REPORT OF THE INVESTIGATION

INTO

THE LOSS OF THE

SAIL TRAINING PASSENGER

VESSEL

“STV ASTRID”

ON

24th JULY 2013

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REPORT NO. MCIB/232
(No.2 OF 2015)
<table>
<thead>
<tr>
<th></th>
<th>CONTENTS</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SUMMARY</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>FACTUAL INFORMATION</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>NARRATIVE</td>
<td>11</td>
</tr>
<tr>
<td>4</td>
<td>ANALYSIS</td>
<td>22</td>
</tr>
<tr>
<td>5</td>
<td>CONCLUSIONS</td>
<td>28</td>
</tr>
<tr>
<td>6</td>
<td>SAFETY RECOMMENDATIONS</td>
<td>29</td>
</tr>
<tr>
<td>7</td>
<td>APPENDICES</td>
<td>30</td>
</tr>
<tr>
<td>8</td>
<td>CORRESPONDENCE RECEIVED</td>
<td>117</td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th>TYPE OF CERTIFICATE</th>
<th>DATE OF ISSUE</th>
<th>VALID UNTIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificate of Registry (Appendix 7.1)</td>
<td>11th April 2007</td>
<td></td>
</tr>
<tr>
<td>Register Holland Certificate of Class (Appendix 7.2)</td>
<td>11th May 2012</td>
<td>11th May 2013</td>
</tr>
<tr>
<td>Certificate of Seaworthiness (This is a national requirement of the Netherlands and this certificate has no status under international law) (Appendix 7.6)</td>
<td>11th May 2010</td>
<td>11th May 2015 - Last Annual Survey carried out 10th May 2012 - no evidence of annual survey provided</td>
</tr>
<tr>
<td>Liferaft Certificates Annual Survey</td>
<td>26th April 2012</td>
<td>26th April 2013</td>
</tr>
<tr>
<td>Safety Management Certificate Document of Compliance (ISM) Code</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>SOLAS Exemption Certificate for Passenger Ship</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>International Ship and Port Facility Security (ISPS)</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Passenger Ship Liability Certificate (Appendix 7.8)</td>
<td>5th July 2013</td>
<td>20th February 2014</td>
</tr>
<tr>
<td>International Load Line Certificate</td>
<td>Not Submitted</td>
<td></td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>GRADE / CAPACITY</th>
<th>CERTIFICATE (STCW REGULATION)</th>
<th>NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Master</td>
<td>II/2</td>
<td>1</td>
</tr>
<tr>
<td>Chief mate</td>
<td>II/2</td>
<td>1</td>
</tr>
<tr>
<td>Rating deck</td>
<td>II/4</td>
<td>2</td>
</tr>
</tbody>
</table>

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).
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 Astra” waving at them. The RIB proceeded towards the sailing ship which was approximately 300-400 (m) from the shore.

As they approached the “STV Astra” 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 Astra’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 Astra” then passed a line to the ISA RIB and an attempt was made to tow the “STV Astra” 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 Astra” 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 Astra” 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 Astra” - “on rocks with 30 persons on-board - 0.5 nautical miles west of Oysterhaven Bay”.

The passengers/trainees and crew of the “STV Astra” 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 Anglsea 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 Lifer Rafts:
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:

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>CONTENT</th>
<th>SILVER NITRATE</th>
<th>CI g/l.</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Sample cock between day tank and filter</td>
<td>Water</td>
<td>++</td>
<td>32.0</td>
<td>Salt Water</td>
</tr>
<tr>
<td>2 Sample between day tank and filter</td>
<td>Water</td>
<td>++</td>
<td>31.6</td>
<td>Salt Water</td>
</tr>
<tr>
<td>3 Fuel supply to stbd. auxiliary engine</td>
<td>Diesel</td>
<td>N.A.</td>
<td>N.A.</td>
<td>Engine not running at time of incident</td>
</tr>
<tr>
<td>4 Spill line from main engine</td>
<td>Water/Diesel</td>
<td>-</td>
<td>0.7</td>
<td>Fresh Water</td>
</tr>
<tr>
<td>5 Fuel supply to main engine</td>
<td>Water/Diesel</td>
<td>+</td>
<td>6.3</td>
<td>Fresh Water</td>
</tr>
<tr>
<td>6 Fuel supply line to port auxiliary engine</td>
<td>Water</td>
<td>+</td>
<td>1.6</td>
<td>Fresh Water</td>
</tr>
<tr>
<td>7 Suction manifold fuel transfer pump</td>
<td>Water/Diesel</td>
<td>++</td>
<td>31.5</td>
<td>Salt Water</td>
</tr>
<tr>
<td>8 Spill return line from port auxiliary engine</td>
<td>Water</td>
<td>+</td>
<td>-</td>
<td>Fresh Water</td>
</tr>
</tbody>
</table>
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 accidently 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 Suction Valves in Engine Room
Port Forward and Starboard Forward Found Open

Fuel Samples Taken in Kinsale
3.5.3 Log Book Entries:

The vessel’s Log Book was salvaged and found to be in a poor condition due to seawater saturation. However, pages for the 12th July 2013, the day 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.
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.
## APPENDICES

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.1</td>
<td>Certificate of Registry</td>
<td>31</td>
</tr>
<tr>
<td>7.2</td>
<td>Register Holland Class Certificate</td>
<td>34</td>
</tr>
<tr>
<td>7.3</td>
<td>Special Purpose Ship Safety Certificate</td>
<td>36</td>
</tr>
<tr>
<td>7.4</td>
<td>Passenger Ship Safety Certificate</td>
<td>48</td>
</tr>
<tr>
<td>7.5</td>
<td>Minimum Safe Manning Document</td>
<td>55</td>
</tr>
<tr>
<td>7.6</td>
<td>Certificate of Seaworthiness</td>
<td>62</td>
</tr>
<tr>
<td>7.7</td>
<td>International Sewage and Pollution Prevention Certificate</td>
<td>69</td>
</tr>
<tr>
<td>7.8</td>
<td>Passenger Liability Certificate</td>
<td>73</td>
</tr>
<tr>
<td>7.9</td>
<td>Safety Plan</td>
<td>75</td>
</tr>
<tr>
<td>7.10</td>
<td>Photographs</td>
<td>76</td>
</tr>
<tr>
<td>7.11</td>
<td>Weather Report</td>
<td>86</td>
</tr>
<tr>
<td>7.12</td>
<td>Position of Grounding</td>
<td>88</td>
</tr>
<tr>
<td>7.13</td>
<td>Netherlands Declaration on Sail Training Vessels</td>
<td>89</td>
</tr>
<tr>
<td>7.14</td>
<td>German Court Ruling - Translation</td>
<td>91</td>
</tr>
</tbody>
</table>
Appendix 7.1 Certificate of Registry.

IN NAAM VAN HARE MAJEEST 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 Zeebriefwet (Stb. 1992, 544);
Having regard to sections 4, 5 and 6 (subsection 1) of the Certificate of Registry Act

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: LIZER
hull constructed of: IROK

te: SCHIEVENINGEN (NEDERLAND)
at: SCHIEVENINGEN (THE NETHERLANDS)

in het jaar: 1924
in the year: 

verbouwjaar: 
year of conversion: 

hebbende: ACHTERONDER MET BERGRUIJTE, MACHINEKAMER, KAPITEINSHUT,

havend: AFT CABIN WITH STOREROOM, ENGINEER'S CABIN,

voortbewogen door: met een vermogen van (kW): motornummer(s): 
propelled by: with a rated capacity of: motor number(s): 

SCANDIA DS 1402

253 4190735 

de bruto tonnage is: 140
gross tonnage: 

Model Z00 21.05.2006 pc/los/glz/icv

CONCEPT
Appendix 7.1 Certificate of Registry.

Paginummer: 2 van 3
SI Schip id: 37289
Certificaatnummer: 3914/2007

Zeebrief  (Certificate of Registry)

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.
It is a Dutch shipping vessel within the meaning of the Commercial Code and is entitled to fly the Dutch flag.

Afggeven te Rotterdam, 11-04-2007
Issued at Rotterdam.

doors 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,
the Inspector General Transport and Water Management Inspectorate,
namens deze,
on his behalf

Model ZD1 21.06.2006.pdf/eu/pdf/1/mwv
Appendix 7.1 Certificate of Registry.

Zeebrief (Certificate of Registry)

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

Model Z88 21.08.2006 pc4/oa/gp/ht/mw
Appendix 7.2 Register Holland Class Certificate.

