



HELLENIC REPUBLIC



HELLENIC BUREAU FOR MARINE CASUALTIES INVESTIGATION

**MARINE CASUALTY SAFETY INVESTIGATION REPORT
12/2013**

**Foundering of General Cargo Nour M
In the port of Rhodes Island - Greece**



October 2016

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Foreword

The Hellenic Bureau for Marine Casualties Investigations was established by Law 4033/2011 (Government Gazette 264/12.22.2011), in the context of implementing EU Directive 2009/18/EC.

HBMCI conducts technical investigations into marine casualties or marine incidents with the sole objective to identify and ascertain the circumstances and contributing factors that caused it through analysis and to draw useful conclusions and lessons learned that may lead, if necessary, to safety recommendations addressed to parties involved or stakeholders interested in the marine casualty, aiming to prevent or avoid similar future marine accidents.

The conduct of Safety Investigations into marine casualties or incidents is independent from criminal, discipline, administrative or civil proceedings whose purpose is to apportion blame or determine liability.

This investigation report has been produced without taking under consideration any administrative, disciplinary, judicial (civil or criminal) proceedings and with no litigation in mind. It does not constitute legal advice in any way and should not be construed as such. It seeks to apprehend the sequence of events occurred on the 21 September 2014 that resulted in the examined serious marine casualty.

Fragmentary or partial disposal of the contents of this report, for other purposes than those produced may lead to misleading conclusions.

The investigation report has been prepared in accordance with the format of Annex I of respective Law (Directive 2009/18/EC) and all times quoted refer to local time (UTC +2) unless otherwise stated.

Under the aforementioned framework HBMCI has conducted a safety investigation into the foundering of General Cargo vessel Nour M, under Sierra Leona Flag, IMO7226627 that occurred on 11 December 2013, in the port of Rhodes Island, Greece resulting in her total loss.

This report is based on data acquired by interviews and collection of evidence by the parties involved in the marine incident. No electronic evidence could be obtained in order to support the sequence of events leading to the marine casualty.

Correspondence with Nour M owners or managers could not be established.

Glossary of Abbreviations and Acronyms

| | | |
|-----|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | AB | Able seaman |
| 2. | AIS | Automatic Identification System |
| 3. | Bfrs | Beaufort (measurement unit of wind force) |
| 4. | COC | Certificate of Competency |
| 5. | gt | gross tonnage |
| 6. | HCG | Hellenic Coast Guard |
| 7. | IMO | International Maritime Organization |
| 8. | ISM | International Management Code for the safe operation of ships and for pollution prevention |
| 9. | kts | knots (nautical miles per hour) |
| 10. | Lat, Long | Latitude, Longitude |
| 11. | LT | local time |
| 12. | m | meters |
| 13. | ft | foot |
| 14. | nm | nautical mile (1852 m) |
| 15. | OOW | Officer of the Watch |
| 16. | RO | Recognized Organization or Classification Society. An organization which meets the relevant conditions set forth by respective international legislation and has been authorized by the flag State Administration to provide the necessary statutory services and certification to ships entitled to fly its flag |
| 17. | SOLAS | Convention for the Safety of Life at Sea 1974, as applied |
| 18. | UTC | Universal Coordinated Time |
| 19. | VDR | Voyage Data Recorder |

1. Executive Summary

M/V Nour M was a general cargo vessel trading in the Black Sea and Mediterranean Sea under Sierra Leone Flag (figure 1).



Figure 1. Cargo vessel Nour M (source marine traffic)

On 27 October 2013 she departed from Oktyabrsk - Ukraine (figure 2) with 9 crew members including the Master heading for Libya and loaded with 55 articles of 20ft containers of military hardware (fire guns and ammunitions).

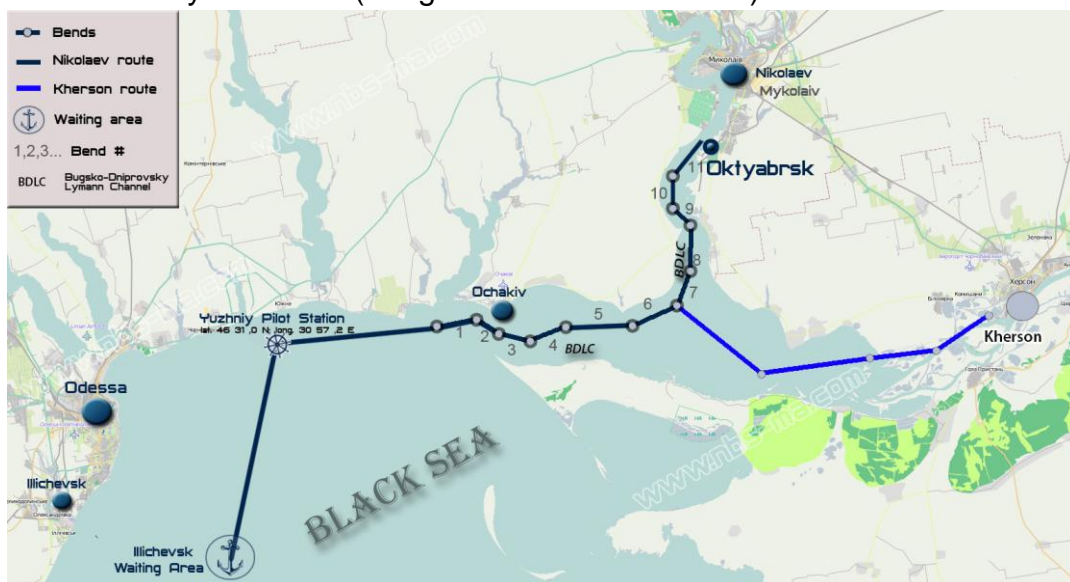


Figure 2. The port of Oktyabrsk in Ukraine (source web).

