RNLI on board of the Astrid to help us but the whole operation was coordinating by the crew of the Astrid.

So you can see is here under my Masters Statement.

Kaiteinsverklaring n.a.v. op de rotsen lopen nabij Kinsale Ierland van Tall Ship Astrid op 24 07 2012.
Planning voor 24 07 2013: van de ankerpositie in de Bay of Oysterhaven naar Kinsale varen als vlaggenschip van een klein konvooi.

Weer: wind zuid 5 6 bft, bewolkt, lichte regen, goed zicht

Zee: aanschietend uit zuid met ca. 2 3 mtr golfhoogte, stroom uit het zuiden ca 2 mijl

Op wacht: kapitein en vaste bemanning plus 'wacht' van de trainees

10:30 Conform standard procedures schip klaar gemaakt voor zee, inclusief machinekamer check, check aan dek en op de brug. Geen bijzonderheden. 10:45 anker opgehaald en op de motor langzaam de baai uitgevaren richting zuid met ca 2 knopen SOG. De motor draaide halve kracht met zo'n 800 toeren. Er waren 10 tot 15 kleinere zeiljachten en enkele Rib's die met ons meevoeren naar Kinsale. Naast Soevereign Rock en vrij van de kust zijn we stuurboord uitgegaan en hadden we halve wind zodat we in de gelegenheid waren om stagzeilen te zetten. Als eerste zeil hebben we het grootstengestagzeil gehesen daarna voorstengestagzeil en daarna de buitenkluiver. Met deze zeilvoering konden we naar de volgende baai varen om

MCIB RESPONSE:
The Board notes this observation.

MCIB RESPONSE:
The Board notes this observation.

Correspondence 8.3 Master of the "STV Astrid" (Page 5) and MCIB response.

daar enkele ra zeilen te zetten als de wind meer achterlijker zou worden. Ca. 11.30 uur 10 minuten na het zeilen hijsen begon de hoofdmotor te sputteren om vrij direct daarna er geheel mee te stoppen. Direct opdracht gegeven om de spanker te hijsen. We voeren toen geschat 100 mtr uit de kust. Op dat moment werden we door de golven en de zeegang snel richting kust gedreven. Een schipper van een yacht bood hulp dmv de 'mayday procedure' op te starten. Ik heb hier gretig gebruik van gemaakt want ik en mijn bemanning waren druk doende om het schip vrij te zeilen van de rotsen. Met de gehesen zeilen konden we parallel aan de rotsen zeilen met ca 2 knopen. De bedoeling was om overstag te gaan en van de rotsen weg te zeilen. Helaas konden we geen snelheid genoeg maken om door de wind te draaien. Verscheidende pogingen om naast ons varende voertuigen aan te zetten tot hulp, zoals de kop door de wind te draaien, mislukten. Ca. 11.45 uur. Ik had speciaal nog geen anker uitgegoid om reden dat ik dacht dat deze mensen wel in staat zouden zijn mij te helpen maar helaas. Inmiddels waren wij nog maar tien meter van de rotsen verwijderd en vond ik het geen goed idee meer om een anker uit te gooien. Ik heb me toen geconcentreerd op de trainees en mijn crew en het redden daarvan. Ca. 11.50 uur. Voordat het schip de rotsen de eerste keer raakte waren alle trainees en de crew verzameld met zwemvesten op het achterdek conform geofende procedure. De eerste reddingsboot, een kleine Rib, was inmiddels ter plaatse en bood ons assistentie, Ik heb hem gevraagd om de trainees over te nemen en deze naar een ander schip te brengen. De eerste zes a zeven trainees zijn hier over gesprongen op de reddingsrib maar dit was een zeer gevaarlijke situatie, met golven van 2-3 mtr. kwam soms de boeg van de rib over ons schip heen. Daarom direct besloten om een reddingsvlot overboord te zetten. Zo hebben we de over gebleven trainees veilig overgezet in het reddingsvlot en 5 minuten later was iedereen in het vlot. Als laatste ben ik in het vlot gesprongen. De reddingsboten uit Cork waren inmiddels gearriveerd en de Rib heeft ons daarna toe gesleept en overgezet op de reddingsboot van Cork die ons vervolgens in Kinsale aan de kant heeft gezet. Dit alles heeft zich binnen een half uur afgespeeld, maar de opluchting dat er niemand gewond is geraakt of erger was mijn doel en dat doel was op dat moment bereikt en was ik heel blij mee.

Aldus naar waarheid opgesteld te Kamperland op 30 07 2013

Correspondence 8.3 Master of the “*STV Astrid*” (Page 6) and MCIB response.
Master’s statement translated from Dutch to English by the MCIB.

Please find below my Master’s Statement.

Statement of the Ship’s Master following the incident near Kinsale, Ireland on 24 July 2012, in which tall ship *Astrid* hit rocks.

Plan for 24-07-2013: to sail from anchor position in the Bay of Oysterhaven to Kinsale as flagship of a small convoy.

Weather: wind-force 5–6 south, cloudy, light rain, visibility good.

Sea: rising sea from the south with wave heights approximately 2-3 m, current from the south approximately 2 miles.

On watch: ship’s master and permanent crew, plus a trainee ‘watch’.

10:30 hours. In accordance with standard procedures, the vessel was made ready for sea, which included a check of the engine room, the deck and the bridge. No particulars.

10:45 hours. The anchor was raised and the vessel sailed slowly under engine from the bay into a southerly direction at approximately 2 knots SOG. The engine was running at half of its power at approximately 800 rpm. About 10 to 15 smaller sailing yachts and some RIBs sailed along with us to Kinsale. When we were level with Sovereign Rock and away from the shore, we turned starboard and had the wind on the beam so that we were able to raise the staysails. The first sail that we raised was the fisherman staysail, then the fore-topmast staysail and finally the outer jib. With these sails raised, it was possible to sail to the next bay where we could raise some square sails when the wind would become more abaft.

Approx. 11.30 hours. Ten minutes after the sails were raised, the main engine started to sputter and very soon stopped altogether. The command to raise the mizzen was given immediately. We were then approximately 100 m from the shore. At that moment, the waves and swell pushed us into the direction of the shore. The skipper of a yacht offered to help by initiating the ‘mayday procedure.’ I gratefully accepted his offer because my crew and I were busy sailing the ship away from the rocks. With the sails raised, we would be able to sail parallel to the rocks at approximately 2 knots. It was the intention to gybe and sail away from the rocks. Unfortunately, we were unable to make enough speed to change tack. Several attempts to get help from vessels sailing alongside us, such as rounding up in the wind, failed.

Approx. 11.45 hours. I had not yet cast an anchor, because I thought that these people would be able to help me, but alas. In the meantime, we were only ten meters from the rocks, and I no longer thought that it would be a good idea to cast an anchor. I then focused on the trainees and my crew, and saving them.

Approx. 11.50 hours. Before the vessel hit the rocks for the first time, all trainees and crew had assembled with their life jackets on the afterdeck in accordance with practiced procedures. In the meantime, the first lifeboat, a small RIB, had arrived on the scene and offered assistance. I asked them to take the trainees on board and take them to another vessel. The first six or seven trainees jumped across to the lifeboat RIB, but this was a very dangerous situation with 2-3 m waves crashing over the bow of the RIB onto our vessel. Therefore, it was decided to throw a life raft overboard. We then safely transferred the remaining trainees into the life raft, and 5 minutes later, everybody was in the life raft. I was the last one to jump into the life raft. In the meantime, lifeboats from Cork had arrived, and the RIB towed us to the lifeboats and transferred us to the Cork lifeboat, which took us ashore in Kinsale. All this took place within half an hour. My objective was to make sure that no one would be injured or worse, and at that moment I was relieved that I had achieved that objective, and I was very happy with that.