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<tr>
<td>EIGENAAR</td>
<td>Horizon Sailing</td>
</tr>
<tr>
<td>Adresse</td>
<td>Oostzaan 102</td>
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<tr>
<td>CITY</td>
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<tr>
<td>VAARBEIJDEN</td>
<td>V (NBI 1)</td>
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<tr>
<td>KLASSE</td>
<td>5 1 3 4, Neeve class</td>
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| LENGTE | 30,53 m. |
| BREDTE | 6,48 m.  |
| HOLTE  | 2,87 m.  |
| BRUTO  | 140 GT   |
| NETTO  | 71 t    |

| Fort of registry | VLZSINGEN |
| VLAG | NEDERLANDSE |

| Echter, 16-5-2012 |
| REGISTER HOLLAND |
### VOORTSTUWING

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<tbody>
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<td>Total cap.</td>
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<td></td>
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</tbody>
</table>

### Opmerkingen

**Remarks**

The lease certificate datum aan boord bewaard te blijven. De klasse blijft goudig onthangt het schip de vorige streven, de vorige streven en overneemt nieuwe verhoudingen na overhouding van Rij. Wordt verregaard. Indien de schip niet op tijd voor de lease survey wordt geslagen of geretourneerd, wordt de klasse tevreden beoordeeld. Indien het schip na vervolging, die de klasse beheet, de 6 minstig van eigenschappen, niet snel survey wordt verregaard, verliest het zijn klasse. Indien vervangings- of verlenging van schepenloos vanwege Rij wordt ontsierd, heeft gevolg voor de verlenging van Rij is zonder wetenschap in overleg met en naar vervolging van Rij te worden uitgevoerd. De lease survey docent: lease survey is enkelvolgens over bladzijde 13 gebruik, maar voor nakoming van de overleggen, zorgvuldig worden uitgevoerd, dus overal niet aangepast te worden door deelnemers van deze persons ontslaan.

The lease 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. If a vessel is not subjected to the lease survey at the due date or if the vessel is not ready for the survey of the class, the class will be suspended. If a vessel has not been surveyed after a survey which affects the classification or after change ownership, she will lose her class. All comments and decisions on part of the vessel for which Rij has leased rights are to be conformed under the survey of Rij.

The surveys listed in the class certificate (in Dutch or English) offer each survey. If Rij will take care that their surveys and all other persons of whose services they avail themselves in the fulfillment of their engagement, are correctly observed, however, the ship is responsible for certain which may occur through the errors of judgment of these parties.

V. Vroon 2007
Appendix 7.3 Special Purpose Ship Safety Certificate.

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

<table>
<thead>
<tr>
<th>Name of ship</th>
<th>Port of Registry</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASTRID</td>
<td>VLISSINGEN</td>
</tr>
</tbody>
</table>

Distinctive number: 5027792

Gross tonnage: 140

Ship's Special Purpose: Sail training Ship

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

Date of building contract: 01-01-1924

Date on which keel was laid or ship was at similar stage of construction: 31-12-1924

Date of delivery: 31-12-1924

Date on which work for a conversion or an alteration or modification of a major character 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 life 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 VCS652 10-11-2008 POL/6/F/5/7464-V
Section(s): KV
Appendix 7.3 Special Purpose Ship Safety Certificate.

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.
Appendix 7.3 Special Purpose Ship Safety Certificate.

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 16 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 VC5P12 10-11-2008 PCL/04/37/4hV
Section(s): KV
Appendix 7.3 Special Purpose Ship Safety Certificate.

| 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, 2.6, 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:

<table>
<thead>
<tr>
<th>Signed</th>
<th>Place</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Annual/Periodical Survey:

<table>
<thead>
<tr>
<th>Signed</th>
<th>Place</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Annual/Periodical Survey:

<table>
<thead>
<tr>
<th>Signed</th>
<th>Place</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Annual Survey:

<table>
<thead>
<tr>
<th>Signed</th>
<th>Place</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

*Model VCSPE2 10-11-2008 PCL/EA/GT/MAV*

*Section*: XV
Appendix 7.3 Special Purpose Ship Safety Certificate.

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 1.9 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 VCSP2 22-11-2008 PCL/SA/ST/MW/1
Sector(s): N/G

Page 5 of 11 SI vessel number: 37289 Certificate number: 3907/2020
Appendix 7.3 Special Purpose Ship Safety Certificate.

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: VCSP2 10-11 2006 PC/EA/IT/MV
Section(s): XV
### Appendix 7.3 Special Purpose Ship Safety Certificate

#### RECORD OF EQUIPMENT FOR THE SPECIAL PURPOSE SHIP SAFETY CERTIFICATE

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**

<table>
<thead>
<tr>
<th></th>
<th>Total number of persons for which life saving appliances are provided</th>
<th>Port Side</th>
<th>Starboard Side</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>38</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Total number of lifeboats</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>Total number of persons accommodated by them.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.2</td>
<td>Number of totally enclosed lifeboats (regulation 11/31 and LSA Code section 4.6)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.3</td>
<td>Number of lifeboats with a self contained air support system (regulation 11/31 and LSA Code section 4.8)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.4</td>
<td>Number of fire protected lifeboats (regulation 11/31 and LSA code section 4.9)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.5</td>
<td>Other lifeboats</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.5.1</td>
<td>Number</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.5.2</td>
<td>Type</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.5.3</td>
<td>Number of freefall lifeboats</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.6.1</td>
<td>Totally enclosed (regulation 11/31 and LSA Code section 4.7)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.6.2</td>
<td>Self contained (regulation 11/31 and LSA code section 4.8)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.6.3</td>
<td>Fire protected (regulation 11/31 and LSA Code section 4.9)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Number of motor lifeboats included in the total lifeboats shown above</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1</td>
<td>Number of lifeboats fitted with searchlights</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Number of rescue boats</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.1</td>
<td>Number of lifeboats which are included in the total lifeboats shown above</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Liferafts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1</td>
<td>Those for which approved launching appliances are required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1.1</td>
<td>Number of liferafts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1.2</td>
<td>Number of persons accommodated by them</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.2</td>
<td>Those for which approved launching appliances are not required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.2.1</td>
<td>Number of liferafts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.2.2</td>
<td>Number of persons accommodated by them</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.3</td>
<td>Number of liferafts required by regulation 11/31.1.4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Model VCPS2 10-11-2006 PGEA/07/MV
Society: KV
Appendix 7.3 Special Purpose Ship Safety Certificate.

Page 8 of 11

<table>
<thead>
<tr>
<th>Item</th>
<th>Actual provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Number of lifebuoys</td>
<td>4</td>
</tr>
<tr>
<td>7. Number of lifejackets</td>
<td>40</td>
</tr>
<tr>
<td>8. Immersion suits</td>
<td>3</td>
</tr>
<tr>
<td>8.1. Total number</td>
<td>3</td>
</tr>
<tr>
<td>8.2. Number of suits complying with the requirements for lifejackets</td>
<td></td>
</tr>
<tr>
<td>9. Number of thermal protective aids (excluding those required by the LSA Code paragraphs 4.1.5.1.1.3, 4.1.5.1.1.4, 4.1.5.1.1.5 and 5.1.2.2.11B)</td>
<td></td>
</tr>
<tr>
<td>10. Radio installations used in life saving appliances</td>
<td></td>
</tr>
<tr>
<td>10.1. Number of radar transponders</td>
<td>1</td>
</tr>
<tr>
<td>10.2. Number of two way VHF radiotelephone apparatus</td>
<td>2</td>
</tr>
</tbody>
</table>

3. Details of radio facilities

<table>
<thead>
<tr>
<th>Item</th>
<th>Actual provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Primary systems</td>
<td></td>
</tr>
<tr>
<td>1.1. VHF radio installation:</td>
<td></td>
</tr>
<tr>
<td>1.1.1. DSC encoder</td>
<td>YES</td>
</tr>
<tr>
<td>1.1.2. DSC watch receiver</td>
<td>YES</td>
</tr>
<tr>
<td>1.1.3. Radiotelephony</td>
<td>YES</td>
</tr>
<tr>
<td>1.2. MF radio installation:</td>
<td></td>
</tr>
<tr>
<td>1.2.1. DSC encoder</td>
<td>YES</td>
</tr>
<tr>
<td>1.2.2. DSC watch receiver</td>
<td>YES</td>
</tr>
<tr>
<td>1.2.3. Radiotelephony</td>
<td>YES</td>
</tr>
<tr>
<td>1.3. MF/HF radio installation:</td>
<td></td>
</tr>
<tr>
<td>1.3.1. DSC encoder</td>
<td></td>
</tr>
<tr>
<td>1.3.2. DSC watch receiver</td>
<td></td>
</tr>
<tr>
<td>1.3.3. Radiotelephony</td>
<td></td>
</tr>
<tr>
<td>1.3.4. Direct printing telegraphy</td>
<td></td>
</tr>
<tr>
<td>1.4. INMARSAT ship earth station</td>
<td>YES</td>
</tr>
<tr>
<td>2. Secondary means of alerting</td>
<td></td>
</tr>
<tr>
<td>2.1. NAVTEX receiver</td>
<td>YES</td>
</tr>
<tr>
<td>2.2. EGC receiver</td>
<td>YES, see 1.4</td>
</tr>
<tr>
<td>3. Facilities for reception of maritime safety information:</td>
<td></td>
</tr>
<tr>
<td>3.1. HF direct printing radiotelegraph receiver</td>
<td></td>
</tr>
<tr>
<td>4. Satellite EPIRB</td>
<td></td>
</tr>
<tr>
<td>4.1. COSPAS SARSAT</td>
<td>YES</td>
</tr>
<tr>
<td>4.2. INMARSAT</td>
<td></td>
</tr>
<tr>
<td>5. VHF EPIRB</td>
<td></td>
</tr>
<tr>
<td>6. Ship's radar transponder</td>
<td>YES</td>
</tr>
<tr>
<td>7. Radiotelephone distress frequency watch receiver on 2,182 kHz</td>
<td></td>
</tr>
<tr>
<td>8. Device for generating the radiotelephone alarm signal on 2,182 kHz</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Item</th>
<th>Actual provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Duplication of equipment</td>
</tr>
<tr>
<td>4.2</td>
<td>Shore based maintenance</td>
</tr>
<tr>
<td>4.3</td>
<td>At sea maintenance capability</td>
</tr>
</tbody>
</table>