On 11 November 2013 while she was navigating the sea area N of Rhodes Island, she was instructed to proceed to Rhodes port for further inspection and control purposes after being checked by a HCG patrol vessel. Following a Post State Control Inspection carried out by the local Port State Control Office she was detained. During the next days, her cargo was ceased by order of the competent Authorities. Subsequently, 46 containers loaded with military hardware were discharged at shore and 9 empty remained on board whereas 5 crew members signed off and disembarked.

On 11 December 2013 at approximately 0700, Nour M was berthed alongside at “Colossos” commercial dock in the port of Rhodes Island with her port side. By that time she was manned with 4 crew members including Master as it was reported that she was abandoned by her owners.

A gale warning was issued and broadcasted and the prevailing weather conditions were adverse with gale winds force 8 to 9 bfrs that were seriously affecting the sea state in the port resulting in high waves 4-5 meters in height.

At approximately 0730, Coast Guard Officers on patrol reported to the Local Coast Guard Authority that forward mooring lines of Nour M had parted.

Following the incident, the Master and the remaining crew of Nour M were advised by the Coastguard Authority to sail or hereby undertake the shifting of Nour M to a safer berthing position.

At approximately 0830, the Master decided to abandon Nour M and order his crew to get off on the dock as due to vessel’s heavy rolling and pitching it was impossible and infeasible to stay on board or proceed to any actions towards to securing her. According to his statement further staying on board Nour M would endanger the crew’s safety.

At approximately 0940, the remaining mooring stern lines of Nour M parted and she started drifting towards to the south passenger ships’ dock.

At approximately 1000, Nour M while under strong drift by the prevailing weather conditions in the port, impacted on “Dorieas” dock.

Nour M under excessive rolling started heavily impacting on the dock with her port aft section as well as with her port side. Due to the continuous slamming on the dock, cracks and deformations were caused on her aft quarter shell plating.

Nour M continued hitting the dock under heavy rolling and eventually started listing to port due to water ingressing into her engine room through the extended cracks below and over the waterline.

At approximately 1230 Nour M was finally sunk in front of “Dorieas” dock at a depth of approximately 7 meters.

On 12 December 2013 following the improvement of the weather conditions oil containment booms and antipollution materials were deployed around the sunk vessel. Nour M was abandoned by her owners and necessary actions to remove the wreck were undertaken by the Port Authority of Rhodes.

Wreck removal operations commenced on 22 May 2014 and were completed by 04 September 2014.

2. Factual Information

2.1 Particulars of Nour M

| Name of Vessel | NOUR M |
|--------------------------------|-----------------------------------------------------|
| Call Sign | 9LB2134 |
| Company (ISM Code A 1.1.2)/IMO | As in SMC: Uni-Marine Management Co., Syria/5099725 |
| Ownership | Mr MARKABI 50% - Mr Omar 50%, Tartous, Syria |
| Flag State | Sierra Leone |
| Port & no of Registry | Freetown |
| IMO Number | 7226627 |
| Type of Vessel | General Cargo |
| Classification Society | International Register of Shipping |
| Year built | 1972 |

| | |
|------------------------------------|---------------------------------------------------------------------------------|
| Shipyard | Svendborg Vaerft A/S Shipbuilding, Denmark |
| Construction | Steel |
| LOA (Length over all) | 75.42m |
| Breadth (extreme) | 12.92 m |
| Depth | 5.60m |
| Draught | 4.60m |
| Gross tonnage | 1432 |
| Net Tonnage | 869 |
| Engine | One diesel engine ATLAS MAK 6MU451 A.K.S.A.N 24647 |
| Document of Compliance | International Register Of Shipping issued on 11 February 2013 |
| Safety Management Cert. | International Register Of Shipping issued on 11 October 2013 at Beirut, Lebanon |
| Last Port State Control inspection | 09-11-2013 & 10-11-2013 |
| Classification Society | International Register of Shipping |

2.2 Voyage Particulars

| | |
|----------------------|-----------------------------------------------------|
| Vessel's name | Agia Marina |
| Port of departure | Oktyabrsk - Ukraine |
| Port of arrival | Tripoli - Lybia |
| Type of voyage | Laden - Mediterranean Sea - Black Sea |
| Cargo information | Ammunitions & rifles |
| Manning | 09 during operation / 04 during the marine accident |
| Minimum safe manning | 06 |