Truthfully drawn up in Kamperland on 30-07-2013.

Correspondence 8.4 An Garda Síochána and MCIB response.



MCIB RESPONSE:
The Board notes the observations in this letter.

Correspondence 8.5 At Sea Training and MCIB response.

From: [REDACTED]
Sent: 22 August 2014 12:48
To: Marine Casualty Investigation Board
Subject: MCIB/12/232

Dear [REDACTED]

First of all my apologies for the delay in answering your email. As the report was sent during the summer holidays, I was not able to seek legal advice in an earlier stage.

I have received the report and read the content. I would like to state specifically that I have not been able to look into the report in detail and cross check facts in the report.

My first question is regarding the relevance of mentioning our organization and the National Sail Training Organizations (NSTO's). In my opinion it is not important for the report on the accident with the Tall Ship Astrid where the trainees come from and how they have booked their voyage. As references:

[This link](#) gives the fundamental principles governing the investigation of accidents in the maritime transport sector. No reference is made to how the cargo/ passengers/ trainees is organized.

Also in your own report on the Asgard II, there is no reference on the Coiste on Asgard, who placed the trainees on board, only of the ownership and type of contract used for the placement of the trainees.

In the attached document, you will find an example of the contract sent by At Sea Sail Training to the trainees. For reasons of privacy of the trainees, I have made this contract on my own name. In the contract you can see, that we act on behalf of the owners of the Astrid. At Sea Sail Training is a booking agency. I have also attached the terms and conditions, which will make clear to you that we act on behalf of the owners. Also that the responsibility of compliance with the regulations is the responsibility of the ship owners.

I would like to ask the board to reconsider the mentioning of the booking agency and the NSTO's in the report. If the board decides not to take the references out, At Sea Sail Training needs more time to go into detail in the report, to check facts and give the MICB our comments. As we would need time to investigate.

Having requested and stated the above, I do would like to add that both At Sea Sail Training and the NSTO's are very interested in the report, to improve our operation. As booking agency it is our policy to select our vessel carefully. For example, we request annual copies of the P & I insurances of the vessels. Even do so there is no legal basis to check certification or for example life rafts, we are investigating which other information we can request from the vessels we work with.

If you would like to discuss the above with me, you reach me on mobile n [REDACTED]

With kind regards,
[REDACTED]

MCIB RESPONSE:
The Board notes this observation but is obliged in accordance with Directive 2009/18/EC of the European Parliament and of the Council of 23rd April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council to cover all aspects in relation to the investigation.

These recommendations address national sail training organisations in general and not to individually named organisations and the Board has amended the report accordingly.

Correspondence 8.5 At Sea Training and MCIB response.

at sea SAIL TRAINING

[REDACTED]

Amsterdam, 19-10-2013

Dear [REDACTED]

Herewith you receive the contract and invoice concerning the sail training voyage you booked with At Sea Sail Training on the Astrid. Your booking will be made final as soon as At Sea Sail Training has received a signed copy of the contract.

We would like your attention for the medical form, which is attached to your contract. Please file it and return it to us. Your information will be handled with care and only given to the ships doctor.

Please feel free to contact us in case you have any questions.

Kind regards,
[REDACTED]

[REDACTED]

Groen van Pijnsteerstraat 40-3, 1051EN Amsterdam, The Netherlands
Office: 0031 20 686 0462 monique@seesailtraining.com www.seesailtraining.com
Bank account: 9349588 BIC/SWIFT: INCB NL2A IBAN: NL90 INCB 0009349588 KVK: 34175373 BTW: 1780 05 691 B01

Correspondence 8.5 At Sea Training and MCIB response.



Concerning: Contract nr 9688

Amsterdam, 19-10-2013

At Sea Sail Training on behalf of the vessel owner and



here after referred to as trainee, agree that trainee will participate in the following sail training voyage:

Voyage number **AS07049** on sailtraining vessel **Astrid**.

Date Embarkation	Port Embarkation	Time Embarkation
14-07-2013	Southampton (UK) - Kinsale (IE)	16:00 uur

Date Disembarkation	Port Disembarkation	Time Disembarkation
28-07-2013	Cherbourg (FR)	10:00 uur

The voyage fee will be €450,00. With this fee is included: 0% VAT, full pension, not included are: transfers, drinks at the bar, excursions ashore, towels.

Changes in sailing schedule can be made. At Sea Sail Training is not responsible for any changes in the sailing schedule of Sail Training Ship ASTRID. IMPORTANT: You need to have a health insurance and travel insurance. Please arrange this as soon as you have sent the contract back.

Should your travel schedule cause you to arrive before the voyage start time you are welcome to store your bags aboard the ship and return for the Captain's introduction. If your travel schedule means you will join your ship later then the start time please inform At Sea Sail Training in advance via info@seasailtraining.com.

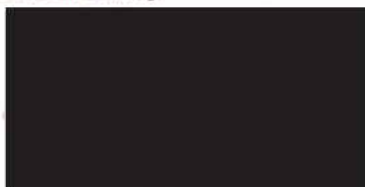
Correspondence 8.5 At Sea Training and MCIB response.

at sea SAIL TRAINING

Trainee is familiar with the general conditions of At Sea Sail Training, which can be downloaded from the web site of At Sea Sail Training; www.atseasailtraining.com.
The booking will be final when At Sea Sail Training has received the signed contract.

At Sea Sail Training,

Trainee,



Groen van Pinsterersbaat 40-3, 1051 EN Amsterdam, The Netherlands
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Correspondence 8.5 At Sea Training and MCIB response.

**Health statement**

As a trainee, we expect you to take responsibility regarding the safety of yourself and other persons on board. Insufficient mental or physical health may create undue risks not only to yourself. It's essential to realize that illness or accidents may also threaten the safety of other trainees and crew and may seriously disrupt the sailing program of the vessel.

If you have any doubts concerning your fitness for a sea voyage on a sailing and rolling ship you are urgently requested to first seek your doctor's advice.

To avoid misunderstandings, we ask you to answer the following questions truthfully and return this signed form to us, together with the signed contract.

