MCIB
Marine Casualty Investigation Board
Bord Imscrúdú Taismí Muirí

REPORT OF AN INVESTIGATION INTO A MARINE CASUALTY INVOLVING FV EXCEL AND MV PETREL PACIFIC IN OR AROUND THE NORTH ATLANTIC OCEAN ON OR ABOUT 6 AUGUST 2023

REPORT NO. MCIB/336
(No.10 OF 2024)

The Marine Casualty Investigation Board (MCIB) examines and investigates all types of marine casualties to, or on board, Irish registered vessels worldwide and other vessels in Irish territorial waters and inland waterways.

The MCIB objective in investigating a marine casualty is to determine its circumstances and its causes with a view to making recommendations for the avoidance of similar marine casualties in the future, thereby improving the safety of life at sea and inland waterways.

The MCIB is a non-prosecutorial body. We do not enforce laws or carry out prosecutions. It is not the purpose of an investigation carried out by the MCIB to apportion blame or fault.

The legislative framework for the operation of the MCIB, the reporting and investigating of marine casualties and the powers of MCIB investigators is set out in the Merchant Shipping (Investigation of Marine Casualties) Act, 2000.

In carrying out its functions the MCIB complies with the provisions of the International Maritime Organisation's Casualty Investigation Code and EU Directive 2009/18/EC governing the investigation of accidents in the maritime transport sector transposed into Irish law by the European Communities (Merchant Shipping) (Investigation of Accidents) Regulations 2011.

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The Marine Casualty Investigation Board was established on the 25th March 2003 under the Merchant Shipping (Investigation of Marine Casualties) Act, 2000.

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Glossary of Abbreviations and Acronyms

AB	Able Bodied Seaman
ABS	American Bureau of Shipping
AIS	Automatic Identification System
ARPA	Automatic Radar Plotting Aid
AWS	Atypical Working Scheme
BIM	Bord Iascaigh Mhara
BST	Basic Safety Training
CFR	Common Fleet Register
COG	Course Over the Ground
COLREGS	The Collision Regulations/International Regulations for Preventing Collision at Sea
CPA	Closest Point of Approach
CTW	Course Through the Water
ECDIS	Electronic Chart Display and Information System
FV	Fishing Vessel
GT	Gross Tonnage
IMO	International Maritime Organisation
LOA	Length Overall
OOW	Officer of the Watch
MCA	Maritime and Coastguard Agency
MCIB	Marine Casualty Investigation Board
MGN	Marine Guidance Notice
MMSI	Maritime Mobile Service Identity
MSO	Marine Survey Office
MV	Motor Vessel
PCL	Pacific Carriers Limited
PSC	Port State Control
S.I.	Statutory Instrument
SMS	Safety Management System
SOG	Speed Over the Ground
SOLAS	Convention for the Safety of Life at Sea (SOLAS Convention)
STCW	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers
STW	Speed Through the Water
TCPA	Time to Closest Point of Approach

UK	United Kingdom
USA	United States of America
UTC	Co-ordinated Universal Time
UVI	Unique Vessel Indentifier
VDR	Voyage Data Recorder
VHF	Very High Frequency

Centimetre	cm
Cubic metre	M3
Hour	hr
Kilowatt	kW
Knot	kt
Metre	m
Metres per second	m/s
Metric Tonne	MT
Nautical mile	NM
Tonne	t

Report MCIB/336 published by the Marine Casualty Investigation Board.
20th December 2024.

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1. SUMMARY

1.1 At approximately 23.30 hours (hrs) on the 5 August 2023 the fishing vessel (FV) Excel departed Dunmore East, located at the western entrance to Waterford Harbour, County Waterford. The vessel had a four person crew onboard and planned on fishing in the Irish Sea.

1.2 After steaming overnight and covering a distance of approximately 50 nautical miles (NM) the vessel arrived at the Smalls fishing grounds. The crew successfully completed a trawl and at around 22.00 hrs on 6 August, they were hauling gear from a second trawl when the Skipper observed the motor vessel (MV) Petrel Pacific approximately 5 NM to the east of his position.

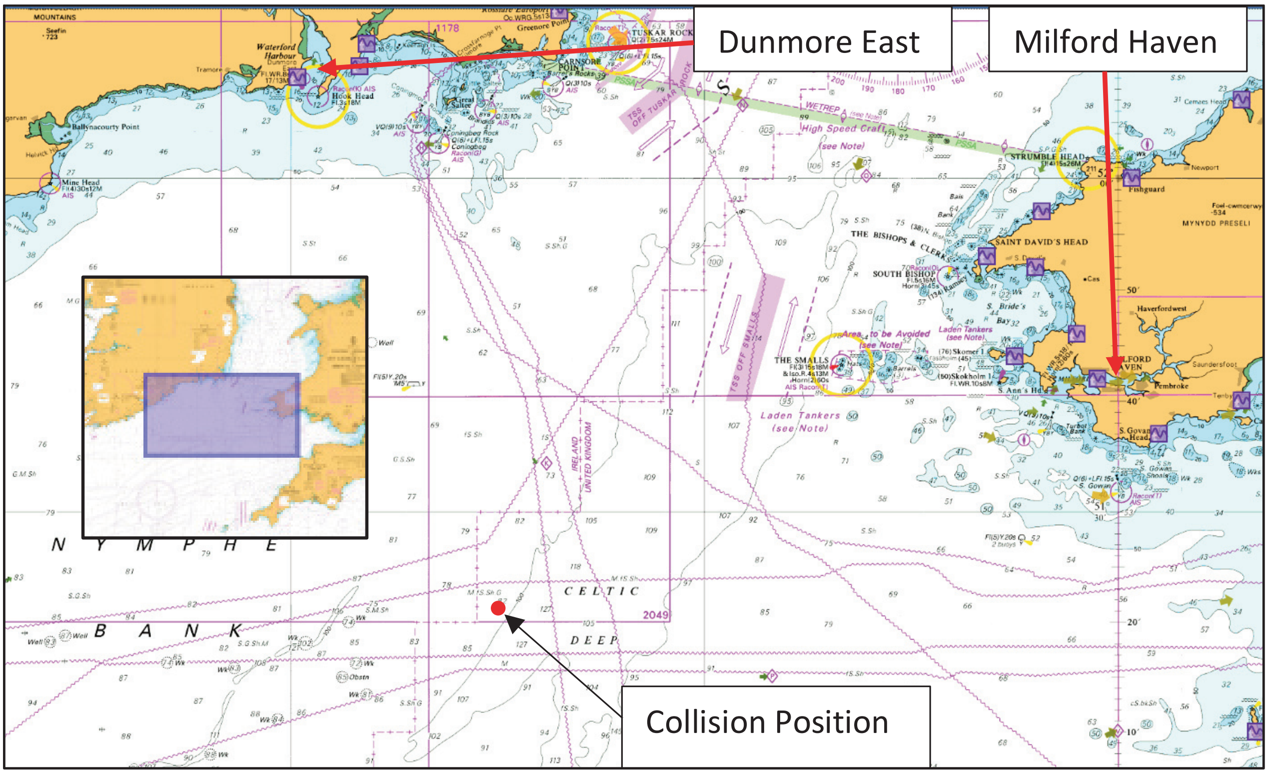
1.3 MV Petrel Pacific was on laden passage from Milford Haven to the United States of America (USA) when at approximately 21.43 hrs the Third Officer plotted FV Excel on radar, with an initial Closest Point of Approach (CPA) of 0.77 NM. At around 22.05 hrs the Third Officer was called from the bridge by the Master to complete some paperwork in the chartroom, at this time the CPA with FV Excel was 0.06 NM. An Able Bodied Seaman (AB) was left alone on the bridge to keep watch.

1.4 At approximately 22.18 hrs FV Excel increased speed to 7.0 knots (kts) in order to commence shooting nets. Onboard MV Petrel Pacific, at around 22.21 hrs, the Third Officer returned to the bridge and observed that a close quarters situation had developed with FV Excel. He called the Master to the bridge and at 22.22 hrs the bow of FV Excel impacted with the port quarter of MV Petrel Pacific.

1.5 After the collision the Skipper of FV Excel issued a Very High Frequency (VHF) MAYDAY call. Both vessels stopped and conducted damage assessments. After determining no water ingress or crew injuries, FV Excel returned to Dunmore East and MV Petrel Pacific proceeded to anchor at Saint Brides Bay awaiting a classification society survey.

See chart on page 6.

Note: Times are local time = UTC + 1 (Co-ordinated Universal Time + 1 hour).


Dunmore East
Milford Haven
Collision Position
CELTIC DEEP
NYMPHE BANK

2. FACTUAL INFORMATION

2.1 Vessel Details

Name:	**Excel.**
Flag:	Ireland.
Port of Registration:	Waterford.
Type of Vessel:	Trawler.
Length Overall (LOA):	16.8 metres (m).
Registration Number:	W110.
Gross Tonnage (GT):	138 tonnes (t).
Build Year:	2003, refitted 2020.
Builder:	Richards Drydock & Engineering, Great Yarmouth, United Kingdom (UK).
Hull Material:	Steel.
Engine Capacity:	360 kilowatts (kW).
Engine Make and Model:	Mitsubishi S6A3-MPTAW installed in 2020.
Call Sign:	EIIZ7.
Common Fleet Register (CFR) Number:	GBR000C18047.
Unique Vessel Identifier (UVI) Number:	9280990.
Fleet Segment:	Polyvalent (<18 m LOA).
Owner:	McCarthy Fishing Ltd, 31, Laoi Na Mara, Coxtown, Dunmore East, Waterford, Ireland.
Licence No:	272380708.

See Appendix 7.1 - Fishing Vessel Licence FV Excel. Issued 1 October 2022 and ended on 30 September 2023.

FV Excel.

Vessel Name:	**Petrel Pacific.**
Vessel Type:	Oil/Chemical tanker.
Flag and Port of Registry:	Singapore.
LOA:	182.9 m.
Breadth Moulded:	32.2 m.
Summer Draught:	13.30 m.
Summer Deadweight:	49826.80 Metric Tonnes (MT).
Gross Tonnage:	29,403 t.
Net Tonnage:	13,788 t.
Build Year:	2020.

Builder:	STX Shipbuilding, South Korea.
Official Number:	401754.
Call Sign:	9V6325.
Maritime Mobile Service Identity (MMSI) Number:	563104200.
International Maritime Organisation (IMO) Number:	9876397.
Main Engine:	MAN B&W 6G50ME-C 9.5 rated at 7820 kW.
Propulsion:	A single fixed pitch propeller.
Service Speed (Loaded):	12.7 kts.
Classification:	America Bureau of Shipping (ABS).
Entry No:	20277941.
Owner/Operator:	PACC Tanker Management Pte Ltd, No.1 Kim Seng Promenade, #07-02 Great World City, Singapore.
Cargo Quantity:	50370 MT of Gasoline A2.

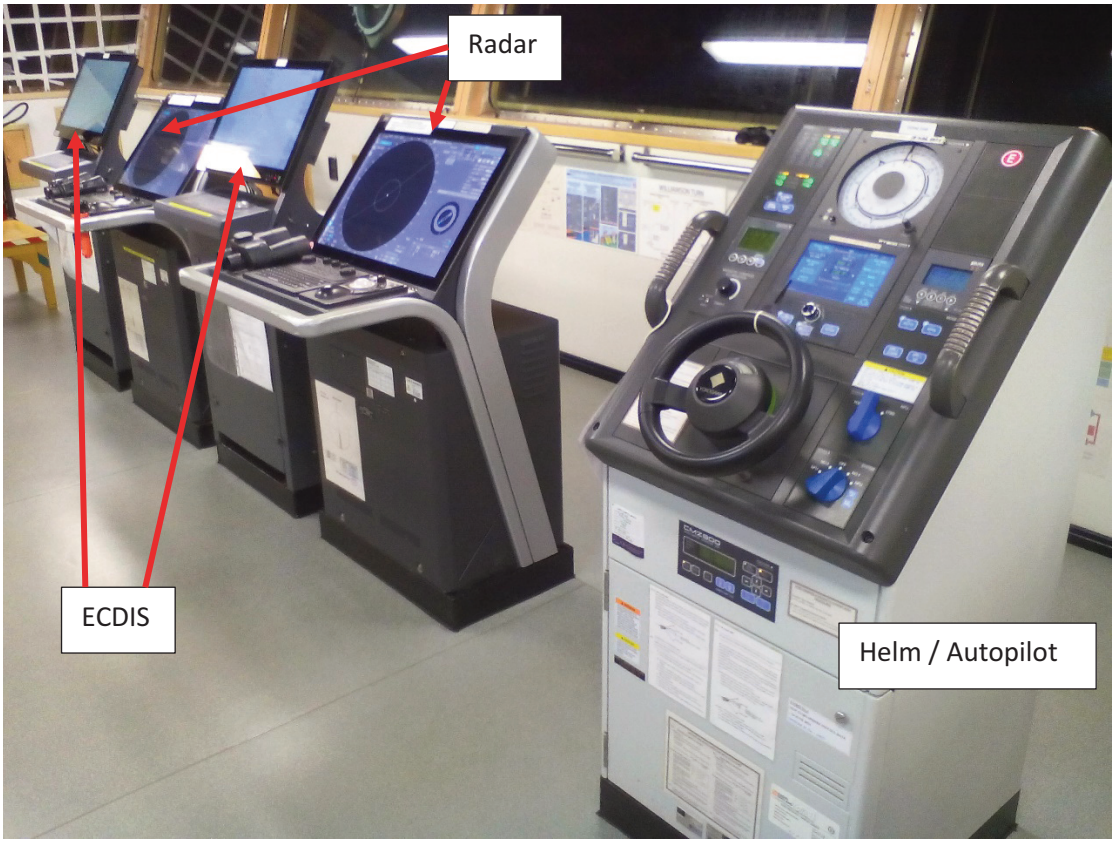
The vessel is a modern new build tanker and as such is well equipped with navigational aids and equipment.

The bridge equipment included, but is not limited to:

2 x Automatic Radar Plotting Aid (ARPA) Radars (X-Band and S-Band). 2 x Electronic Chart Display and Information Systems (ECDIS). 2 x Global Positioning System receivers. 2 x VHF sets. 1x Automatic Identification System (AIS) transceiver/receiver. 1 x Voyage Data Recorder (VDR). 1 x Echo sounder. 1 x Autopilot etc.

See Appendix 7.2 - Bridge Equipment List MV Petrel Pacific.

MV Petrel Pacific.



MV Petrel Pacific – Arrangement of ECDIS, Radar and Helm on the bridge.

2.2 Crew Details

2.2.1 FV Excel

Skipper and Crewmember No. 1 – Irish Nationals

Two Irish Nationals, the Skipper and Crewmember No. 1, were contacted as part of the investigation, however, only limited co-operation was provided and therefore it has not been possible to fully verify details of their experience and qualifications. Bord Iascaigh Mhara (BIM) provided a record to the Marine Casualty Investigation Board (MCIB) to the effect that the Skipper sat and passed an examination carried out on behalf of the Department of Transport for the grade Second Hand Full on 8 April 2005. The Skipper did not provide the MCIB with confirmation that he was the holder of a Certificate of Competency and such information was not provided to the MCIB by the Marine Survey Office (MSO) due to pending prosecution proceedings by the Minister. No records were provided to confirm if Crewmember No. 1 had any deck officer qualifications. Both the Skipper and Crewmember No. 1 had completed BIM Basic Safety Training (BST).

Crewmembers No. 2 and No. 3 - Indonesian Nationals

Two Indonesian Nationals were employed as deck hands pursuant to the Atypical Working Scheme (AWS) for non-EEA Crew in the Irish Fishing Fleet established in 2016. This Scheme has since been closed. Copies of the AWS contracts were provided by the fishing vessel Owner. The Owner advised that the two deck hands had completed BIM training prior to joining FV Excel, however, it was only possible to verify completion of BIM BST for Crewmember No. 2. The Owner advised that it would not take part in the investigation due to a pending prosecution and that the two deck hands absconded. It has not been possible to contact the two deck hands as part of the investigation to verify their qualifications and experience.

Records were provided that recorded that at the time of the collision the four crew had received rest periods in accordance with the European Union (International Labour Organisation Work in Fishing Convention) (Working Hours) Regulations 2019 (Statutory Instrument (S.I.) No. 672 of 2019). Fishers onboard a fishing vessel shall not be required to work in excess of 14 hours in any 24 hour period, and 72 hours in any seven day period, they must not have not less than ten hours rest in any 24 hour period, and 77 hours rest in any seven day period. The hours of rest may be provided in two rest periods where one rest period is at least six consecutive hours, and the interval between the first and the second rest period does not exceed 14 hours.

No drug and alcohol testing was carried out on the crew.

See Appendix 7.3 – STCW Hours of Rest Crew of FV Excel.

2.2.2 MV Petrel Pacific

Master

The Master has worked on oil tankers for 16 years, with seven years command experience as Master, and over one year spent with PCL. He had joined the vessel two and a half months prior to the collision and he was fully familiarised with the vessel type, having completed his previous contract onboard a sister vessel.

Third Officer

The Third Officer has worked for PCL for ten years and sailed in rank for approximately three and a half years. At the time of the collision he had been onboard for around two months and was due for promotion.

AB Look-out

The AB look-out has worked for PCL for around five years and had been promoted to AB with look-out duties approximately 11 months prior to the collision.

Records were provided that recorded that at the time of the collision the three crew had received rest periods in accordance with 2010 Manila Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) Code. The Regulations require a minimum of ten hours rest in any 24 hour period and 77 hours in any seven day period. The periods of rest may be divided into no more than two periods, one of which shall be at least six hours in length. Intervals between consecutive periods of rest shall not exceed 14 hours. The potential effect of fatigue is considered in section 4 below.

Drug and alcohol testing was carried out of the crew with negative results.

See Appendix 7.4 – STCW Hours of Rest Crew of MV Petrel Pacific.

2.3 Relevant Legislation

The International Regulations for Preventing Collision at Sea (IRPCS).

2.3.1 Both vessels involved in this incident must comply with an international set of rules which are designed to avoid collisions between vessels at sea. These rules are commonly referred to as the 'Collision Regulations' or 'COLREGS'[1]. Reference is made in this report to the 'COLREGS'. Of particular relevance to this case are the following rules which are analysed in terms of the incident in Section 4 of this report.

1. COLREGS

"Rule 2

Responsibility

(a) Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to comply with these Rules or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

(b) In construing and complying with these Rules due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from these Rules necessary to avoid immediate danger.

Rule 5

Look-out

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

Rule 7

Risk of Collision

(a) Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists. If there is any doubt such risk shall be deemed to exist.

(b) Proper use shall be made of radar equipment if fitted and operational, including long-range scanning to obtain early warning of risk of collision and radar plotting or equivalent systematic observation of detected objects.

(c) Assumptions shall not be made on the basis of scanty information, especially scanty radar information.

(d) In determining if risk of collision exists the following considerations shall be among those taken into account:

(i) such risk shall be deemed to exist if the compass bearing of an approaching vessel does not appreciably change;

(ii) such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow or when approaching a vessel at close range.

Rule 8

Action to avoid collision

(a) Any action taken to avoid collision shall be taken in accordance with the Rules of this Part and shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship.

(b) Any alteration of course and/or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel observing visually or by radar; a succession of small alterations of course and/or speed should be avoided.

(c) If there is sufficient sea-room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.

(d) Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.

(e) If necessary to avoid collision or allow more time to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.

(f)(i) A vessel which, by any of these Rules, is required not to impede the passage or safe passage of another vessel shall, when required by the circumstances of the case, take early action to allow sufficient sea-room for the safe passage of the other vessel.

(ii) A vessel required not to impede the passage or safe passage of another vessel is not relieved of this obligation if approaching the other vessel so as to involve risk of collision and shall, when taking action, have full regard to the action which may be required by the Rules of this Part.

(iii) A vessel the passage of which is not to be impeded remains fully obliged to comply with the Rules of this Part when the two vessels are approaching one another so as to involve risk of collision.

Rule 16

Action by give-way vessel

Every vessel which is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

Rule 17

Action by stand-on vessel

(a)(i) Where one of two vessels is to keep out of the way the other shall keep her course and speed.

(ii) The latter vessel may however take action to avoid collision by her manoeuvre alone, as soon as it becomes apparent to her that the vessel required to keep out of the way is not taking appropriate action in compliance with these Rules.

(b) When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision.

Rule 18

Responsibilities between vessels

Except where Rule 9, Rule 10, and Rule 13 otherwise require:

(a) A power-driven vessel underway shall keep out of the way of:

(i) a vessel not under command;

(ii) a vessel restricted in her ability to manoeuvre;

(iii) a vessel engaged in fishing;

(iv) a sailing vessel.

(b) A sailing vessel underway shall keep out of the way of:

(i) a vessel not under command;

(ii) a vessel restricted in her ability to manoeuvre;

(iii) a vessel engaged in fishing.