2.3 Marine casualty information

| | |
|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Vessel's name | Agia Marina |
| Type of casualty | Very serious |
| Date and time | 11 December 2013 at 1230 LT |
| Position | Lat: 36° 26' 33'' N / Long 028° 14' 06'' E |
| Location | Port of Rhodes |
| External environment | NNW winds 8-9 Bfrs - Gale / sea state high waves visibility good - day time |
| Ship operation | Moored alongside |
| Voyage segment | Moored in the Port |
| Consequences (to individuals, environment, property) | Extended structural at port quarter /sinking / total loss Dorieas dock was out of operation until the completion of the wreck removal operations by 4 th of September 2014. |

2.4 Emergency response

| | |
|---------------------------------------------------------------------|-------------------------------------------------|
| Authorities & services involved - S & R Units | |
| Hellenic Coast Guard Search & Rescue Coordination Center | → Coast Guard Officers |
| Hellenic Coast Guard Rhodes Central Coast Guard | → Coast Guard Officer |
| Antipollution services | → Antipollution booms |
| Wreck removal | → 2 Tugs → Diver team → Floating platform |

3. Narrative

The evolution of the events during the marine accident is based on crew's interviews as well as documents and reports. Nour M was not required to be equipped with VDR and no electronic evidence were available from other sources. It nevertheless noted that Nour M voyage from Ukraine to Rhodes was recorded through Automatic identification System (AIS) tracking system.

3.1 General Cargo Nour M

General cargo Nour M was build in 1972, in Denmark. She was a two holds freighter, geared with two derricks with a carrying capacity of 2,662 tons of bale cargo or 3,044 tons of grain cargo as well as with a container carrying capacity (Figure 3).



Figure 3. M/V Nour M (source marine traffic)

Based on available data, since the date of her delivery in operation, her ownership had been at least changed eleven times; her flag was recorded to had been changed six times; while she had been operated under nine different names.

By the time she was sank in the port of Rhodes she was flying the Sierra Leone Flag and was operated under a Syrian Based Company, trading in the Black Sea, Mediterranean Sea and Red Sea as per the restriction notation on her Minimum Safe Manning Certificate issued by her Flag.

According to information collected, since 1999 she had been detained ten times in ports by Paris and Black Sea MOU.

Based on the vessel's Continuous Synopsis Record, in September 2004 she was registered in Batumi flying the flag of Georgia under the name Sea Hope III that was changed to Mr Lulu in December 2005 while in December 2007 she was renamed to Nour M flying the Sierra Leone Flag and classed under International Register of Shipping.

3.2 Nour M laden voyage

.1 Loading and voyage to SE Aegean Sea

Based on information collected during the investigation process, on 04 October 2013,

Nour M was recorded to have arrived at the port of Oktyabrsk, Ukraine located 14 nm northerly from Driprovskia Gulf in the Black Sea (figure 2).

It was reported that on 10 September 2013 Nour M loaded 22 pieces of 20ft containers at the port of Ambarly, Turkey to be discharged at Oktyabrsk port.

Following her arrival in Oktyabrsk, Nour M was loaded with 55 articles of 20ft containers of military hardware -ammunitions and fire guns.

On 26 October 2013, she commenced her voyage to the destination port of Tripoli, Libya. According to her Cargo manifest and the “Certificate” of the end user in Lybia she was carrying the following cargo:

| | Articles /data description | Quantity |
|----------|-----------------------------------|-----------------|
| 1 | AK-47 rifle | 20,000 pieces |
| 2 | 7.62 x 39mm ammo | 50,000 pieces |
| 3 | 7.62 x 54mm ammo | 15,000 pieces |
| 4 | 9 x 19mm ammo | 10,000 pieces |
| 5 | 12.7 x 108mm ammo | 5,000 pieces |
| 6 | 14.5 x 114mm ammo | 1,000 pieces |

On 03 November 2013 Nour M was recorded to have passed through the Bosphorus Channel and was navigating in Marmaras Sea. On the next day she exited Canakkale and was recorded to sail close to Mytilene Island. On 06 November 2013, she passed between the Straits of Chios Island and the Turkish coastline and headed towards the SE Aegean Sea, having navigated between Samos and Ikaria Islands and close to Patmos Island.

On 08 November 2013 Nour M continued her laden voyage navigating NNE of Kos Island while a few hours later she was recorded to sail S of Simi Island. Post noon hours she was recorded to have stopped and drifted at the sea area NNE of Rhodes Island for almost 8 hours. The following figure 4 depicts the reckoned courses of Nour M following her exit from Canakkale until N of Rhodes based on data from AIS sightings.