Do you need help in climbing stairs or taking thresholds of 60 cm (2 ft.)?	<input type="radio"/> yes	<input type="radio"/> no
Are you by experience very prone to motion sickness or sea sickness?	<input type="radio"/> yes	<input type="radio"/> no
Do you have diabetes?	<input type="radio"/> yes	<input type="radio"/> no
If yes, do you need injections?	<input type="radio"/> yes	<input type="radio"/> no
Do you have any respiratory problems, e.g. Asthma?	<input type="radio"/> yes	<input type="radio"/> no
Do (or did) you have any psychological / psychiatric problems?	<input type="radio"/> yes	<input type="radio"/> no
If so, have you been listed for this?	<input type="radio"/> yes	<input type="radio"/> no
Do you have any heart or vascular problems?	<input type="radio"/> yes	<input type="radio"/> no
Do you have (a form of) epilepsy?	<input type="radio"/> yes	<input type="radio"/> no
Do you have an increased risk for infections or did you have radio- or chemotherapy in the past 2 years?	<input type="radio"/> yes	<input type="radio"/> no
Have you been denied a driver's license on medical grounds?	<input type="radio"/> yes	<input type="radio"/> no
Do you use anticoagulants (blood thinners)?	<input type="radio"/> yes	<input type="radio"/> no
Are you pregnant?	<input type="radio"/> yes	<input type="radio"/> no
Are there any other medical conditions which we should be notified of? (e.g. Allergies) If so, please note medications below.	<input type="radio"/> yes	<input type="radio"/> no
What's your length in centimetres?		cm
What's your weight kilo's?		kg

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Correspondence 8.5 At Sea Training and MCIB response.



This is the complete list of my medication including dosage:

.....
.....
.....
.....

Known allergies:

.....

By signing this Health Statement I declare to have answered these questions truthfully and that I am aware off and agree with the requirements and considerations mentioned above. I'm aware that I will participate in a sea going voyage at my own risk.

Full Name (in block letters):

.....

Place and date:

.....

Signature for approval:

(in case you're younger than 18 years old, we also require a signature of your parent / guardian)

.....

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Correspondence 8.5 At Sea Training and MCIB response.

at sea

SAIL TRAINING

GENERAL CONDITIONS AT SEA SAIL TRAINING

(Based on General conditions SBZ(TCN))

Article 1. Definitions

In these General Conditions, as well as in the related Agreement, the following terms shall have the following meanings:

- a. **Supplier:** The owner of the Ship.
- b. **Customer:** Any person, whether natural or juridical, who enters into an Agreement with an Supplier.
- c. **Agreement:** Any agreement that is entered into between an Supplier and a Customer, including any amendments and additions thereto, whereby the Supplier agrees to conduct a Voyage on board the Ship, and to which these General Conditions apply.
- d. **Guest:** Any person, whether natural or juridical, who is authorized by the Customer to make use of the services of the Supplier.
- e. **Voyage:** The entire trip, including a stay on board the Ship, taking place during the period set forth in the Agreement.
- f. **Luggage:** Any luggage, consisting of easily transported or wheeled items, in the possession of a Guest.
- g. **Ship:** The Ship referred to in the Agreement.
- h. **Price:** The Price of the Voyage, as set forth in the Agreement.

Article 2. Scope of Application

- 2.1 These Conditions shall form part of every Agreement. These Conditions shall also apply to the pre-contractual relationship between the Supplier and the Customer, as of such time as the Supplier has provided them to the Customer and the Customer has not objected to their application within 7 days thereof.
 - 2.2 General conditions that conflict with the provisions hereof shall apply only if expressly accepted by the Supplier in writing and only with respect to the Agreement(s) concerned.
 - 2.3 Amendments or additions to any provision of the Agreement or these Conditions shall be effective only if made in writing.
 - 2.4 The Agreement and these Conditions constitute the entire agreement setting forth the rights and obligations of the Supplier and the Customer.
 - 2.5 In the event of a conflict between the Dutch-language version of these Conditions and any version in another language, the Dutch-language version shall prevail.
 - 2.6 In the event that any provision of these Conditions should be invalid, the remaining provisions shall continue to have effect. The invalid provision shall be replaced by a provision that approximates, to the extent possible, the intent of the invalid provision.
 - 2.7 The contracting parties are the Supplier and the Customer. These conditions shall also apply between the Supplier and Guests, who are not parties to the Agreement between the Supplier and the Customer, and the Customer shall be responsible for ensuring this. The Customer shall indemnify the Supplier for any and all liability of the Supplier vis-à-vis a Guest that would have been excluded if the Guest had been bound by these Conditions.
 - 2.8 These Conditions shall also inure to the benefit of any legal or natural person upon whom in the widest possible sense, the Supplier relies or has relied in the execution or performance of the Agreement or in the conduct of his business activities.
 - 2.9 In the event of a conflict between the provisions of the Agreement and the provisions of these Conditions, the provisions of the Agreement shall prevail.
- Article 3. Liability of the Supplier**
- 3.1 The liability of the Supplier to pay damages for death or personal injury pursuant to part 3 of title 10 of Book 8 of the Civil Code, shall be limited to the sum of EU 137000,- per Guest in the event that such damages take the form of an annuity, the capital shall not exceed EU 137000,- per Guest.
 - 3.2 The liability of the Supplier to pay damages for loss of or damage to Luggage shall be limited to EU 1000,-. Damage shall be limited to the current value of the

Luggage. The Supplier shall have no liability for any non-pecuniary loss, indirect or consequential damages arising from the loss of or damage to Luggage.

3.3 The Supplier shall not be liable for any loss attributable to delay (irrespective of the cause thereof and whether arising before, during or after transportation), or to any deviation from the agreed upon time for starting and ending.

3.4 The Supplier shall have no liability for damages resulting from a thing, brought on board by a Guest, that the Supplier would not have permitted such a thing on board. The Guest shall be liable to the Supplier for any expenses and damages that may arise as a result of his having brought or having lost such thing on board.

3.5 Without prejudice to article 6:107 Civil Code, in the event of personal injury suffered by a Guest, only that Guest shall have a cause of action for damages. Without prejudice to article 6:106 Civil Code, only the surviving spouse, child(ren) and parents who depended on the Guest for their support shall have a cause of action for damages. The value of the claims provided for in this section shall be based on the relative position and affluence of the claimant.

3.6 In the event that the Supplier proves that damage, loss or injury is attributable to the fault or negligence of the Guest, the Supplier's liability shall, accordingly be set off, either completely or in part.

3.7 In the event that persons assisting the Supplier in performing his obligations render, at the request of the Customer or Guests, services that the Supplier is not obligated to perform, such persons shall be deemed have acted under the instructions of the Customer and/or the Guests to whom the services were rendered.

3.8 The Customer waives the right to set off based on comparative negligence.

Article 4. Liability of Customer and Guests

4.1 The Customer and the Guests shall be jointly and severally liable for any damage, loss or injury to the Supplier caused by the Customer, Guest or their Luggage. This shall apply to damage to the Ship, to injury and damage to any persons or property located on board, as well as to injury and damage caused by the Customer, Guests or their Luggage to persons or property not located on board the Ship, in the event such damages are sought from the Supplier.

4.2 The Customer shall not be entitled to rely on the Guest's own liability.

4.3 This article shall apply without prejudice to other or additional rights, including rights vis-à-vis third parties, of the Supplier.

Article 5. Obligations of Supplier

5.1 The Ship and its crew conform to the legal requirements pursuant to the Agreement, the Supplier is obligated to use his best efforts to carry out the Voyage.

5.2 The sailing route shall be determined by the Supplier in consultation with the Customer.

5.3 The Supplier and/or the Captain shall at all times be entitled to decide that, as a result of weather conditions, high or low water, blocked sailing routes and similar conditions, including those relating to the Ship, the Ship cannot sail, or that it is necessary, in the broadest sense, to modify or cancel the Voyage, or to change the place of departure or arrival.