(c) A vessel engaged in fishing when underway shall, so far as possible, keep out of the way of:

(i) a vessel not under command;

(ii) a vessel restricted in her ability to manoeuvre.

(d)(i) Any vessel other than a vessel not under command or a vessel restricted in her ability to manoeuvre shall, if the circumstances of the case admit, avoid impeding the safe passage of a vessel constrained by her draught, exhibiting the signals in Rule 28.

(ii) A vessel constrained by her draught shall navigate with particular caution having full regard to her special condition.

(e) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with the Rules of this part.

(f)(i) A WIG craft, when taking off, landing and in flight near the surface, shall keep well clear of all other vessels and avoid impeding their navigation;

(ii) A WIG craft operating on the water surface shall comply with the Rules of this Part as a power-driven vessel.

Rule 34

Manoeuvring and warning signals

(a) When vessels are in sight of one another, a power-driven vessel underway, when manoeuvring as authorized or required by these Rules, shall indicate that manoeuvre by the following signals on her whistle:

- one short blast to mean "I am altering my course to starboard";

- two short blasts to mean "I am altering my course to port";

- three short blasts to mean "I am operating astern propulsion".

(b) Any vessel may supplement the whistle signals prescribed in paragraph (a) of this Rule by light signals, repeated as appropriate, whilst the manoeuvre is being carried out:

(i) these light signals shall have the following significance

- one flash to mean "I am altering my course to starboard";

- two flashes to mean "I am altering my course to port";

- three flashes to mean "I am operating astern propulsion";

(ii) the duration of each flash shall be about one second, the interval between flashes shall be about one second, and the interval between successive signals shall be not less than ten seconds;

(iii) the light used for this signal shall, if fitted, be an all-round white light, visible at a minimum range of 5 miles, and shall comply with the provisions of Annex I to these Regulations.

(c) When in sight of one another in a narrow channel or fairway:

(i) a vessel intending to overtake another shall in compliance with Rule 9(e)(i) indicate her intention by the following signals on her whistle:

- two prolonged blasts followed by one short blast to mean "I intend to overtake you on your starboard side";

- two prolonged blasts followed by two short blasts to mean "I intend to overtake you on your port side".

(ii) the vessel about to be overtaken when acting in accordance with Rule 9(e)(i) shall indicate her agreement by the following signal on her whistle:

- one prolonged, one short, one prolonged and one short blast, in that order.

(d) When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. Such signal may be supplemented by a light signal of at least five short and rapid flashes.

(e) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction shall sound one prolonged blast. Such signal shall be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.

(f) If whistles are fitted on a vessel at a distance apart of more than 100 metres, one whistle only shall be used for giving manoeuvring and warning signals."

The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers

2.3.2 The STCW Convention[2] was adopted on 7 July 1978 and came into force on 28 April 1984. The Convention establishes the basic requirements for Training, Certification and Watchkeeping for seafarers on an international level; prescribing minimum standards that countries are obliged to meet or exceed. The Regulations contained in the Convention are supported by and explained in the STCW Code. The Code is split into two parts, Part A[3] which is mandatory and Part B which is recommended. The Code only applied to MV Petrel Pacific, the Code was not applicable to FV Excel.

2.3.3 In Part A, Chapter II, 'Standards regarding the Master and Deck Department', the minimum mandatory requirements for the certification of Masters, Chief Mates and Officers in charge of a navigational watch. Every candidate for certification is required to demonstrate competency and have knowledge, understanding and proficiency in the subjects listed, which includes maintaining a safe navigational watch.

2. The International Convention on Standards of Training, Certification and Watchkeeping (STCW) for Seafarers.
3. Part A of STCW Code.

2.3.4 Section AII/2 states the minimum mandatory requirements for maintaining a safe navigational watch. The required competence for a Master/OOW includes a thorough knowledge of content, application and intent of the COLREGS as well as the action to avoid close encounters and collision with other vessels in accordance with COLREGS.

UK Marine Guidance Notice (MGN) 137 (M+F)

2.3.5 MGN 137 (M+F)[4] Look-out During Periods of Darkness and Restricted Visibility, is a note to shipowners, operators, masters, skippers, deck officers and crews of all UK ships anywhere, and other ships operating in UK waters, including in the location of the collision. It would be uncommon for skippers of Irish fishing vessels to be familiar with UK Marine Notices although they should in fact be aware of such notices or the like when operating in other territorial waters.

2.3.6 S.I. 640/2007 - Merchant Shipping (Safety of Fishing Vessels) (15-24 Metres) Regulations 2007[5].

As FV Excel was constructed in 2003 and is 16.8 m in length, the above Regulations are applicable to its operation. The comprehensive Regulations detail the requirements for safe operation and construction of Irish flagged fishing vessels.

The European Union (International Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023 S.I. No. 315/2023

2.3.7 The European Union (International Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023 S.I. No. 315/2023[6] came into force on 1 July 2023, which details the requirements to carry certified deck officers onboard fishing vessels. A fishing vessel of this size and area of operation i.e. (15 m in LOA and over to less than 24 m in length operating in a limited area) is required to carry a minimum of two qualified deck officers, that hold the following qualifications:

1 x Skipper Limited <24m (or Second Hand Special) + 1 x Second Hand Limited.

Of particular significance are Reg 7 (8) (9) and Reg 10 as set out below:

"Safe manning

(8) Following a review under paragraph (7), the MSO shall -

4. MGN 137 (M+F)

5. S.I. 640/2007 - Merchant Shipping (Safety of Fishing Vessels) (15-24 Metres) Regulations 2007

6. S.I. No. 315/2023 - European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023

(a) where it is satisfied that the proposals satisfy the safe manning requirements for the fishing vessel, issue a minimum safe manning document, subject to such conditions as it sees fit, or

(b) where it is not satisfied that the proposals meet the safe manning requirements for the fishing vessel, refuse to issue a minimum safe manning document and require the owner to amend his or her proposals.

(9) Where an application made under paragraph (3) proposes only one qualified skipper, an initial minimum safe manning document issued under subparagraph (8)(a) may be provided with a validity period of 2 years, following which the owner must apply to the MSO for a new minimum safe manning document.

Watchkeeping arrangements

10. (1) Subject to paragraph (2) no person shall act in a capacity which requires a certificate of competency unless he or she holds such a certificate or a certificate of equivalent competency.

(2) In the event of the death or incapacity of any officer certified under the Regulations of 2023, a deck officer or engineer officer, as appropriate, who is not certified to act in that capacity may act in the certificated capacity until the vessel reaches the next intended port of call.

(3) Except in the case of vessels of less than 24 metres in length operating in the limited area, the skipper or other person in charge of a vessel shall not permit any person to be in charge of a navigational watch unless that person holds an appropriate certificate of competency or certificate of equivalent competency.

(4) No person shall appoint any other person to act in a capacity for which he or she is not duly qualified in accordance with the Regulations of 2023".

The Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 2023 S.I. 313 of 2023

2.3.8 The Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 2023 S.I. 313[7] of 2023 deal with the requirements for the appropriate Certificate of Competency or Certificate of Equivalent Competency for Deck Officers and Engineer Officers on fishing vessels. Regulation 5(1) requires that:

"(1) Certificates of competency issued in accordance with these Regulations shall be of the following classes –

(a) Deck Officers:

7. The Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 2023 S.I. 313

Skipper (Full),

Skipper (Limited),

Skipper (Limited) <24m,

Second Hand (Full),

Second Hand (Special), and

Second Hand (Limited),

and

(b) *Engineer Officers:*

Engineer Officer Certificate of Competency (Fishing Vessel) Class 1,

Engineer Officer Certificate of Competency (Fishing Vessel) Class 2,

and

Engineer Officer Certificate of Competency (Fishing Vessel) Class 3."

The Certificate of Competency requirements are summarised in Marine Notice No. 41 of 2023[8]. The Skipper is the person responsible for the operation of a ship and the fishing operations.

2.3.9 Since 1 September 1989, fishing vessels between 16.5 m and 24 m length required a certified skipper, with a minimum level of qualification of Second Hand Special Certificate of Competency. The Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations, 1988 S.I. No. 289 of 1988 (as amended) were revoked and replaced by the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 2023 S.I. No. 313 of 2023. The Regulations applied to fishers aboard fishing vessels that are 15 m in length overall and over and came into operation on 1 July 2023 and were in force on the date of the casualty. These Regulations were made in conjunction with the European Union (International Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023 S.I. No. 315/2023[9] which came into force on the same date. S.I. No. 315/2023 was subsequently revoked and replaced by S.I. No. 52/2024 - European Union (International Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024.

2.3.10 A new qualification was provided for called "Skipper (Limited) <24m". A fisher must meet the requirements for Second Hand (Full) before being issued with a Skipper (Limited) <24m.

8. Marine Notice No. 41 of 2023

9. S.I. No. 315/2023 - European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023

2.3.11 At the time of the casualty, holders of a Certificate of Competency for Second Hand (Special) would continue to hold that certificate until submitted for renewal in accordance with the revalidation requirements. Previously, to acquire the required Second Hand Special Certificate of Competency to be qualified to skipper a vessel of this type (less than 24 m in length), a person had to have either a Second Hand Limited Certificate of Competency, or a Second Hand Full Certificate of Competency.

2.3.12 BIM provided a record to the effect that the Skipper sat and passed written examinations for the issue of a Second Hand Full Certificate of Competency in 2015. The MCIB have not been provided with any evidence that the Skipper at any time held either a Second Hand Special Certificate of Competency or a Second Hand Full Certificate of Competency, or the new Skipper (Limited) <24m. The Skipper did not provide the MCIB with confirmation that he was the holder of a Certificate of Competency and such information was not provided to the MCIB by the MSO due to pending prosecution proceedings by the Minister.

2.3.13 With regard to minimum manning requirements, therefore, the MCIB has no evidence as to whether the vessel was manned with the required Skipper Limited <24m (or Second Hand Special). Certification was also not provided for the crew, so it was not possible to ascertain whether the vessel was operating in compliance with the Regulations.

2.4 Voyage Particulars

The collision occurred in the Irish Sea, in UK territorial waters, whilst MV Petrel Pacific was on passage from Pembroke Refinery, UK, to Port Everglades, USA, laden with a cargo of 50370 MT of gasoline A2. FV Excel was engaged in trawling at the Smalls fishing grounds.

2.5 Marine Incident Information

"Casualty" within the meaning of S.I. No.276 of 2011 - European Communities (Merchant Shipping) (Investigation of Accidents) Regulations 2011 which apply to fishing vessels of greater than 15 metres and where *"casualty"* means *"an event, or a sequence of events, that has resulted in any of the following which has occurred directly in connection with the operations of a ship:*

(d) material damage to a ship;

(e) the stranding or disabling of a ship, or the involvement of a ship in a collision;"

The incident is classed as a marine casualty due to a collision between FV Excel and MV Petrel Pacific and the material damage sustained to FV Excel.

Date:	6 August 2023.
Time:	22.22 hrs.
Position:	Latitude 51° 21.5' North, Longitude 006° 29.6' West.
Wind Speed:	Beaufort Force 3 – Gentle Breeze - kts 7 – 10. Metres per second (m/s) – 3.4 – 5.4.
Wind Direction:	West North West.
Sky:	Overcast.
Visibility:	Good. Over 5.0 NM (hours of darkness).
Sea:	Slight. 3.0.5 m to 1.25 m.
Swell:	Easterly 0.5 m.
Current:	North easterly 0.8 Kts.

2.6 Emergency Response and Shore Authority Involvement

2.6.1 Post collision, an immediate VHF MAYDAY call was made by the Skipper of FV Excel to Rosslare Coast Guard. At 22.27 hrs the incident information was passed to the UK Coastguard for coordination. At 22.38 hrs the Irish Coast Guard helicopter R117, based at Waterford, was tasked to assist and then stood down at 23.19 hrs when it was confirmed there were no crew injuries onboard either vessel and no water ingress. FV Excel returned to port and it was safely alongside at Dunmore East by 07.06 hrs 7 August 2023. At this time the incident was closed by Rosslare Coast Guard.

2.7 Vessel Inspections and Damage

2.7.1 MV Petrel Pacific was inspected by an ABS surveyor on 7 August 2023 whilst the vessel lay at anchor in Saint Brides Bay, UK. A further ABS survey was conducted while the vessel lay afloat at Montreal on 30 August 2023. Damage was noted in way of frame numbers 20 – 23, Engine Room 1st Deck and below 1st Deck (approximately 14480 mm) on port side shell. The collision had caused set-in and slight deformation of port side shell plating. Smooth indentation was observed of approximately 35 mm depth over an area of 1000 x 2000 m2. The affected area was considered cosmetic by the attending surveyor.

See Appendix 7.5– ABS Survey Report MV Petrel Pacific with Photographs of Damage.

MV Petrel Pacific damage to port side shell plating.

2.7.2 FV Excel was inspected by a surveyor of the Irish MSO on 8 August 2023 while alongside in Dunmore East. Damage was observed in the forward aluminium superstructure to a point approximately 0.5 m of the foremast. The anchor was forced upwards and aft, trapping the anchor chain and rendering the vessel unable to anchor. Extensive deformation of the aluminium superstructure had occurred, with aluminium separated from the steel hull at the bonding bar. Damage to the steel structure was minimal and limited to the forward facing structure above a wrap round stringer above the working deck.

See Appendix 7.6 – Report of Marine Survey Office Inspection of FV Excel 8 August 2023 with Photographs of Damage.

Damage to the bow of FV Excel

2.7.3 On 14 August 2023, a surveyor of the MSO conducted a follow-up inspection of the vessel. A number of deficiencies were identified as requiring remedial action including developing departure reporting procedures and a grievance procedure. The actual crew certification on the FV Excel remains an ongoing issue at the time of finalising this investigation and it is possible that the level of crew training and experience was causative. As part of this investigation, the Owner of FV Excel was requested on foot of a Statutory Notice to provide a copy of all crew certification and any safety folder pertaining to the vessel including any risk assessments. The Owner advised there were no risk assessments applicable to the collision and has failed to provide a copy of the safety folder or crew certification records. The Skipper was also issued with a Statutory Notice to provide a copy of his Certificate of Competency, however no copy was provided.

3. NARRATIVE

3.1 The narrative below has been prepared with the benefit of VDR data retrieved from MV Petrel Pacific. Initial attempts to analyse the data provided revealed missing audio and visual files. The assistance of the Transport Safety Investigation Bureau of Singapore in obtaining the complete VDR data was invaluable and is appreciated. The timings below are by referenced to VDR time. Where the timings and events as captured by the VDR differ from available witness evidence these apparent discrepancies have been highlighted.

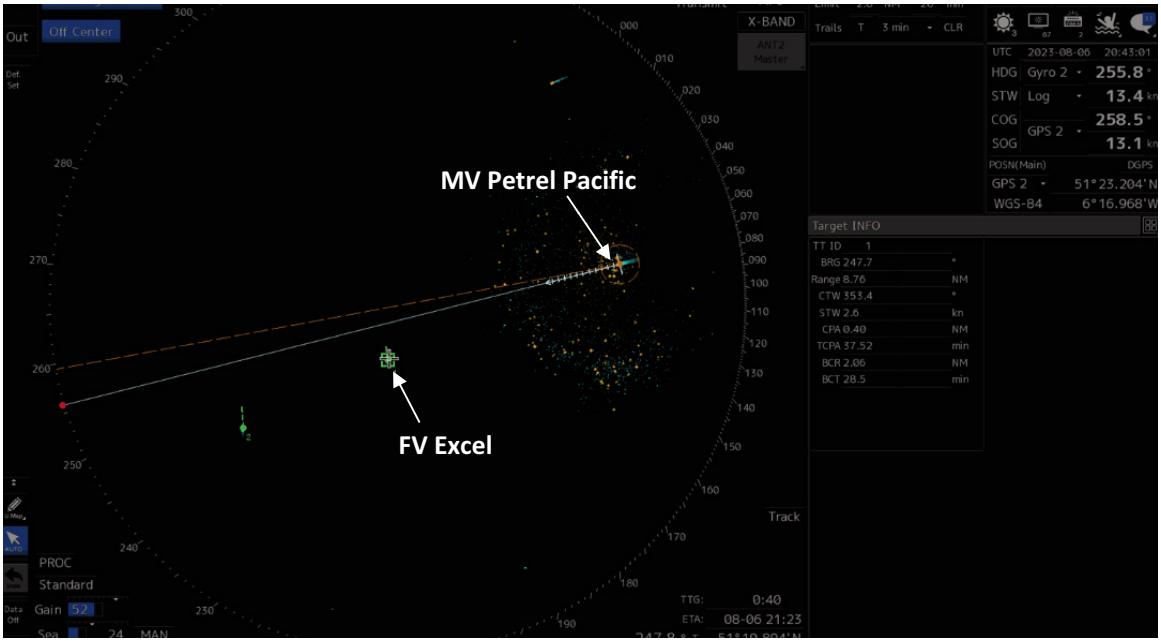
3.2 Notwithstanding the issue of Statutory Notices pursuant Section 24 of the Merchant Shipping (Investigation of Marine Casualties) Act, 2000, compliance with those notices and any co-operation with the investigation by the Owner of the FV Excel was very limited and non-existent from the Skipper. Both directors of the Owner and the Skipper have failed to comply with their statutory requirements under the 2000 Act. Accordingly, events onboard the FV Excel are based on a three page witness statement prepared by the Skipper post collision and VHF audio taken from the VDR of MV Petrel Pacific. Events onboard the MV Petrel Pacific were provided from written witness statements from the three relevant crewmembers taken as part of the Owners' investigation in Singapore and the VDR data.

3.3 The lack of co-operation also means it is unclear what navigational instruments or equipment were available on FV Excel, other than VHF for radio communication. As to collision avoidance and risk of collision assessments, other than visual look out and VHF calls, it is unclear whether there any other means available for the Skipper or crewmembers to monitor or detect the presence of other vessels in its vicinity or approaching her.

Background - MV Petrel Pacific

3.4 MV Petrel Pacific arrived at the Pembroke Refinery Valero Terminal, Milford Haven, UK on 1 August 2023. The vessel loaded a cargo of around 50,370 m3 of Gasoline grade A2. Loading operations took approximately five days and the vessel departed her berth at 16.54 hrs on 6 August, with an even keel draught of 11.35 m. The pilot was disembarked at 17.48 hrs, autopilot was engaged at 18.00 hrs and at 18.12 hrs the Master handed over con of the vessel to the Officer of the Watch (OOW), the Third Officer. The nominated discharge port was Port Everglades, USA. The passage plan would take the vessel across the Celtic Sea and out into the North Atlantic Ocean. A course of 258° true (west by south) was set with a Speed Through the Water (STW) of around 13.1 knots.

3.5 The AB arrived on the bridge and assumed look-out duties at around 20.00 hrs. At 21.43 hrs the radar target of FV Excel was acquired on the ARPA radar of MV Petrel Pacific.

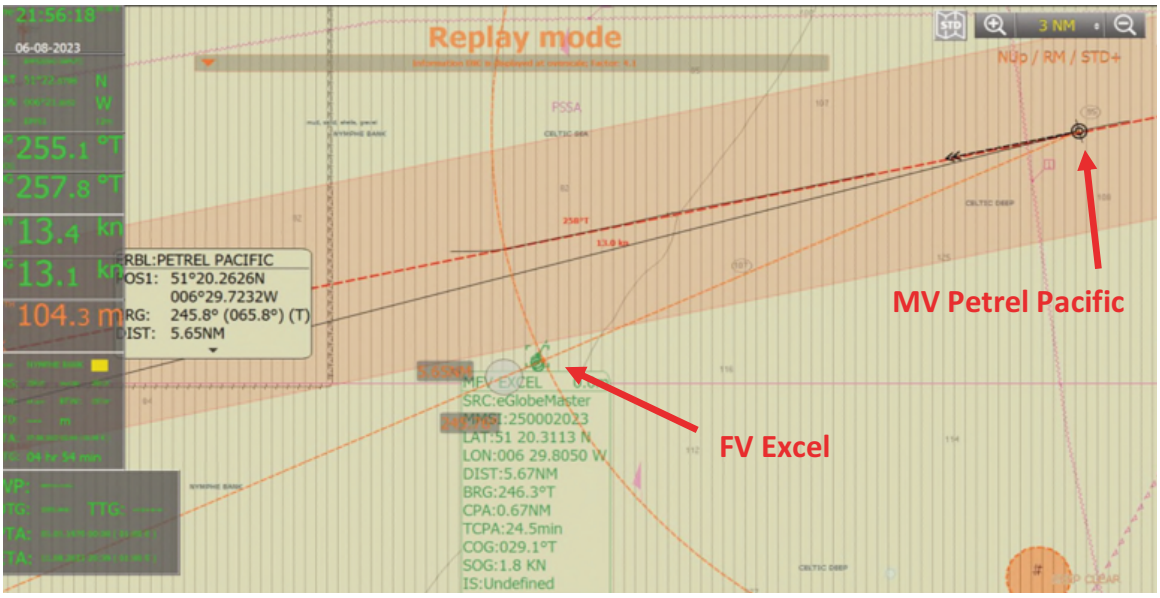


ARPA Radar Display 21.43 hrs.

