

SYNOPSIS

At 1955 on 5 December 2005, the UK registered 6326gt container feeder vessel, *Arctic Ocean*, was leaving Brunsbüttel Lock basin to turn east across the westbound fairway of the Elbe River to head for Hamburg. At the same time, the Gibraltar registered 1857gt general cargo vessel *Maritime Lady* was in the westbound fairway approaching the exit from the lock basin and heading for the North Sea.

The two vessels collided at 1957, with the result that *Maritime Lady* capsized. All her crew were evacuated safely. *Arctic Ocean* suffered minimal damage.

Neither vessel was required to carry a pilot. The master of *Arctic Ocean* held a Pilotage Exemption certificate and *Maritime Lady* was below the size where regulation required a pilot to be carried. Both masters were attempting to carry out the duties of pilot and watchkeeping officer. This caused them both to be overloaded at a critical stage of their vessel's passage, leading to misjudgements.

The capsized wreck of *Maritime Lady* drifted in a strong ebb stream until it came to rest about 30 minutes after the collision in a position in the westbound fairway, 0.75miles south-west of the exit basin of Brunsbüttel Locks.

After the collision, Brunsbüttel Locks were closed until 2100. The first vessel to then leave the locks was the Bahamian registered 11598gt chemical tanker, *Sunny Blossom*. She had a pilot on board and was to head west, to the North Sea, after leaving the lock's exit basin.

After leaving the lock basin, *Sunny Blossom* was attempting to make the turn to the west, when her stern struck the wreck of *Maritime lady*, causing serious propeller damage and a total loss of propulsion. She then continued south across the Elbe River, until she grounded on the south bank. There was only slight damage to her hull, and no pollution was caused.

Sunny Blossom's ability to make the westerly turn and clear the wreck of *Maritime Lady* was overestimated. Contributing to this error of judgment was a strong westerly ebb tide, some cropping of *Sunny Blossom's* propeller, her effective rudder area being at the lower end of acceptable limits and the effects of shallow water in the lock exit basin. There was a parallel failure to recognise and assess the risk posed by the wreck of *Maritime Lady* in the fairway before Brunsbüttel locks were reopened to traffic.

Recommendations have been made to the owners of *Arctic Ocean* and *Maritime Lady* to review advice to their masters and offer training in the management of bridge personnel and resources.

The UK Hydrographic Office has been recommended to review its Sailing Directions for the Elbe River to remove any possible confusion over a vessel's right of way.

The Federal Ministry of Transport, Building and Urban Affairs has been recommended to review: requirements for bridge manning levels on vessels in its pilotage waters; emergency procedures; procedures covering the briefing of vessels leaving Brunsbüttel Locks to enter the Elbe; prioritisation of VTS operators' tasks; its advice to mariners of the strength and other characteristics of the tidal stream in the Elbe River south of Brunsbüttel Locks.

SECTION 1 - FACTUAL INFORMATION

Notes on the investigation

This investigation has been undertaken under The International Maritime Organization's (IMO) 'Code for the Investigation of Marine Accidents and Incidents'. It has involved the maritime administration of four nations: UK, Germany, Gibraltar and Bahamas. The exchange of information between the investigators representing these parties has been totally free and offered in the spirit of mutual co-operation. All parties had the same objective of identifying the lessons in order to enhance safety at sea and the safety of mariners.

It is unfortunate that this openness between investigators has not been reflected in the willingness of two stakeholders to co-operate with the investigation. The master of *Maritime Lady* and the nautical supervisor (NvD) of VTS Brunsbüttel were important witnesses to events and were unwilling to share their recollections with the investigators. In deciding on this policy, it is accepted that they were following advice from their lawyers.

There are potential consequences when important witnesses decide not to share what they have seen and heard. The results are lost lessons and material that might otherwise bring about significant changes to safety regulations, ship design, ship manning etc. Ultimately, it is the seafaring community that loses the potential improvements in safety. The commercial arms of the shipping industry are also likely to be affected by the policy; failure to reduce accident rates affects insurance costs, loses shipowners' revenue and damages their reputations.

Under UK law, the obligation for the master of *Maritime Lady* to be interviewed by MAIB Inspectors remains. He and his legal advisers must be aware that a visit to the UK, or service on a UK ship, may offer Inspectors that opportunity. If he then provides important new evidence, it is possible for the investigation to be reopened.

To a degree, this report may appear to indicate that *Arctic Ocean* could, or should, have done more to avoid the collision with *Maritime Lady*. This would be an unfair interpretation and may be seen as the result of the investigation having inadequate reliable information about the actions and intentions of the master of *Maritime Lady*.

Under German law, a witness is entitled to refuse to answer questions, the answers to which might incriminate him. Even though it is not the aim of marine accident investigations to determine faulty behaviour, liability, or claims, and individual statements are protected from transmission to other entities, as these interviews would have been conducted under German jurisdiction, the right to remain silent has been respected by accident investigation bodies.

The missing subjective perspective of the NvD has resulted, however, in questions remaining open regarding the processes within the VTS and decisions taken there.