5.4 The Supplier shall, in such case, make every effort to cooperate in finding an alternative or a solution, provided that any additional costs in connection therewith shall be reimbursed by the Customer. It shall be within the discretion of the Supplier to determine whether an alternative or solution is capable of being implemented and whether the Supplier can reasonably do so.

5.5 The provisions of this article shall also apply in event that the Supplier or Captain is forced to take one of the decisions referred to herein as a result of the actions or failure to act of one or more Guests, in the case of a delay, however caused, and in the event the Supplier cannot

reach the place of departure or arrival agreed to with the Customer.

5.7 In the event that the Ship unexpectedly turns out to be unavailable, the Supplier shall use his best efforts to provide a comparable Ship, if this should prove impossible, the Supplier shall be entitled to rescind the Agreement. If the unavailability of the Ship is not attributable to the fault or negligence of the Supplier, the Supplier shall not be liable to pay damages or make restitution to the Customer and/or Guest. In all other cases, the liability of the Supplier shall be limited to sums already paid by the Customer pursuant to the Agreement.

Article 6. Obligations of Customer and Guests

6.1 The Ship shall be made available upon the commencement of the Voyage, clean and with its complete inventory. Unless otherwise agreed, the Customer shall, no later than the day of disembarkation, leave the ship behind in the same condition as he found it upon embarkation, i.e., clean, and with its complete inventory.

6.2 The Customer and the Guests must strictly comply with all requirements and instructions, whether prescribed by law or given by or at the behest of the Supplier or the Captain, in particular but not exclusively those relating to order and safety. In the event that such requirements or instructions are not followed, the Supplier shall be entitled to suspend performance or to rescind the Agreement.

6.3 The Customer and Guests shall not bring anything on board other than the Luggage.

6.4 The Luggage belonging to the Customer and Guests shall not constitute a nuisance. The Customer and Guests shall in no case be permitted to carry with them dangerous substances (in the broadest sense of the word), or to bring on board drugs or contraband. In addition, no pets or animals may be brought on board without prior permission.

6.5 On the day of arrival, the Customer shall provide the Supplier with a list of the names of the Guests.

Article 7. Supplier's Right to Suspend Performance

7.1 In the event of non-performance, inadequate performance or late performance by or on behalf of the Customer, the Supplier shall in all circumstances be entitled to immediately suspend performance of his obligations under the Agreement, while reserving all remaining rights vis-à-vis the Customer, including any exclusion of Supplier's liability for damages.

7.2 The right to suspend performance shall include the Supplier's right to deny the Customer or any of the Guests access to the Ship.

7.3 In the event of non-performance, inadequate performance or late performance of these obligations by or on behalf of the Customer, followed by recourse by the Supplier to this right to suspend performance, the Supplier shall nevertheless be entitled to receive payment in the amount agreed upon, and shall not operate to the detriment of other or additional rights that the Supplier is entitled to enforce against the Customer pursuant to these Conditions and/or basic contract law.

Article 8. Further Rights of Supplier

Access to the Ship, as well as to the Voyage and the lodging and catering services, may be denied by the Supplier where necessary due to capacity, safety, public order, potential damage or nuisance, as well as in cases of past or future overflow, or, without prejudice to the other provisions of these conditions and reserving all remaining rights against the Customer, including any extension of Supplier's liability for damages.

Article 9. Payment Terms

9.1 Unless otherwise agreed, full payment is included in the price.

9.2 Unless otherwise agreed, the Price is inclusive of costs related to ports, bridges, locks and pilotage, as well as local charges such as tourist tax and fuel charges.

9.3 The Customer shall pay the Supplier the sum due in the currency expressed in the Agreement within the time period provided therefore in the Agreement, without any discount deduction or set off. The Customer shall at no

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Office: 0031 20 688 0462; monique@seasailtraining.com; www.itseasailtraining.com

Bank account: 9549588 BC; PSTNL21 IBAN: NL42 PSTR: 0009 3495 88 KVK: 34175373 BTW: 1780.05.691.B01

Correspondence 8.5 At Sea Training and MCIB response.

at sea SAIL TRAINING

time be entitled to suspend his obligation to make payment. Payment shall be deemed to have made on the credit date indicated on Suppliers bank or giro statement.

9.4 The Supplier shall be entitled, at any time up to twenty days prior to the initial date of the Voyage, to increase the Price as a result of extreme changes in the cost of carrying out the Voyage. The Customer shall, in such a case, be entitled to cancel the Agreement, provided he does so within ten days of receipt of notice to this effect.

9.5 Failure by the Customer to fulfil his obligation to make payment to the Supplier within the time period agreed upon therefore, shall automatically constitute default without any notice of default being required. From the time that the Customer is in default until the time of payment in full, interest for late payment shall be due in the amount of 2% of the amount due per month or partial month, without prejudice to the Suppliers legal right to full damages.

9.6 All costs connected with the collection of the amount due from the Customer, including court costs, shall be borne by the Customer.

Article 10. Complaints

10.1 Complaints concerning invoices shall be made within fourteen days of the invoice date.

10.2 The Customer and/or Guest shall communicate any complaints concerning the performance of the Agreement to the Supplier and/or the appropriate personnel present immediately (during the trip), in order to give the Supplier the opportunity to take measures aimed at correcting any situation that is the subject of a legitimate complaint.

Article 11. Cancellation

11.1 In the event of cancellation by the Customer, the following percentages shall be due:

Price for Ship:	
after reservation	15%
8-5 months prior to sailing	20%
5-4 months prior to sailing	30%
4-3 months prior to sailing	40%
3-2 months prior to sailing	50%
2-1 months prior to sailing	75%
1 month - 1 day prior to sailing	90%
1 on sailing date	100%

Catering and other services:	
after reservation	15%
1 week up to sailing date	100%

11.2 Cancellation must be made by fax, with receipt to be confirmed by Supplier, or by registered mail. The date of cancellation shall be the date of receipt by the Supplier.

Article 12. Rescission

12.1 In the event the Customer is declared bankrupt, makes assets available to creditors, submits a request for a moratorium on payments, has an attachment levied on all or part of his assets that is not lifted or placed in custodianship within ten days after the date of attachment; or

b. decides to proceed or proceeds with the cessation or transfer of all or a significant part of his business activities, including the contribution of his business activities to an existing or to-be-established company, or changes the objects of his business enterprise; or

c. fails in full or in part to fulfil any legal or contractual obligation vis-a-vis the Supplier, after having received written notice of default; or

d. fails to pay any invoiced amount or portion thereof within the time period provided therefore, the Customer shall by operation of law be deemed to be in default, and any remaining payments shall immediately fall due.

12.2 Under the circumstances set forth in the previous section, the Supplier shall be entitled, without giving rise to any liability in damages and without prejudice to his other rights, such as rights relating to overdue fines, interest, and the right to demand damages, and without giving notice of default or seeking judicial intervention:

a. to rescind the Agreement in whole or in part, by sending

written notice to that effect to the Customer; and/or

b. to demand immediate payment of any sums due to the Supplier from the Customer; and/or

c. before performing the Agreement any further, to obtain from the Customer security for the (timely) performance of his payment obligations.

12.3 In the event that the Supplier elects to rescind the Agreement, the Customer shall pay liquidated damages consisting of the Price, or the amount of actual damage, if this exceeds the Price.