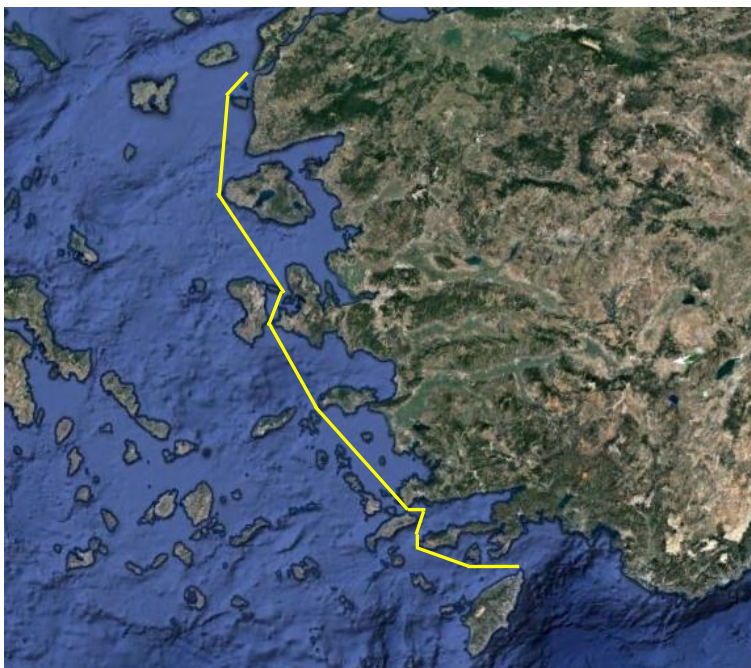


Figure 4. Nour M reckoned courses following her exit from Canakkale until north sea area of Rhodes.

.2 Entry into Rhodes port - PSC detention

On the same day, Nour M was instructed by the Local Coast Guard Authority to proceed in the port of Rhodes for inspection and control purposes where she berthed alongside “Colossos” commercial dock with her portside (figure 5).



Figure 5. Nour M loaded, berthed at Colossos commercial port, in Rhodes.

During the next two days, that is on 09 & 10 November 2013, a Post State Control Inspection was carried out by the local Port State Control Office that resulted in Nour M detention.

More specifically, 26 defective items were identified during the PSC inspection that are summarized below:

| Group of summarized deficiencies | Comments |
|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 Navigation | Charts not updated - passage plan missing – NUC lights missing |
| 2 Certificates of Competency | Master’s, Chief Engineer’s Chief Mate’s not endorsed |
| 3 Statutory - Class Certificates – books - records | Registry, Safety Management, International Ship Security found in copies - Oil Record Book missing - records of working and resting hours missing |
| 4 Fire fighting | Emergency fire pump out of order - fire boxes in bow and starboard side empty, |
| 5 Life saving appliances - | Life boat engine out of order - life jackets without lights - food in lifeboats expired |
| 6 Drills | Muster List not found – Master and crew not aware of how to use life saving appliances and equipment |
| 7 Structural | Fore peak section above waterline holed and dented |

Furthermore it was indicated that the Cargo was not properly carried as a fire extinguishing system was not installed in the stowage areas.

The Master and the Owners, the Flag Administration and the Recognized Organization were informed that Nour M was detained on 10 November 2013 at 2030 and it was

requested that actions had to be taken by the ship and the parties concerned in order to rectify the findings.

During the following days her cargo was ceased by the Competent Authorities and was eventually offloaded ashore under an operation that lasted for almost five days. More specifically, 46 containers loaded with military hardware were discharged while 9 empty containers remained on board.

On 17 November 2013, five of her crew members of Indian nationality signed off.

As already reported, the owners of Nour M "Alsaker Shipping Co. S.A" as recorded in her Safety Management Certificate and were also indicated through correspondence with her Class on November 11, 2013 were immediately informed about her detention.

However, on 12 November 2013 a letter was sent to Rhodes Coast Guard Authority by aforesaid owners, stating that on September 02nd, 2013, Nour M had been sold to another Company under the name "TSS Group (TUTUN SIGARA SANAYI VE), in Istanbul, Turkey.

Nevertheless, it is noted that according to Nour M Certificates found on board during PSC inspection, the Company registered in her Class SMC Certificate was Uni-marine Management Co. IMO 5385027, based in Syria and her owners appeared to be two persons with address details in Tartous, Syria.

The Coast Guard Authority of Rhodes having received the aforementioned letter by which the registered owners of Nour M stated that she had been sold, on November 18, 2013 addressed her Class representative in Greece and requested a copy of Nour M's Certificate of Registry valid by the time she was detained.

.3 Flag and Class response and actions

On 21 November 2013, the Class representative replied that having contacted the responsible Registrar Office it was noted that the vessel had indeed changed ownership without any notification to the Flag Administration and that the new owners had not applied for new registry to be issued. Therefore the Flag of Sierra Leone had decided to suspend the vessel until the new owner would proceed with all mandatory arrangements. He also indicated that Nour M Class has the obligation to follow the Flag and withdraw vessel's Statutory Certificates as well.

Nevertheless, the following days a Provisional Certificate of Registry was attached in aforementioned Class' representative correspondence as well as a Provisional Minimum Safe Manning Certificate. Both Certificates recorded that were issued on 23 November 2013, in Beirut, Lebanon by the Sierra Leone Flag.

In light of the aforementioned it is deduced that referred provisional Certificates were issued at least 2 and a half months post to Nour M change of ownership. Consequently, Nour M Statutory Certificates were not valid during her laden intended voyage from Ukraine to Lybia.