5 DETAILS OF NAVIGATIONAL SYSTEMS AND EQUIPMENT

<table>
<thead>
<tr>
<th>Item</th>
<th>Actual provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Standard magnetic compass*</td>
</tr>
<tr>
<td>1.2</td>
<td>Spare magnetic compass*</td>
</tr>
<tr>
<td>1.3</td>
<td>Gyro compass*</td>
</tr>
<tr>
<td>1.4</td>
<td>Gyro compass heading repeater*</td>
</tr>
<tr>
<td>1.5</td>
<td>Gyro compass bearing repeater*</td>
</tr>
<tr>
<td>1.6</td>
<td>Heading or track control system</td>
</tr>
<tr>
<td>1.7</td>
<td>Pelorus or compass bearing device</td>
</tr>
<tr>
<td>1.8</td>
<td>Means of correcting heading and bearings</td>
</tr>
<tr>
<td>1.9</td>
<td>Transmitting heading device (THD)*</td>
</tr>
<tr>
<td>2.1</td>
<td>Nautical charts</td>
</tr>
<tr>
<td>2.2</td>
<td>Back up arrangements for ECDIS</td>
</tr>
<tr>
<td>2.3</td>
<td>Nautical publications</td>
</tr>
<tr>
<td>2.4</td>
<td>Back up arrangements for electronic nautical publications</td>
</tr>
<tr>
<td>3.1</td>
<td>Receiver for a global navigation satellite system*</td>
</tr>
<tr>
<td>3.2</td>
<td>9 GHz radar*</td>
</tr>
<tr>
<td>3.3</td>
<td>Second radar (3 GHz/9 GHz)*</td>
</tr>
<tr>
<td>3.4</td>
<td>Automatic radar plotting aid (ARPA)*</td>
</tr>
<tr>
<td>3.5</td>
<td>Automatic tracking aid*</td>
</tr>
<tr>
<td>3.6</td>
<td>Second automatic tracking aid*</td>
</tr>
<tr>
<td>3.7</td>
<td>Electronic plotting aid*</td>
</tr>
<tr>
<td>4.1</td>
<td>Automatic identification system (AIS)</td>
</tr>
<tr>
<td>4.2</td>
<td>Long range identification and tracking system</td>
</tr>
<tr>
<td>5</td>
<td>Voyage data recorder (VDR)</td>
</tr>
<tr>
<td>6.1</td>
<td>Speed and distance measuring device (through the water)*</td>
</tr>
<tr>
<td>6.2</td>
<td>Speed and distance measuring device (over the ground in the forward and athwartship direction)*</td>
</tr>
<tr>
<td>7</td>
<td>Echo sounding device*</td>
</tr>
<tr>
<td>8.1</td>
<td>Rudder, propeller, thrust, pitch and operational mode indicator*</td>
</tr>
<tr>
<td>8.2</td>
<td>Rate of turn indicator*</td>
</tr>
<tr>
<td>9</td>
<td>Sound reception system*</td>
</tr>
</tbody>
</table>
Appendix 7.3 Special Purpose Ship Safety Certificate.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Telephone to emergency steering position*</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Daylight signaling lamp*</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Radar reflector*</td>
<td>YES</td>
</tr>
<tr>
<td>13</td>
<td>International Code of Signals</td>
<td>YES</td>
</tr>
</tbody>
</table>

* 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.

The Netherlands

PASSenger Ship Safety Certificate

Issued under the provisions of The Ships Decree 2004


Under the authority of

The government of the Netherlands

by

The Head of the Shipping Inspectorate

<table>
<thead>
<tr>
<th>Particulars of ship</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of the ship</td>
<td>ASTRID</td>
</tr>
<tr>
<td>Port of Registry</td>
<td>VLISSENGEN</td>
</tr>
<tr>
<td>Distinctive numbers or letters</td>
<td>PC05</td>
</tr>
<tr>
<td>IMO Number</td>
<td>5007752</td>
</tr>
<tr>
<td>Length (m)</td>
<td>30,63</td>
</tr>
<tr>
<td>Number of Passengers</td>
<td>61</td>
</tr>
<tr>
<td>Gross tonnage</td>
<td>140</td>
</tr>
<tr>
<td>Date on which keel was laid or ship was at a similar stage of construction</td>
<td>01-01-1924</td>
</tr>
<tr>
<td>Date of initial survey</td>
<td>31-10-2005</td>
</tr>
<tr>
<td>Sea Areas in which the ship is certified to operate (SOLAS Regulation V/2)</td>
<td>A1, A2</td>
</tr>
<tr>
<td>Class of Ship in accordance with the sea area in which the ship is certified to operate</td>
<td>C</td>
</tr>
</tbody>
</table>

VOC-POV 23 03 2012
Recte NV
Appendix 7.4 Passenger Ship Safety Certificate.

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 8(3) of Directive 2009/45/EC, exempted from the following requirements of the Directive:

4.1.b (IV/7.2) Aeronautical frequencies
Annex 1 chapter III req. 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:

<table>
<thead>
<tr>
<th>Subdivision load lines assigned and marked on the ship's side at assistance legislation (1-12/11)</th>
<th>Freeboard (m)</th>
<th>Remarks with regard to alternative service conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This certificate is valid until 10-06-2013 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,

VG-PCV 03.09.2012 cv

Sect. KV
Appendix 7.4 Passenger Ship Safety Certificate.

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 2000/45/EC of the European Parliament and of the Council be accepted
as valid until

Place:  

Signed:  

Date:  

V.O.RIV 23.03.2012 av

Sehde KP
# Appendix 7.4 Passenger Ship Safety Certificate

## RECORD OF EQUIPMENT FOR THE PASSENGER SHIP SAFETY CERTIFICATE

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


### 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

<table>
<thead>
<tr>
<th>Details of life-saving appliances</th>
<th>Port Side</th>
<th>Starboard Side</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.</strong> Total number of persons for which life-saving appliances are provided</td>
<td>56</td>
<td></td>
</tr>
<tr>
<td><strong>2.</strong> Lifeboats and rescue boats</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2.1.</strong> Total number of lifeboats</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2.2.</strong> Total number of persons accommodated by them</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2.3.</strong> Total number of lifeboats LSA 4.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2.4.</strong> Total number of lifeboats LSA 4.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2.5.</strong> Total number of lifeboats LSA 4.7</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2.6.</strong> Number of motor lifeboats included in the total lifeboats shown above</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2.7.</strong> Number of lifeboats fitted with searchlights</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2.8.</strong> Number of rescue boats</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2.9.</strong> Number of boats which are included in the total lifeboats shown above</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>3.</strong> Liferafts</td>
<td>Port Side</td>
<td>Starboard Side</td>
</tr>
<tr>
<td><strong>3.1.</strong> Total number of liferafts</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td><strong>3.2.</strong> Number of persons accommodated by them</td>
<td>60</td>
<td>50</td>
</tr>
<tr>
<td><strong>3.3.</strong> Number of liferafts for which approved launching appliances are required</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>3.4.</strong> Number of liferafts for which approved launching appliances are not required</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>
Appendix 7.4 Passenger Ship Safety Certificate.

<table>
<thead>
<tr>
<th>4. Personal Life Saving Appliances</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 Number of lifebuoys</td>
<td>4</td>
</tr>
<tr>
<td>4.2 Number of adult lifejackets</td>
<td>99</td>
</tr>
<tr>
<td>4.3 Number of child lifejackets</td>
<td>6</td>
</tr>
<tr>
<td>4.4 Number of immersion suits</td>
<td>3</td>
</tr>
<tr>
<td>4.5 Number of immersion suits complying with the requirements for lifejackets</td>
<td></td>
</tr>
<tr>
<td>4.6 Number of thermal protective aids</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 Line throwing appliance</td>
</tr>
<tr>
<td>5.2 Distress flares</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6. Radio Life Saving Appliances</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1 Number of radar transponders</td>
<td>1</td>
</tr>
<tr>
<td>6.2 Number of two-way VHF radio telephone apparatus</td>
<td>2</td>
</tr>
</tbody>
</table>

*Note: The emergency tow rope must be included in the equipment. The VHF and radiotelephone equipment must comply with the latest rule.*

<table>
<thead>
<tr>
<th>3. Details of radio facilities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Primary systems</td>
<td></td>
</tr>
<tr>
<td>1.1 VHF radio installation</td>
<td></td>
</tr>
<tr>
<td>1.1.1 DSC encoder</td>
<td>YES</td>
</tr>
<tr>
<td>1.1.2 DSC watch receiver</td>
<td>YES</td>
</tr>
<tr>
<td>1.1.3 Radiotelephony</td>
<td>YES</td>
</tr>
<tr>
<td>1.2 MF radio installation</td>
<td></td>
</tr>
<tr>
<td>1.2.1 DSC encoder</td>
<td>YES</td>
</tr>
<tr>
<td>1.2.2 DSC watch receiver</td>
<td>YES</td>
</tr>
<tr>
<td>1.2.3 Radiotelephony</td>
<td>YES</td>
</tr>
<tr>
<td>1.3 MF/HF radio installation</td>
<td></td>
</tr>
<tr>
<td>1.3.1 DSC encoder</td>
<td>YES</td>
</tr>
<tr>
<td>1.3.2 DSC watch receiver</td>
<td>YES</td>
</tr>
<tr>
<td>1.3.3 Radiotelephony</td>
<td>YES</td>
</tr>
<tr>
<td>1.3.4 Direct-printing radio telegraphy</td>
<td>YES</td>
</tr>
<tr>
<td>1.4 INMARSAT ship earth station</td>
<td>YES</td>
</tr>
<tr>
<td>2. Secondary means of steering</td>
<td></td>
</tr>
<tr>
<td>2.1 Radar</td>
<td>YES</td>
</tr>
<tr>
<td>2.2 GPS</td>
<td>YES</td>
</tr>
<tr>
<td>2.3 AUTO</td>
<td>YES</td>
</tr>
<tr>
<td>2.4 Other</td>
<td>YES</td>
</tr>
</tbody>
</table>
Appendix 7.4 Passenger Ship Safety Certificate.