Article 13. Force Majeure

In the event that the Supplier is prevented by force majeure of a permanent or temporary nature from performing or continuing to perform his obligations under the Agreement, the Supplier shall be entitled, without giving rise to any liability in damages, by giving notice to that effect and without judicial intervention being required, to rescind the Agreement in whole or in part, without prejudice to the Suppliers right to demand payment from the Customer for performance rendered prior to the commencement of the force majeure, or to suspend in whole or in part the performance or continued performance of the Agreement. The Supplier shall notify the Customer forthwith of any situation involving force majeure. In the event of suspension of performance, the Supplier shall retain the right to subsequently rescind the Agreement in whole or in part.

Article 14. Applicable Law

14.1 Both the Agreement and these general conditions shall be governed by Dutch law.

14.2 Any dispute shall be submitted to the competent court in the district in which the Supplier has his place of business. In the event that the Customer is a Consumer, he shall be entitled, within one month, to designate a different court.

Article 15. Guided Youngsters Programs

15.1 Mentors on International Exchanges and other Sail Training Programs organized by At Sea Sail Training are guiding like good parents would do. At Sea Sail Training is not responsible for trainee behaviour whether the trainees are adults or minors. The mentors follow the guidelines listed in this article. Trainees will be instructed on arrival onboard.

15.2 Unsupervised shore leave will always be done in groups of at least three trainees. The captain or the mentors will set hours of shore leave depending on the circumstances. For minor trainees return onboard no later than 24.00 hours (unless supervised by the mentor or crew).

15.3 Drugs is prohibited onboard of all the vessels and during all programs.

15.4 Alcohol while at sea is prohibited and under supervision of the captain and crew. Alcohol use in port and during shore leave according to the local laws and regulations.

15.5 Trainees breaking these rules might be send home on captains decision.


Version 03-03-2008

Groen van Prinstererstraat 40 - 3, 1051 EN Amsterdam, The Netherlands

Office: 0031 20 688 0462 monique@seasailtraining.com www.atseasailtraining.com

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Correspondence 8.6 Human Environment and Transport Inspectorate (Page 1) and MCIB response.



Human Environment and Transport
Inspectorate
*Ministry of Infrastructure and the
Environment*

> Return address Postbus 16191 2500 BD Den Haag

Marine Casualty Investigation Board
Leeson Lane
Dublin 2
Ireland

ILT
Scheepvaart
Analyse en Ontwikkeling en
Ongevallenond
Weena 723
Rotterdam
Postbus 16191
2500 BD Den Haag
www.ilent.nl

Contact
Mr. H. Bogaerts

Reference
ILT-2014/51238

Date 20 August 2014
Subject Comments and observations on the draft report referring your letter of the 28th of July 2014 with reference MCIB/12/232

Dear Sir/Madam,

In reply to your letter of the 28th of July 2014 with reference MCIB/12/232, I first want to express my appreciation and gratitude for the opportunity given by you to comment on the concept accident report of the sailing ship "Astrid".

I have focussed my comments on the report on four main points of issue:

1. Dutch legislation on the certification of sailing ships: I do not agree with the MCIB conclusion that these ships should be certificated as Solas passenger ships
2. The cause of the accident: Suggestions in the report that there is a relation between the way of certification and the accident are in my opinion not proven by the facts.
3. Factual corrections and explanations: There are some factual errors in the report on which I would like to draw your attention, furthermore I would like to explain several situations from the Dutch perspective.
4. Insufficiently substantiated remarks

In the following, I will further explain these points of issue.

Dutch legislation on certification
The main propulsion of the ship is by sails and for that reason no main propulsion by mechanical means. The propulsion engine is used in case there is lack of wind, entrance and departure out of harbours and to avoid dangerous situations and is considered as an extra safety precaution compared to a sailing vessel without any propulsion engine. The Netherlands are for that reason of the opinion that SOLAS is not applicable and national requirements, based on SOLAS requirements, are valid for a maximum of 36 passengers. This observation reflects on several parts of your report.

For many years (approximately 30 years), these sailing passenger ships are operating in international waters. The accident rate is very low and these vessels have been accepted in general for many years already worldwide.

Related to the above observation, ISM is not required. The ship/master applies a simplified voluntary captain supporting system, developed by the branche organization BBZ.

SOLAS exemption certificate for passenger ship is for that reason also not required.

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MCIB RESPONSE:
The Board notes this observation and refers to Section 2.2 of the report.

Correspondence 8.6 Human Environment and Transport Inspectorate (Page 2) and MCIB response.

Please note: The MCIB responses to the numbers referred to are those of the completed

Same in relation to the ISPS certificate.

Explanation of the status of the National Classification Society (CS), Register Holland:
As a National CS, the surveys are limited to the non convention requirements. Those are the National requirements, which are applicable for passenger sailing ships under 500 GT, provided with auxiliary power by means of a propulsion diesel engine. All the surveys which fall under an International convention or an EU Directive, are performed by the Netherlands Shipping Inspectorate.

Remarks regarding the cause of the accident

The report suggests a relation between the cause of the accident and the way the sailing ship "Astrid" was certificated. The Netherlands do not agree with this assumption, for which our in-depth comments gives you further understanding. The ascertained facts in your report in my view do not indicate such a relation.

I therefore stress the importance of this observation and strongly request to delete this relation in your report.

According the fuel diagram, available when needed, every fuel tank has its own vent and for that reason it is doubtful that water could come into other fuel tanks as described in the report. Unfortunately the central vent is not provided in this diagram and this might be the reason.

There is no recommendation to avoid the water in the fuel tanks and how to cope in these situations, which in our opinion, should be highlighted as there is a causal connection between this and the grounding.

As already mentioned, our national requirements are based on SOLAS. The observation that the problems with the propulsion engine may have been avoided when the ship was certified as a passenger ship under SOLAS is in our point of view not correct and wouldn't have made any difference in this specific accident.

Factual corrections and explanations to the report

1. The certificates relevant for the undertaken voyage, statutory as well as the Class certificate were still valid at the time of the accident. The windows of +/- three months expired three months after the 11th of May 2013. In other words, expired at the 11th of August 2013.
The window of the Class certificate has a reference to the Certificate of Seaworthiness.
For your reference I stress that the information that we send to you in August 2013 contained the following remark: *Please note that these are draft certificates as I am not authorized to print/issue final certificates, and that the endorsements for the annual surveys are missing from these copies.*

The Certificate of Seaworthiness, which is a National Certificate, based on SOLAS requirements, was valid for: unrestricted sea area, radio area A3 and a maximum of 38 persons, including the crew.

The EU passenger safety certificate under EU/2009/45 was not relevant, because the ship was not sailing with more than 36 passengers, according the Certificate of Seaworthiness.
The EU passenger safety certificate under EU/2009/45 was also not valid, because the validity of the certificate expired on the 10th of May 2013.

The SPS certificate was also not relevant, because there were no trainees on board. When the ship is sailing with trainees, the SPS certificate is relevant. Under this certificate an approved training manual is required which was in fact in place and available and approved by the NSI, however not relevant at the time of the incident.

It is not clear whether the annual surveys of all life rafts were expired or partly. Are certificates

MCIB RESPONSE:
The Board addressed the root cause of the incident which has been established as the certification and operation of the vessel. The Board does not agree to the deletion of this connection within the report.

MCIB RESPONSE:
The Board notes this observation and refers to Section 3.5 and Analysis 4.4 of the report.