On 26 & 27 November 2013, Nour M Recognized Organization inspected the vessel. According to its survey report, PSC inspection report findings were verified and additionally the following were highlighted:

- *"the vessel was not permitted to carry IMO cargo at hatch covers unless a fire extinguishing system to be installed"*
- *Totally damaged Bulbous bow to be temporally repaired."*

Moreover Nour M Class notified that the Owners and the Master of Nour M were

instructed to rectify all deficiencies found by PSC Inspectors and the vessel to proceed to the nearest repair yard by her own power or under tow and prior to departure repairs in bulbous bow had to be carried out under the Class supervision. It was further stated that Nour M Class was suspended.

.4 Nour M appointed Agents

Following Nour M arrival in the port of Rhodes, a local Ship Agency was appointed, as Agents by her Owners that appeared to be TSS Group (the new alleged Owners of Nour M).

The Agents closely monitored the PSC inspections and established correspondence and communication with the local Authorities, the Flag, the Class and the parties concerned for Nour M's condition and for pending actions to be taken in order for the defective items to be rectified and the vessel to be granted with a sailing clearance by the Coast Guard Authority following a "follow up PSC inspection".

.5 Nour M condition post to PSC Inspection

Nevertheless, based on relevant correspondence and information the Master and Owners of Nour M did not take prompt actions to rectify the deficiencies identified pursuant to the respective Conventions, Rules and Regulations.

An Owner's representative of Bulgarian nationality was reported to have also arrived in Rhodes in order to facilitate the remedial actions for the detention to be lifted.

Based on information obtained through the investigation process, it was inferred that the Owners and the Master of Nour M did not fully comprehend her condition and no actions in the direction to rectify the deficiencies found were put in order as well as any arrangements to secure the vessel while berthed in the port of Rhodes.

In relation to the above, during the investigation process it was highlighted that the Agents of Nour M appointed by Titan TSS Group had repeatedly report concerns to all parties involved (the Class, the Flag, the alleged Owners and the Coast Guard Authority of Rhodes) about the lack of cooperation with Nour M Master and Owners that appeared not to fully realize the evolving situation and their obligations according to International Conventions and Codes, Rules and Regulations.

.6 Coast Guard Authority following actions

On 04 December 2013, the Coast Guard Authority taking into account the vessel's condition as found and described by the PSC Inspection; Nour M Class Survey; and Nour M inadequate crew manning that was less than the minimum safe manning required by her Flag, addressed an Order to the Master and her Owners through the appointed Agent holding them accountable for vessels safety and condition and to take appropriate actions as required by the respective national legal framework.

More specifically, it was stressed that taking into consideration that no remedial actions to rectify PSC findings and repair the structural damages on bulbous bow had been taken so far, the vessel's stay in port under deficient manning is unsafe considering the forecasted adverse weather conditions expected to prevail.

It was furthermore instructed that all necessary actions had to be taken to rectify all deficiencies in cooperation with Nour M Class and to proceed to a repair yard pursuant to Directive 2009/16/EC provisions.

On 06 December 2013, the appointed Agents of Nour M stated through correspondence

that still no actions have been taken by the Owners and the Master of Nour M on the critical issue of her safety in compliance with the International, European and National Rules and Regulations and according to her Flag, Class and Port State requirements. Additionally they expressed their concerns and intentions to resign.

3.3 The occurrence

During the first days of December 2013, the prevailing weather conditions in the SE Aegean Sea were reported to be adverse 6-7 bfrs North-Northwesterly.

The port of Rhodes (figure 6) due to its topography and its entrance open to North directed winds (figure 7) is affected as the wind force of open sea is hitting the port, while depending on its direction the encountering waves in the port may be significant high affecting moored vessels safe berth.



Figure 6. The Island of Rhodes and its port located at its northend (source google earth).



Figure 7. The port of Rhodes topography, opened to Northerly winds (source google earth).

On 10 December 2013, the National Meteorological Service had issued a Gale warning for the Aegean Sea and the respective sea area of the SE Aegean Sea that included Rhodes Island. The Gale warning was broadcasted through NAVTEX and Olympia VHF Coastal Station.

The Coast Guard Authority of Rhodes had adequately informed all moored vessels in the port and had further delivered the Gale Warning Bulletin to the Master of Nour M, instructing him to promptly take all necessary measures for his vessel safety.

However, during the investigation process it was reported that no action were taken that could ensure Nour M safety at berth indicatively such as new additional mooring ropes.

On 11 December 2013 at approximately 0700, NOUR M was still berthed portside alongside at “Colossos” commercial dock in the port of Rhodes Island.

The weather conditions reported to be very bad with gale winds force 8 to 9 bfrs that were seriously affecting the sea state in the port with high waves 4-5 meters of height.

At approximately 0730, Coast Guard Officers on patrol reported to the Coast Guard Authority that forward mooring lines of NOUR M had parted.