<table>
<thead>
<tr>
<th>3</th>
<th>Facilities for reception of maritime safety information</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>NAVTEX receiver</td>
</tr>
<tr>
<td>2.2</td>
<td>EGC receiver</td>
</tr>
<tr>
<td>3.3</td>
<td>HF direct-printing radiotelegraph receiver</td>
</tr>
<tr>
<td>4</td>
<td>Satellite EPIRB</td>
</tr>
<tr>
<td>4.1</td>
<td>COSPAS-SARSAT</td>
</tr>
<tr>
<td>4.2</td>
<td>INMARSAT</td>
</tr>
<tr>
<td>5</td>
<td>VHF EPIRB</td>
</tr>
<tr>
<td>6</td>
<td>Ship’s radar transponder</td>
</tr>
</tbody>
</table>

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

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

5 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-comp ass bearing repeater* | |
| 1.6 | Heading or track control system* | |
| 1.7 | Pelorus or compass bearing device* | YES |
| 1.8 | Method 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 | |
### Appendix 7.4 Passenger Ship Safety Certificate

<table>
<thead>
<tr>
<th>Item</th>
<th>Requirement</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>Receiver for a global navigation satellite system*</td>
<td>YES</td>
</tr>
<tr>
<td>3.2</td>
<td>9 GHz radio*</td>
<td></td>
</tr>
<tr>
<td>3.3</td>
<td>Second radar 3 GHz*</td>
<td></td>
</tr>
<tr>
<td>3.4</td>
<td>Automatic radar plotting aid (ARPA)*</td>
<td></td>
</tr>
<tr>
<td>3.5</td>
<td>Automatic tracking aid*</td>
<td></td>
</tr>
<tr>
<td>3.6</td>
<td>Second automatic tracking aid*</td>
<td></td>
</tr>
<tr>
<td>3.7</td>
<td>Electronic plotting aid*</td>
<td></td>
</tr>
<tr>
<td>4.1</td>
<td>Automatic Identification system (AIS)</td>
<td></td>
</tr>
<tr>
<td>5.1</td>
<td>S-VDR</td>
<td></td>
</tr>
<tr>
<td>6.1</td>
<td>Speed and distance measuring device (through the water)*</td>
<td></td>
</tr>
<tr>
<td>6.2</td>
<td>Speed and distance measuring device (over the ground in the forward and astern ship direction)*</td>
<td></td>
</tr>
<tr>
<td>7.1</td>
<td>ECDIS*</td>
<td></td>
</tr>
<tr>
<td>8.1</td>
<td>Rate of turn indicator*</td>
<td></td>
</tr>
<tr>
<td>8.2</td>
<td>Rudder, propeller, thrust, pitch and operational mode indicator*</td>
<td></td>
</tr>
</tbody>
</table>

* 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.

MINIMUM SAFE MANNING DOCUMENT FOR THE TRADING AREA:

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:

<table>
<thead>
<tr>
<th>Name of Vessel</th>
<th>Distinctive number or letters</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASTRID</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IMO number</th>
<th>Gross tonnage</th>
<th>Propulsion power in kW</th>
</tr>
</thead>
<tbody>
<tr>
<td>5027792</td>
<td>140</td>
<td>253</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Port of Registry</th>
<th>Type of Ship</th>
<th>Periodically unattended machinery space</th>
</tr>
</thead>
<tbody>
<tr>
<td>VLISSINGEN</td>
<td>Sailing vessel</td>
<td>YES</td>
</tr>
</tbody>
</table>

Table I

<table>
<thead>
<tr>
<th>Grade / capacity</th>
<th>Certificate (STOW req.)</th>
<th>Number</th>
<th>Particulars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Master</td>
<td>8/2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Chief mate</td>
<td>8/2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Rating deck</td>
<td>8/4</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

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/MV/VPN
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 BCIT AB 17-12-2008 EA/MM/WRI
Appendix 7.5  Minimum Safe Manning Document.

Table II

<table>
<thead>
<tr>
<th>Grade / capacity</th>
<th>Certificate (STCW-reg.)</th>
<th>Number</th>
<th>Particulars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Master</td>
<td>II/2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Rating deck</td>
<td>II/4</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Rating</td>
<td></td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Grade / capacity</th>
<th>Certificate (STCW-reg.)</th>
<th>Number</th>
<th>Particulars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Master</td>
<td>II/2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Rating deck</td>
<td>II/4</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

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.

Conditions:

CONCEPT
Appendix 7.5 Minimum Safe Manning Document.

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.

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,
## Appendix 7.5 Minimum Safe Manning Document

### TRADING AREAS

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Unrestricted</td>
</tr>
<tr>
<td>2</td>
<td>(20) Coastal waters, whereby the distance to the nearest port and the offshore distance does not exceed 200 nautical miles.</td>
</tr>
<tr>
<td>3</td>
<td>(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.</td>
</tr>
<tr>
<td>4</td>
<td>(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.</td>
</tr>
<tr>
<td>5</td>
<td>(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.</td>
</tr>
<tr>
<td>6</td>
<td>(30) 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.</td>
</tr>
<tr>
<td>7</td>
<td>(30) 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.</td>
</tr>
<tr>
<td>8</td>
<td>(30) 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.</td>
</tr>
<tr>
<td>9</td>
<td>(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.</td>
</tr>
<tr>
<td>10</td>
<td>(KINS) Poole Gurnard to jersey v.e.</td>
</tr>
<tr>
<td>11</td>
<td>(KORH) Over the Netherlands and German Shallows to the estuaries of the rivers Weser and Elbe.</td>
</tr>
<tr>
<td>12</td>
<td>Short international voyage.</td>
</tr>
<tr>
<td>13</td>
<td>(DV) From the Vlie along the Netherlands - and German Frisian Islands to the estuaries of the river Weser, Elbe and Eider, through the North Baltic Sea north of the Baltic Sea as far as the line Stralsund - Travemünde, as well as through the Sounds and the belts to the Kattegat as far as the line Oresund - Kullen.</td>
</tr>
<tr>
<td>14</td>
<td>(VZ, VO, VD) Vissingen/Zeebrugge of Vlissingen/Stanste of Vlissingen/Domburg.</td>
</tr>
<tr>
<td>15</td>
<td>(8) 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 - Harlebusen - Vehlaesel Wester - Vehlaesel Elbe 1 - and the estuary of the river Elbe to Brunsbüttel, as far as the road bridge. The North Baltic Sea Channel - the Kiel Canal - the western Baltic Sea, Belt and Sound as far as the line Oresund-Kullen in the North and the line 10 sea-miles outside the Capes in the East.</td>
</tr>
<tr>
<td>16</td>
<td>(8) Coastal waters, 25 sea-miles out of Belgium, Netherlands and German coast from Nieuwpoort to the estuaries of the river Elbe and Eider, through the North Baltic Sea Canal to the Baltic Sea, Belt and Sound to Kattegat in the north to the line Skagen - Gothenburg, and in the east Strömstugan - east coast Bornholm Gudhjem, and 25 sea-miles around Bornholm.</td>
</tr>
<tr>
<td>17</td>
<td>(8) Coastal waters, 30 sea-miles out of the European coasts of the following areas: Northsee; 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° 1' W - the line which connects Stralsund Head with Barby Point - Mülle - East coast of Gotland - Ström (Andersson Point) - Skagen Head (North Ireland) and from Old Head of Kinsale (South Ireland) to 6° 7' W (about 25 sea-miles west from Pointe du Raz) to South Bank of Gironde (45° 1' N, 2° F W) and the Mediterranean Sea.</td>
</tr>
<tr>
<td>18</td>
<td>(8) The Baltic Sea; the North Sea up to 63° 30' N (not more than 25 sea-miles out of the Norwegian coast) - 61° 1' W - the line which connects Stralsund Head with Barby Point - Mülle - East coast of Gotland - Ström (Andersson Point) - Skagen Head (North Ireland) and from Old Head of Kinsale (South Ireland) to 6° 7' W (about 25 sea-miles west from Pointe du Raz) to South Bank of Gironde (45° 1' N, 2° F W) and the Mediterranean Sea.</td>
</tr>
<tr>
<td>19</td>
<td>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 Le d'Quessant to Isles of Scilly, Irish Sea Service between the limits of Cork to Isles of Scilly and Rattray Island to Mull of Kintyre.</td>
</tr>
</tbody>
</table>
Appendix 7.6 Certificate of Seaworthiness.