MCIB RESPONSE:
The Board notes this observation and refers to Section 2.4 and the Board's response to paragraph 1 on Dutch Legislation.

MCIB RESPONSE:
The Board notes this observation and the certificate contained within the report, however, states that this is not relevant to the international voyage undertaken.

Correspondence 8.6 Human Environment and Transport Inspectorate (Page 2 repeated) and MCIB response.

Please note: The MCIB responses to the numbers referred to are those of the completed

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It is not clear whether the annual surveys of all life rafts were expired or partly. Are certificates

MCIB RESPONSE:
The Board notes that this is a 5 year certificate requiring endorsement annual surveys. The Board notes that the certificates sent to MCIB in August 2013 did not include the required endorsement annual surveys required for the Certificate of Seaworthiness nor did it include the International Load Line Certificate. The report has been amended to reflect this.

MCIB RESPONSE:
The Board notes this observation and refers to Sections 2.2 and 2.4 of the report. The Board further notes the EU Passenger Safety Certificate had expired.

MCIB RESPONSE:
The Board notes as outlined in Section 4.1 that a valid SPS Certificate is required with a Passenger Ship Exemption Certificate in order to comply with the SOLAS Convention. The vessel did not have a Passenger Ship Exemption Certificate and therefore the SPS Certificate was invalid. The MCIB notes there were trainees on-board and therefore a valid SPS Certificate would have been relevant.

Correspondence 8.6 Human Environment and Transport Inspectorate (Page 3) and MCIB response.

available, indicating that possible the date on the life raft is not correct? To indicate the severity of this omission, I refer to SOLAS where the possibility to extend the survey for a maximum of 5 months is given.

The International Sewage Pollution Prevention Certificate was valid, because there is no requirement for a periodical survey.

2. The Passenger ship liability certificate was available, issued on the 5th of July 2013.
3. On page 12 in the report it is stated that no personal floatation devices were provided. Does this mean that there was no instruction on donning lifejackets or does this mean that you consider pfd's to be standard equipment for persons on board, because this is not a Dutch requirement.
4. It is common practice, when ships use an anchor, to pump it out of the hawse pipe. However in case of an emergency it is possible to drop the anchor without use of the ships power and pumping out of the hawse pipe is not required.
5. The MSMD consists of three tables. The master shall record the table that is used before departure, this is mentioned under the conditions of the MSMD. From the report it is unclear if the master did record the table in use. Therefore it is unclear if the vessel was quantitatively manned as per MSMD. As it is not clear under which table of the MSMD sv "Astrid" commenced her voyage a well established comment on the CoC's of the crew members cannot be given. However the purpose of the voyage, taking part in a nearby flotilla supports the believe that table 2 of the MSMD was used at the time of the incident.
6. The certification for the sailing area "unlimited" for the function and capacity of master in charge of a sailing vessel is based upon the diploma deep sea sailing. The diploma deep sea sailing meets the requirements of regulation II/1 and II/2 of the Annex of the STCW Convention. Hence the mentioning of the STCW reference of regulation II/2 in the MSMD. Therefore anybody taking the function of master onboard the "Astrid" should be in the possession of a valid CoC, grade II/2 which is limited to sailing vessels.
7. Under table two the master shall be assisted by a rating in the possession of a CoC, grade II/4. A crewmember was onboard with this CoC.
8. Beside two STCW qualified crewmembers, table 2 of the MSMD shows to ratings without a STCW reference. This is based upon Regulation II/4.1: "... other than ratings under training and ratings whose duties while on watch are of an unskilled nature,...". These persons are not required to hold a CoC but are allowed to assist certified crewmembers. They are not allowed to perform watch keeping duties.
9. The STCW Code Ch VIII, Section A-VIII/2, part 4-1, paragraph 51 states: "If the master considers it necessary, a continuous navigational watch shall be maintained at anchor.". It is to the master discretion to issue watchkeeping arrangements that are adequate. The condition for table 2 "sailing non-continuously" takes into account the fact that a vessel will be safely moored or that the vessel is at anchor in a safe refuge and that a safe watch can be obtained with the mentioned crew.

Unsubstantiated remarks in the report

There is information in the report which, in our opinion, is not relevant to the accident and in some cases unsubstantiated:

- First of all the certification and used National requirements as already stipulated above.
- The passage on page 13 concerning the "gathering cruise".
- The compliance with hours of rest should only be mentioned when there is hard evidence that the crew did not meet this requirement. The suggestion that this "would appear" mentioned in this report is not accurate and in our point of view not appropriate.

MCIB RESPONSE:

The Board refers to Section 2.2 of the report and notes that it is possible to extend the validity of the certificates for the liferafts by up to five months but no evidence of this extension has been presented.

MCIB RESPONSE:

The Board notes these observations and has amended the report accordingly.

MCIB RESPONSE:

The Board notes this observation and states it is considered to be good practice and not a requirement.

MCIB RESPONSE:

The Board notes this observation and refers to Analysis 4.7.

Correspondence 8.6 Human Environment and Transport Inspectorate (Page 3 repeated) and MCIB response.

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The International Sewage Pollution Prevention Certificate was valid, because there is no requirement for a periodical survey.

2. The Passenger ship liability certificate was available, issued on the 5th of July 2013.
3. On page 12 in the report it is stated that no personal floatation devices were provided. Does this mean that there was no instruction on donning lifejackets or does this mean that you consider pfd's to be standard equipment for persons on board, because this is not a Dutch requirement.
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Unsubstantiated remarks in the report

There is information in the report which, in our opinion, is not relevant to the accident and in some cases unsubstantiated:

- First of all the certification and used National requirements as already stipulated above.
- The passage on page 13 concerning the "gathering cruise".
- The compliance with hours of rest should only be mentioned when there is hard evidence that the crew did not meet this requirement. The suggestion that this "would appear" mentioned in this report is not accurate and in our point of view not appropriate.

MCIB RESPONSE:
The Board notes this observation and refers to Section 2.3 of the report. The qualifications of the crew 'Standard of Training Certificate and Watchkeeping' (STCW) were not in compliance with the IMO STCW Convention or Minimum Safe Manning Document (MSMD). See Appendix 7.5 of the report.

MCIB RESPONSE:
Please refer to Point 5 above.

MCIB RESPONSE:
Please see response to paragraph 1 on page 140-141 of this report.

MCIB RESPONSE:
The Board notes this observation and states the information is relevant to the investigation and in particular passage planning.

MCIB RESPONSE:
The Board notes this observation and has amended the report accordingly.

Correspondence 8.6 Human Environment and Transport Inspectorate (Page 4) and MCIB response.

- The observation concerning the safety briefing is in our opinion subject to interpretation: The safety briefing took place after departure, which is according SOLAS. The wording "immediately" in SOLAS is subject to interpretation.
- Several passages under Conclusions 5.3 ,5.4, 5.5, 5.6 and 5.7.:
- Page 25, 4.1 fourth paragraph: "this is an attempt to exempt the ships from the safety requirements of SOLAS.

Finally, I understand from your letter that parties adversely affected are also informed. I stress the importance that the branch organization (BBZ) is also informed. Almost 90 % of the sailing passenger ship owners are member of this organization.

I hope that this information provides you with sufficient feedback to re-evaluate the conclusions in the draft report. Please feel free to contact us in case further explanation is required or in case our feedback causes additional questions.