Time	21.43 hrs
Distance	8.10 NM
CPA	0.77 NM
Time to Closest Point of Approach (TCPA)	33 minutes (i.e. around 22.16 hrs)
Course Through the Water (CTW)	359.8° True
STW	3.2 kts

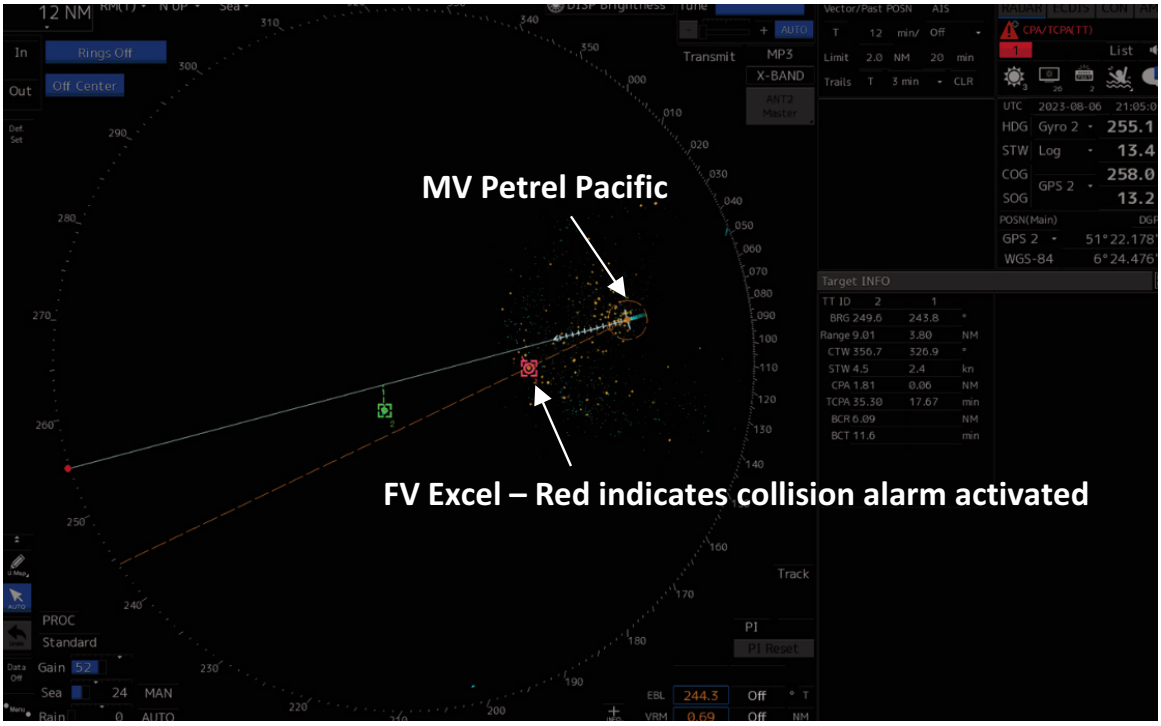
3.6 The witness evidence is that at approximately 21.50 hrs, the AB reported to the OOW that he had observed a fishing vessel, FV Excel, on the port side, however this conversation is not discernible on the VDR audio (it is possible that background VHF noise may have masked the discussion). The Petrel witnesses also state that the navigation lights onboard FV Excel were obscured by the working lights. It is quite common on fishing vessels to have deck lights illuminated at night which could obscure the navigation lights, even though navigation lights should be readily distinguishable at all times. At 21.56 hrs the ECDIS displayed the following target data for FV Excel:

Time	21.56 hrs
Distance	5.67 NM
CPA	0.67 NM
TCPA	24.5 minutes (i.e. around 22.20 hrs)
Course Over the Ground (COG)	029° True
Speed Over the Ground (SOG)	1.8 kts



ECDIS Display MV Petrel Pacific 21.56 hrs.

3.7 MV Petrel Pacific continued her course and speed. At 22.02 hrs, Collision minus 20 minutes (C-20), the collision alarm activated on the ARPA, showing a CPA of 0.42 NM with FV Excel. The witness evidence states that at approximately 22.05 hrs (C-17) the Master called the OOW to the Radio/Chart Room, which was located separately to the bridge, in order to attend to some paperwork. This conversation was not captured on the VDR, but rather the VDR does evidence that the bridge door was opened and closed at 22.05.13 hrs, supporting the witness evidence that the OOW left the bridge. In his witness evidence the OOW states he only left the bridge after satisfying himself that there was no risk of collision with FV Excel, however, at 22.05 hrs the CPA of FV Excel was 0.06 NM and the APRA collision alarm was activated (the CPA did then fluctuate, increasing and decreasing as the vessels converged). FV Excel had a STW of 2.4 kts and a CTW of 326.9° True; the two vessels were already converging in a close quarters situation as the OOW departed from the bridge.



ARPA display at 22.05 hrs CPA with FV Excel 0.06 NM.

3.8 The VDR audio did not capture any briefing by the OOW to the AB prior to the OOW leaving the bridge. The VDR audio evidences sounds which could be talking on the bridge from 22.09.10 hrs onwards, so it is possible a second unidentified crewmember was also present on the bridge throughout the period the OOW was absent until the collision or that the AB was holding a telephone conversation. The Owner stated that the Master, OOW and AB have told them that there was no other persons on the bridge. They also state that as there is a strict no distraction and social media policy that it was, therefore, unlikely that the AB was on a telephone call. Having reviewed the recording they believe it is likely the sounds came from VHF or other sources.

See Appendix 7.7 – General Arrangement Plan of Bridge Deck MV Petrel Pacific.

Background - FV Excel

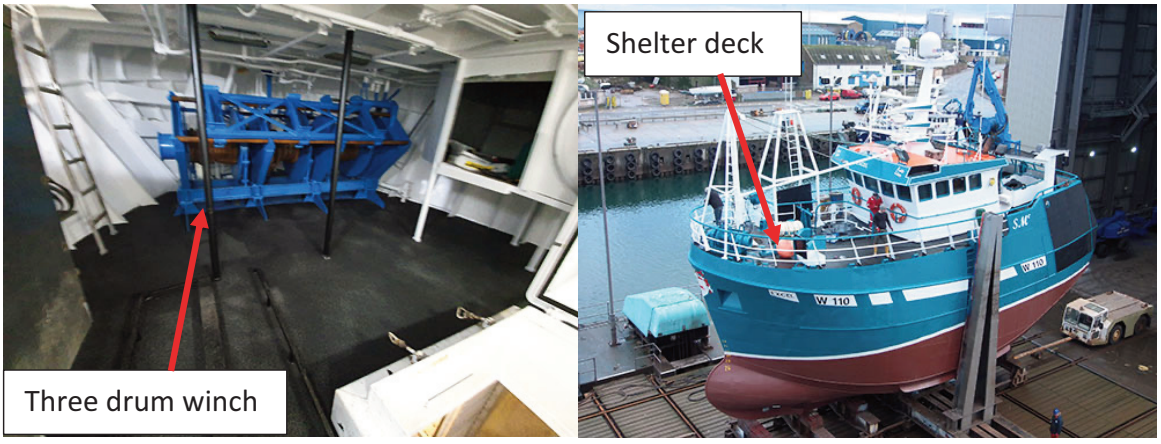
3.9 At approximately 23.30 hrs on 5 August 2023, FV Excel departed from her home port of Dunmore East, bound for the Smalls fishing grounds to trawl. The vessel had four crew onboard. After steaming over night for approximately 6.5 hrs and covering a distance of about 50 NM, at around 06.00 hrs on 6 August, the crew shot the fishing gear. The vessel proceeded to tow in a southerly direction and after approximately 5 hrs the gear was hauled back onboard. After emptying the cod ends, the gear was shot for a second tow at about 17.30 hrs.

3.10 The vessel towed in a westerly direction, before altering to a northerly course.

At around 22.00 hrs the vessel was stopped and the crew proceeded to haul gear back onboard. At around this time the Skipper visually observed MV Petrel Pacific at a distance of approximately 5 NM to the east of his position. After the cod ends were emptied, gear was prepared ready to shoot for a third tow.

3.11 The fishing arrangement onboard FV Excel is configured with twin rigs, which is a method of trawling which uses two nets side-by-side on the seabed. The rig consists of two trawl doors, a middle weight (often referred to as a clump) and two 20 fathom (36.6 m) fishing nets with a heavy 8 inch (20.3 cm) disc rubber footrope. At the start of the tow the vessel's speed is increased in order to ensure a smooth exit of the heavy fishing nets over the stern rail.

3.12 The vessel is fitted with a three drum winch, located forward of the wheelhouse at the bow of the vessel, below the shelter deck. Manual operation at the winch is required to engage or disengage the winch drums. This is achieved by a crewmember physically operating the winch at the instructions of the skipper via the internal speaker system. The fishing console is located at the aft of the wheelhouse.



Winch location and arrangement FV Excel.

Collision

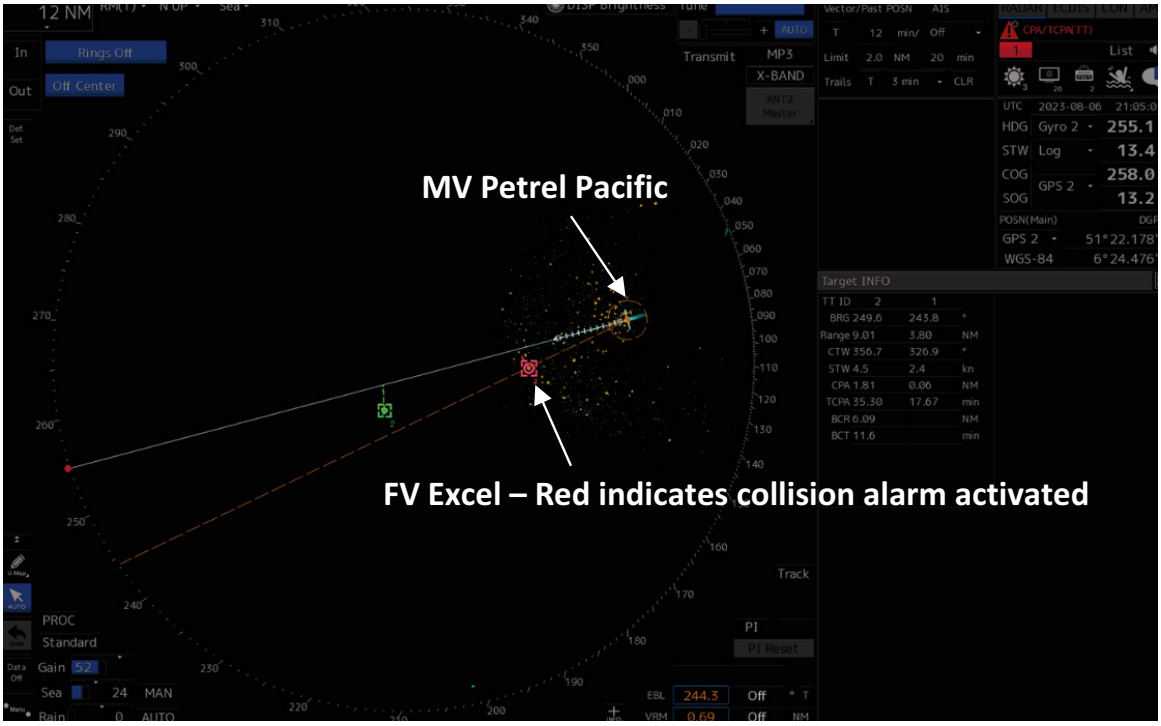
3.13 At 22.15 hrs, C-7, the radar onboard MV Petrel Pacific evidences that FV Excel quickly began to accelerate speed i.e. at 22.15 hrs the vessel had a STW of 2.9 kts and by 22.16 hrs the STW had increased to 5.8 kts. The Skipper onboard FV Excel had increased the vessel's speed in order to commence shooting nets. The Skipper was alone in the wheelhouse standing at the fishing console. Crewmember No. 1 was stationed next to the winch manually engaging the drums on the instruction of the Skipper over the internal communication system. Crewmember No. 2 was stationed aft of the wheelhouse at the trawl doors and Crewmember No. 3 was located at the stern tending the nets. None of the four crew were keeping look-out and no risk assessment or method statement was

produced prescribing how a safe look-out could and should be maintained during fishing operations.

Time	22.17 hrs
Distance	1.3 NM
CPA	0.03 NM
TCPA	5.5 minutes (i.e. around 22.21 hrs)
CTW	331.9°
STW	7.0 kts

ARPA data from MV Petrel Pacific for target of FV Excel at 22.17 hrs C-5

3.14 By around 22.19 hrs C-3, the STW of FV Excel had increased to 7.0 kts and the CPA had reduced to 0.00 NM i.e. a collision was imminent, with FV Excel advancing at speed toward the port side of MV Petrel Pacific. The Skipper's attention was focused on shooting gear and he was oblivious to the impending risk of collision.



Radar display MV Petrel Pacific approximately 21.18.46 hrs C-3.

Time	22.18.46 hrs
Distance	0.83 NM
CPA	0.00 NM
TCPA	3.40 minutes
CTW	335.0°
STW	7.0 kts

3.15 Onboard MV Petrel Pacific, the radar ARPA alarm activated highlighting the target in red and indicating a close CPA. The ECDIS display also highlighted the target in red indicating a close CPA. At 22.16.50 hrs (C-5) the radar ARPA collision alarm provided an audible warning. It was acknowledged by the AB who simply silenced it. The audible warning again sounded at 22.17.02 hrs and it was silenced. The OOW (then still with the Master, returning at 22.18 or 22.21) was not alerted to the various alarms by the AB.

3.16 The witness evidence is that at either approximately 22.18 hrs C-4 (according to the Master) or seconds before the collision (according to the OOW), that the OOW returned to the bridge and sighted FV Excel at his portside midships area. He quickly ascertained that a close quarter's situation had developed during his absence from the bridge. The OOW did not attempt any avoiding action i.e. alteration of course or speed or sound the whistle. The OOW instead called the Master who was still in the Radio/Chartroom. The Master then hurried to the bridge.

3.17 At 22.21.34 hrs (C-29 seconds), a muffled voice can be heard stating *"Sir come to the bridge"*, then at 21.21.43 hrs (C-16 seconds) *"Sir fishing boat dead ahead*", to which the response from the Master is *"where did he come from oh (expletive)"*. At 22.22.01 hrs the bridge wing door was opened and the collision is audible at 22.22.03 hrs, as the bow of FV Excel contacted with the port quarter of MV Petrel Pacific in way of Frame No. 20 – 23 (Engine Room 1st Deck and below 1st Deck) which was 3.1 m above waterline. At 21.22.17 hrs the Master can be heard saying/asking *"nobody saw it, nobody saw it?"*.

Actions Post Collision

3.18 Onboard FV Excel, the first knowledge of the collision was the experience of a loud bang and heavy jolt. After a moment, the Skipper realised that there had been a collision. The Skipper issued a VHF MAYDAY call on channel 16 within 30 seconds of the collision impact. Both Rosslare Coast Guard and MV Petrel Pacific

responded immediately to the MAYDAY call. The crew of FV Excel commenced an inspection of the vessel to ascertain the extent of the damage and whether there was any water ingress. Crewmember No. 1 attended the wheelhouse and the Skipper inspected his back for injuries. The Skipper then checked on the condition of the two other Crewmembers, who were both uninjured.

3.19 Onboard MV Petrel Pacific the Master stopped the vessel's main engine, engaged hand steering and sounded the general alarm to muster crew to emergency stations. The crew of the two vessels communicated via VHF, with the Master of MV Petrel Pacific offering all necessary assistance to the fishing vessel. At around 22.24 hrs the Skipper of FV Excel confirmed via VHF that there were no casualties onboard. The crew of MV Petrel Pacific were mustered by 22.27 hrs and instructed to carry out a damage assessment of the vessel.

3.20 Post collision conversations captured by the VDR audio support the witness evidence that the Master and OOW were together in the Radio/Chartroom prior to the collision. Also captured is the AB's statement that he was stood on the starboard side of the bridge and so failed to visually observe when FV Excel increased her speed at C-7. The VDR offers no explanation as to why the AB did not alert the OOW to the collision alarms activating or to whom the AB was speaking to.

3.21 At approximately 22.31 hrs the Skipper of FV Excel contacted the Coast Guard to advise that all crew were accounted for, no injuries and, whilst the vessel had sustained damage to its bow, there was no risk of sinking. The Skipper confirmed that the vessel would be returning to Dunmore East. FV Excel subsequently arrived back in port at 07.06 hrs on 7 August 2023.

3.22 After being released from the collision scene by the Coast Guard, MV Petrel Pacific proceeded to St Bride's anchorage, UK, to facilitate a classification society inspection.

4. ANALYSIS

4.1 Prior to considering the causes of the collision, it is important to first highlight how serious the marine casualty ***could*** have been. A speed of 7 kts equates to covering a distance of approximately 216 m per minute. If the Skipper of FV Excel had increased his vessel's speed around one minute earlier, FV Excel may have crossed the bow of MV Petrel Pacific which advanced with a speed of around 13 kts. It is unlikely that FV Excel would have remained afloat if the bow of MV Petrel Pacific had impacted with her midships section, with potentially catastrophic consequences for the fishing vessel's crew. No avoiding action was taken onboard MV Petrel Pacific, and the Master was unaware of FV Excel until C-16 seconds. Tragedy was only avoided by the very narrowest of margins.

Look-out

MV Petrel Pacific

4.2 At the time of the collision FV Excel and MV Petrel Pacific were navigating inside UK territorial waters. MGN 137 (M+F) state that *"the MCA reminds operators and masters that all UK ships, wherever they may be, and other ships in UK territorial waters, are strongly advised not to operate with the officer of the navigational watch acting as the sole look-out during periods of darkness"*. The MGN makes no reference to a scenario whereby an AB is the sole look-out, as STCW Code Table A-II/2 states that a Master shall have *"thorough knowledge of the content, application and intent of the Principles to be observed when keeping a navigation watch"*. Leaving an unqualified AB alone on the bridge onboard a laden oil tanker, at night, while it navigates through established fishing grounds at full speed, is contrary to all nautical good practice. The OOW left the bridge at C-17 when a risk of collision already existed with FV Excel, an act contrary to all watch-keeping principles. The Master may have been reassured by the OOW that it was safe to leave the AB alone, however, that does not detract from the Master's culpability in requesting the OOW leave the bridge in the first instance.

4.3 Rule 5 of COLREGS requires that a *"full appraisal of the situation and of the risk of collision" be made and Rule 7 requires that "every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists"*. Notwithstanding the increase in speed of MV Excel at C-7, at C-17 when the OOW left the bridge the CPA was already dangerously close. The OOW should have declined to leave the bridge in order to maintain an effective look-out. Based on the VDR audio, no briefing was given to the AB prior to the OOW leaving the AB alone on the bridge. It is unlikely that the OOW waited up to four minutes prior to notifying the Master of the presence of FV Excel, based on the VDR audio, it is more likely that the OOW returned to the bridge just before the impact and that the Master and OOW became aware

of the risk of collision within quick succession. The Owners have submitted that the more correct description of the bridge is the "wheelhouse front" being the area in front of the chart table which they describe as part of the bridge/wheelhouse. They have submitted that the Master should be described as being on the bridge as he was behind the curtain where the chart table was situated (although this space is utilized for referring to logbooks, writing bell books and master issuing/writing bridge orders). The Owners agree that the OOW should have declined to the leave where he was.

4.4 The AB fell short in the effective discharge of his look-out duties. By his own later admission on the VDR audio, he remained on the starboard side of the bridge (as opposed to regularly moving) and he actively acknowledged a collision alarm and then failed to bring the OOW's attention to the sounding of the alarm. The AB also appeared to be engaged in conversation prior to the collision and so he may have been distracted from his look-out duties. As a junior member of the crew, inexperience may have played a part in his actions and in-actions.

FV Excel

4.5 The Skipper of FV Excel first visually observed MV Petrel Pacific at around 22.00 hrs (C-22). In conditions of good visibility, it should have been readily apparent to the Skipper that he had observed a large vessel moving towards his position i.e. by reference to the masthead lights and port side light. Rather than keeping look-out and maintaining situational awareness to the potential risk of collision, the Skipper became engrossed in fishing operations. Prior to commencing shooting nets at 22.15 hrs (C-7), a cursory scan of the horizon would have revealed that MV Petrel Pacific was already in a close quarter's situation with FV Excel, only around 1.3 NM away on her starboard side.