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.

<table>
<thead>
<tr>
<th>Name of Ship</th>
<th>Distinctive letters</th>
<th>IMO Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASTRID</td>
<td>PCDS</td>
<td>5027792</td>
</tr>
<tr>
<td>Port of Registry</td>
<td>Gross tonnage</td>
<td>Year of build</td>
</tr>
<tr>
<td>VLISSINGEN</td>
<td>140</td>
<td>1924</td>
</tr>
</tbody>
</table>

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

The Head of the Shipping Inspectorate
on his behalf.

Model CVD-6 26.07.2002 pol/11h/ev
Sections(s): KV
Appendix 7.6 Certificate of Seaworthiness.

*) Refer for description of Trade Area to Annex 1
## TRADING AREAS

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Unrestricted</td>
</tr>
<tr>
<td>2</td>
<td>Coastal waters whereby the offshore distance does not exceed 200 nautical miles and the sailing time from safe harbour or anchorage shall be within 6 hours.</td>
</tr>
<tr>
<td>3</td>
<td>Coastal waters whereby the offshore distance does not exceed 30 nautical miles and the sailing time from the point of departure, mentioned on the safe anchoring certificate, shall be within 12 hours and shall not be more than 6 hours from a port of refuge.</td>
</tr>
<tr>
<td>4</td>
<td>Coastal waters whereby the offshore distance does not exceed 15 nautical miles and the sailing time from safe harbour or anchorage shall be within 6 hours.</td>
</tr>
<tr>
<td>5</td>
<td>Coastal waters whereby the offshore distance does not exceed 15 nautical miles and the sailing time from the point of operation, mentioned on the safe anchoring certificate, shall be within 12 hours and shall not be more than 6 hours from a port of refuge.</td>
</tr>
<tr>
<td>6</td>
<td>Coastal waters whereby the offshore distance does not exceed 5 nautical miles and the sailing time from the point of departure, mentioned on the safe anchoring certificate, shall be within 12 hours and shall not be more than 6 hours from a port of refuge.</td>
</tr>
<tr>
<td>7</td>
<td>Coastal waters whereby the offshore distance does not exceed 5 nautical miles and the sailing time from the point of operation, mentioned on the safe anchoring certificate, shall be within 12 hours and shall not be more than 6 hours from a port of refuge.</td>
</tr>
<tr>
<td>8</td>
<td>Coastal waters whereby the offshore distance does not exceed 5 nautical miles and the sailing time from safe harbour or anchorage shall be within 6 hours.</td>
</tr>
<tr>
<td>9</td>
<td>Short International voyage, in the North Sea and English Channel south of a line from the Wash to the Thames and north of a line from Dover to Calais.</td>
</tr>
<tr>
<td>10</td>
<td>Over the Netherlands and German Shallows to the estuaries of the rivers Weser and Elbe.</td>
</tr>
<tr>
<td>11</td>
<td>Short International voyage.</td>
</tr>
<tr>
<td>12</td>
<td>From the Wash north of the Netherlands and German Shallows to the estuaries of the rivers Weser, Elbe and Eider, through the North Baltic seaway to the Baltic Sea as far as the line Stockholm.</td>
</tr>
<tr>
<td>13</td>
<td>To the estuaries of the rivers Elbe and Eider, through the North Baltic seaway to the Baltic Sea as far as the line Stockholm.</td>
</tr>
<tr>
<td>14</td>
<td>From the estuaries of the river Elbe along the line from the North Sea to the Wash north of the Netherlands and German Shallows to the estuaries of the rivers Weser, Elbe and Eider, through the North Baltic seaway to the Baltic Sea as far as the line Stockholm.</td>
</tr>
<tr>
<td>15</td>
<td>To the estuaries of the rivers Elbe and Eider, through the North Baltic seaway to the Baltic Sea as far as the line Stockholm.</td>
</tr>
<tr>
<td>16</td>
<td>Coastal waters, 25 sea miles east of Belgium, Netherlands and German coast.</td>
</tr>
<tr>
<td>17</td>
<td>Coastal waters, 25 sea miles east of the Netherlands and German Shallows, 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 the Dover Strait between England and France (63°30'N, 2°30'W) and the Mediterranean Sea.</td>
</tr>
<tr>
<td>18</td>
<td>The British Isles, Scotland, Ireland and the Mediterranean.</td>
</tr>
<tr>
<td>19</td>
<td>Short International voyage.</td>
</tr>
</tbody>
</table>
Appendix 7.6 Certificate of Seaworthiness.

THIS ENCLOSURE SHOULD BE PERMANENTLY ATTACHED TO

THIS IS TO CERTIFY that the structure, machinery, lifesaving and firefighting appliances, the
shipboard 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.

<table>
<thead>
<tr>
<th>RADIO</th>
<th>HULL, MACHINERY, ETC.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Periodical Survey:</td>
<td>Annual Survey:</td>
</tr>
<tr>
<td>Signed:............................................</td>
<td>Signed:..............................</td>
</tr>
<tr>
<td>Place:..............................................</td>
<td>Place:..............................</td>
</tr>
<tr>
<td>Date:..............................................</td>
<td>Date:..............................</td>
</tr>
<tr>
<td>Periodical Survey:</td>
<td>Annual/periodical/Intermediate Survey:</td>
</tr>
<tr>
<td>Signed:............................................</td>
<td>Signed:..............................</td>
</tr>
<tr>
<td>Place:..............................................</td>
<td>Place:..............................</td>
</tr>
<tr>
<td>Date:..............................................</td>
<td>Date:..............................</td>
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<tr>
<td>Periodical Survey:</td>
<td>Annual/periodical/Intermediate Survey:</td>
</tr>
<tr>
<td>Signed:............................................</td>
<td>Signed:..............................</td>
</tr>
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<td>Place:..............................................</td>
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<tr>
<td>Date:..............................................</td>
<td>Date:..............................</td>
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<tr>
<td>Periodical Survey:</td>
<td>Annual Survey:</td>
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<td>Signed:............................................</td>
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<td>Place:..............................................</td>
<td>Place:..............................</td>
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<tr>
<td>Date:..............................................</td>
<td>Date:..............................</td>
</tr>
</tbody>
</table>

Model CVD-B 26.07.2002 pcv/mhpv
Section(s): KV
Appendix 7.6 Certificate of Seaworthiness.

<table>
<thead>
<tr>
<th>Page 5 of 7</th>
<th>SI Vessel number:</th>
<th>Certificate number:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>37289</td>
<td>3947/2010</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Place:</th>
<th>Place:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Date:</th>
<th>Date:</th>
</tr>
</thead>
</table>
Appendix 7.6 Certificate of Seaworthiness.

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: .................................................................

Model CVD-R 36.07.2002 pc/Wh/fv
Section(s): KV
Appendix 7.6 Certificate of Seaworthiness.

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.

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

<table>
<thead>
<tr>
<th>Name of ship</th>
<th>Distinctive Number or Letters</th>
<th>Port of Registry</th>
<th>Gross Tonnage</th>
<th>Number of persons which the ship is certified to carry</th>
<th>IMO Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASTRID</td>
<td>PCDS</td>
<td>VLISSINGEN</td>
<td>140</td>
<td>38</td>
<td>5027792</td>
</tr>
</tbody>
</table>

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: EPP
Society: KV

30/03/2006
Appendix 7.7  International Sewage and Pollution Prevention Certificate.

(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.

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)

Model: 12PP
Society: KV

30/03/2006 hr
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

Model: GRP
Section: KV
30/03/2006
Appendix 7.8 Passenger Liability Certificate.

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

<table>
<thead>
<tr>
<th>Name of Ship</th>
<th>Port of Registry</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASTRID</td>
<td>VLissingen</td>
</tr>
<tr>
<td>Distinctive number or letters</td>
<td>IMC ship identification number</td>
</tr>
<tr>
<td>PCDS</td>
<td>5027792</td>
</tr>
</tbody>
</table>

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.
Appendix 7.8 Passenger Liability Certificate.

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 into 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 Undermanager of Maritime Shipping Permits,

Passenger Liability Certificate Current at Time of Casualty
Appendix 7.9 Safety Plan.
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, Dublin 9, Ireland.
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

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 [Name]

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,
Appendix 7.11 Weather Report.

MET ÉIREANN
The Irish Meteorological Service

Glasnevin Hill,
Dublin 9, Ireland.

Tel: +353-1-806 4290
Fax: +353-1-806 4247
E-mail: met.eireann@met.ie

26/7/2013

Our Ref. WSWS3018/2_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
Appendix 7.12 Position of Grounding.
Appendix 7.13  Netherlands Declaration on Sail Training Vessels.