The Master and the crew who at that time were on the dock took immediate actions and tried to get on board to replace them nevertheless it was not possible as Nour M was under heavy rolling and pitching that was generating high forces of tension on the mooring ropes.

Following the incident, the Master and the remaining crew of NOUR M were advised by the Coastguard Authority to sail or hereby undertake the shifting of NOUR M to a safer berthing position.

Additionally, the Skippers of the two port tugs operating in the port of Rhodes were instructed to assist NOUR M if required by her Master. However, due to the prevailing weather conditions they stated that it was not possible to provide towing services or to render any assistance.

At approximately 0830, the Master decided to abandon NOUR M and ordered his crew to get off on the dock as due to vessel’s heavy rolling and pitching it was impossible and infeasible to stay on board or proceed to any actions towards to securing her. According to his statement further staying on board NOUR M would endanger his crew safety.

At approximately 0940, the remaining mooring stern lines of NOUR M parted and she started drifting towards to the south passenger ships’ dock.

At approximately 1000, NOUR M while under strong drift by the prevailing weather conditions in the port, impacted on “Dorieas” dock and was hauled alongside with her port side (figure 8).



Figure 8. Nour M by the time her port bow impacted on Dorieas dock. ROPAX Prevelis seen berthed at the next docking arrangement (source local press).

NOUR M under excessive rolling started heavily impacting on the dock with her port aft section as well as with her port side. Due to the continuous slamming on the dock, cracks and deformations were caused on her aft quarter shell plating.

Members of the deck crew of ROPAX Prevelis that was moored at the next docking position, assisted by Coast Guard Officers, attempted and succeeded to make fast two fore and stern mooring lines so as to avoid a potential drifting towards the passenger ship berthed at the next dock.

NOUR M continued hitting the dock under heavy rolling and eventually started listing to port due to water ingressing into her engine room through the extended cracks below and over the waterline as well as through cargo holds (figures 9, 10, 11, 12 & 13).



Figure 9. Nour M hitting on the dock (Source local press).



Figure 10. Nour M hitting on the dock under heavy rolling (source local press)



Figure 11. Nour M hitting on the dock under heavy rolling (source local press).



Figure 12. Nour M eventually listing to port (source local press).



Figure 13. Nour M has listed to port (source local press).

At approximately 1230, she was finally sunk at “Dorieas” dock wall at a depth of approximately 7 meters (figure 14).



Figure 14. Nour M sinking (source local press).



Figure 15. Nour M sinking (source local press).



Figure 16. Nour M sank at “Dorieas” dock wall (source local press).

On 12 November 2013 the weather conditions were improved and oil containment booms and antipollution materials were deployed around the sunk vessel.

NOUR M was abandoned by her owners and necessary actions to remove the wreck were undertaken by the Port Authority of Rhodes.

Wreck removal operations commenced on 22 May 2014 and were completed by 04 September 2014.

3.4 HBMCI Safety Investigation

The Hellenic Bureau for Marine Casualties Investigation, following Nour M foundering in the port of Rhodes, launched a safety investigation on the examined marine casualty on the grounds of respective provisions of Directive 2009/18/EC, as incorporated in national legislation by Law 4033/2011 (Government Gazette A' 264) and IMO Casualty Investigation Code.

Although HBMCI had immediately notified all interested parties involved in the marine casualty, however no communication with the Owners could be established post to the incident.

Nour M Master and crew members were interviewed as well as other involved persons, including her Agent.

In relevance during evidence and information gathering, it was emerged that Nour M change of ownership was without following the provided procedures and additionally her operation was breaching, overriding and disregarding relevant International Conventions and Codes, Rules and Regulations (i.e. SOLAS, STCW, IMDG Code, ISM Code, PSC legal regime and respective Directives).

In view of the above and taking into consideration that her laden intended voyage from Ukraine to Lybia was performed under invalid Statutory Certificates as well as that by the time Nour M was sunk in the port of Rhodes:

- the alleged Owners abandoned her and her crew following her loss;
- her carried cargo was ceased by the competent Authorities;

the analysis of the examined case was limited and safety recommendations were not addressed to Owners/Managers as correspondence could not be established.

4. Analysis

The analysis of the examined marine casualty aims to identify and determine the factors and causes which contributed to the occurrence, taking into account the sequence of events and the collection of the investigation information and data focusing both on specific points of the temporal evolution of them, as well as on the root causes in order to draw useful conclusions leading to safety recommendations.

Nonetheless the information obtained from several resources denoted that certain events that caused the marine accident as well as contributing factors were outside the respective legal framework that governs the safe operation and management of vessels under SOLAS Convention, ISM Code as well as to legal trading.

On above grounds, the analysis of the marine casualty was only focused on specific identified factors that led to conclusions however safety recommendations were not produced and not addressed to parties involved as the alleged Owners could not be contacted and it was inferred that Nour M operation was not following the respective legal procedures for carriage of ammunition.

4.1 Nour M crew

4.1.1 The Master

According to information collected the Master was 56 years of age. He acquired his diploma in 1980 and since then he served only in general cargo vessels. He had joined Nour M on 15 July 2013 when the vessel was operating under the ownership recorded in her DOC issued on 22 February 2013 that is Uni-marine Management Co.