4.6 The total absence of compliance with Rules 5 and 7, instead led, at 22.18 hrs (C-4), to the Skipper increasing the speed of his vessel from 2.9 kts to 7.0 kts in a four minute period, heading towards MV Petrel Pacific on a converging course and potentially fatal manoeuvre.

Compliance with COLREGS

4.7 The absence of effective compliance with Rule 5 onboard both vessels essentially nullified any question of actual compliance with other COLREGS which were applicable, meaning they can only be considered in the abstract. At 22.05 hrs (C-17) the CPA between the two vessels was 0.06 NM, a risk of collision existed. The MV Petrel Pacific witness evidence is that the navigation lights of FV Excel were obscured by her working lights. In practice this is often the case, however, the AIS data indicated she was a fishing vessel. Whilst much international guidance and legal precedent exists advising that VHF should not be used for collision avoidance, it remains a useful tool available to navigators. If the OOW onboard MV Petrel Pacific was in any doubt whether FV Excel was

engaged in fishing, he could have identified the vessel by name using the AIS data and clarified the situation on VHF, but not withstanding MV Petrel Pacific was obligated by the COLREGS to give way to FV Excel. Since the date of the casualty the IMO has issued guidance on the carriage of AIS by fishing vessels[10].

4.8 Rule 18 sets out the responsibilities between vessels and a power-driven vessel underway, so the MV Petrel Pacific *"shall keep out of the way of a vessel engaged in fishing"* being the FV Excel. Therefore, it was incumbent of the OOW of MV Petrel Pacific, in accordance with her responsibility under Rule 18, and the requirement under Rule 8, action to avoid collision, that *"any action taken to avoid collision shall be taken in accordance with the Rules of this Part and shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship"*. This avoiding action could have been taken prior to C-17 and should have been taken during the period when the OOW was not present on the bridge i.e. from 22.05 hrs (C-17) until the collision. If the increase in FV Excel's speed had been observed at C-7 there was a good possibility that a collision could have been avoided i.e. by attempting to alert the Skipper of FV Excel using five short and rapid blasts on the whistle and by calling on VHF. Steering and engine manoeuvres by MV Petrel Pacific alone, may not have prevented a collision.

4.9 Notwithstanding that the onus was upon MV Petrel Pacific to give way, Rule 2 required the crew of both vessels to exercise good seamanship. By increasing his vessel's speed at 22.18 hrs (C-7) and effectively putting FV Excel on a collision course the fishing vessel Skipper gravely erred. Had he been aware of the risk of collision posed by MV Petrel Pacific then under Rule 17 (b), action by stand-on vessel he should have taken action to avoid the collision; *"when, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision"*. Onboard MV Petrel Pacific, the OOW leaving the bridge at 22.05 hrs (C-17) when a risk of collision already existed, was a failure of good seamanship at a fundamental level.

4.10 Had the crew of either vessel been cognitive to the presence of the other, then five short and rapid blasts on the whistle, and/or supplemented by light signal, as per Rule 34, could have been used to indicate doubt as to the intentions of the other; the Rule is only effective when the crew know of the presence of another vessel. The lack of compliance with Rule 5 meant that neither vessel complied with Rule 34.

Safety Culture and Time Pressure

MV Petrel Pacific

4.11 The VDR audio onboard MV Petrel Pacific evidences that after handing over the

10. www.imo.org/en/MediaCentre/MeetingSummaries/Pages/III-10th-session.aspx

con to the Third Officer, the Master was busy engaged attending to the ship's business and processing documents. There is certainly nothing unusual in the Master carrying out this activity post port departure; however, it is unusual for a Master to remove an OOW from look-out duties at night. Whilst there is no evidence or suggestion of pressure from the vessel operators towards the crew, studies[11] have proven that time pressure is present in maritime shipping in many ways. Waiting until daylight hours to process the documents when the crew had rested after a period of long working hours during loading, was clearly the prudent course of action. Had the OOW not left the bridge/front of wheelhouse in order to assist the Master in this task, then in all likelihood the collision would have been avoided. The vessel was on a transatlantic voyage and the factual records indicate that the watchkeepers and the Master were well rested, however, based on the available evidence it is not possible to state with certainty whether time pressure was a contributory factor or not.

4.12 FV Excel

The profitability of a fishing vessel is directly aligned to the value of the catch. This arrangement highly incentivises skippers and crew to maximise the time nets are being towed, while minimising lost productivity when hauling, emptying and shooting nets. Therefore, an inherent time pressure acts on fishing crew. Based on the available evidence it is not possible to state with certainty whether this pressure was acting on the Skipper and crew of FV Excel, however, it can be stated that their concentration from C-22 until the collision was diverted to conducting fishing operations, as opposed to maintaining an effective look-out. The nets were hauled, emptied and shot in a short period of time. The longer the nets were not fishing, potentially the less the fishing vessel was earning, and therefore the pressure of ensuring fishing prioritised look-out must be considered as a possible causative factor alongside the general safety culture onboard.

Fatigue

MV Petrel Pacific

4.13 Prior to the collision the records provided record that the crew of MV Petrel Pacific had received minimum periods of rest in compliance with STCW Regulations; however, the OOW and AB had been keeping a watch routine of six hours on/six hours off for the preceding three days during loading operations whilst alongside at Milford Haven. It is therefore possible that the OOW and AB were suffering to a degree from the cumulative effects of fatigue, with a disruption to their circadian rhythms potentially adversely affecting the quality of their sleep.

11. Nautical Institute-Time pressures in the maritime industry Shipowner/Ship manager guide

4.14 Project HORIZON[12] was a European Union FP7 international collaborative project led by researchers at Southampton Solent University to investigate the effects of fatigue on the cognitive performance of ships' watch-keeping officers, using a range of simulators and under different watch patterns and workload conditions. The empirical observation of Project Horizon was that following a watch there is an average time delay of 50 minutes before a night watch-keeper falls asleep. Furthermore, the time required to eat and attend to personal hygiene further erodes the time available for rest. It is doubtful if the International Labour Organisation convention's requirement to achieve six contiguous hours of rest in 24 hours, can ever be achieved in this watch pattern.

4.15 There is no direct evidence of the relevant crew complaining of feeling tired, but equally it cannot be discounted that some of the decisions made by the crew may have been impacted by a degree of cumulative fatigue. Any seafarer who has worked a watch routine of six hours on/six hours off, will be well aware of the cognitive effects even after only a few days maintaining the routine. So, while there is insufficient evidence to provide a definitive assessment of the causative role of fatigue in this incident, fatigue remains a valid factor to consider.

FV Excel

4.16 The crew of FV Excel were off duty on 5 August 2023. On 6 August the Skipper had worked 12 hours prior to the collision, having started the first trawl at 06.00 hrs, a lengthy working day. Due to the lack of co-operation it is unknown what activities the Skipper was engaged in the day prior to departure. Therefore, fatigue cannot be ruled out as potentially impairing his decision making.

Safe Systems of Work

FV Excel

4.17 In accordance with S.I. 640/2007 - Merchant Shipping (Safety of Fishing Vessels) (15-24 Metres) Regulations 2007 an owner of a fishing vessel is required to ensure that the vessel is used in such a way that workers are not exposed to risks to their safety or health at work. A hazard identification and risk assessment process is a fundamental step in discharging this duty. Method statements should be compiled for all hazardous activities on vessels and kept under active review. Such documentation should be communicated fully and effectively to all relevant crew and taking account of the working language onboard. No documented safety system was provided for FV Excel, notwithstanding a Statutory Notice requiring the production of same.

4.18 It is reasonably foreseeable that during the process of hauling and shooting nets,

12. Project HORIZON

that the attention of the crew may be diverted away from maintaining a look-out. It is possible to mitigate for this through, for example, the installation of a watch alarm. The absence of any evidence of a risk assessment process and taken in conjunction with the conduct of the Skipper on the day supports an assessment that this risk had not been considered and addressed.

Crew Qualifications

4.19 The Skipper was responsible for the operation of the ship and the fishing operations. He was the Owners' appointed Skipper onboard the FV Excel. Both the Owner and the Skipper have refused to provide any details of his qualifications or copies of certificates despite being served with Statutory Notices. Section 30(6) of the 2000 Act[13] requires compliance irrespective of whether answers may be self-incriminatory. No reasons have been advanced to explain why such certifications could not be produced to the MCIB. The MSO is in possession of records but has declined to release them to the MCIB due to a pending prosecution or prosecutions.

4.20 The safe manning requirements for fishing vessels were set out in the European Union (International Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023[14] S.I. No. 315/2023. This S.I. was subsequently revoked and replaced by S.I. No. 52/2024 - European Union (International Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024[15]. At the time of the collision the 2003 Regulations were in force and they required that a fishing vessel of this size and area of operation i.e. (15 m in LOA and over to less than 24 m in length operating in a limited area) is required to carry a minimum of two qualified deck officers, that hold the following qualifications.

1 x Skipper Limited <24m (or Second Hand Special) + 1 x Second Hand Limited.

Both the Skipper and Crewmember No. 1 had completed BIM Basic Safety Training (BST). However, in respect of deck officer qualifications, it is not known what qualifications the Skipper had, or whether he held at least an existing Second Hand Special Certificate of Competency (which would survive until renewal) or any certification. It is also not known what deck officer qualifications if any Crewmember No. 1 had.

4.21 Given the casualty occurred shortly after the commencement of the new

13. Section 30 (6)- If a person objects to answering a question asked of him or her as a witness at an investigation or inquiry on the grounds that the answer might tend to incriminate the person or make the person liable to a penalty, and the person is informed of his or her obligation to answer the question, the person shall not refuse to answer the question but the answer given on that occasion shall not be admissible as evidence in criminal or other proceedings against the person other than proceedings against him or her in respect of the falsity of the answer or the failure to answer the question.

14. S.I. No. 315/2023 - European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023

15. S.I. No. 52/2024 - European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024

Regulations (1 July 2023) the vessel may have been incorrectly following the extant Regulations i.e. S.I. No. 289/1988 Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations, 1988[16]. However, this would have required the Skipper to hold at least a Second Hand Special Certificate of Competency. There was no evidence provided to confirm the Skipper held such a qualification.

4.22 The conduct of the Skipper in failing to take any steps to keep a look out after 22.00 hrs when he admits he first sighted the MV Petrel Pacific at a distance of approximately 5 NM to the east of his position, and notwithstanding that he had made that observation, then increasing speed some 15 minutes later (C-7) on a course that would lead to a collision is inexplicable. It certainly does not evidence that the Skipper was competent irrespective of his certification. In the event that it is determined that the Skipper did not hold the required qualifications to skipper the FV Excel, a question arises as to the knowledge of the Owner in appointing the Skipper.

16. S.I. No. 289/1988 - Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations, 1988.

5. CONCLUSIONS

5.1 Whilst the collision damage sustained by FV Excel was serious, had the Skipper increased his vessel's speed around one minute earlier, it may have crossed the bow of MV Petrel Pacific. Whilst it is only possible to speculate on the potential consequences, analysis of similar incidents is persuasive evidence that the outcomes for the fishing vessel crew would have been extremely serious, with potentially fatal consequences.

5.2 The standard of look-out on both vessels was wholly inadequate and is the root cause of the collision. A collective departure on both vessels from the maintenance of a proper look-out led to a loss of situational awareness; non-compliance with COLREGS Rule 5, meant that in turn none of the other COLREGS were followed and a collision became inevitable.

5.3 Onboard MV Petrel Pacific, the Master prioritised completing documents over and above maintaining a proper look-out, with the OOW leaving the bridge at C-17 when the CPA with FV Excel was already reduced to 0.06 NM. In addition, the AB look-out may have been distracted in conversation. Onboard FV Excel, from C-22 onwards, the Skipper and crew gave their full attention to fishing operations as opposed to maintaining a proper, or any, look-out. By increasing his speed at C-7 the Skipper set-up a collision, when otherwise there would potentially have been a near miss.

5.4 The Owner of FV Excel advised there were no risk assessments applicable to the collision and failed to provide a copy of the safety folder. The absence of a risk assessment or method statement prescribing how safe operations should be performed onboard FV Excel, means such guidance documents were unavailable onboard, contributing to the Skipper departing from established good practice and failing to consider how a proper look-out could be maintained during fishing operations.

5.5 The non-production of crew certification and Certificates of Competency despite Statutory Notices, indicates possible non-compliance with Regulations in respect of crew training and qualification onboard the FV Excel. The determination of compliance or non-compliance with the Statutory Regulations is entirely a matter for the MSO.

5.6 The actions of the Skipper do not reflect what would be expected at the most basic level from a person having the mandated training, experience and certification. This was causative in the collision.

6. SAFETY RECOMMENDATIONS

6.1 Recommendations to Owners MV Petrel Pacific

Post collision, the Owners of MV Petrel Pacific implemented a number of proactive measures to prevent a reoccurrence. Therefore, whilst it is unnecessary to reiterate these points in the form of safety recommendations as they have already been implemented, for completeness the actions included:

1. A campaign relating to Safe Navigation, Bridge Resource Management and Effective Watch-keeping with a no distraction policy being reiterated, planned and implemented.

2. A full fleet Ad-hoc Master's Self Navigation Audit was carried out incorporating relevant watch-keepers and lookout.

3. Consequence Management for Bridge Team. The Master and OOW physically met at Owner's office after signing off and thereafter attended a Company specific Bridge Resource Management course. A remote safety and compliance briefing was conducted for the look-out upon his disembarkation from vessel.

4. A Navigation Audit/VDR Analysis by external parties was enhanced by raising the fleet requirement to be audited to 100% from the existing 50%.

5. Alarm Management Procedures were reviewed within the Company Management Manual to ensure identified alarms are properly handled by designated personnel only. Additionally, a poster for alarm acknowledgement and notice to not distract the bridge watch-keeping team was placed at a strategic location.

6. The handing over/taking over watch checklist was improved to ensure and incorporate the no distraction during navigation.

7. An investigation report was broadcasted to fleet to share root causes, immediate corrective and preventive measures as part of lesson learnt for continuous improvement.

6.2 Recommendations to Owner of FV Excel

Risk assessments and safe working procedures should be completed for all onboard operations, including reviewing the arrangements to ensure a proper look-out can be maintained at all times during fishing operations. The risk assessments and methodology should be communicated fully and effectively to all relevant crewmembers.

All crew, in particular those appointed to skipper, must hold the relevant certificates of competency applicable to their roles onboard the vessel.

6.3 Recommendations to Department of Transport

The Minister for Transport should issue a Marine Notice with the findings of this report to ensure Irish flagged vessels are aware of this incident and the requirement to ensure a proper look-out is maintained at all times, and that navigation lights on fishing vessels are not obscured by deck lights.

6.4 The Minister for Transport should consider issuing a Marine Notice reminder, referencing No. 27 of 2023, given that it was only issued in April 2023, four months prior to the incident, but was in effect ignored by the Owner and Skipper of the FV Excel. That Marine Notice was important in reminding fishing vessel owners and operators of the great importance of safety and risk assessments, that a hazards identification process should be carried out in respect of operations, that a risk assessment should be carried out in respect of hazardous operations, and that method statements should be compiled for all hazardous activities on fishing vessels and kept under active review. The Marine Notice should also emphasise the importance of ensuring that the risk assessments and methodology are communicated fully and effectively to all relevant crew, involving interpreters if required.

7. APPENDICES

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Appendix 7.1 Fishing Vessel Licence FV Excel. Issued 1 October 2022 and ended on 30 September 2023

FISHERIES ACTS 1959 TO 2006
SEA – FISHING BOAT LICENCE

LICENCE NO. 272380708

The boat being a sea-fishing boat particulars of which are set out in the Schedule hereto is hereby licensed for the purposes of section 4 of the Fisheries (Amendment) Act 2003 (as inserted by section 97 of the Sea-Fisheries and Maritime Jurisdiction Act 2006) for the period commencing on 1 October 2022 and ending on 30 September 2023 in the name of:

[redacted]

SCHEDULE

Name of Boat to which the Licence relates: **EXCEL**

Country of Registration: **IRELAND**

Registration Number: **W110**

Port of Registration: **Waterford**

Length Overall: **16.8 metres**

Gross Tonnage: **138 Tonnes**

Engine Capacity: **360 kilowatts**

International Radio code or Call Sign: **EIIZ7**

CFR Number: **GBR000C18047** UVI Number: **9280990**

Type of Vessel: **Trawler**

Type of Gear: **OTM - Mid-water Otter Trawls, OTB - Bottom Otter Trawls**

Fleet Segment: **Polyvalent [<18m LOA]**

Other Information:

Date: 26 September 2022

[redacted]

Licensing Authority pursuant to Section3 of Fisheries (Amendment) Act 2003 (No. 21)

Appendix 7.1 Fishing Vessel Licence FV Excel. Issued 1 October 2022 and ended on 30 September 2023

CONDITIONS OF LICENCE

The following conditions are attached to this licence:

General obligation to comply with EU and National law: The owner and/or master of the boat to which this licence relates shall ensure that the boat and all persons on board shall comply with any requirements, for the time being in force, under EU Law and National Law applicable to the operation of fishing boats and their technical characteristics.

Percentage EEA Crew: The boat to which this licence relates shall not be used for sea-fishing, whether within the exclusive fishery limits of the State or otherwise, unless at least **50 per cent** of the members of the crew are nationals of any of the Member States of the European Union or a State belonging to the European Economic Area.

Safety & Seaworthiness: The owners and/or masters of the boat to which this licence relates shall ensure that the boat and its crew shall comply with any requirements for the time being in force in relation to the safety of fishing boats (safety requirements should be taken to include any requirements in relation to radio installations, equipment and crew training), and shall maintain the fishing boat in a safe and sea-worthy condition.

Manning: The boat must carry the stipulated number of qualified crew as required under the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1988, as amended.

Ownership and Registration: This licence is valid for so long, and only for so long, as the person to whom it is granted is the owner of the boat to which it relates and the boat is entered on the Register of Fishing Boats.

Licence to be carried on Boat: During the period of its validity this licence shall be carried on board the boat to which it relates and the master or other person for the time being in charge of the boat shall produce it for inspection on demand by a Sea Fisheries Protection Officer.

Beam Trawl Preclusion: The boat to which this licence relates shall not be used for sea-fishing by means of beam trawls.

Boat Monitoring (VMS), Electronic Recording/Reporting (ERS) & Automatic Identification System (AIS): The boat must have on board a fully functional satellite-based position monitoring terminal, a fully functional electronic recording and reporting system and a fully functional automatic identification system in accordance with EU Regulations 1224/2009 and 404/2011 or any Regulations amending or replacing these Regulations, and shall comply with all relevant position monitoring requirements and with all relevant recording and reporting requirements for the time being in force.

Vessel Modifications: Any proposed structural modifications to the vessel, including changes to the vessel's engine, **must** be approved **in advance** by the Licensing Authority. Such modifications can have significant implications in terms of the licensing of the vessel, including replacement capacity requirements. The vessel may be required to be re-measured and a new licence application may be required to be submitted.

Scallops Preclusion: The vessel will be precluded from fishing for scallops (Pecten maximus). However by way of derogation and to allow for a by-catch, a quantity of scallop that is no greater than 10% by live weight of the total quantity of all species of fish may be retained on board or landed on any occasion.

Power to suspend or revoke Licence: The Licensing Authority may suspend or revoke this licence, pursuant to section 4 of the Fisheries (Amendment) Act 2003 (as inserted by section 97 of the Sea-Fisheries and Maritime Jurisdiction Act 2006), for a breach of any condition of the licence. In that event, the licence shall be surrendered to the Licensing Authority for Sea-fishing Boats, Clogheen, Clonakilty, Co. Cork, or risk a Court fine of not more than €500.

Cesser of Licence: Should any information or evidence come to the attention of the Licensing Authority that casts doubt on the veracity of the information or documentation submitted in support of the application for this licence, the licence shall cease to be in force.

Social and Economic benefits: The Licensing Authority, in deciding whether or not to renew the licence, will require the owner of the boat to provide such information as will demonstrate the extent of the social and economic benefit accruing to the local coastal communities arising from the operation of the boat.