Declaration

To whom it may concern

According EU regulation 994/2009/EU reg. 3.7., the said regulation does not apply to ships of war and troo ships, 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 troo ships, 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;

<table>
<thead>
<tr>
<th>Name of the ship</th>
<th>Call sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abiel Taxman</td>
<td>PCVM</td>
</tr>
<tr>
<td>Albert Johannes</td>
<td>PCKB</td>
</tr>
<tr>
<td>Antigua</td>
<td>PCRA</td>
</tr>
<tr>
<td>Aphrodite</td>
<td>PCSR</td>
</tr>
<tr>
<td>Artemis</td>
<td>PFCB</td>
</tr>
<tr>
<td>Astrid</td>
<td>PCDS</td>
</tr>
<tr>
<td>Atlantis</td>
<td>PCDT</td>
</tr>
<tr>
<td>Banjaard</td>
<td>PCDXV</td>
</tr>
<tr>
<td>Bisschop van Arkel</td>
<td>PDDG</td>
</tr>
<tr>
<td>Catherina</td>
<td>PIHH</td>
</tr>
<tr>
<td>De Albertha</td>
<td>PCOK</td>
</tr>
<tr>
<td>De Gallant</td>
<td>PDPs</td>
</tr>
<tr>
<td>De Tukker</td>
<td>PIIBM</td>
</tr>
<tr>
<td>Eems no. 1</td>
<td>PPHI</td>
</tr>
<tr>
<td>Eldorado</td>
<td>PEEA</td>
</tr>
<tr>
<td>Elegant</td>
<td>PDUH</td>
</tr>
<tr>
<td>Esther Jensen</td>
<td>PDZP</td>
</tr>
<tr>
<td>Flying Dutchman</td>
<td>PIAK</td>
</tr>
<tr>
<td>Gulden Leeuw</td>
<td>PCBH</td>
</tr>
<tr>
<td>Hendriks Bartelts</td>
<td>PEQP</td>
</tr>
</tbody>
</table>
Appendix 7.13 Netherlands Declaration on Sail Training Vessels.

<table>
<thead>
<tr>
<th>Name</th>
<th>Code</th>
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<tbody>
<tr>
<td>Ide Min</td>
<td>PC0736B</td>
</tr>
<tr>
<td>Iris</td>
<td>PEGO</td>
</tr>
<tr>
<td>J.R. Tolkien</td>
<td>PFRB</td>
</tr>
<tr>
<td>Jacob Meindert</td>
<td>PEYR</td>
</tr>
<tr>
<td>Jan Huysen</td>
<td>PDTM</td>
</tr>
<tr>
<td>Kailos</td>
<td>PHKP</td>
</tr>
<tr>
<td>Lotth Loreen</td>
<td>PFFF</td>
</tr>
<tr>
<td>Luciane</td>
<td>PFQK</td>
</tr>
<tr>
<td>Lutgardina</td>
<td>PFDQ</td>
</tr>
<tr>
<td>Mare Frisia</td>
<td>PCBH</td>
</tr>
<tr>
<td>Marie Galante</td>
<td>PFTM</td>
</tr>
<tr>
<td>Mercedes</td>
<td>PCMC</td>
</tr>
<tr>
<td>Minerva</td>
<td>PFZT</td>
</tr>
<tr>
<td>Morgenster</td>
<td>PHMY</td>
</tr>
<tr>
<td>Naijade</td>
<td>PGCG</td>
</tr>
<tr>
<td>Neerlandia</td>
<td>PGED</td>
</tr>
<tr>
<td>Noorderlicht</td>
<td>PGJG</td>
</tr>
<tr>
<td>Oban</td>
<td>PDWJ</td>
</tr>
<tr>
<td>Oosterschalde</td>
<td>PGNP</td>
</tr>
<tr>
<td>Pedro Doncker</td>
<td>PGGR</td>
</tr>
<tr>
<td>Pegasus</td>
<td>PGRS</td>
</tr>
<tr>
<td>Regina Maria</td>
<td>PGSX</td>
</tr>
<tr>
<td>Sir Robert Baden Powel</td>
<td>PBMP</td>
</tr>
<tr>
<td>Skylge</td>
<td>PHLS</td>
</tr>
<tr>
<td>Stella Maria</td>
<td>PHSR</td>
</tr>
<tr>
<td>Stortemelk</td>
<td>PHTX</td>
</tr>
<tr>
<td>Swansborough</td>
<td>PHYX</td>
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<tr>
<td>Tecla</td>
<td>PHXI</td>
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<td>Talassa</td>
<td>PHYD</td>
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<tr>
<td>Twister</td>
<td>PCAB</td>
</tr>
<tr>
<td>Wyld Swen</td>
<td>PIWS</td>
</tr>
<tr>
<td>Zephyr</td>
<td>PIXB</td>
</tr>
<tr>
<td>Zuiderzee</td>
<td>PIYX</td>
</tr>
</tbody>
</table>

Date: 15 February 2010

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,
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 Ja 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

[Redacted] 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"

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, Lyd (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.

\textsuperscript{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.

Engrossed:

Sakuth

Hanseatic Superior Regional Court
Hamburg

[signature]

Sakuth
Hanseatic Superior Regional Court
Hamburg

This Judgment is not legally valid.

Hamburg District Court

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

Please quote in all correspondence

Judgment

³ Code of Criminal Procedure [German]
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. / as an official in the Office of the Director of Public
   Prosecutions,
3. Barrister [redacted]
as Defence Counsel,
4. Courts official [redacted]
as Clerk of the
   Court.

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
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-EigensichV, 15 Section 1 No. 2 SeeAufG, 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 Aeroköbing 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"
taking part, had taken the route from Laboe via Holtenau, Kappeln, Lyö (Denmark) and Aerókøbing (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 99/18/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 in the Friesland 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
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-EigenschiV. 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.
Hanseatisk Oberlandesgericht
3. afdeling for bodesager
Afgørelse

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

I bodesagen

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 Hanseatiskes Oberlandesgericht i Hamburg, 3. afdeling for bodesager, den 27.06.11 ved

Sakuth, dommer ved Oberlandesgericht,

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

Tiltaltes appel af dommen afsagt af Amtsgericht Hamburg, afdeling 210, den 22.12.10 afvises, idet sagsomkostningerne pålægges tiltalte.
Appendix 7.14 German Court Ruling - Translations and Original Text.

-2-

Præmisser:

I.


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

II.

Appellen, der kan antages til realitetsbehandling, er ubegrundet.

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

For så vidt som det i appellens begrundelse gøres gældende, at denne faktiske omstændighed er fastslået fejlagligt, 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, erstatte appellens begrundelse ubertiggelig den foretagne bevisbedømmelse med sin egen.

En efterprøvelse af påstanden om, at oplysningerne i præsentionen 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 røtsfølgerne. For at undgå gentagelser henvises til betragtningerne i den appellerede dom.

III.

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

Sakuth [Rettens stempel] Udskriftens rigtighed bekræftes [sign.] som dommerkontorets protokolsekretær
Dommen er ikke retskraftig.

Amtsgericht Hamburg

Journal nr.:
238 OWI 10/10
7402 Js-OWI 119/10

Beels anfart i alle skriftlige henvendelser!

Dom

Thi kendes for ret

I bædesagen mod

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

her Amtsgericht Hamburg,
afdeling 218, for bædesager
på retsmødet den 22. december 2010,
under medvirken af:

1. Dommer ved Amtsgericht [censored] som retsformand,

2. [censored] som embedsmand ved statsadvokaturen,

3. advokat [censored] som forsvarer,

4. justitsassistent [censored] som dommerkontorets protokolsekretær

afsebt følgende dom:
APPENDIX 7.14 Cont.

Appendix 7.14 German Court Ruling - Translations and Original Text.

- 2 -

Tiltalte
idømmes
for uagtet overtrædelse af § 2, stk. 2, første punktum, nr. 3, i den tyske bekendtgørelse om
søgærende skibes egne sikrings systemer, 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 seen,
SOLAS 74/84
en beløb på 500,- (fem hundrede) euro

Tiltalte bærer sagens omkostninger.

Anvendte bestemmelser:
§ 12, stk. 1, nr. 1, i den tyske bekendtgørelse
om søgærende skibes egne sikrings systemer, See-
Eigensicherungsverordnung, See-EigensichV, §
15, stk. 1, nr. 2, i den tyske lov om
forbundsstatens opgaver inden for søfarten,
Seeaufgabengesetz, SeeAufG, § 17 i den tyske
lov om administrative
forordelser,
Ordnungswidrigkeitsgesetz, OWiG.

Fremisser:

I.

Den [overstreget]-årige tiltalte er nederlæsk
statesborger og arbejder som skibsfærer på nederlandske
passagersejl skibe.

II.

Den 24.9.2009 første tiltalte som skibsfærer
passagersejl skibe det "Pegasus", der sejlede under
nederlandsk flag (registreringshavn: Groningen), fra
AerØkøbing [Åreskov] i Danmark til Kiel-Holtenau.
Appendix 7.14  German Court Ruling - Translations and Original Text.

deltog 16 betalende passagerer, gik fra Løbøe over Holtenau, Kappelm, Lyø (Danmark) og Aærøkøbing (Danmark) til Holtenau.


