

## COMMENTS TO DRAFT REPORT "TWEENDECK FALLS INTO HOLD WITH FATAL OUTCOME - LESSONS LEARNED FROM THE OCCURRENCE ON BOARD THE FWN RAPIDE"

No.	Party	Chapter	Section	Text to be corrected (first ... last word)	Argumentation	Corrected	Dutch Safety Board response
1	ForestWave Navigation B.V.		Line 94	'Causes FOR the breaking'	We assume you mean 'causes OF the breaking?'	Yes	
2	ForestWave Navigation B.V.		Line 173 et seq	'Horseheads'	Horseheads are regularly referred to in this report.  FWN Rapide is not equipped with horseheads but with foldable support brackets for the tweendecks.  Both names are used in the report; in the case of FWN Rapide only foldable support brackets are fitted.	Yes	
3	ForestWave Navigation B.V.		Line 188	'multiple holds'	By installing bulkheads it is not a question of creating multiple holds, just sub holds or compartments.	Yes	
4	ForestWave Navigation B.V.		Line 399-406		In our judgement, the description does not sufficiently indicate that in reality the (undamaged original) cable used was of sufficient strength.  A different conclusion could be drawn from the certificates, but they contained an error.  The cable satisfied the requirements and did not have a WLL that was lower than the lifted load.	No	The certificates related to the cables including hoisting eye, and contained no error on this point. The report states clearly that the cable itself (without hoisting eye) in its original condition was sufficiently strong.
5	ForestWave Navigation B.V.		Line 412	'German flag'	At that time, the vessel was sailed under an English flag.	Yes	
6	ForestWave Navigation B.V.		Line 1047	'Bijlsma hijs en heftechniek'	You refer to Bijlsma hijs en heftechniek, while the party directly involved – Coops and Nieborg – is not named.	Yes	

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7	Minister of Infrastructure and Water Management	2.4, block one and footnote 2	Line 393	2The EU Machinery Directive does not apply to machines on board seagoing vessels, but does apply to chains, cables and strops on board, if designed and manufactured for lifting and hoisting purposes as part of lifting or hoisting machines.	<p>Chains, cables and straps are an integral part of the machine on board and are specifically not subject to the Directive. See Machinery Directive Art. 1, paragraph 2f: seagoing vessels and mobile offshore units and machines on board such vessels and/or units;</p> <p>In this Directive, 'machines' should be taken to mean the products as intended in Article 1, paragraph 1, points a) through to f):            (...)           <ul style="list-style-type: none"> <li>d) hoisting and lifting equipment;</li> <li>e) chains, cables and strops;</li> <li>f) removable mechanical transmission systems;</li> </ul> </p> <p>The conclusion is that the EU Machinery Directive does not apply.</p>	Yes	
8	Minister of Infrastructure and Water Management	2.5, Regulations and footnote 5	Line 449	The Working Conditions Decree <sup>5</sup> specifies that hoisting and lifting equipment on board seagoing vessels must undergo effective testing at least once every five years, and be inspected for sound condition by a certification body.	<p>This is not correct. Art. 7.29 applies to hoisting and lifting equipment for loading and unloading. A hatchcover crane is not used for loading and unloading.</p> <p>Art. 7.4a in fact applies. And on that basis, art. 7.20 applies.</p> <p>Note: art. 7.20 applies only to lifting and hoisting equipment (in other words not to the hatchcover crane itself, which is a lifting and hoisting machine, therefore art. 7.4a).</p>	Partly	This is a legal interpretation of the law/legislation that resulted in a recommendation in the report. There is no direct relationship with the occurrence on board the FWN Rapide.
9	Minister of Infrastructure and Water Management	2.4, box	Lines 392-397	The safety coefficient in this connection is laid down in EU Directive 2006/42/EC, also known as the EU Machinery Directive <sup>2</sup> and is 1:5.3. In other words, the WLL is not more than 1/5th of the minimum breaking load. The Directive also indicates that this coefficient is insufficient for components of machines used for hoisting persons and as a rule, the coefficient must be doubled in those cases. <sup>4</sup>	<p>Although as a consequence of the above, the conclusion is that the EU Machinery Directive does not apply, the following has been noted: doubling from 1:5 results in 2:5, and that would be strange in this context (less margin if working with people). The Directive also does not specify the coefficient 1:5, but the coefficient 5, so that a doubling would result in a more logical 1:10.</p>	No	Here the literal text has been copied from the relevant EU Directive.
10	Minister of Infrastructure and Water Management	3.4	710	1/5 once again referred to	See reaction above.	Yes	
11	Minister of Social Affairs and Employment		General Point	The Safety Board focuses very much on the technical aspects of the accident and less on the role of the employer.	<p>The Safety Board refers to 4 barriers, each of which is intended to guarantee that this accident could not happen. However, none of these relate specifically to the role of the employer.</p> <p>According to the Working Conditions Act, the employer is responsible for supervision, instruction and the provision of the correct equipment and personal protective equipment. This also includes carrying out an RI&amp;E. The employer must ensure that its employees are well informed and instructed, and subsequently monitor the situation.</p>	No	In the manner indicated in the reactions, the description of statutory tasks and responsibilities does not tie in with the task of the Safety Board. That task is exclusively to learn lessons from occurrences. What the various parties can do to improve safety is part of the recommendations and as such is addressed in that way.

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12	Minister of Social Affairs and Employment	Page 23	643-647	The investigation demonstrated that ... possible sanction ... sufficient preventive effect ... sufficient expertise.	<p>The Safety Board suggests that with just a few exceptions, working conditions regulations impose no formal guidelines according to which the expertise for the inspection of cranes can be assessed. It is then indicated that the investigation reveals that this was a deliberate choice on the part of the legislator. It is suggested that the underlying principle was that if an occurrence is the consequence of insufficient expertise, thereby representing a violation of the law, the amount of possible sanctions would have a sufficiently preventive effect to ensure that the employer guarantees sufficient expertise.</p> <p>It is unclear on what basis the Safety Board draws this conclusion in respect of the opinions of the legislator on the preventive effect of possible sanctions referred to. Please provide a further clarification of the sources on which the Safety Board bases its conclusion.</p>	Yes	Passage dropped
13	Minister of Social Affairs and Employment	Page 24	656-659	On that basis it may be concluded ... lifting and hoisting equipment.	<p>The Safety Board suggests that it may be concluded that the system of obligations and responsibilities with regard to the inspection of hoisting and lifting equipment on seagoing vessels is not sufficiently robust to ensure that those inspections are conducted adequately, thereby guaranteeing the safe use of the equipment. According to the Safety Board, one important point is that the required expertise with regard to the inspection of cranes is not laid down in formal guidelines.</p> <p>However, the Safety Board only provides limited argument as to why a further recording of expertise is necessary. The assumption that in that case, further recording of expertise could have contributed to preventing this accident is insufficiently supported. The Safety Board also fails to explain why the employer was unable to rely on the fact that the training as ship's officer offers sufficient certainty that the tasks relating to maintenance and inspection will be carried out correctly.</p>	Partly	<p>The report suggests that the supporting arguments are based on the fact that the hatchcover crane, including hoisting cables, had been inspected, that this inspection had been carried out in time and that during the most recent inspection, the poor condition of hoisting cables and guidewheels should have been noticed. It is also indicated in the report that a lack of expertise played a role in the occurrence.</p> <p>The report also contains a brief explanation of the international training requirements applicable for ship's officers. This made it clearer that only generally imposed requirements apply.</p>