Yours sincerely,

The head of the Shipping Inspectorate,



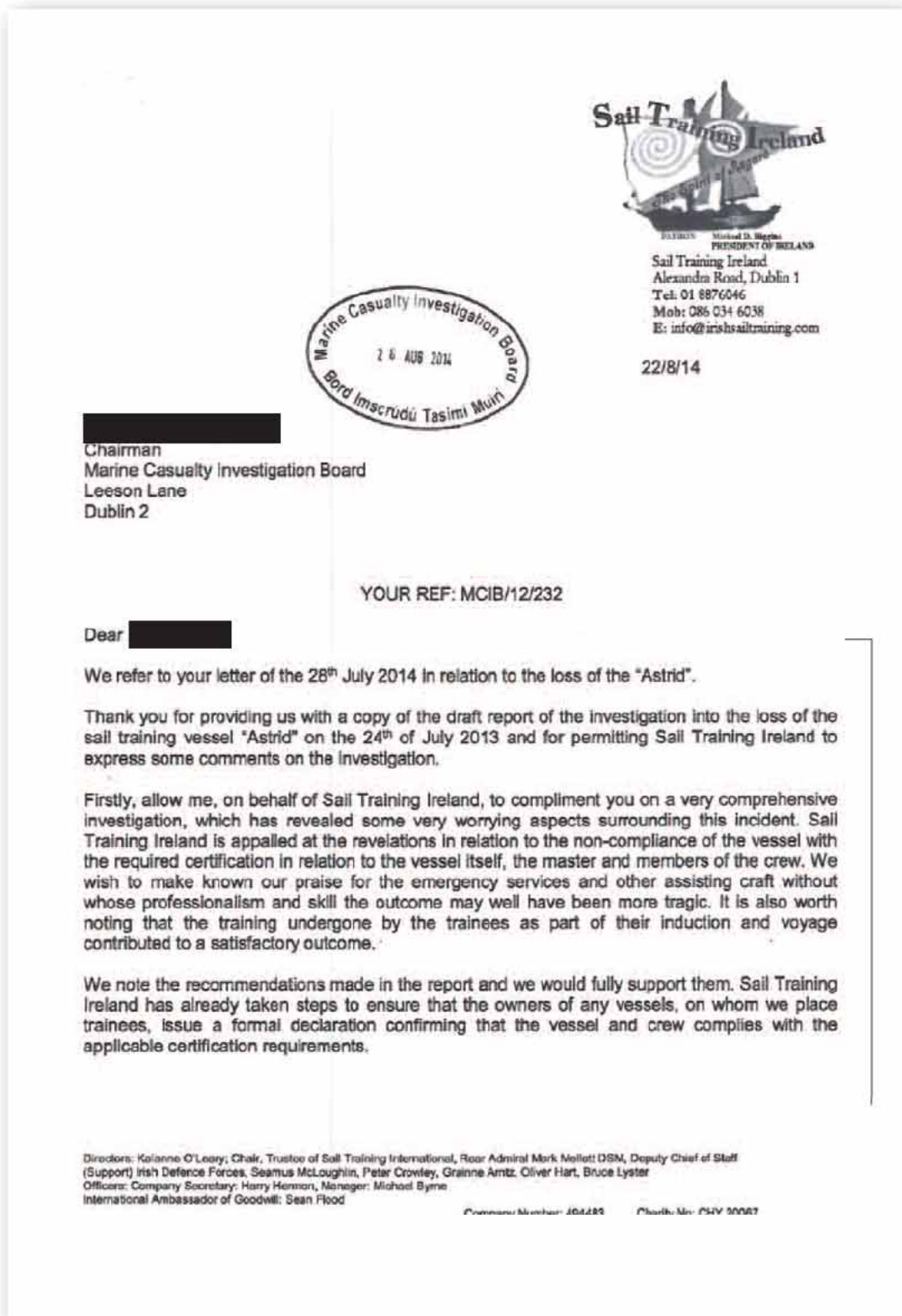
MCIB RESPONSE:
 The Board notes this observation.

MCIB RESPONSE:
 The Board notes these observations and refers to previous responses to this correspondence.

MCIB RESPONSE:
 The Board notes this observation and has amended the report accordingly.

CORRESPONDENCE 8.7

Correspondence 8.7 Sail Training Ireland and MCIB response.



Correspondence 8.7 Sail Training Ireland and MCIB response.

We share your concern that the term "not propelled by mechanical means" could be used as an attempt to exempt the ships from the safety requirements under SOLAS and other conventions.

The report also highlights the issues surrounding the classification of sail training vessels. It is fully accepted that there are only two classifications of persons on a vessel; that is crew or passenger. Therefore, since trainees are not formal members of crew, they are deemed to be passengers. It could be argued that they are not passengers in the strict sense as they do contribute to the operation of the vessel as distinct to the passive role played by conventional passengers. This anomaly creates difficulties for the certification of sail training vessels, which is particularly acute for existing and especially older vessels. It is noted that the "Astrid" was classed under the SPS Code however it is also noted that it did not comply with the requirements of that code. Perhaps it would be worthwhile exploring further the use of the SPS code for the certification of sail training vessels, recognising that trainees are not strictly passengers nor members of the crew.

We wish to thank the MCIB for compiling this comprehensive report. Sail Training Ireland would be delighted to provide any assistance that we can to enhance in any way the safety of Sail Training activities in Ireland.

MCIB RESPONSE:
The Board notes the observations in this letter.

Yours Sincerely



Chairperson, Sail Training Ireland

Correspondence 8.8 RNLI and MCIB response.



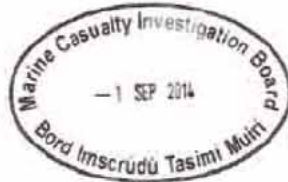
Royal National Lifeboat Institution

Queen's Channel House, Poole
Chief Executive, Paul Buller

1001 (Incorporated in England) and 1001 (Incorporated in Ireland)
an all company registered at 344, O'Connell Street, Dublin 1, D01 Y001

Regional Base Ireland and Isle of Man
Airside, Swords, Co. Dublin, Ireland

Tel (01) 890 0460
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Chair
Marine Casualty Investigation Board
Leeson Lane
Dublin 2

25th August 2014

Dear [REDACTED]

**DRAFT REPORT OF THE INVESTIGATION INTO THE LOSS OF THE SAIL TRAINING PASSENGERSHIP
"ASTRID" ON 24th JULY 2013**

Reference: Your letter MCIB/12/232 dated 28th July 2014

The RNLI thank the MCIB for the opportunity to comment on the report into the sad loss of the "STV Astrid."

It is not within the remit of the RNLI to pass judgement on those who require our services. From the perspective of the RNLI it is to the credit of all those involved in the incident both afloat and ashore that all the casualties were landed without serious injury to life having where they received the appropriate care and attention.

Whilst this was not necessarily a mass casualty rescue it certainly provides an insight into the challenges that a mass casualty incident resulting from the foundering or otherwise of a larger vessel could bring. This incident occurred close inshore in an area well served by search and rescue assets and other seagoing vessels; there were no serious injuries and the sea conditions, whilst challenging, did not compromise the search and rescue effort.

Being so close to the cliffs, VHF communications were problematic but were to a large extent overcome by VHF relay.