Om bord befandt sig en godkendelse som passagerskib i henhold til Rådets EU-direktiv 96/18/EF af 17.3.1998 om sikkerhedsregler og -standarder for passagerskibe, men ikke noget internationalt skibsmærkningscertifikat 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 vejforhold sejler uden brug af motoren til periodavis hovedfremdrivning.

III.

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

Retten er fra flere lignende tilfælde bekendt med, at passagersejelskibe som "Pegasus" jævnligt sejler 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 nederländske passagersejelskibe, 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 hjælpmotor - under ugunstige forhold af og til ankommer med betydelige forsinkelser, er det ikke tilfældet med de nederländske passagersejelskibe, 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 nederländske holdning, der afvigere fra de danske og tyske myndigheders, følger tilalttes uagtethed 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
03.02.1995 fra det tyske trafikministerium, hvorefter SCLAS-konventionen ikke skulle anvendes på denne type fartøjer. I titlaltes egenskab af skibspro prihvede det denne at udvide 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 retsstillning. Han havde uden videre med en rimelig indsat kunne gøre dette ved at rette henvendelse til den ansvarlige myndighed.

IV.

Tiltalte har herefter i al fald uagtet begået en forseelse i henhold til See-EigensichV’s § 12, stk. 1, nr. 1, og SeeAufg8’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.

afgørende er ikke, om et skib, der er udstyret med en motor (der ikke blot er en ren hjælpmotor, der er uegnet til hovedfremdrivning), overvejende skal drives eller rent faktisk bliver drevet af denne motor. Der ses ikke at foreligge nogen særlig grund til en sådan differentiering mellem skibe, der foruden et fuldt fungerende mekanisk fremdrivningsanlæg også kan sæjle for sæjl, og andre mordrevne passagerskibe - ikke mindst fordi mange passagersællskibe oprindeligt slet ikke var sællskibe, 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 uagtetomhed, 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 omkostningspørgesålet følger af OWiG's § 46, stk. 1, sammenholdt med § 465, stk. 1, i den tyske lov om strafferetsplejen, Strafprozessordnung, StPO.
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
Hanseatisches Oberlandesgericht
3. Senat für Bußgeldsachen
Beschluss

§ 20/11 (RB)
3 Sa 36/11 OWi
218-20/10 OWi
7402 Js 119/10 OWi

In der Bußgeldsache

gegen

Vorbehalt des Beschuldigten

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.
Gründe:

I.


II.

Die zulässige Rechtsbeschwerde ist unbegründet.
Das Amtsgericht hat in nicht zu beanstandender Weise aus den Feststellungen unter Zuhilfenahme weiterer Indizienachen geschlossen, dass das Schiff „Pegasus” regelmäßig unter Motor als Hauptsantrieb gefahren wird. Damit unterliegt es dem ISSC-Code, dem hier nicht genannt wurde.


Die Erwägungen des Amtsgerichts zur subjektiven Tatseite und zum Rechtsfolgenausspruch 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 SiPO.
Appendix 7.14 German Court Ruling - Translations and Original Text.

Gegen den Betroffenen

wird wegen


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 50 Jahre alte Betroffene ist niederländischer Staatsangehöriger und arbeitet als Schiffsführer von niederländischen Fahrgastsegelschiffen.

II.

Das Urteil ist nicht rechtskräftig.

Amtsgericht Hamburg

Geschäfts-Nr.: 218 OWi 20/10
7402 Ja-OWi 119/10
Bitte den Schreibfehler angeben!

Urteil
Im Namen des Volkes
In der Bußgefolgsache gegen

[Name],
geboren am [Datum],
in [Ort],
wohnhalt: [Adresse],

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

1. Richter am Amtsgericht als Vorsitzender,
2. [Name],
as Beamter der Staatsanwaltschaft,
3. Rechtsanwalt als Verteidiger,
4. Justizangestellte als Urkundsbeamte der Geschäftsstelle

für Recht erkannt:
Appendix 7.14 German Court Ruling - Translations and Original Text.


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 zeitweiligen Hauptantrieb fährt.

III.

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

Aus mehreren gleichgelagerten Fällen ist gerichtsbe- kannt, dass Passagierschiffe wie die „Pegasus“ bei Bedarf regelmäßig unter Motor gefahren werden, wenn beispielsweise bei widrigen Windverhältnissen (gegenan oder Flauten) 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 Passagierschiffe, Dienst tut und berichtet hat, dass es nach seiner Beobachtung ausschließlich vom Wetter abhänge, ob diese Schiffe unter Segel oder unter Motor fahren; während echte - nur mit einem Hilfsantrieb ausgerüstete - Traditionschiffe bei ungünstigen Verhältnissen auch mal mit erheblicher Verspätung eintriften, sei das bei den niederländischen Passagierschiffen, die einen festen Fahrplan hatten, 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 Kapitänern 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
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 Sicher-
heitsvorschriften. Dazu zählt auch, sich über die gel-
tonte Rechtslage zu informieren. Dies wäre ihm durch ei-
ne Anfrage bei der zuständigen Behörde ohne weiteres
möglich und zuzumuten gewesen.

IV.

Der Betroffene hat danach zumindest fahrlässig eine Ordi-
nungswidrigkeit nach §§ 12 Abs. 1 Nr. 1 See-EigensichV,
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 Auslands-
fahrt (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
cann dahingestellt, ob Schiffe, die nur etwa über Bug-
strahler 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
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 ungeeignet, 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 Passagiersegelschiffe ursprünglich gar keine Segelschiffe waren, sondern erster 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 Fahrbesichtigung 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

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.1</td>
<td>Correspondence from Dutch Safety Board and MCIB response</td>
<td>118</td>
</tr>
<tr>
<td>8.2</td>
<td>Correspondence from Irish Sailing Association and MCIB response</td>
<td>119</td>
</tr>
<tr>
<td>8.3</td>
<td>Correspondence from the Master of the “STV Astrid” and MCIB response</td>
<td>120</td>
</tr>
<tr>
<td>8.4</td>
<td>Correspondence from An Garda Siochana and MCIB response</td>
<td>129</td>
</tr>
<tr>
<td>8.5</td>
<td>Correspondence from At Sea Training and MCIB response</td>
<td>130</td>
</tr>
<tr>
<td>8.6</td>
<td>Correspondence from Human Environment and Transport Inspectorate and MCIB response</td>
<td>138</td>
</tr>
<tr>
<td>8.7</td>
<td>Correspondence from Sail Training Ireland and MCIB response</td>
<td>144</td>
</tr>
<tr>
<td>8.8</td>
<td>Correspondence from RNLI and MCIB response</td>
<td>146</td>
</tr>
<tr>
<td>8.9</td>
<td>Correspondence from Register Holland and MCIB response</td>
<td>148</td>
</tr>
</tbody>
</table>

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

[Contact Information]

MCIB RESPONSE: The Board notes the contents of this observation.
Correspondence 8.2 Irish Sailing Association and MCIB response.

ISA
Irish Sailing Association
3 Park Road, Dun Laoghaire, Co Dublin, Ireland
T: +353 (01) 2800239
F: info@sailing.ie
W: www.sailing.ie

Secretariat
Marine Casualty Investigation Board
Lessen 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 [Redacted]


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,

[Redacted]

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
3.1.1 We have not done 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 as 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)
Dear [Name],

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

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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 2008/45 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.

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The German Court ruling however came before the start of the European Infringement procedure against Denmark (see footnote 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 2008/45 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 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 technical 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 596/2006. 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 could 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.

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[1] Germany, the UK, Denmark, Norway, Finland, Spain, Portugal, Poland, Estonia, the Netherlands, Greece, Sweden
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, bad advised. The German Court however should have known better.

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Footnote: Germany, the UK, Denmark, Norway, Finland, Spain, Portugal, Poland, Estonia, The Netherlands, Greece, Sweden

MCIB RESPONSE: The Board notes this observation.

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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 made a lot of attention about the water in the full thanks in Brighton. We spend with more than 10 people a whole day an 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 was the problem but not that we have not doing everything to control this.

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.

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 ship’s 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.

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.

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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.
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 windwards 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 standing.

Then 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 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.

Keiteinverklaring n.a.v. op de ruiten kopen nabij Kinnsale Ierland van Tall Ship Astrid op 24-07-2012. Planning voor 24-07-2013: van de ankerpositie in de Bay of Oysterhaven naar Kinnsale varen als vluggenschip van een klein korwio.