4.1.2 The Chief Mate

The Chief Mate had served in the Turkish Navy for almost 30 years until he retired in 2004. Following his retirement it was reported that he started joined the Merchant Navy and obtained his COC as navigational Officer.

He had served on board cargo vessels for approximately six years with the capacities of 2nd Mate, Chief Mate and Master, according to the vessels' tonnage.

He joined Nour M on 10 December 2013, that is one day before the casualty. His previous contract was on a cargo vessel as a 2nd Mate.

4.1.3 The Chief Engineer

The Chief Engineer was 33 years of age. He had been serving on coasters since 2003 mostly in domestic voyages. In 2009, he served for the first time as a Chief Engineer. He joined Nour M on 17 September 2013 in a shipyard in Tuzla.

4.1.4 The Cook

The Cook, aged 32, had one year of total seagoing experience and joined Nour M on 01 September 2013.

4.2 International Safety Management Code

SOLAS '74/Chapter IX, as applied by which the International Management Code was incorporated in SOLAS Convention, in Regulation 3 "Safety management requirements" foresees that:

1. *The company and the ship shall comply with the requirements of the International Safety Management Code. For the purpose of this regulation, the requirements of the Code shall be treated as mandatory*
2. *The ship shall be operated by a company holding a Document of Compliance referred to in regulation 4.*

Said provisions as well as subsequent regulations establishes the international standards for the safe management and operation of ships and safety-management objectives in order to:

- ensure Safety at Sea
- prevent human injury or loss of life
- avoid damage to the environment and to the ship.

The ISM Code establishes and requires a safety management system (SMS) to be produced by "the Company" (Owners/Managers) responsible for operating the ship.

The Company is also required to establish and implement a policy for achieving the objectives of the Code by providing the necessary resources and shore-based support.

Every company is expected "to designate a person or persons ashore having direct access to the highest level of management".

The procedures required by the Code should be documented and compiled in a Safety Management Manual, a copy of which should be kept on board.

4.2.1 Nour M Safety Management System

According to the vessel's documentation when she was inspected by the Rhodes PSCO, Nour M was operated under a Safety Management System that was audited and approved by her Class that issued her Safety Management Certificate, on October 11, 2013, valid until 10th of March 2014.

Likewise, Nour M Company's policy and procedures for the safe operation of owned/managed vessels was audited by her Class on February 22, 2013 and was found to comply with the requirements of ISM. However it was brought to light that the Company inspected by that time was no longer related with Nour M management as the vessel's ownership had been changed on September 2013.

Nevertheless based on the PSC inspection deficiencies that were also verified by Nour M Class, indicatively such as the failure of her Master and crew to effectively perform the abandon ship drill; the hull damage on bulbous bow impairing her seaworthiness as well as on copies of check lists and documentation of her Safety Management System that were obtained during the investigation process on scene, it derived that Nour M Safety Management System was not implemented by the Master and her crew.

Additionally and taking into account that Nour M ownership was changed in September 2013, without the prior notification to her Flag and Class that would lead to prompt actions related with the legal requirements for registration, control and standardization

purposes, it derives that Nour M operating framework was not in compliance with the International Safety Management Code.

4.3 Manning and personnel

Nour M crew complement was consisted of the Master, the Chief Mate, the Chief Engineer, the 2nd Engineer, two AB, two Oilers and one Cook. Her manning was in compliance with the requirements of her Flag, pursuant to SOLAS/Chapter V/ Regulation 14.2, as applied, while the Second Engineer and the Cook were capacities in excess of her Minimum Safe Manning that counted 7 crew members in total, including the Master. Based on the evidence gathering during the investigation process, five of her crew members signed off and disembarked 5 days after her arrival in the port of Rhodes, that is on November 16, 2013.

Considering the above it was concluded that by the time the marine accident occurred Nour M crew complement in numbers and capacities was under the Minimum Safe Manning Standards required by her Flag, a fact that was disregarded by her Owners and the Master for a significant period of about 25 days.

During the interview process it was reported that the vessel could not operate under the existed crew complement that had deterred the Master from sailing to another location for the days of the prevailing adverse weather conditions.

In view of the above it is deduced that Nour M lack of crew in relation to her Minimum Safe Manning is a contributing factor in the examined marine casualty.

4.4 Nour M Cargo transport requirements

Nour M was carrying military hardware that is ammunitions and riffles stowed in 20ft container boxes.

Nevertheless, as stated by her Class:

“the vessel was not permitted to carry IMO cargo at hatch covers unless a fire extinguishing system to be installed.”

In view of the above it is concluded that Nour M cargo transport requirements for carrying explosive commodities were disregarded by the Master and the Owners, putting the vessel's and her crew safety at risk.

4.5 Nour M passage planning and execution

STCW 78, Chapter VIII/Part 2 “Voyage planning” sets out the general requirements for the obligation of the Masters to plan the intended voyage.

Additionally, SOLAS/Chapter V/Reg.34, as applied, determines the fundamental principles for “Safe navigation and avoidance of dangerous situations”.

Aforementioned SOLAS Regulation also addresses the “Guidelines for voyage planning”, that were established by IMO Assembly Resolution 893 (21), to be taken into account by Masters when developing the passage plan with the objective to safely and effectively navigate a vessel and to monitor the progress and execution of the planned routes.

In particular, aforementioned resolution conceives passage planning as a four phases procedure, that is:

- **appraisal**, pertain to all information relevant to the contemplated voyage to be considered;

Taking into account the aforementioned it derived that the Master of Nour M disregarded the relevant fundamental provisions of SOLAS 74 and STCW 78 as applied for passage planning under the framework of proper trading activities.

4.6 Nour M Statutory & Class Certificates

Ship registration is the process by which a ship is documented and given the nationality of the State to which the ship has been documented. The Certificate of registry allows a ship to operate and trade and is likewise a validation of a vessel's ownership.

Based on the evidence collected during the investigation process, it was found that by the time Nour M was conducting her laden voyage from Ukraine to Lybia her ownership had been changed yet without notifying her Flag State accordingly. Consequently a new Provisional Certificate of Registry was not issued by that time as well as other Statutory and Class Certificates, indicatively such as the DOC and SMS Certificates.

In light of the above it is deduced that Nour M laden intended voyage from Ukraine to Lybia was not conducted under valid Statutory Certificates.

4.7 Environmental Conditions

As already reported, the environmental conditions at the time prior to the marine casualty were reported to be adverse.

More specifically the weather conditions for the last ten days before the sinking of Nour M reported to be bad whilst a gale warning forecasted northerly winds force 9-10 bfrs, as presented below with further details of the environmental conditions by the time of the marine casualty.

| | |
|----------------------------|------------------------------------|
| Sea state | Gale / moderately high waves 4-5 m |
| Wind | Northerly 9-10 beaufort |
| Air temperature | 12 ° C |
| Barometric pressure | 998 mb |
| Visibility | Good |

Based on information and evidence obtained during the on scene investigation it was concluded that neither the Master of Nour M nor her alleged Owners took any actions to ensure her safety during berthing in the port of Rhodes.

Taking under consideration the prevailing weather conditions during the day of the marine casualty and especially the wind and sea state in the port in relation to the lack of prompt actions by the Master, it is considered that the environmental conditions contributed to Nour M sinking in front of the dock wall.

The following conclusions, safety measures and safety recommendations should not be taken as a presumption of blame or liability under any circumstances. The juxtaposition of these should not be considered with any order of priority or importance.

5. CONCLUSIONS

(references denote respective parts of the analysis)

- 5.1** The Port State Control findings referred to a number of deficiencies that were objective evidence of a serious failure and lack of implementation of International Safety Management Code (§ 3.2.2).
- 5.2** Nour M cargo was not properly carried as a fire extinguishing system was not installed in the stowage areas (§ 3.2.2).
- 5.3** Nour M Flag Registration and Statutory Certificates were withdrawn due to change of her ownership without proper notification (§ 3.2.3).
- 5.4** During Nour M laden intended voyage from Ukraine to Lybia Statutory and Class Certificates were not valid (§ 3.2.3 & 4.6).
- 5.5** Nour M Master and Owners appeared not to fully realize the evolving situation and their obligations according to International Conventions and Codes, Rules and Regulations (§ 3.2.4).
- 5.6** The Master did not take any actions to rectify PSC findings; as Class survey report deficiencies (§ 3.2.2).
- 5.7** The Master disregarded Coast Guard Authority's Orders and Instructions to ensure Nour M safety and seaworthiness (§3.2.6)
- 5.8** NOUR M was abandoned by her owners and necessary actions to remove the wreck were undertaken by the Port Authority of Rhodes (§ 3.3).
- 5.9** Nour M Cargo was ceased by the competent Authorities due to improper trading activities (§ 3.4).
- 5.10** Nour M operating framework was not in compliance with the International Safety Management Code (§ 4.2 & 4.2.1).
- 5.11** Nour M crew complement under the minimum safe manning Certificate was disregarded by her Owners/Managers (§ 4.3).
- 5.12** Nour M cargo transport requirements for carrying explosive commodities were disregarded by the Master and the Owners, putting the vessel's and her crew safety at risk (§ 4.4).
- 5.13** The Master disregarded the relevant fundamental provisions of SOLAS 74 and STCW 78 as applied for passage planning under the framework of proper trading activities (§ 4.5).
- 5.14** The prevailing weather conditions prior and during the marine accident were disregarded by the Master (§ 4.7).

6. ACTIONS TAKEN

No action taken were reported in view of Chapter 9 of ISM Code as Nour M was abandoned by her Owners/managers and no communication could be established post to the marine casualty.

7. SAFETY RECOMMENDATIONS

Safety recommendations were not produced and not addressed to parties involved as the Owners could not be contacted and certain information and evidence lead to the conclusion that by the time of the marine casualty Nour M was not operating in compliance with relevant International Conventions and Instruments and was not was engaged in proper trading activities.

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Accident Investigation Report 12/2013

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