The RNLI is the charity that saves lives at sea

Correspondence 8.8 RNLI and MCIB response.

There are a number of lifeboat crew who have successfully broadened their maritime knowledge and experience by taking part in sail training voyages in well found and well run vessels operated by Sail Training Organisations for whom safety is the top priority.

Kindest regards,




RNLI Regional Operations Manager
Ireland and the Isle of Man

MCIB RESPONSE:
The Board notes the observation in this letter.

CORRESPONDENCE 8.9

Correspondence 8.9 Register Holland and MCIB response.



Register Holland
KLASSEBUREAU VOOR DE SCHEEPVAART

Register Holland
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Tel. 0321-745009
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t/a 51664 09

To the Chairman of the Maritime Casualty Investigation Board

[Redacted]
Leeson Lane
Dublin 2
Ireland

our number: 9808Z/20140826 HB
date: 1 September 2014

Dear [Redacted]

The draft Report of the Investigation into the loss of the Sail Training Passenger Ship 'Astrid' on 24th July 2013 (the Report) has been received in good order and has been read carefully during last weeks.

We like to thank MCIB for conducting this investigation and drafting this report and moreover for giving us the opportunity to comment your findings.

Register Holland (RH) is acting as the national classification society for sailing passenger ships and recognised as such in Dutch law. RH has surveyed the Astrid and has issued class certificates for already several years. Based on amongst others this class certificate the Netherlands Shipping Inspectorate (NSI) has issued certificates of seaworthiness. RH will restrict its comments on the Report to some items related to RH as a classification society and refrain from any other comments.

In chapter 4, Analysis, fourth paragraph the Report says "by declaring that their ships are not propelled by mechanical means this is an attempt to exempt the ships from the safety requirements of SOLAS". RH regrets that there is no further explanation for this thesis in the Report. The RH rules are drafted to be an equivalent for SOLAS, whereas SOLAS is sometimes completely inadequate (for example in having no regulations for rigging) and sometimes not written with the possibility of a sailing passenger ship in mind. Never has there been an intention to exempt these ships from the regular safety standards and to endanger the crew and the trainees. For example in a recent dispute with the Danish Maritime Agency the conclusion was that the chapter on stability of the RH rules is completely comparable with the SOLAS regulations. If you have any doubts whether some regulations of the RH rules affecting this casualty are substandard towards SOLAS we would be glad to explain them to you in more detail.

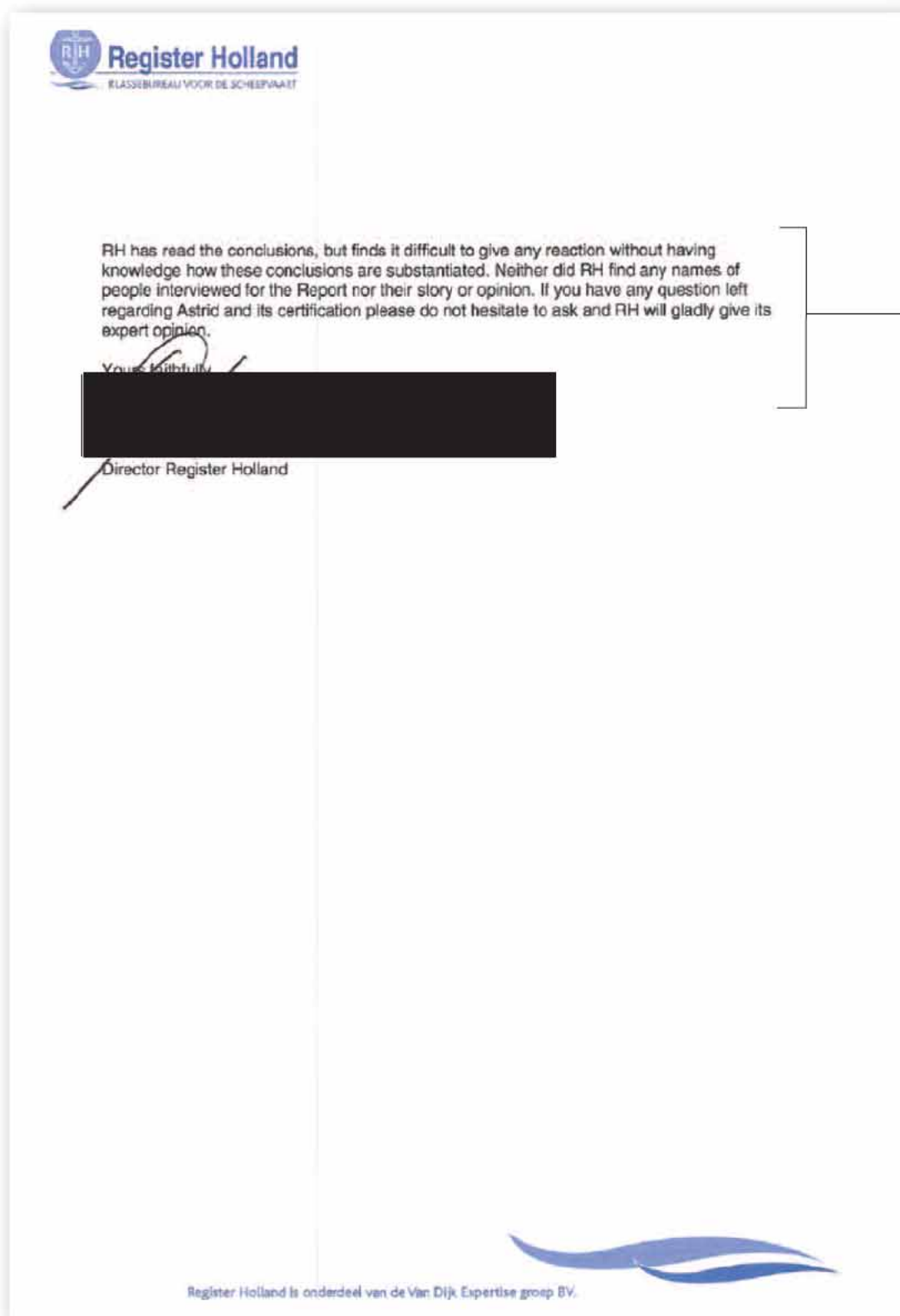
In part 4.7 the Reports states that "it was determined that power was needed to warp the anchor out of the hawse pipe before it would run freely. With the loss of the generator, there was no power available to warp the anchor out of the hawse pipe". RH is interested how this was determined. Two surveyors of RH, who were on board in recent years, don't recognise such a situation. In general RH will never accept that electric power is needed to warp the anchor. If, as sometimes happens, the anchor shaft is jamming in the hawse pipe turning the anchor winch by hand must be enough to warp the anchor.

MCIB RESPONSE:
The Board notes this observation and has reworded the report accordingly.

MCIB RESPONSE:
The Board notes this observation and refers to Sections 2.4 and 4.1 of the report.

MCIB RESPONSE:
The Board notes this observation and states that this information was provided to the MCIB in the course of the investigation.

Correspondence 8.9 Register Holland and MCIB response.



MCIB RESPONSE:
The Board notes the observation and refers to the Directive 2009/18/EC of the European Parliament and of the Council of 23rd April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council to cover all aspects in relation to the investigation. Article 9 sets out the confidential requirement of an investigation.