MFV "EXCEL"

Appendix 7.2 Bridge Equipment List MV Petrel Pacific

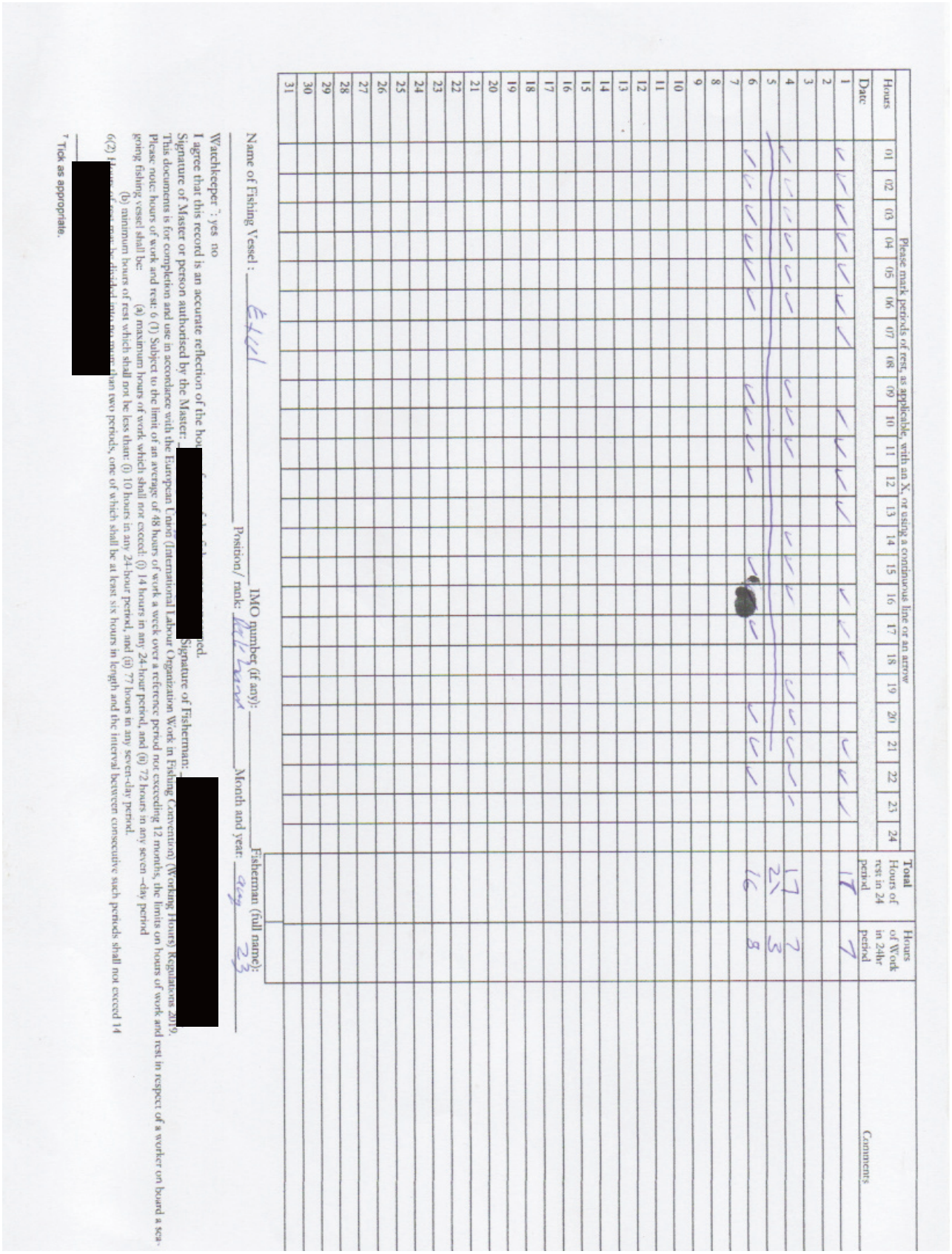
BRIDGE EQUIPMENT

NO.	EQUIPMENT	MAKER	MODEL	CONNECTED TO		MAKER/OEM CONTACT DETAILS
				VDR	ECDIS	
1	RADAR / ARPA 1 (X-BAND)	JRC	JRM-9225-9X	YES	YES	e-mail : tmsc@jrc.co.jp One-call: +81-50-3786-9201
2	RADAR / ARPA 2 (S-BAND)	JRC	JMR-9272-S	YES	YES	e-mail : tmsc@jrc.co.jp One-call: +81-50-3786-9201
3	GPS 1	JRC	JRL-7800	YES	YES	e-mail : tmsc@jrc.co.jp One-call: +81-50-3786-9201
4	GPS 2	JRC	JRL-7800	YES	YES	e-mail : tmsc@jrc.co.jp One-call: +81-50-3786-9201
5	VHF 1	JRC	JHS-770S	YES	NO	Telephone : +81-3-3492-1305 Facsimile : +81-3-3779-1420 e-mail : tmsc@jrc.co.jp
6	VHF 2	JRC	JHS-770S	YES	NO	Telephone : +81-3-3492-1305 Facsimile : +81-3-3779-1420 e-mail : tmsc@jrc.co.jp
7	ECHO SOUNDER	JRC	JFE-680	YES	YES	e-mail : tmsc@jrc.co.jp One-call: +81-50-3786-9201
8	NAVTEX	JRC	NCR-333	YES	YES	e-mail : tmsc@jrc.co.jp One-call: +81-50-3786-9201
9	AUTOPILOT	YOKOGAWA	PT900A	YES	NO	PHONE NUMBER: 81-3-3225-5350 FAX: +81-3-3225-5325 WEBSITE: http://www.yokogawa.com
10	AIS	JRC	JHS-183	YES	YES	e-mail : msc@jrc.co.jp One-call : +81-50-3786-9201 website : http://www.jrc.co.jp/eng/
11	GYROCOMPASS 1	YOKOGAWA	CMZ900 (11096)	YES	YES	PHONE NUMBER: 81-3-3225-5350 FAX: +81-3-3225-5325 WEBSITE: http://www.yokogawa.com
12	GYROCOMPASS 2	YOKOGAWA	CMZ900 (11097)	YES	YES	PHONE NUMBER: 81-3-3225-5350 FAX: +81-3-3225-5325 WEBSITE: http://www.yokogawa.com
13	SPEED LOG	JRC	JLN-740	YES	YES	e-mail : tmsc@jrc.co.jp One-call : +81-50-3786-9201 website : http://www.jrc.co.jp/eng/
14	LRIT	JRC	JUE-87	YES	NO	e-mail : tmsc@jrc.co.jp One-call : +81-50-3786-9201 website : http://www.jrc.co.jp/eng/
15	RUDDER ANGLE INDICATOR	HERIANA	RT-453	YES	NO	TEL: +81-51-313-6690 FAX: +81-51-313-6693 e-mail: heriana@heriana.com ; iheriana@hanmail.net ; sales@heriana.com
16	ROT INDICATOR	YOKOGAWA	MHR-130	YES	YES	PHONE NUMBER: 81-3-3225-5350 FAX: +81-3-3225-5325 WEBSITE: http://www.yokogawa.com
17	MAGNETIC COMPASS	YOKOGAWA	SR-165	NO	NO	PHONE NUMBER: 81-3-3225-5350 FAX: +81-3-3225-5325 WEBSITE: http://www.yokogawa.com
18	ANEMOMETER	HERIANA	AT-300	YES	NO	TEL: +81-51-313-6690 FAX: +81-51-313-6693 e-mail: heriana@heriana.com ; iheriana@hanmail.net ; sales@heriana.com
19	VDR	JRC	JCY-1900	--	YES	e-mail : tmsc@jrc.co.jp One-call : +81-50-3786-9201 website : http://www.jrc.co.jp/eng/
20	ECDIS (MASTER)	eGlobe	G2	YES	--	ChartWorld International Ltd TEL: +35 725 248930 Fax: +35 725 248931 website: www.chartworld.com

Appendix 7.2 Bridge Equipment List MV Petrel Pacific

21	ECDIS (BACK-UP)	eGlobe	G2	YES	--	ChartWorld International Ltd TEL: +35 725 248930 Fax: +35 725 248931 website: www.chartworld.com
22	BRIDGE MANEUVERING SYSTEM	Kongsberg	AutoChief 600	YES	NO	Phone: + 47 32 28 82 00 www.kongsberg.com
23	ALARM MONITORING SYSTEM	Kongsberg	K-Chief 600	YES	NO	Phone: + 47 32 28 82 00 www.kongsberg.com
24	DIGITAL SIGNAL CONVERTER	JRC	NCT-82	YES	NO	e-mail : tmsc@jrc.co.jp One-call : +81-50-3786-9201 website : http://www.jrc.co.jp/eng/
25	BNWAS	MARSEN	WATCH-2000	YES	NO	MARSEN Korea Tel: +82-51-831-2108 Fax: +82-51-831-2109 Email: marsen@marsen.co.kr Website: http://www.marsen.co.kr
26	MASTER CLOCK	MRC	MCS-980S	YES	NO	Marine Radio Co. Ltd Tel: +82-51-414-7891 Fax: +82-51-413-2604 Email: verygood@mrckorea.com
27	GMDSS	JRC		NO	NO	e-mail : tmsc@jrc.co.jp One-call : +81-50-3786-9201 website : http://www.jrc.co.jp/eng/
28	VSAT	JRC	JUE-60 GX	NO	NO	e-mail : tmsc@jrc.co.jp One-call : +81-50-3786-9201 website : http://www.jrc.co.jp/eng/
29	NAVIGATION LIGHTS	KTE	KT-NLCP-V6	NO	NO	KTE Co. Ltd Tel: +82-51-265-0255 Fax: +82-251-265-0250
30	FIRE DETECTION SYSTEM	Autronica Fire and Security AS	Autroprime BS-250	NO	NO	Autronica Fire and Security AS N-7483 Trondheim – Norway Phone:+ 47 73582500 Fax:+ 47 73582501
31	GMDSS (INMARSAT C)	JRC	JUE-87	NO	NO	e-mail : tmsc@jrc.co.jp One-call : +81-50-3786-9201 website : http://www.jrc.co.jp/eng/
32	GMDSS COMMUNICATION CONSOLE	JRC	MCU-331FC	NO	NO	e-mail : tmsc@jrc.co.jp One-call : +81-50-3786-9201 website : http://www.jrc.co.jp/eng/

Appendix 7.3 STCW Hours of Rest Crew of FV Excel



Please mark periods of rest, as applicable, with an X, or using a continuous line or an arrow

Date	Hours	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total Hours of rest in 24 period	Hours of Work in 24hr period	Comments
1		X	X	X	X	X	X	X																		18	7	
2		X	X	X	X	X	X																					
3		X	X	X	X	X	X																					
4		X	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		17	7	
5		X	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		21	3	
6		X	X	X	X	X	X			X	X	X	X									X	X	X		16	3	
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Name of Fishing Vessel : Excel IMO number (if any): Fisherman (full name):

Position/ rank: Able Seaman Month and year: May 23

Watchkeeper [1]: yes no

I agree that this record is an accurate reflection of the hou[redacted]ined.

Signature of Master or person authorised by the Master: [redacted] Signature of Fisherman: [redacted]

This documents is for completion and use in accordance with the European Union (International Labour Organization Work in Fishing Convention) (Working Hours) Regulations 2019.

Please note: hours of work and rest: 6 (1) Subject to the limit of an average of 48 hours of work a week over a reference period not exceeding 12 months, the limits on hours of work and rest in respect of a worker on board a seagoing fishing vessel shall be: (a) maximum hours of work which shall *not* exceed: (i) 14 hours in any 24-hour period, and (ii) 72 hours in any seven –day period

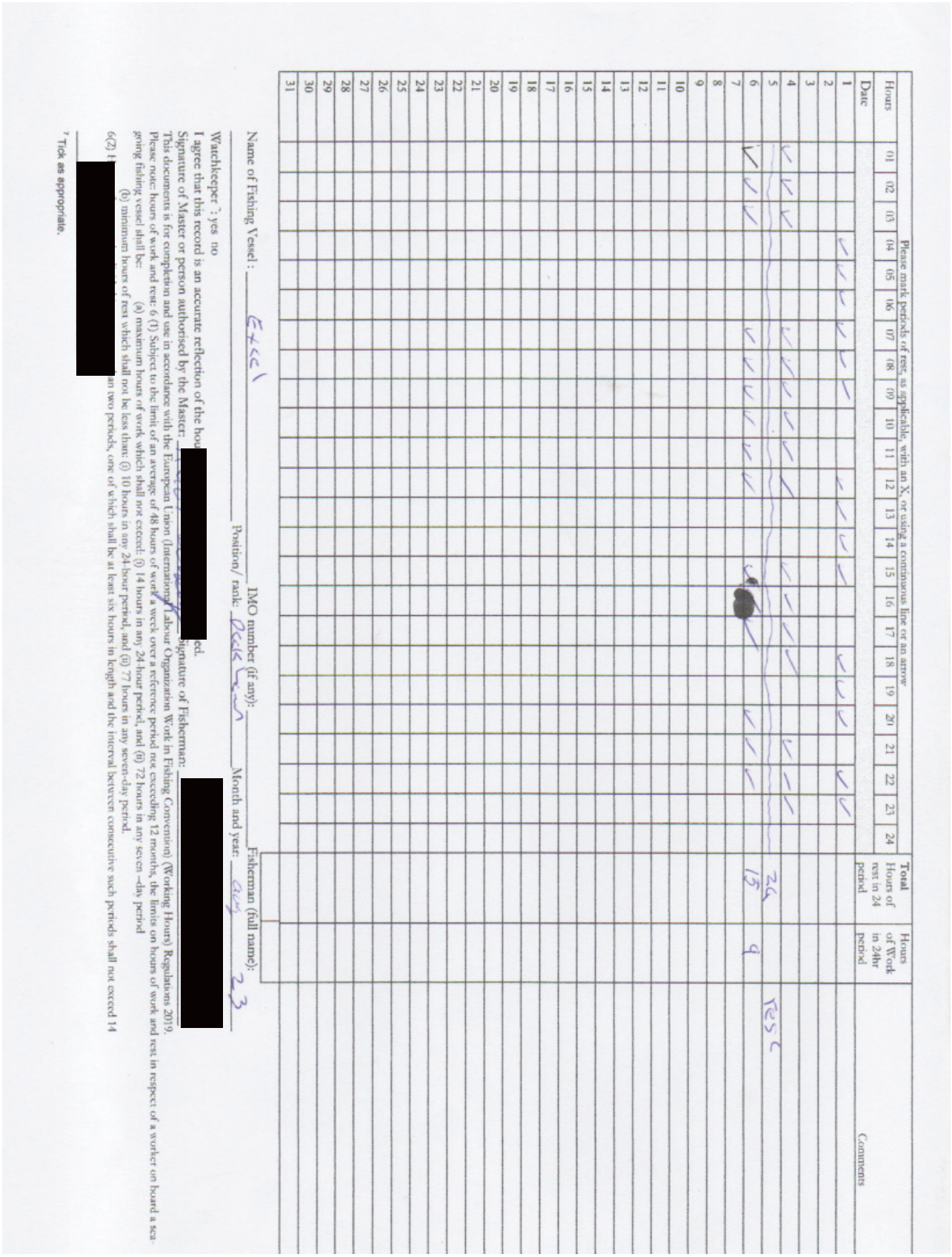
(b) minimum hours of rest which shall not be less than: (i) 10 hours in any 24-hour period, and (ii) 77 hours in any seven-day period.

6(2) Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length and the interval between consecutive such periods shall not exceed 14

[redacted]

[1] Tick as appropriate.

Appendix 7.3 STCW Hours of Rest Crew of FV Excel



Please mark periods of rest, as applicable, with an 'X', or using a continuous line or an arrow

Date / Hours	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total Hours of rest in 24 period	Hours of Work in 24hr period	Comments
1				✓	✓	✓	✓	✓			✓	✓	✓	✓				✓	✓	✓			✓	✓			
2				✓	✓	✓	✓	✓			✓	✓	✓	✓				✓	✓	✓							
3																											
4	✓	✓	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓			
5	✓	✓	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓			Rest
6	✓	✓	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓	24		
7							✓	✓	✓	✓	✓	✓	✓	✓	✓	[redacted]	✓	✓			✓	✓	✓	✓	15	9	
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Name of Fishing Vessel: [redacted] IMO number (if any): Fisherman (full name):

Position/ rank: [redacted] Month and year: [redacted]

Watchkeeper [1]: yes no

I agree that this record is an accurate reflection of the hou[redacted]ed.

Signature of Master or person authorised by the Master: [redacted] Signature of Fisherman: [redacted]

This documents is for completion and use in accordance with the European Union (International Labour Organization Work in Fishing Convention) (Working Hours) Regulations 2019.

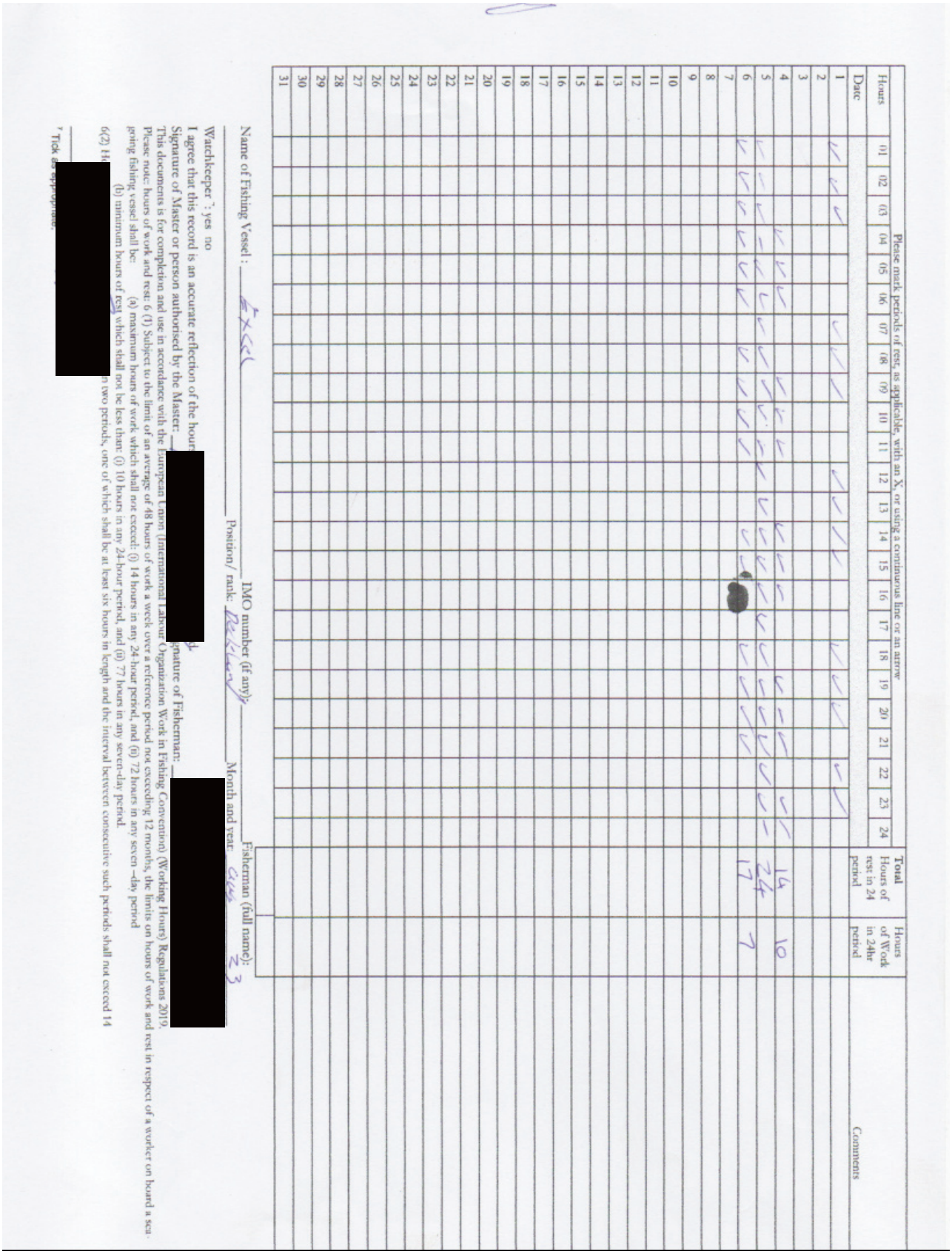
Please note: hours of work and rest: 6 (1) Subject to the limit of an average of 48 hours of work a week over a reference period not exceeding 12 months, the limits on hours of work and rest in respect of a worker on board a sea-going fishing vessel shall be: (a) maximum hours of work which shall not exceed: (i) 14 hours in any 24-hour period, and (ii) 72 hours in any seven –day period

(b) minimum hours of rest which shall not be less than: (i) 10 hours in any 24-hour period, and (ii) 77 hours in any seven-day period.

6(2) [redacted]an two periods, one of which shall be at least six hours in length and the interval between consecutive such periods shall not exceed 14

[1] Tick as appropriate.

Appendix 7.3 STCW Hours of Rest Crew of FV Excel



Please mark periods of rest, as applicable, with an X, or using a continuous line or an arrow

Date	Hours 01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total Hours of rest in 24 period	Hours of Work in 24hr period	Comments
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29																											
30																											
31																											

Name of Fishing Vessel : Excel IMO number (if any): Fisherman (full name):

Position/ rank: Skipper Month and year: Dec 23

Watchkeeper *: yes no

I agree that this record is an accurate reflection of the hours

Signature of Master or person authorised by the Master: [redacted] Signature of Fisherman: [redacted]

This documents is for completion and use in accordance with the European Union (International Labour Organization Work in Fishing Convention) (Working Hours) Regulations 2019.

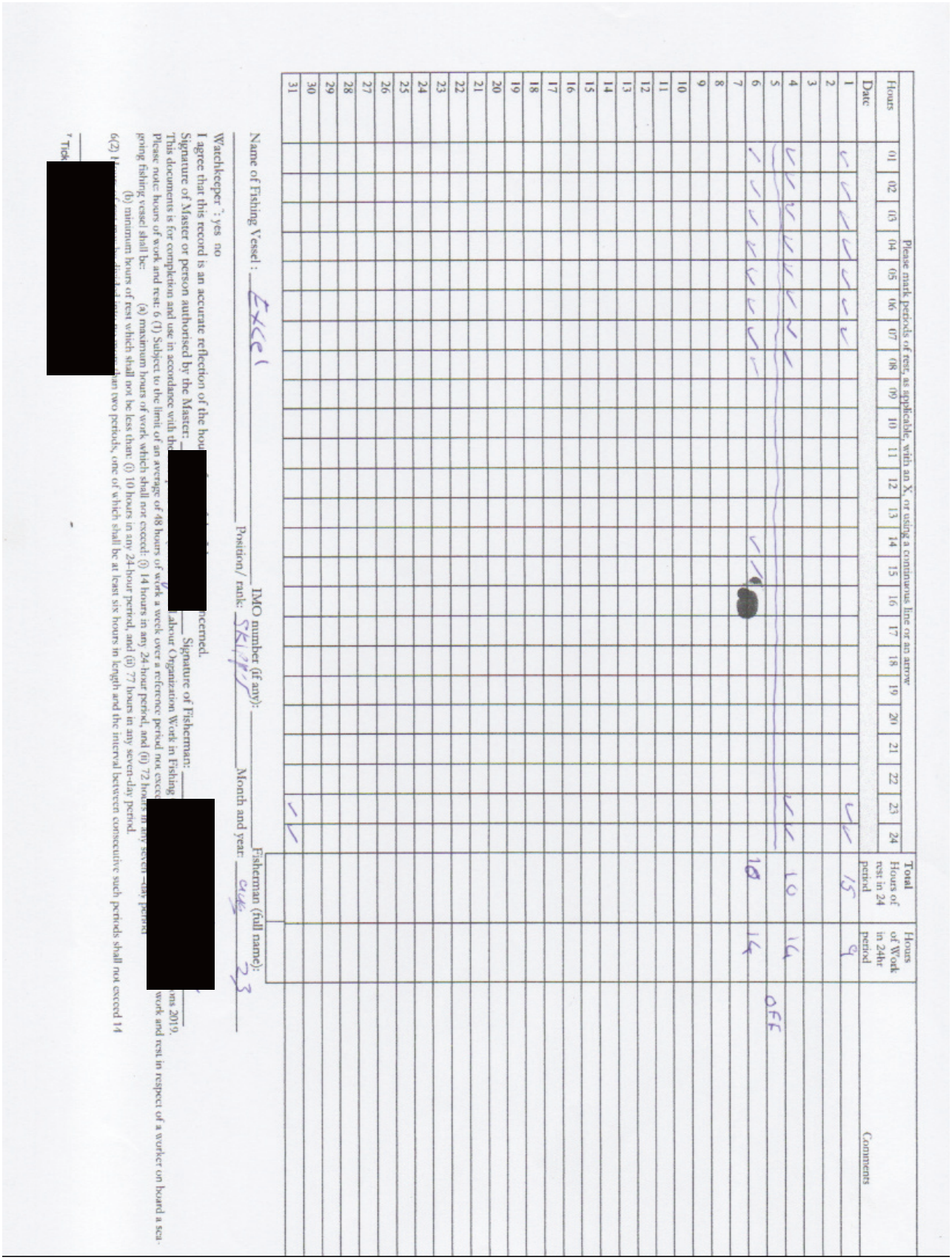
Please note: hours of work and rest: 6 (1) Subject to the limit of an average of 48 hours of work a week over a reference period not exceeding 12 months, the limits on hours of work and rest in respect of a worker on board a sea-going fishing vessel shall be: (a) maximum hours of work which shall not exceed: (i) 14 hours in any 24 hour period, and (ii) 72 hours in any seven –day period

(b) minimum hours of rest which shall not be less than: (i) 10 hours in any 24-hour period, and (ii) 77 hours in any seven-day period.

6(2) H[redacted] two periods, one of which shall be at least six hours in length and the interval between consecutive such periods shall not exceed 14

* Tick as appropriate

Appendix 7.3 STCW Hours of Rest Crew of FV Excel



Please mark periods of rest, as applicable, with an X, or using a continuous line or an arrow

Date	Hours 01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total Hours of rest in 24 period	Hours of Work in 24hr period	Comments
1																									15	9	
2																											
3																											
4																									10	14	
5																											OFF
6																									10	14	
7																											
8																											
9																											
10																											
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31																											

Name of Fishing Vessel: Excel IMO number (if any): Fisherman (full name):

Position/ rank: SKIPPER Month and year: AUG 23

Watchkeeper": yes no

I agree that this record is an accurate reflection of the hou[redacted]ncerned.

Signature of Master or person authorised by the Master: [redacted] Signature of Fisherman: [redacted]

This documents is for completion and use in accordance with th[redacted]labour Organization Work in Fishing [redacted]ons 2019.

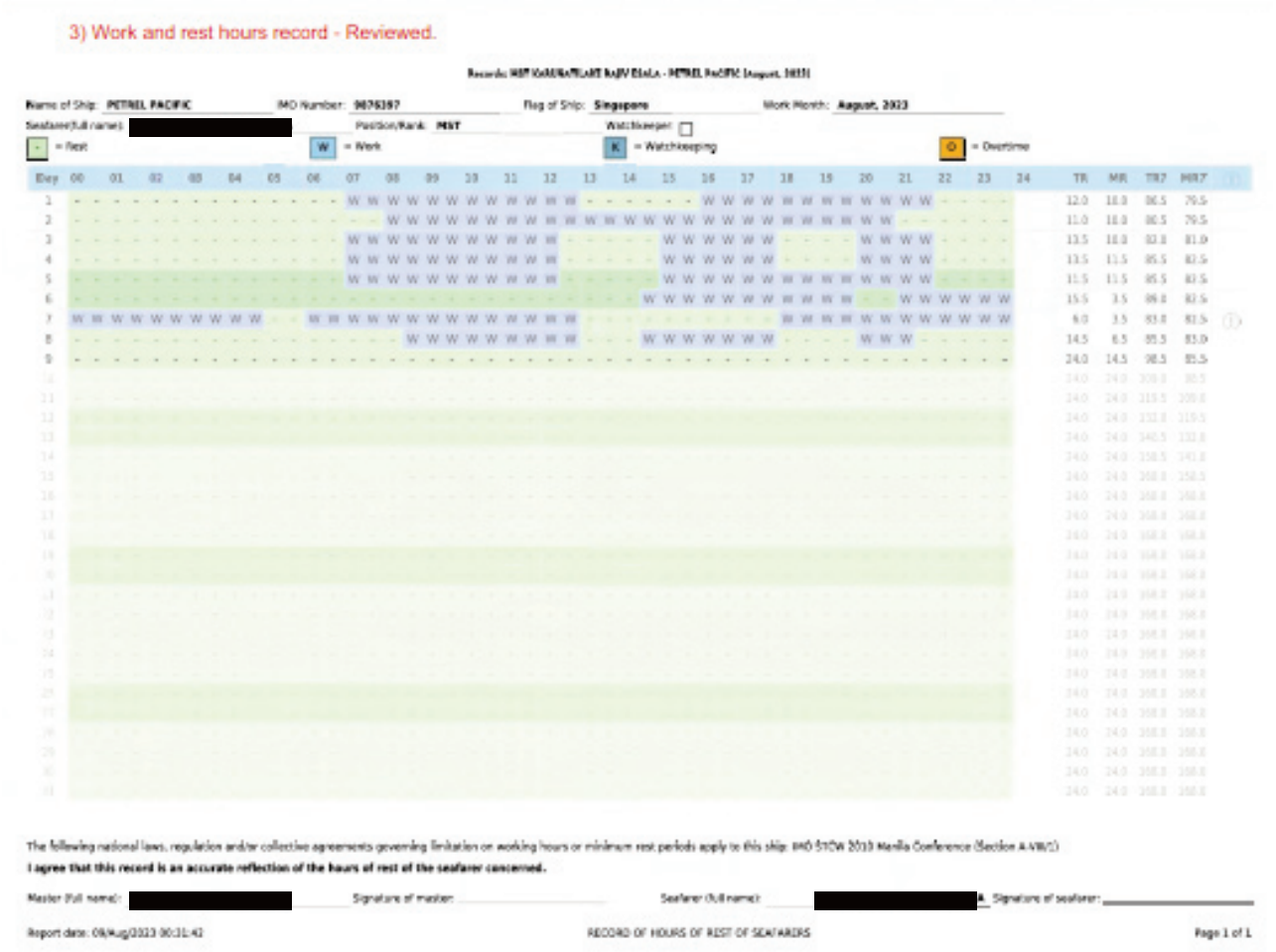
Please note: hours of work and rest: 6 (1) Subject to the limit of an average of 48 hours of work a week over a reference period not exce[redacted]work and rest in respect of a worker on board a sea-going fishing vessel shall be: (a) maximum hours of work which shall not exceed: (i) 14 hours in any 24-hour period, and (ii) 72 hours in any seven-day period (b) minimum hours of rest which shall not be less than: (i) 10 hours in any 24-hour period, and (ii) 77 hours in any seven-day period.

6(2) t[redacted]an two periods, one of which shall be at least six hours in length and the interval between consecutive such periods shall not exceed 14

[redacted]

" Tick

Appendix 7.4 STCW Hours of Rest Crew of MV Petrel Pacific



3) Work and rest hours record - Reviewed.

Name of Ship: PETREL PACIFIC IMO Number: 9076397 Flag of Ship: Singapore Work Month: August, 2023

Seafarer(full name): [redacted] Position/Rank: MST Watchkeeper: ☐

· = Rest W = Work K = Watchkeeping O = Overtime

Day	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	TR	MR	TRT	MRT
1	·	·	·	·	·	·	·	·	·	·	·	·	·	W	W	W	W	W	W	W	W	W	W	W	W	12.0	10.0	86.5	79.5
2	·	·	·	·	·	·	·	·	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	11.0	10.0	80.5	79.5
3	·	·	·	·	·	·	·	W	W	W	W	W	W	W	W	W	W	W	W	·	·	W	W	W	·	13.5	10.0	82.0	81.0
4	·	·	·	·	·	·	·	W	W	W	W	W	W	W	W	W	W	W	W	·	·	W	W	W	·	13.5	11.5	85.5	82.5
5	·	·	·	·	·	·	·	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	·	·	11.5	11.5	85.5	82.5
6	·	·	·	·	·	·	·	·	·	·	·	·	·	·	W	W	W	W	W	W	W	·	W	W	W	15.5	3.5	88.0	82.5
7	W	W	W	W	W	W	W	W	·	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	9.0	3.5	93.0	82.5
8	·	·	·	·	·	·	·	·	·	W	W	W	W	W	W	W	W	W	·	·	W	W	·	·	·	14.5	8.5	85.5	85.0
9	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	24.0	14.5	98.5	85.5
10																										24.0	24.0	109.0	90.5
11																										24.0	24.0	115.5	109.0
12																										24.0	24.0	132.0	115.5
13																										24.0	24.0	140.5	132.0
14																										24.0	24.0	156.5	141.0
15																										24.0	24.0	168.0	156.5
16																										24.0	24.0	168.0	168.0
17																										24.0	24.0	168.0	168.0
18																										24.0	24.0	168.0	168.0
19																										24.0	24.0	168.0	168.0
20																										24.0	24.0	168.0	168.0
21																										24.0	24.0	168.0	168.0
22																										24.0	24.0	168.0	168.0
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26																										24.0	24.0	168.0	168.0
27																										24.0	24.0	168.0	168.0
28																										24.0	24.0	168.0	168.0
29																										24.0	24.0	168.0	168.0
30																										24.0	24.0	168.0	168.0
31																										24.0	24.0	168.0	168.0

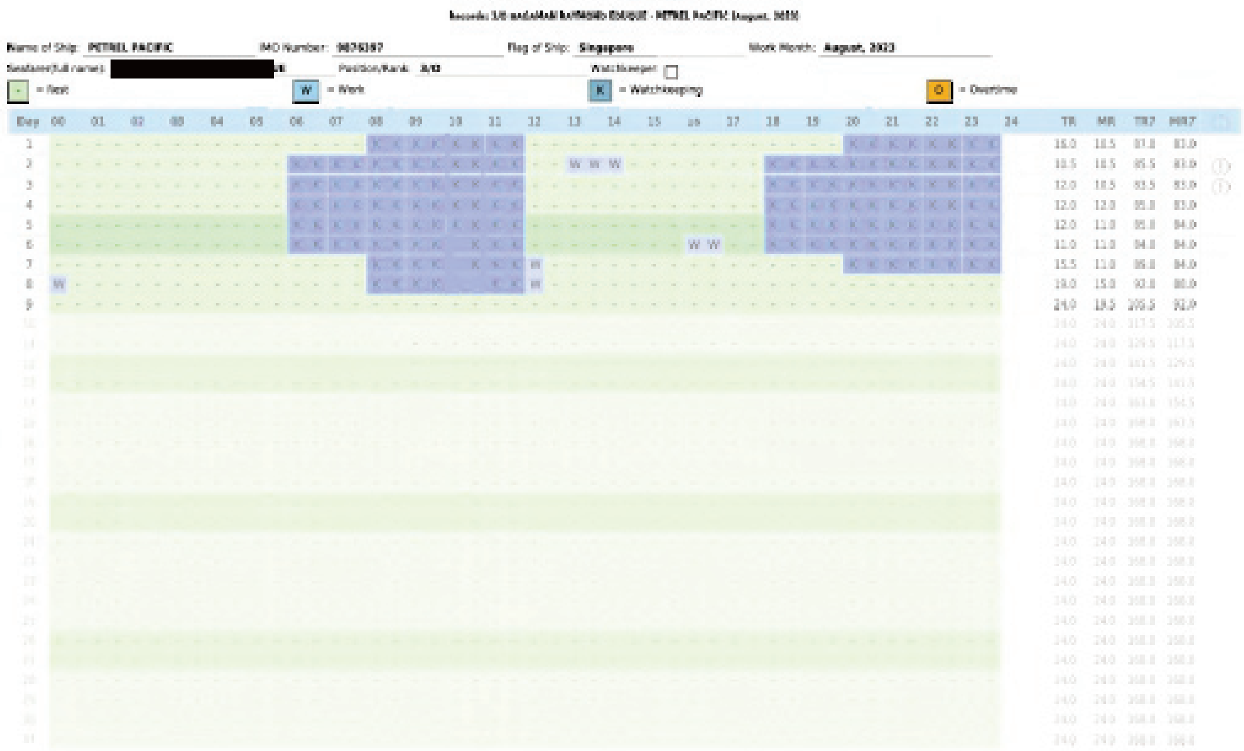
The following national laws, regulation and/or collective agreements governing limitation on working hours or minimum rest periods apply to this ship: IMO STCW 2010 Manila Conference (Section A-VIII/1)

I agree that this record is an accurate reflection of the hours of rest of the seafarer concerned.

Master (full name): [redacted] Signature of master: Seafarer (full name): [redacted] Signature of seafarer:

Report date: 08/Aug/2023 00:31:42 RECORD OF HOURS OF REST OF SEAFARERS Page 1 of 1

Appendix 7.4 STCW Hours of Rest Crew of MV Petrel Pacific


Name of Ship: PETREL PACIFIC
Flag of Ship: Singapore
Work Month: August, 2023
Seafarer(full name): [redacted]
Watchkeeper:
- = Rest
W = Work
K = Watchkeeping
O = Overtime

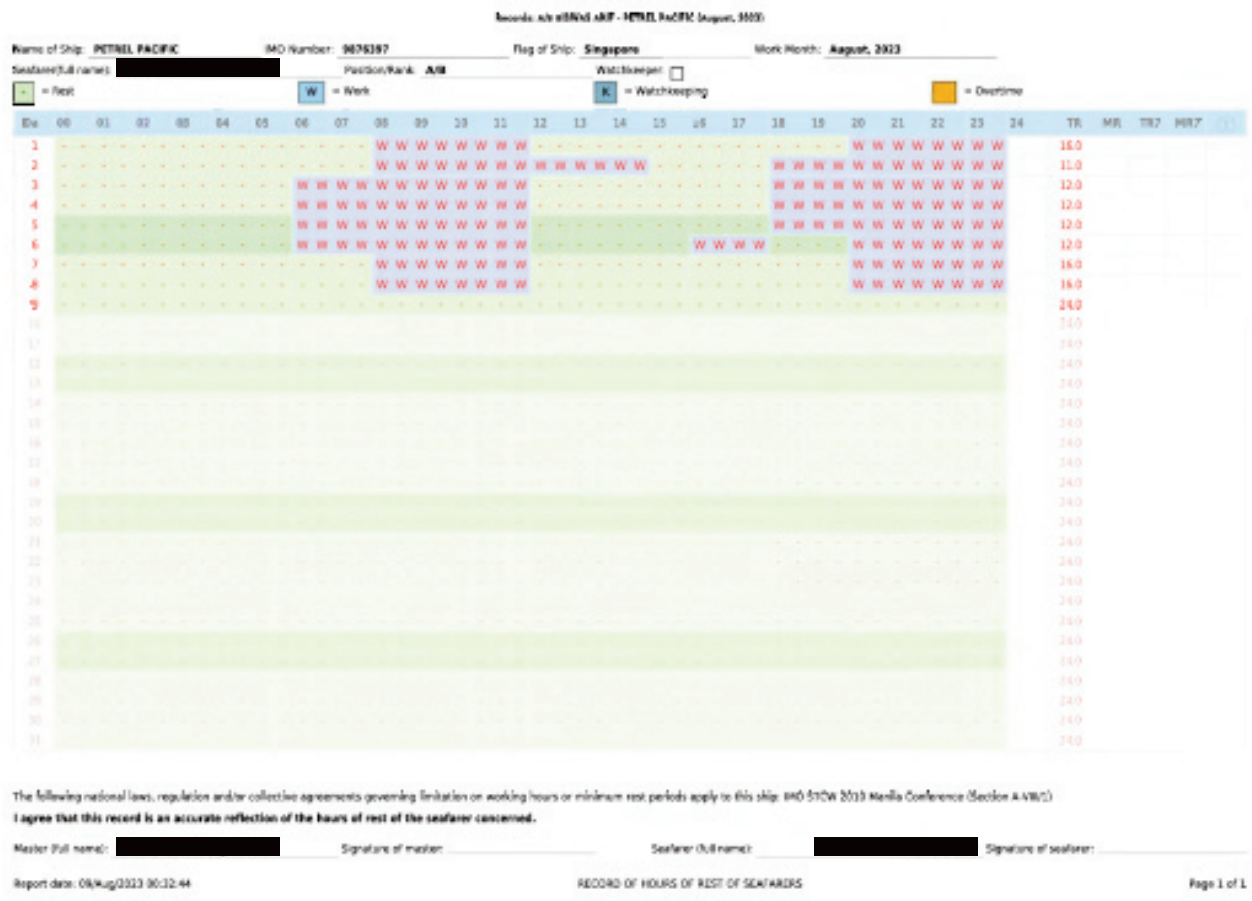
The following national laws, regulation and/or collective agreements governing limitation on working hours or minimum rest periods apply to this ship: IMO STCW 2010 Manila Conference (Section A-VIII/1)

I agree that this record is an accurate reflection of the hours of rest of the seafarer concerned.

Master (full name): [redacted] Signature of master:
Seafarer (full name): [redacted] Signature of seafarer:

Report date: 09/Aug/2023 00:38:11
RECORD OF HOURS OF REST OF SEAFARERS
Page 1 of 1

Appendix 7.4 STCW Hours of Rest Crew of MV Petrel Pacific



Name of Ship: PETREL PACIFIC IMO Number: 9076197 Flag of Ship: Singapore Work Month: August, 2023

Seafarer(full name): [redacted] Position/Rank: A/B Watchkeeper: ☐

. = Rest W = Work K = Watchkeeping = Overtime

Da	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	TR	MR	TR7	MR7
1	.	.	.	.	.	.	.	.	W	W	W	W	W	W	W	.	.	.	.	.	.	.	.	.	.	16.0			
2	.	.	.	.	.	.	.	.	W	W	W	W	W	W	W	W	W	W	W	.	.	.	.	.	.	11.0			
3	.	.	.	.	.	.	W	W	W	W	W	W	W	W	W	.	.	.	.	.	W	W	W	W	W	12.0			
4	.	.	.	.	.	.	W	W	W	W	W	W	W	W	W	.	.	.	.	.	W	W	W	W	W	12.0			
5	.	.	.	.	.	.	W	W	W	W	W	W	W	W	W	.	.	.	.	.	W	W	W	W	W	12.0			
6	.	.	.	.	.	.	W	W	W	W	W	W	W	W	W	.	.	.	W	W	W	W	W	W	W	12.0			
7	.	.	.	.	.	.	.	.	W	W	W	W	W	W	W	.	.	.	.	.	W	W	W	W	W	16.0			
8	.	.	.	.	.	.	.	.	W	W	W	W	W	W	W	.	.	.	.	.	W	W	W	W	W	16.0			
9	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	24.0			
10																										24.0			
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31																										24.0			

The following national laws, regulation and/or collective agreements governing limitation on working hours or minimum rest periods apply to this ship: IMO STCW 2010 Manila Conference (Section A-VIII/1)

I agree that this record is an accurate reflection of the hours of rest of the seafarer concerned.

Master (Full name): [redacted] Signature of master: Seafarer (full name): [redacted] Signature of seafarer:

Report date: 08/Aug/2023 10:12:44 RECORD OF HOURS OF REST OF SEAFARERS Page 1 of 1

Appendix 7.5 ABS Survey Report MV Petrel Pacific with Photographs of Damage

ABS

Preliminary Report

Vessel Name: PETREL PACIFIC
Work Order: 5979091
First Visit Date: 07-Aug-2023
Last Visit Date: 07-Aug-2023

SURVEY AFTER CONSTRUCTION - REMOTE SURVEY REPORT

Vessel Name PETREL PACIFIC
Class Number 20277941
IMO Number 9876397
of
Singapore, Republic of Singapore

This is to certify that the undersigned surveyor(s) to this Bureau, did at the request of the Owner's representative, provide Remote Survey attendance for the subject Vessel on 07-Aug-2023 as the vessel while en Route at St. Bride's Bay, U.K. in order to carry out the survey(s) noted below.

Survey Task	*Task Status*	*Finding Issued*
Surveys for Classification		
Damage Survey (Class) Contact / Striking Damage	Completed	Yes

Report Findings

Class Additional Recommendations
Opened Recommendations

Finding No	*Status*	*Asset*	*Survey Task*	*Due Survey Task*	*Finding Type/ Criticality*	*Date Created*	*Due Date*
21.0	Open	Side Shell Plating Port	Damage Survey (Class) Contact / Striking Damage		Outstanding/ Additional Requirement	07-Aug-2023	06-Sep-2023

Found
Area Height:1000mm Area Width:2000mm Area Thickness:14mm

As reported by Owners Representative on 07-Aug-2023, during passage from Pembroke, United Kingdom to Everglades, United States vessel was struck (contact) by Fishing Vessel on 06-Aug-2023 (PM hours) in Celtic Sea.

Vessel' contact occurred between Frame No. 20 - 23 in way of Engine Room 1st Deck (approx. 14480mm a/b) on port side shell, causing set-in and slight deformation of Port Side Shell Plating.

Smooth indentation has been observed of approx. 35mm depth over an area of 1000x2000m2.

Master of vessel has provided evidence that no breach of hull has occurred and integral Tanks within the area are tight by confirmation of tank sounding.

Recommended
Affected area to be inspected to satisfaction of attending ABS Surveyor.

Supplemental Damage Statement ~Contact / Striking Damage :
AS REPORTED BY OWNER REP, CONTACT WITH FISHING VESSEL OCCURRED DURING PASSAGE FROM PEMBROKE, UK TO EVERGLADES, US ON 06-AUG-2023 IN CELTIC SEA.

Remote Survey Statement(s):

Appendix 7.5 ABS Survey Report MV Petrel Pacific with Photographs of Damage

ABS

Preliminary Report

Vessel Name:	PETREL PACIFIC
Work Order:	5979091
First Visit Date:	07-Aug-2023
Last Visit Date:	07-Aug-2023

The survey was performed remotely utilizing data and information provided by the Client representatives, Vessel Crew, and/or other information and communication technology platforms.

Closing Paragraph:
It is recommended that the Vessel, PETREL PACIFIC, be retained as classed with this Bureau.

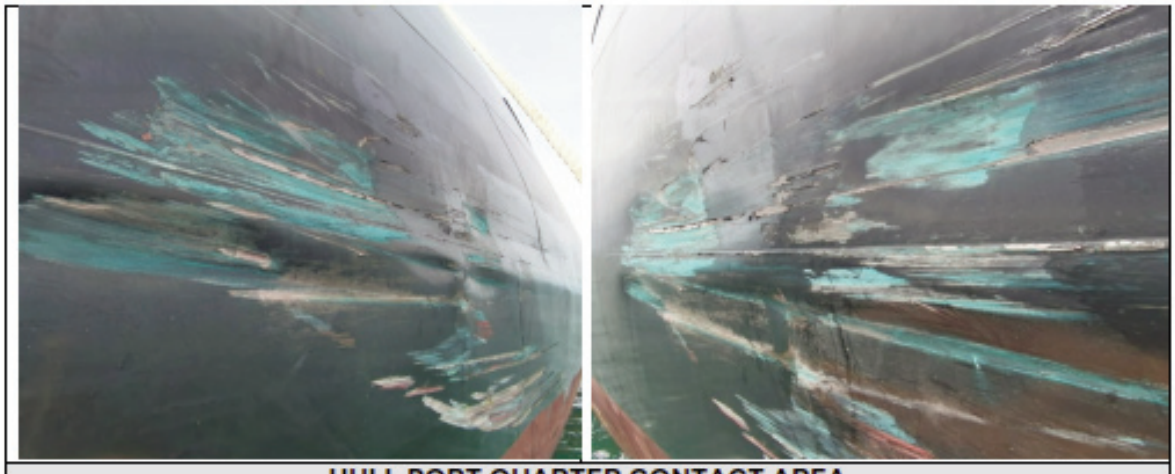
Attending Surveyor(s):
[redacted]

Appendix 7.5 ABS Survey Report MV Petrel Pacific with Photographs of Damage

Overview of the Contact Area

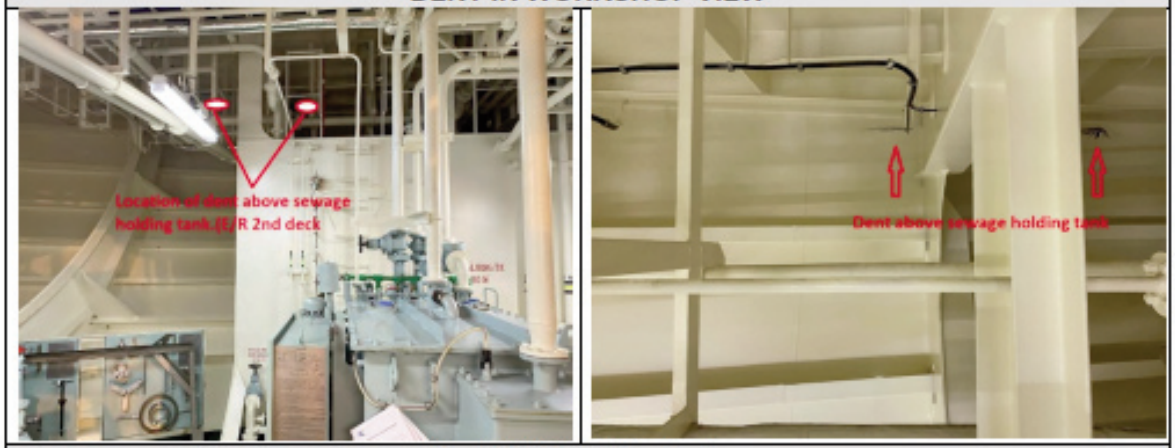
Overview of the Contact Area

Appendix 7.5 ABS Survey Report MV Petrel Pacific with Photographs of Damage



HULL PORT QUARTER CONTACT AREA

DENT IN WORKSHOP VIEW



Dent in ER 2nd deck view

Appendix 7.6 Report of Marine Survey Office Inspection of FV Excel 8 August 2023 with Photographs of Damage

(v0.2)

Dept. of Transport
Marine Survey Office
Leeson Lane
Dublin 2

Phone: +353 (0)1 6783400
Email: FirstNameLastName@transport.gov.ie
Web: www.gov.ie/transport

Report of Survey/ Inspection

TMS No:

Name of Vessel:	Excel	ON/IMO:	
Type of Vessel:	15-24M Fishing Vessel	Port of Registry:	Waterford
Date of Survey:	09/08/2023	Place of Inspection:	Dunmore East
Surveyor:	[redacted]	Activity:	Flag State Inspection
Office:	Cork	Deficiencies:	Yes

Hull Modifications	☐	Exemptions / Equivalencies	☐

Inspection Operations

(Please tick the relevant areas inspected)

Hull Out of Water Survey	☐	Sea Valves & Skin Fitting	☐	Internal Void Space & Ballast Tank(s) Opened & Inspected	☐
Decks	☒	Steering / Engine Room	☐	Cargo Hold(s) / Tank(s)	☐
Accommodation	☐	Passenger Spaces	☐	Propeller Shaft & Rudder Removal	☐
Shell Plating U/T Inspection	☐	Safety Equipment	☐	Emergency Steering	☐
Sea Trials & Crew Drills	☐	Navigational Equipment	☐	MLC	☐
Radio Equipment	☐				
Other: Inspect damage to bow that occurred as a result of collision at sea with Petrel Pacific					

Comments

The damage was limited to the Forward Aluminium superstructure to a point approximately 0.5 Metre aft of the foremast. The Anchor winch was forced upwards and aft, trapping the anchor chain and rendering the vessel unable to anchor. There was extensive deformation of the aluminium superstructure (as can be seen in the attached photographs Fig 1 and 2) where the aluminium separated from the steel hull at the bonding bar.
Damage to the Steel structure was minimal and limited to the forward facing structure above a wrap round stringer above the working deck. (Figure 3)

Repair work to include but not limited to;- replacement of deformed plating steel and aluminium. Refit anchor winch and mast after repair, rewiring mast repair to hydraulic hoses as necessary, replacement of filling and vent pipes from the forepeak tank. Replacement of fittings as required.

Signature [redacted]

Appendix 7.6 Report of Marine Survey Office Inspection of FV Excel 8 August 2023 with Photographs of Damage

SUR 2500 Rev 2.1 (05/19)

Dept. of Transport
Marine Survey Office
Leeson Lane
Dublin 2

Phone: +353 (0)1 6783400
Email: FirstNameLastName@transport.gov.ie
Web: www.gov.ie/transport

Damage to bow 1Fig

00	No Action Taken	18	ISM Non Conformities: rectify before departure
10	Deficiency Rectified	19	ISM Non-Conformities: rectify within 3 months
12	All Deficiencies Rectified	30	Grounds for Detention
15	Rectify Deficiency at Next Port	35	Ship allowed to sail after detention
16	Rectify Deficiency within 14 days	70	Classification Society informed
17	Master instructed to rectify deficiency before departure	99	Other (Specify in Clear Text)

This report must be retained on board for a period of two years and must be available for consultation by a Department of Transport, Tourism & Sport Surveyor at all times. This inspection is based on random samples and therefore deficiencies may exist which may not have been identified.

Appendix 7.6 Report of Marine Survey Office Inspection of FV Excel 8 August 2023 with Photographs of Damage

SUR 2500 Rev 2.1 (05/19)

Dept. of Transport
Marine Survey Office
Leeson Lane
Dublin 2

Phone: +353 (0)1 6783400
Email: FirstNameLastName@transport.gov.ie
Web: www.gov.ie/transport

Damage to bow 2

00	No Action Taken	18	ISM Non Conformities: rectify before departure
10	Deficiency Rectified	19	ISM Non-Conformities: rectify within 3 months
12	All Deficiencies Rectified	30	Grounds for Detention
15	Rectify Deficiency at Next Port	35	Ship allowed to sail after detention
16	Rectify Deficiency within 14 days	70	Classification Society Informed
17	Master instructed to rectify deficiency before departure	99	Other (Specify in Clear Text)

This report must be retained on board for a period of two years and must be available for consultation by a Department of Transport, Tourism & Sport Surveyor at all times. This inspection is based on random samples and therefore deficiencies may exist which may not have been identified.

Appendix 7.6 Report of Marine Survey Office Inspection of FV Excel 8 August 2023 with Photographs of Damage

SUR 2500 Rev 2.1 (05/19)

Dept. of Transport
Marine Survey Office
Leeson Lane
Dublin 2

Phone: +353 (0)1 6783400
Email: FirstNameLastName@transport.gov.ie
Web: www.gov.ie/transport

Damage to bow 3

00	No Action Taken	18	ISM Non Conformities: rectify before departure
10	Deficiency Rectified	19	ISM Non-Conformities: rectify within 3 months
12	All Deficiencies Rectified	30	Grounds for Detention
15	Rectify Deficiency at Next Port	35	Ship allowed to sail after detention
16	Rectify Deficiency within 14 days	70	Classification Society informed
17	Master instructed to rectify deficiency before departure	99	Other (Specify in Clear Text)

This report must be retained on board for a period of two years and must be available for consultation by a Department of Transport, Tourism & Sport Surveyor at all times. This inspection is based on random samples and therefore deficiencies may exist which may not have been identified.

Appendix 7.6 Report of Marine Survey Office Inspection of FV Excel 8 August 2023 with Photographs of Damage

Dept. of Transport
Marine Survey Office
Leeson Lane
Dublin 2

Phone: +353 (0)1 6783400
Email: FirstNameLastName@transport.gov.ie
Web: www.gov.ie/transport

Damage to bow 4

00	No Action Taken	18	ISM Non Conformities: rectify before departure
10	Deficiency Rectified	19	ISM Non-Conformities: rectify within 3 months
12	All Deficiencies Rectified	30	Grounds for Detention
15	Rectify Deficiency at Next Port	35	Ship allowed to sail after detention
16	Rectify Deficiency within 14 days	70	Classification Society informed
17	Master instructed to rectify deficiency before departure	99	Other (Specify in Clear Text)

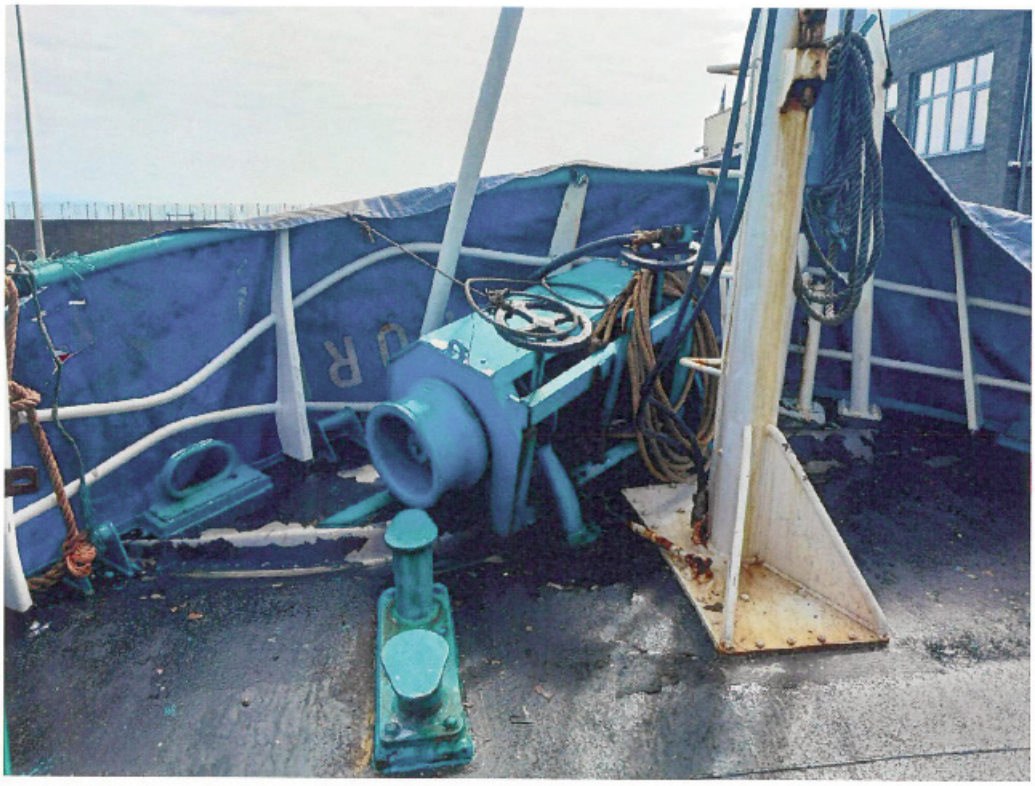
This report must be retained on board for a period of two years and must be available for consultation by a Department of Transport, Tourism & Sport Surveyor at all times. This inspection is based on random samples and therefore deficiencies may exist which may not have been identified.

Appendix 7.6 Report of Marine Survey Office Inspection of FV Excel 8 August 2023 with Photographs of Damage

SUR 2500 Rev 2.1 (05/19)

Dept. of Transport
Marine Survey Office
Leeson Lane
Dublin 2

Phone: +353 (0)1 6783400
Email: FirstNameLastName@transport.gov.ie
Web: www.gov.ie/transport



Damage to bow 5

00	No Action Taken	18	ISM Non Conformities: rectify before departure
10	Deficiency Rectified	19	ISM Non-Conformities: rectify within 3 months
12	All Deficiencies Rectified	30	Grounds for Detention
15	Rectify Deficiency at Next Port	35	Ship allowed to sail after detention
16	Rectify Deficiency within 14 days	70	Classification Society informed
17	Master instructed to rectify deficiency before departure	99	Other (Specify in Clear Text)

This report must be retained on board for a period of two years and must be available for consultation by a Department of Transport, Tourism & Sport Surveyor at all times. This inspection is based on random samples and therefore deficiencies may exist which may not have been identified.

Appendix 7.6 Report of Marine Survey Office Inspection of FV Excel 8 August 2023 with Photographs of Damage

SUR 2500 Rev 2.1 (05/19)

Dept. of Transport
Marine Survey Office
Leeson Lane
Dublin 2

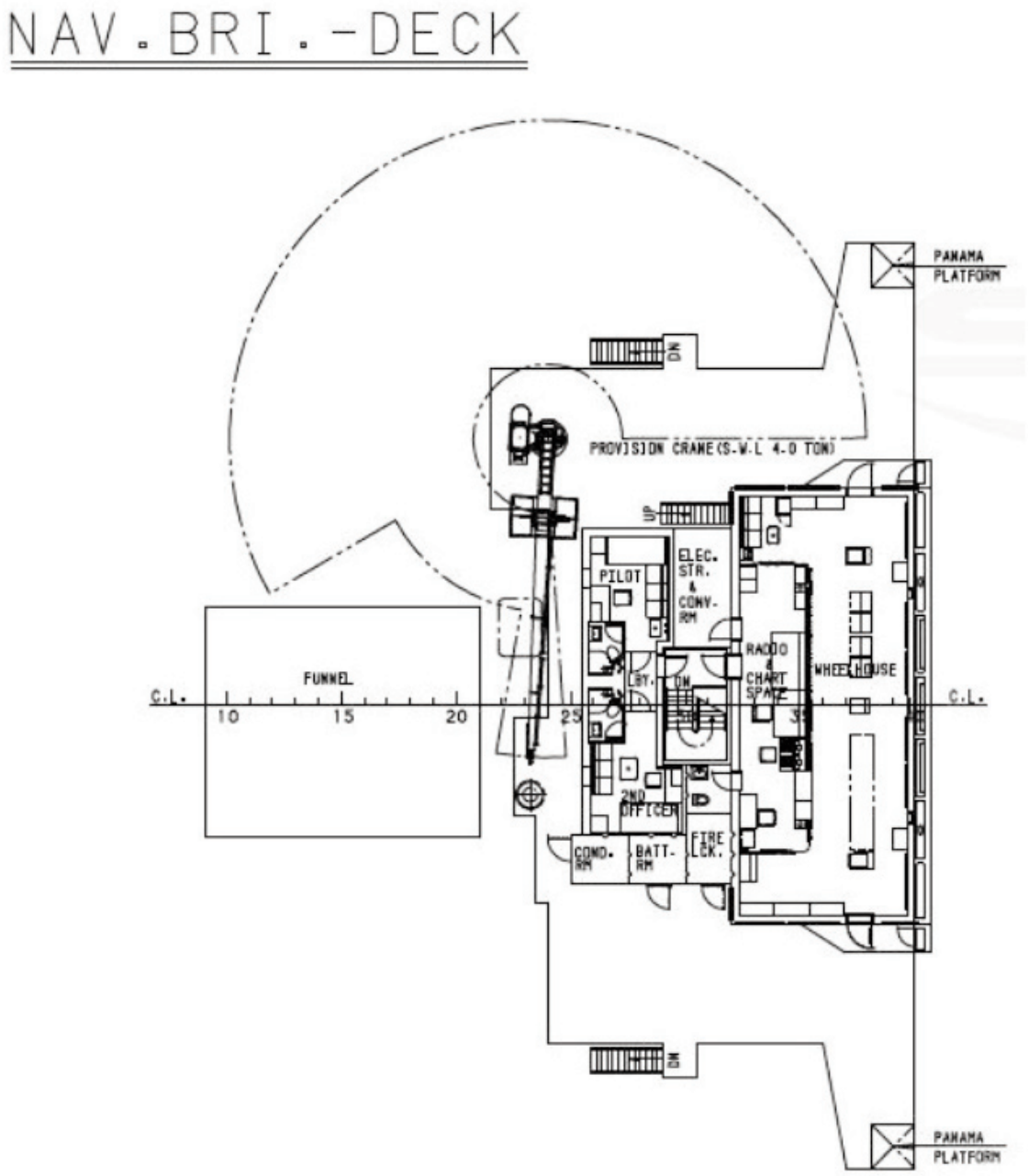
Phone: +353 (0)1 6783400
Email: FirstNameLastName@transport.gov.ie
Web: www.gov.ie/transport

Damage to bow 6 Deformation in upper deck aft of Mast

00	No Action Taken	18	ISM Non Conformities: rectify before departure
10	Deficiency Rectified	19	ISM Non-Conformities: rectify within 3 months
12	All Deficiencies Rectified	30	Grounds for Detention
15	Rectify Deficiency at Next Port	35	Ship allowed to sail after detention
16	Rectify Deficiency within 14 days	70	Classification Society informed
17	Master instructed to rectify deficiency before departure	99	Other (Specify in Clear Text)

This report must be retained on board for a period of two years and must be available for consultation by a Department of Transport, Tourism & Sport Surveyor at all times. This inspection is based on random samples and therefore deficiencies may exist which may not have been identified.

Appendix 7.7 General Arrangement Plan of Bridge Deck MV Petrel Pacific



SECTION 36 PROCESS

Section 36 of the Merchant Shipping (Investigation of Marine Casualties) Act, 2000

It is a requirement under Section 36 that:

(1) Before publishing a report, the Board shall send a draft of the report or sections of the draft report to any person who, in its opinion, is likely to be adversely affected by the publishing of the report or sections or, if that person be deceased, then such person as appears to the Board best to represent that person's interest.

(2) A person to whom the Board sends a draft in accordance with subsection (1) may, within a period of 28 days commencing on the date on which the draft is sent to the person, or such further period not exceeding 28 days, as the Board in its absolute discretion thinks fit, submit to the Board in writing his or her observations on the draft.

(3) A person to whom a draft has been sent in accordance with subsection (1) may apply to the Board for an extension, in accordance with subsection (2), of the period in which to submit his or her observations on the draft.

(4) Observations submitted to the Board in accordance with subsection (2) shall be included in an appendix to the published report, unless the person submitting the observations requests in writing that the observations be not published.

(5) Where observations are submitted to the Board in accordance with subsection (2), the Board may, at its discretion -

(a) alter the draft before publication or decide not to do so, or

(b) include in the published report such comments on the observations as it thinks fit.

The Board reviews and considers all observations received whether published or not published in the final report. When the Board considers an observation requires amendments to the report, those amendments are made. When the Board is satisfied that the report has adequately addressed the issue in the observation, then no amendment is made to the report. The Board may also make comments on observations in the report.

Response(s) received following circulation of the draft report (excluding those where the Board has agreed to a request not to publish) are included in the following section.

The Board has noted the contents of all observations, and amendments have been made to the report where required.

8. MSA 2000 – SECTION 36 OBSERVATIONS RECEIVED

8.1 Correspondence from Vessel Managers MV Petrel Pacific and MCIB response 69

8.2 Correspondence from Crewmember FV Excel and MCIB response 73

8.3 Correspondence from Owners MV Petrel Pacific and MCIB response 74

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

Correspondence 8.1 Correspondence from Vessel Managers MV Petrel Pacific and MCIB response

[redacted] **(MCIB)**

Subject: FW: FV EXCEL AND MV PETREL PACIFIC SECTION 36 RESPONSE

From: [redacted]
Sent: Friday, October 25, 2024 4:24 AM
To: Marine Casualty Investigation Board <MarineCasualtyInvestigationBoard@mcib.ie>
Subject: FV EXCEL AND MV PETREL PACIFIC SECTION 36 RESPONSE

To MCIB Secretariat,

Marine Casualty Investigation Board

Good day Sir/Madam,

FV EXCEL AND MV PETREL PACIFIC SECTION 36 RESPONSE

In response to your mail, dated 24 Oct 2024 with regards to the letter and draft report from the Marine Casualty Investigation Board, please find herein self's comments.

With reference to chapter 3.7 in the report, please note that the master called the OOW to the Radio Room (GMDSS room)/Chart room which is a part of the Bridge. The Forward portion of the Bridge which comprises the Navigational equipment and the rear portion of the bridge which comprises the Chart table and the radio room (GMDSS Equipment) is separated only by a curtain and not by a door.

The Bridge front portion is separated from the chartroom only by a curtain. During day time the curtain is kept open and during dark hours the curtain is drawn in order to prevent the light from interfering with the bridge watch keeper's night vision.

I again would like to emphasize that the Chart room is not a separate part from the Bridge. It's an integral part of the Bridge. The sound of closing a door, mentioned in the report is probably the sound which was heard when opening and closing of the curtain which separates the front portion from the Bridge and the rear part of the bridge.

Even during maintaining navigational watches the officer of the watch has to enter the Chart room/Radio room to attend to GMDSS alarms.

Therefore, the sentence which states "Departed from the Bridge" needs to be corrected to "entered the Chart room", since the OOW never left the Bridge.

Since the chart room is a part of the Bridge, it's under VDR surveillance and that's the reason why the communication occurred between master and OOW is saved in VDR recordings.

Correspondence 8.1 Correspondence from Vessel Managers MV Petrel Pacific and MCIB response

Also please note that with reference to chapter 3.8 in the report, the voices which were heard on VDR was the discussion between Master and 3rd Officer (Officer of the watch) and not of the Duty AB. The master and Duty officer were discussing on the paper work inside the chart room which also proves and confirms that duty officer never left the bridge. Master was carrying out his paper work on his computer which is located in the chart room.

A photo showing the layout of the Bridge front portion and the chartroom is attached herewith for your kind perusal.

Furthermore, please note that with reference to chapter 3.17 of the record, the call from Officer of the watch to Master, to come to the bridge was clearly heard by the master because the master was carrying out his paper work in the chartroom, which again indicates that the Chartroom is an integral part of the bridge.

On the said date after dropping pilot and after commencing on sea passage I handed over conn of the vessel to the OOW after ascertaining the surrounding traffic was clear. This was at 1815 Hrs. I was on the bridge thereafter monitoring the traffic until all concern traffic was clear.

After ensuring all was in order, I proceeded with some paperwork in the Chartroom/Radio room (GMDSS Room) which is located in the Bridge itself. Around 2205 Hrs I called the duty officer to the chart room for a few minutes to clarify some information. Before doing so, I specifically inquired whether the traffic is clear, I was informed by the duty officer that the traffic was clear.

I called the duty officer to the chart room only to clarify some information and not to relieve him from his duties. I completed the paper work with the duty officer within few minutes, but the duty officer stayed in the chart room for a few more minutes. He didn't mention whether there was any concern traffic.

I humbly admit of overlooking on the relevant requirements as per common Navigational procedures and I'm at fault for distracting the duty officer.

I am remorseful for the lack of situational awareness and should have taken an informed judgement of not to disturb/distract the officer of the watch from his watchkeeping.

I also would like to state here that if the officer of the watch mentioned that there was traffic, I should have never distracted him.

Please note I have been summoned to the Singapore office for a thorough investigation and briefing by my office soon after the incident and attended a work shop for senior officers and also underwent a Ship simulator, Bridge team and Bridge resource management course.

Safety and responsible navigation have always been my utmost priorities. Unfortunately, despite my best efforts, this incident happened for which I'm deeply apologetic and remorseful.

I am fully committed to learning from this unfortunate event and taking every necessary step to prevent such incidents in the future. I assure you that lessons learnt from this incident will always remain with me in all my future assignments. I will ensure that not only I improve myself as a leader but, also will enhance the watchkeeping standards of my bridge team in compliance with my company's SMS, flag and international requirements.

I' am again deeply apologetic and remorseful and have learnt the lesson extensively.

Correspondence 8.1 Correspondence from Vessel Managers MV Petrel Pacific and MCIB response

Since it has been stated in the attached letter that the names of the parties involved in the incident will not be included in the published report, I kindly request all individuals' names be removed from the STCW work and rest hour records as well.

Your attention to this matter is greatly appreciated.

Hope the above explanation is in order and please advise if any further information is required.

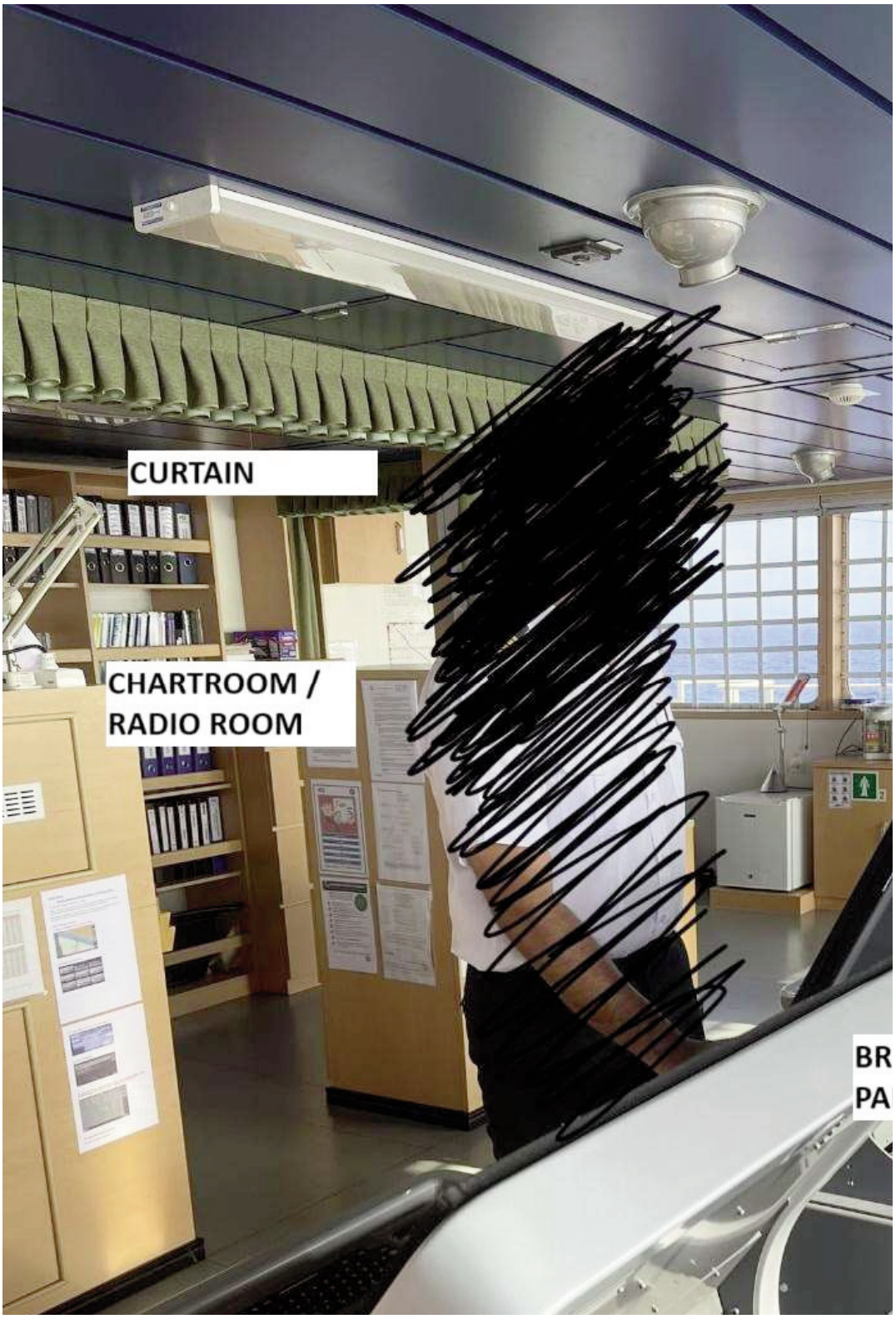
Attachments
1). Self's reply in .pdf format.
2). Photo showing the bridge layout including the chartroom/Radio room.

Yours sincerely,

[redacted]

A photo showing the Bridge layout which comprises the Front part and the Chartroom/Radio room is included below.

Correspondence 8.1 Correspondence from Vessel Managers MV Petrel Pacific and MCIB response



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

Correspondence 8.2 Correspondence from Crewmember FV Excel and MCIB response

[redacted] **(MCIB)**

From: [redacted]
Sent: Tuesday 12 November 2024 15:34
To: Marine Casualty Investigation Board
Subject: Dear Mr/Mrs

Please I am [redacted] I have gone through the draft report and I have no comments or observations to offer. 'FV Excel & MV Petrel Pacific Section 36 response'.

kind regards
[redacted]

Yahoo Mail: Search, Organize, Conquer

1

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

Correspondence 8.3 Correspondence from Owners MV Petrel Pacific and MCIB response

From: [redacted]
Subject: RE: Draft Report of an Investigation into a marine casualty involving the fishing vessel Excel and MV Petrel Pacific in or around North Atlantic Ocean on or about 6 August 2023 [redacted]
Date: 27 November 2024 at 12:03
To: Marine Casualty Investigation Board MarineCasualtyInvestigationBoard@mcib.ie
Cc: [redacted]

Good day [redacted]

Our sincere regret for sending this reply on a later date. We hope our input to the draft report is taken into consideration and please do not hesitate to clarify with undersign if required.

With reference to your letter MCIB/ 12/336 dated 24th October 2024 on 'Draft Report of an investigation into a marine casualty involving the fishing vessel Excel and MV Petrel Pacific in or around the North Atlantic Ocean on or about 6 August 2023", please see appended below our observations and comments on the draft report.

Observations and Comments

- Section 3. Narrative, subsection 3.8
  "The VDR audio did not capture any briefing by the OOW to the AB prior to the OOW leaving the bridge. The VDR audio evidences talking out loud on the bridge from 22.09.10 hrs onwards, so it is possible a second unidentified crewmember was also present on the bridge throughout the period the OOW was absent until the collision or that the AB was holding a telephone conversation; it is unlikely that he was talking to himself."
- *Our comments:*
  Upon interviewing the master, the OOW and the AB, they confirmed that there was no additional person other than those required on the bridge. We have a strict no distraction and social media policy and it is unlikely that the AB was on a telephone call. We have gone through the whole recording again and it is very likely the sounds may be from VHF or other sources. We can confirm that no one else except the OOW, AB were in navigating bridge and master in the chartroom behind. We hope not to add any speculative information in the report.

- Section 4. Analysis, subsection 4.1
  "Prior to considering the causes of the collision, it is important to first highlight how serious the marine casualty could have been. A speed of 7 kts equates to covering a distance of approximately 216 m per minute. **If the Skipper of FV Excel had increased his vessel's speed around one minute earlier, FV Excel may have crossed the bow of MV Petrel Pacific which advanced with a speed of around 13 kts. It is unlikely that FV Excel would have remained afloat if the bow of MV Petrel Pacific had impacted with her midships section, with potentially catastrophic consequences for the fishing vessel's crew.** No avoiding action was taken onboard MV Petrel Pacific, and the Master was unaware of FV Excel until C-16 seconds. Tragedy was only avoided by the very narrowest of margins."
- *Our Comments:*
  We understand the implications of colliding; however, your comments (highlighted in bold) in this section are speculative and should not be included in an investigation report. There can be numerous scenarios if we start contemplating "What if situations". We request to keep speculations & opinions out of the investigation report.

Correspondence 8.3 Correspondence from Owners MV Petrel Pacific and MCIB response

- Section 4. Analysis, subsection 4.3
  "Rule 5 of COLREGS requires that a "full appraisal of the situation and of the risk of collision" be made. Notwithstanding the increase in speed of MV Excel at C-7, at C-17 when the OOW left the bridge the CPA was already dangerously close. **The OOW should have declined to leave the bridge in order to maintain an effective look-out. Based on the VDR audio, no briefing was given to the AB prior to the OOW leaving the AB alone on the bridge**. It is unlikely that the OOW waited up to four minutes prior to notifying the Master of the presence of FV Excel, based on the VDR audio, it is more likely that the OOW returned to the Bridge just before the impact and that the Master and OOW became aware of the risk of collision within quick succession."
- *Our Comments:*
  Our vessel is a standard MR Tanker certified, approved and meeting all the modern specs requirement of navigation bridge layout. We would like to rephrase "leaving the bridge" to "leaving the area in the front of the chart table" which is part of the bridge/ wheelhouse. As the master was on the bridge behind the curtain where the chart table is situated, although now as paper charts are not used for navigation, this space is utilized for referring to logbooks, writing bell books and master issuing / writing bridge orders. Whilst we agree that the OOW should have declined to the leave the wheelhouse front. Our preventive measures address this aspect.

- Section 4. Analysis, subsection 4.11 Safety culture & time pressure MV Petrel Pacific
  "The VDR audio onboard MV Petrel Pacific evidence that after handing over the con to the Third Officer, the Master was busy engaged attending to the ship's business and processing documents. There is certainly nothing unusual in the Master carrying out this activity post port departure; however, it is unusual for a Master to remove an OOW from look-out duties at night. Whilst there is no evidence or suggestion of pressure from the vessel operators towards the crew, studies10 (Nautical Institute-Time pressures in the maritime industry Shipowner / Ship manager guide) have proven that time pressure is present in maritime shipping in many ways. Waiting until daylight hours to process the documents when the crew had rested after a period of long working hours during loading, was clearly the prudent course of action. **Had the OOW not left the bridge in order to assist the Master in this task, then in all likelihood the collision would have been avoided. Based on the available evidence it is not possible to state with certainty whether time pressure was a contributory factor, as equally the safety culture onboard the vessel may have driven the Master's decision making, but nevertheless time pressure cannot be discounted as a possible cause."**
  Our Comments:
  Similar to our comments for leaving the bridge.
  The vessel was on a trans-Atlantic voyage and the factual records indicate that the watchkeepers and the master were well rested. We request to delete the line "but nevertheless time pressure cannot be discounted as a possible cause".

Correspondence 8.3 Correspondence from Owners MV Petrel Pacific and MCIB response

- Section 4. Analysis, subsection 4.16 Fatigue MV Petrel Pacific

  "There is no direct evidence of the relevant crew complaining of feeling tired, but equally it cannot be discounted that some of the decisions made by the crew may have been impacted by a degree of cumulative fatigue. Any seafarer who has worked a watch routine of 6 hours on/6 hours, off will be well aware of the cognitive effects even after only a few days maintaining the routine. So, while there is insufficient evidence to provide a definitive assessment of the causative role of fatigue in this incident, fatigue remains a valid consideration."

  Our Comments:

  The content in this section do not state facts but are opinion based and speculative. We are responsible owners of ocean-going vessels complying with MLC, ILO regulations as mandated, all records and evidences depict compliance. Watchkeeping arrangement, manpower on bridge and fatigue related factors are all in compliance in this case. We request this speculative suggestion to be removed. Perhaps, a different & separate (after the investigation report) section namely "Suggestions & Remarks" could be inserted to include all best practices, suggestions for improvement etc.

- Section 5. Conclusions, subsection 5.4

  "It is possible that either the safety culture, time pressures or a combination of both, impacted upon the decision making onboard each vessel."

  Our Comments:

  Same as section 4

Summary Note:

We would like to express our gratitude to MCIB for conducting such a thorough investigation into this matter. As responsible owners and managers of a globally operating fleet of tankers, we have demonstrated full cooperation and transparency from the outset of this incident with all stakeholders, including MCIB.

Given that this report will remain in the public domain indefinitely, we respectfully request that it be strictly based on facts, evidence, and in accordance with current rules and regulations related to navigation, watchkeeping, the Maritime Labour Convention (MLC), and other relevant standards.

While it is unfortunate that we were involved in this incident, we have openly acknowledged the areas where we fell short, as identified during the investigation, and have taken immediate and sincere corrective action to address these issues. We believe that any speculative or opinion-based content in the report would not contribute positively to the industry but could instead harm our reputation.

In contrast, the other party involved has failed to share any relevant information or engage with the investigation process, which reflects poorly on their safety culture and standards. Therefore, we kindly request that you carefully consider our comments before making the report publicly available.

Thank you for your attention to this matter.

Best Regards,

[redacted]

PACC Tanker Management Pte Ltd

Tel (DID): [redacted]

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

Leeson Lane, Dublin 2.
Telephone: 01-678 3485/86.
email: info@mcib.ie
www.mcib.ie