Wet: wind zuid 5 - 8 bft, bewolkt, lichte regen, goed zicht
Zee: aanhoudend uit zuid met ca. 2 - 3 mtr golfoogte, stroom uit het zuiden ca 2 m a/h
Op wacht: kaptein en vaarte bemanning plus wacht van de trainees
10:30 Conform standard procedures schip klaar gemaakt voor zeil inclusief machinekamer check, check aan dek en op de brug. Geen bijzonderheden. 10:45 anker opgehaald en op de motor langzaam de baai uitgeweken richting zuid met ca 2 knopen SOG. De motor draaidal halve kracht met zo’n 800 toeren. Er waren 10 tot 15 kleinere zeiljachten en enkele Rib’s die met ons meevoeren naar Kinnsale. Naast Sovereign Rock en vrij van de kust zijn we stuurboord uitgegaan en hadden we halve wind zodat we in de gelegenheid waren om stags te zeilen. Als eerste zeil hebben we het grootsegel en de zeilen daarna voorstengel zeilen en daarna de buitenkluiver. Met deze zeilvoering konden we naar de volgende baai varen om
daar enkele rai zeilen te zetten als de wind meer achterlijker zou worden. Ca. 11.30 uur 10 minuten na het zeilen, hijzen de hoedmotor te sputteren om vrij direct daarna er geheel mee te stoppen. Direct opdracht gegeven om de spanker te hijzen. We voeren toen geschat 100 mtr uit de kust. Op dat moment werden we door de golven en de zeezang snel richting kust gedreven. Een schipper van een yacht bood hulp dmv de ‘mayday procedure’ op te starten. Ik heb hiergerig gebruik van gemaakt want ik en mijn bemanning waren druk doende om het schip vrij te zellen van de rotzen. Met de gehesen zeilen konden we parallel aan de rotzen zeilen met ca 2 knopen. De bedoeling was om overstag te gaan en van de rotzen weg te zeilen. Helaas konden we geen snelheid genoeg maken om door de wind te draaien. Verscheidene pogingen om naast ons varende voertuigen aan te zetten tot hulp, zoals de kop door de wind te draaien, mislukte. Ca. 11.45 uur, ik had speciaal nog geen anker uitgegooid 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 rotzen verwijderd en vond ik het geen goed idee meer om een anker uit te gooien. Ik heb toen geconcentreerd op de trainees en mijn crew en het reden daarvan. Ca. 11.50 uur, voordat het schip de rotzen de eerste keer raakte waren alle trainees en de crew verzameld met zwemvesten op het achterdek conform geefende 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 gedaante 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 opdracht die 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
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. 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-topsail 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 abait.

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 mizen 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 rowed 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.

An Garda Síochána


I am directed by Deputy Commissioner, Operations to refer to your correspondence to the Commissioner dated the 29th July and 9th August, 2014 in the above matter.

Please be advised that the draft report in relation to this incident has been reviewed and An Garda Síochána have no observations to make in respect of same.

Yours sincerely,

Superintendent for
Deputy Commissioner
19 August 2014
From: [Name]
Sent: 22 August 2014 12:48
To: Marine Casualty Investigation Board
Subject: MCIB/12/232

Dear [Name],

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 a sample of the contract send by At Sea Sail Training to the trainees. For reasons of privacy of the trainees, I have made this contract on my own name. I 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 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 [number]

With kind regards,

[Name]
Correspondence 8.5  At Sea Training and MCIB response.

Amsterdam, 19-10-2013

Dear [Name],

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,

[Signature]
Concerning: Contract nr 0688

Amsterdam, 19-10-2013

At Sea Sail Training on behalf of the vessel owner and

hereafter referred to as trainee, agree that trainee will participate in the following sail training voyage.

Voyage number **AS07049** on sail training vessel **Astrid**.

**Date Embarkation** | **Port Embarkation** | **Time Embarkation**
--- | --- | ---
14-07-2013 | Southampton (UK) - Kinsale (IE) | 06:00 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 than 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,
**at sea SAIL TRAINING**

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.

<table>
<thead>
<tr>
<th>Question</th>
<th>O yes</th>
<th>O no</th>
</tr>
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<tbody>
<tr>
<td>Do you need help in climbing stairs or taking thresholds of 80 cm (2 ft)?</td>
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<tr>
<td>Are you by experience very prone to motion sickness or sea sickness?</td>
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<tr>
<td>Do you have diabetes?</td>
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<td>If yes, do you need injections?</td>
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<td>Do you have any respiratory problems, e.g. Asthma?</td>
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<td>Do (or did) you have any psychological / psychiatric problems?</td>
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<td>If so, have you been listed for this?</td>
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<td>Do you have any heart or vascular problems?</td>
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<td>Do you have (a form of) epilepsy?</td>
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<td>Do you have an increased risk for infections or did you have radio- or</td>
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<td>chemotherapy in the past 2 years?</td>
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<td>Have you been denied a driver's license on medical grounds?</td>
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<td>Do you use anticoagulants (blood thinners)?</td>
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<td>Are you pregnant?</td>
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<td>Are there any other medical conditions which we should be notified of? (e.g. Allergies) If so, please note medications below.</td>
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<td>What's your length in centimetres?</td>
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<tr>
<td>What's your weight kilo's?</td>
<td>kg</td>
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</tbody>
</table>
Correspondence 8.5  At Sea Training and MCIB response.

**at sea SAIL TRAINING**

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)

________________________________________________________
Correspondence 8.5 At Sea Training and MCIB response.
Correspondence 8.5 At Sea Training and MCIB response.

At sea
SAIL TRAINING

[Text content]

Correspondence 8.5

Crown van Prinsenstraat 49 - S. 1051 EN Amsterdam, The Netherlands
Office: 03121 688-0429 monique@seaitraining.com www.atseaitraining.com
Bank account: 96-99588 BIC PSTNL2 BM: NL42 PST: 0009 8405 88 KVK: 34775773 RTV: 178005691601
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 sailings 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 branch organization BBZ.

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

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 ascertain fact 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 certificated 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 EU2009/45 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 EU2009/45 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.
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.

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

Same in relation to the SPS certificate.

Explanations 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 ascertain 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.

Regarding 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 such 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.

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It is not clear whether the annual surveys of all life rafts were expired or partly. Are certificates...
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 Pollutant Pollution Prevention Certificate was valid, because there is no requirement for a periodic 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 flotation devices were provided. Does this mean that there was no instruction on donning lifejackets or does this mean that you consider lifejackets 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 ship’s power and pumping out of the hawse pipe is not required.

5. The MSDF consists of three tables. The master shall record the table that is used before departure, this is mentioned under the conditions of the MSDF. From the report it is unknown if the master did record the table in use. Therefore it is unclear if the vessel was quantitatively manned as per MSDF. Is it not clear under which table of the MSDF, the vessel 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 MSDF 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 for deep sea sailing. The diploma for 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 MSDF. Therefore, any captain taking the function of master onboard the “Astrid” 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 MSDF 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 watchkeeping 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.
Correspondence 8.6 Human Environment and Transport Inspectorate (Page 3 repeated) and MCIB response.

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.

available, indicating that possible the date on the life raft is not correct? To indicate the seventy 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 where provided. Does this mean that there was no instruction on donning lifejackets or does this mean that you consider this 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 s/s "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 flair on 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/1/4.1: "... 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.
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:

Finally, I understand from your letter that parties adversely affected are also informed. I stress the importance that the branch organization (BNZ) is also informed. Almost 90% of the sailing passenger ship owners are members 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 Sail Training Ireland and MCIB response.

YOUR REF: MCIB/12/232

Dear [Name]

We refer to your letter of the 28th July 2014 in relation to the loss of the "Astrid".

Thank you for providing us with a copy of the draft report of the investigation into the loss of the sail training vessel "Astrid" on the 24th of July 2013 and for permitting Sail Training Ireland to express some comments on the investigation.

Firstly, allow me, on behalf of Sail Training Ireland, to compliment you on a very comprehensive investigation, which has revealed some very worrying aspects surrounding this incident. Sail Training Ireland is appalled at the revelations in relation to the non-compliance of the vessel with the required certification in relation to the vessel itself, the master and members of the crew. We wish to make known our praise for the emergency services and other assisting craft without whose professionalism and skill the outcome may well have been more tragic. It is also worth noting that the training undergone by the trainees as part of their induction and voyage contributed to a satisfactory outcome.

We note the recommendations made in the report and we would fully support them. Sail Training Ireland has already taken steps to ensure that the owners of any vessels, on whom we place trainees, issue a formal declaration confirming that the vessel and crew complies with the applicable certification requirements.

Yours sincerely,

[Signature]

[Name]

Chairman

Marine Casualty Investigation Board

Leeson Lane

Dublin 2
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. If 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.

Yours Sincerely

[Signature]

Chairperson, Sail Training Ireland

MCIB RESPONSE:
The Board notes the observations in this letter.
Correspondence 8.8  RNLI and MCIB response.

Lifeboats

Royal National Lifeboat Institution
Chairman: Charles Alderton
Chief Executive: Paul Edie
RNLB (Charlton) Ltd Registered in England No. 01294886 as a company for the benefit of all in the RNLI

Regional Base Ireland and Isle of Man
Arsenal, Swords, Co Dublin, Ireland
Tel (01) 890 0460
Fax (01) 890 0458

Dear [Name]

25th August 2014

Chair
Marine Casualty Investigation Board
Leeson Lane
Dublin 2

DRAFT REPORT OF THE INVESTIGATION INTO THE LOSS OF THE SAIL TRAINING PASSENGERSHIP “ASTRID” ON 24TH JULY 2013

Reference: Your letter MCIB/13/122 dated 26th July 2013

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 a safe haven 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.
To the Chairman of the Maritime Casualty Investigation Board
Dublin 2
Ireland

our number: 96032/20140826 HB
date: 1 September 2014

Dear [Name],

The draft Report of the Investigation into the loss of the Sailing 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 certificates 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 Report states that "is 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 shall 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.
MCIB RESPONSE: