



REPUBLIC OF THE MARSHALL ISLANDS

Maritime Administrator

MANTA HULYA MARINE SAFETY INVESTIGATION REPORT

Collision with the Republic of Tunisia Registered Fishing Vessel RAZI

Mediterranean Sea | 12 February 2022

Official Number: 9227

IMO Number: 9278818



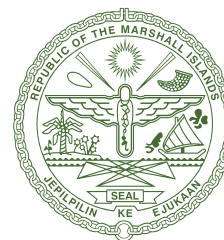
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AUTHORITY

An investigation, under the authority of the Republic of the Marshall Islands laws and regulations, including all international instruments to which the Republic of the Marshall Islands is a Party, was conducted to determine the cause of the casualty.



Maritime Administrator

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LIST OF ABBREVIATIONS AND ACRONYMS

AIS	Automatic Identification System
ASD	Able Seafarer Deck
ARPA	Automatic Radar Plotting Aid
C/O	Chief Officer
CPA	Closest Point of Approach
ECDIS	Electronic Chart Display and Information System
IMO	International Maritime Organization
kn.	Knots
m	Meters
NM	Nautical Miles
OICNW	Officer in Charge of a Navigational Watch
OOW	Officer on Watch
S	Starboard
SMS	Safety Management System
T	True
TSS	Traffic Separation Scheme
VDR	Voyage Data Recorder
VHF	Very High Frequency
WBT	Water Ballast Tank

DOCUMENTS CITED

COLREGs	International Regulations for Preventing Collisions at Sea, 1972
IMO Resolution MSC.64(67), Annex 3	Recommendation on Performance Standards for Heading Control Systems
IMO Resolution MSC.74(69), Annex 2	Recommendations on Performance Standards for Track Control Systems
ISM Code	International Management Code for the Safe Operation of Ships and for Pollution Prevention
MLC, 2006	Maritime Labour Convention, 2006
SOLAS	International Convention for the Safety of Life at Sea
STCW Code	Seafarers Training, Certification and Watchkeeping Code



PART 1: EXECUTIVE SUMMARY

During the early morning hours on 12 February 2022, the Republic of the Marshall Islands-registered bulk carrier MANTA HULYA encountered a large concentration of fishing vessels to the north of the Gulf of Tunis while underway in the Mediterranean Sea. The weather was good with visibility of over 5 NM.

After passing through the concentration of fishing vessels, MANTA HULYA encountered two additional fishing vessels. One was the Republic of Tunisia (hereinafter “Tunisia”) registered fishing vessel RAZI off the ship’s starboard bow. RAZI was engaged in fishing and was on a northerly course. The second fishing vessel was off the ship’s port bow and did not appear to be making way. MANTA HULYA’s OOW initially determined the ship would pass between the two fishing vessels.

As MANTA HULYA approached RAZI from the west, the fishing vessel commenced maneuvering sporadically towards and away from MANTA HULYA as the fishing vessel’s crewmembers tried to cut the trawl free. Seeing RAZI turning back and forth, MANTA HULYA’s OOW decided it was necessary to change course and ordered the Helmsman to make two successive 5° turns to port. The collision occurred a short time later. RAZI’s hull was damaged and began flooding. All 10 of RAZI’s crewmembers who had been on board were rescued by the Tunisian Coast Guard before RAZI sank approximately three hours after the collision. There was only minor damage to MANTA HULYA’s hull.

The Republic of the Marshall Islands Maritime Administrator’s (the “Administrator’s”) marine safety investigation determined the collision was the result of the ineffective application of navigation watchstanding principles on board MANTA HULYA. The investigation also determined that RAZI’s Captain was not maintaining a safe navigational watch by concurrently conducting maneuvers to avoid collision and monitoring crewmembers’ work on deck.

The Administrator’s investigation further determined that the white deck lights on board RAZI interfered with the ability of MANTA HULYA’s bridge team to see the navigation lights that were exhibited by the fishing vessel.

PART 2: FACTUAL INFORMATION

The following factual information is based on the information obtained during the Administrator’s marine safety investigation.

Ship particulars for MANTA HULYA at the time of the incident; *see* chart to right.

Ship particulars for RAZI at the time of the incident; *see* chart on page 11.

MANTA HULYA

At the time of the collision, MANTA HULYA was a five-hatch, geared bulk carrier (*see Figure 1*) managed by Manta Denizcilik Nakliyat ve Tic Ltd Sti. (the “Company”).

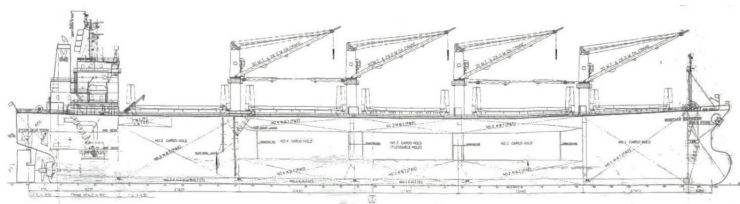


Figure 1: MANTA HULYA General Arrangement.

MANTA HULYA’s navigation and communications equipment included an X-band and S-band radar equipped with ARPA, two ECDIS, two VHF radios, and an AIS unit. The radars and ECDIS were located to starboard of the helm, which was on the centerline. The main engine controls were located to port of the helm.

The ship’s navigation and communication equipment, the main engine, auxiliary engines, and steering gear were all reported to be operational and working properly. AIS information was displayed on both radars and the ECDIS. The ARPA was set for manual target acquisition. Additionally, it was reported that the lights required by COLREGs for a power-driven vessel of 50 m or more in length were being exhibited.¹

Based on MANTA HULYA’s drafts of 8.63 m forward and 9.32 m aft after bunkering at Gibraltar, British Overseas Territory, the

¹ When underway MANTA HULYA was required by COLREGs Rule 23 to exhibit a white masthead light fore and aft, a red sidelight on the port side, a green sidelight on the starboard side, and a white sternlight.

MANTA HULYA’S SHIP PARTICULARS

Vessel Name
MANTA HULYA

Registered Owner
Hulya Shipping Inc.

ISM Ship Management
Manta Denizcilik Nakliyat ve Tic Ltd Sti.

Flag State
Republic of the Marshall Islands

IMO No.	Official No.	Call Sign
9278818	9227	V7A4479

Year of Build	Gross Tonnage
2004	30,651

Net Tonnage	Deadweight Tonnage
18,500	55,557

Length x Breadth x Depth
182.7 x 32.3 x 17.6 m

Ship Type
Bulk Carrier

**Document of Compliance
Recognized Organization**
Nippon Kaiji Kyokai

**Safety Management Certificate
Recognized Organization**
Nippon Kaiji Kyokai

Classification Society
Korean Register of Shipping

Persons on Board
22

obstructed view of the sea was approximately 198 m. When looking forward from the conning position, the deck cranes created a blind sector of 4.98° directly ahead of the ship.²

MANTA HULYA had a crew complement of 22, six more than required by the Minimum Safe Manning Certificate issued by the Administrator. All of the ship’s crewmembers held valid Republic of the Marshall Islands seafarer documentation required for their positions on board.

The seagoing experience of the Master and MANTA HULYA’s bridge team was as follows:

RANK	TIME ON BOARD MANTA HUYLEA	TIME IN RANK	TIME WITH COMPANY	TOTAL TIME AT SEA
Master	39 days	13 years	7 years	23 years
C/O	39 days	5 months	9 years	10 years
ASD	39 days	15 years	6 years	16 years

The Administrator did not observe any indication that either the C/O or ASD had failed to receive the amount of rest mandated by the STCW Code, Section A-VIII/1, paragraphs 2 and 3 and MLC, 2006, Regulation 2.3.

Company’s SMS and Master’s Standing Orders

As required by the ISM Code, the Company’s SMS provided procedures for shipboard tasks that included navigation watchkeeping. Based on these procedures, the primary responsibility of the OOW is to ensure the safety of the vessel. Further, the OOW was required by the Company’s SMS to observe COLREGs at all times, to give way when required in a timely manner to prevent misunderstanding by the other vessel, and to, where possible, avoid passing too close to another vessel. OOWs are also required by the Company’s SMS to immediately inform the Master “when the traffic conditions or movements of the other ships create problems.”

The Company’s guidance for navigation watchkeeping included a clear statement that the duties of the Helmsman and Lookout are separate. They permit the OOW to serve as Lookout provided the existing conditions make it safe to do so. Factors that are to be considered include weather conditions, visibility, and traffic density.

The Master’s Standing Orders stated that the OOW’s most important duty was the vessel’s safety. These orders included a requirement for the OOWs to always comply with COLREGs, not wait to maneuver when required, that changes of course “show our purpose” to the other vessel, and that as much sea room as possible be provided to the other vessel. The Master’s Standing Orders also required that the CPA to another vessel not be less than 2 NM and that the radar alarms be set accordingly. In addition, the Master’s Standing Orders required that OOWs inform the Master immediately “if he doesn’t understand the movements of the other vessel.” The C/O and two other OICNWs on board MANTA HULYA had signed the Master’s Standing Orders when they joined the ship.

² Per SOLAS regulation V/22.1.1, the view from MANTA HULYA’s conning position of the sea surface directly ahead of the ship to 10° on either side was required to not be obstructed by more than 373.58 m. Further, no individual blind sector was permitted to exceed 5°.

RAZI³

RAZI was a wooden hulled fishing vessel rigged for trawling that operated in the Mediterranean Sea offshore Tunisia. The fishing vessel's navigation and communications equipment included a magnetic compass, satellite positioning system receiver, radar, and a marine radio. RAZI's navigation and communications equipment, main engine, and steering gear were reported to be operational and working properly. It was also reported that RAZI was exhibiting the lights required by COLREGs for a power-driven vessel engaged in trawling.⁴ White working lights were also reported to have been on and visible.

RAZI had a crew of 10 on board. The Administrator was unable to obtain information regarding the Captain's or crew's qualifications or experience.

Narrative

During the early morning hours of 12 February 2022, MANTA HULYA was underway in the Mediterranean Sea off the coast of North Africa on a voyage from Guanta, Republic of Venezuela to Iskenderun, Republic of Türkiye. The ship was laden with 33,819.3 long tons of scrap steel.

At 0350,⁵ the C/O arrived on the Bridge for duty as the OOW for the 0400–0800 navigation watch. An ASD also reported for duty as the Lookout. At the time, the ship was approximately 22 NM due north of Cape Farina (see Figure 2). The ship was being steered by autopilot and was proceeding on an east southeasterly course at about 12 kn.

As MANTA HULYA was to the north of Cape Farina and proceeding on an east southeasterly heading, RAZI was engaged in trawling approximately 20-25 NM north of the Gulf of Tunis (see Figure 2). The fishing vessel's Captain was on watch in the wheelhouse.

The weather was reported as good with clear skies and visibility of over 5 NM. The wind was Beaufort Force 2 from the west. The sea was reported as calm with a swell of 0.2 m from the northwest. Sunrise was at approximately 0712. Civil twilight started at approximately 0645 and nautical twilight at 0614.

RAZI'S VESSEL PARTICULARS

Vessel Name
RAZI

Registered Owner
La Ste Carthage Oe Peche

Flag State
Republic of Tunisia

Year of Build	Official No.
2005	SF2002

Gross Tonnage
74

Length x Breadth x Depth
26.1 x 6.1 x 2.8 m

Ship Type
Fishing Vessel

Persons on Board
10

3 MANTA HULYA's crewmembers did not know the name of the fishing vessel until sometime after the collision. For clarity it will be referred to by name throughout this report.

4 When underway and engaged in trawling, RAZI was required by COLREGS Rule 26(b) to exhibit an all-around green light over an all-around white light in a vertical line, a red sidelight on the on the port side, a green sidelight on the starboard side, and a white sternlight.

5 Unless otherwise stated, all times are ship's local time (UTC +1).

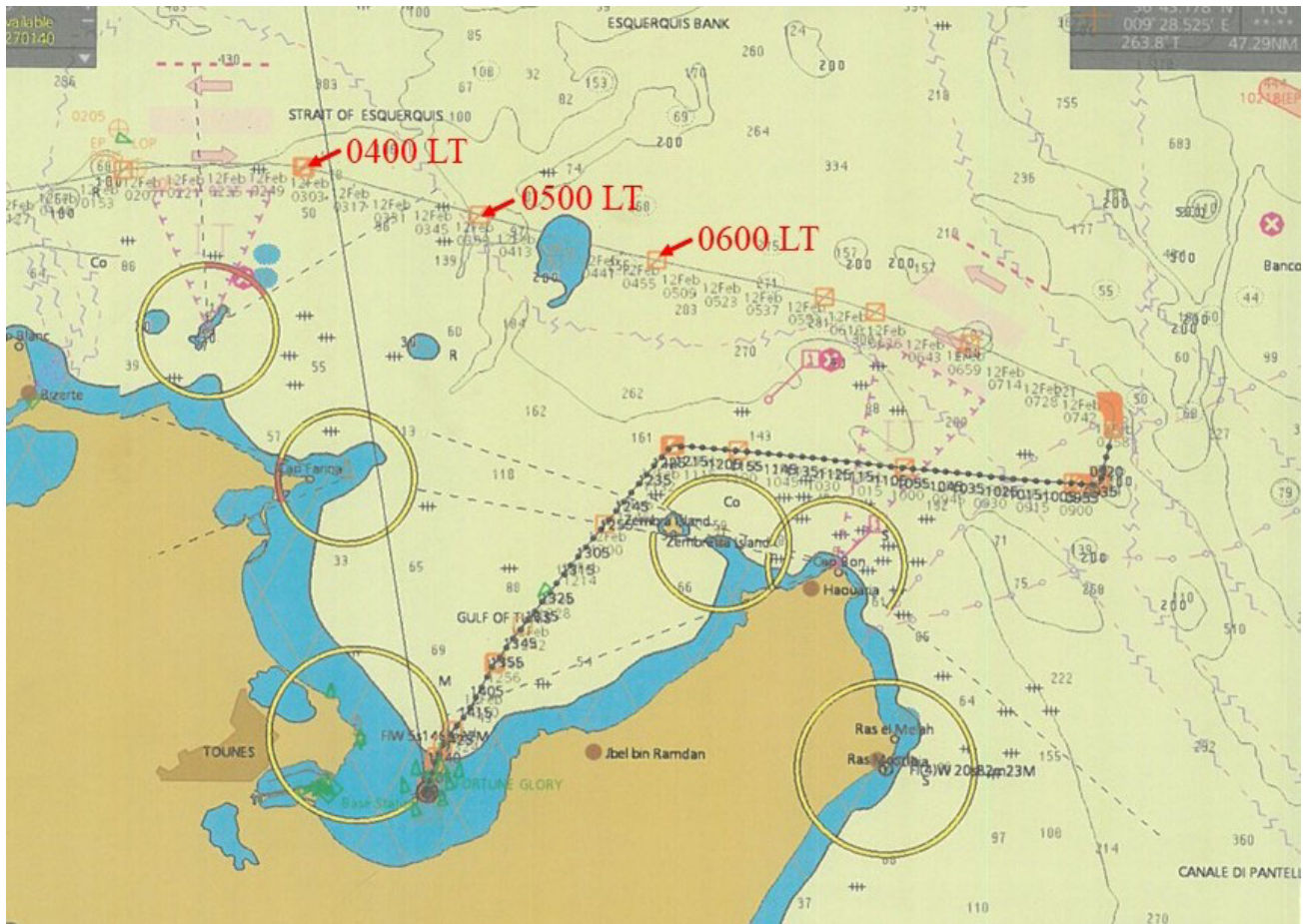


Figure 2: Image of MANTA HULYA's track on the morning of 12 February 2022. The ship's positions at 0400, 0500, and 0600 are shown in red. (Source: MANTA HULYA's ECDIS)

MANTA HULYA's OOW reported observing dense vessel traffic consisting of fishing vessels directly along the ship's planned route, which was the most direct route between the two TSSs off the coast of Tunisia (see Figures 2 and 3). All of these vessels appeared to have bright white deck lights on that made it difficult to see their navigation lights. He stated that between approximately 0420 and 0530 it was necessary to maneuver several times to avoid colliding with the fishing vessels that were encountered.⁶ The maneuvers were made by adjusting the autopilot. The CPA watch alarm on the ARPA was set for 1 NM.

6 MANTUA HULYA's VDR could not be downloaded and therefore what was reported by the ship's navigational watchstanders could not be validated.

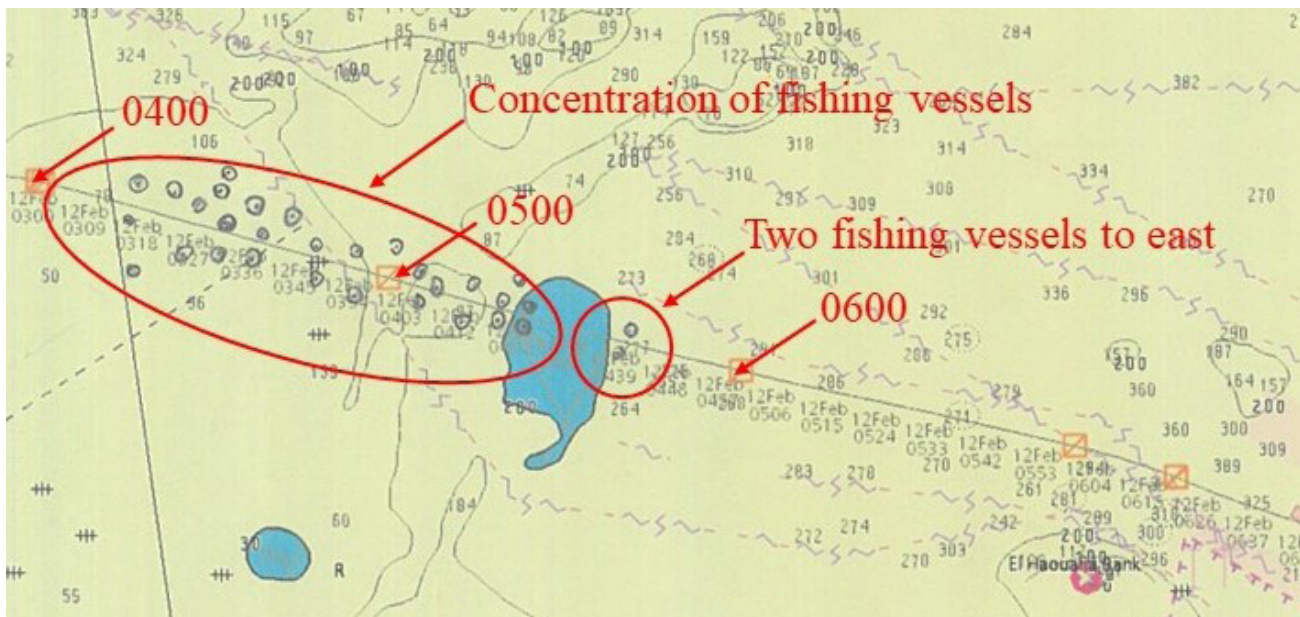


Figure 3: Plot of MANTA HULYA's track showing the concentration of fishing vessels along the ship's track and the two fishing vessels that were observed by the OOW at 0530. Note: The dots were drawn by the C/O who had been on duty as the OOW.

At approximately 0530, MANTA HULYA's OOW and Lookout observed two fishing vessels to the east of the concentration of fishing vessels the ship had just passed (see Figure 3). Neither of these two fishing vessels appeared to be transmitting AIS information. One of these fishing vessels was RAZI, which was approximately 1.2 NM off MANTA HULYA's starboard bow. The OOW determined RAZI was underway on a northerly heading at a speed of approximately 2 kn. The second fishing vessel was approximately 2 NM off the ship's port bow and appeared to be not making way. The OOW said that based on their radar vectors it appeared that MANTA HULYA, which was on a course of 104° T at a speed of 12 kn, would pass between the two fishing vessels. He did not determine the range of the ship's CPA with either of these two fishing vessels, nor did he acquire either on the ARPA.⁷

The OOW and ASD stated they could only see bright white deck lights on both RAZI and the other fishing vessel. Neither the OOW nor the Lookout reported seeing any of the lights prescribed by COLREGs on either RAZI or the other fishing vessel. They also did not report seeing any indication that either of these two fishing vessels had nets or other fishing apparatus in the water.

The Captain of RAZI reported he had seen MANTA HULYA⁸ approaching from the west and wanted to turn away from the ship. He did not say when he first saw or for how long he had observed MANTA HULYA, or why he decided to turn away from the ship. He also said that the trawl made it difficult to maneuver and that he directed the fishing vessel's crewmembers to cut it free. His attention was then divided as he continued to navigate the vessel while leaving the wheel unattended for short periods of time while he stepped outside of the wheelhouse to monitor the crewmembers'

⁷ The information available to the Administrator was not sufficient to calculate, with any degree of accuracy, the range or time of CPA between MANTA HULYA and RAZI.

⁸ The Captain of RAZI did not know the name of the ship until after the collision.

progress in cutting the trawl free. MANTA HULYA's OOW observed RAZI alternately turning toward and then away from the ship while continuing its course to the north.

At approximately 0535, the OOW observed RAZI turning toward MANTA HULYA when the distance between the two vessels was about 1 NM. The OOW then directed the ASD, who had been the designated Lookout, to shift to manual steering and to turn 5° to port. When this occurred, the ASD assumed the duties of the Helmsman and the OOW became the Lookout.⁹

The OOW then tried contacting the fishing vessel by VHF radio. The radio calls were not answered. Within a couple of minutes, the OOW ordered the Helmsman to turn another 5° to port. The OOW stated he decided to not turn to starboard in order to avoid passing ahead of RAZI when he saw the fishing vessel turning back toward the ship.

The OOW then started flashing an Aldis lamp and made two or three long blasts of the ship's whistle. He observed that RAZI turned away from MANTA HULYA and that it appeared the two vessels would pass clear of each other. The two vessels were by then approximately 0.5 NM apart. The OOW stated that when the distance between the two vessels had closed to between 0.2-0.3 NM, RAZI again turned directly toward MANTA HULYA.

At 0543, the OOW called the Master. He then ordered the rudder hard to port until RAZI was close aboard to starboard in way of Cargo Hold No. 2. He then ordered the rudder hard to starboard to turn the ship's stern away from the fishing vessel.

The Captain of RAZI reported that the fishing vessel's port bow contacted MANTA HULYA's starboard side. He also reported that the fishing vessel's crewmembers had not been able to cut the net away before the collision occurred.

There is no indication that the Captain of RAZI sounded the fishing vessel's whistle as the two vessels maneuvered while approaching each other.

Post Collision

The OOW went out on the starboard bridge wing as RAZI passed down MANTA HULYA's starboard side. He stated he heard someone on the fishing vessel shout "Hey!" He also stated that RAZI appeared to be undamaged.

MANTA HULYA's Master arrived on the Bridge at 0545 as RAZI passed astern of MANTA HULYA. He stated that he saw the fishing vessel afloat and then continued to monitor it on radar. The Master stated he decided to continue MANTA HULYA's planned voyage and did not turn back toward RAZI to verify its condition since the fishing vessel remained afloat and because there was not a clear indication that a collision had occurred.¹⁰

MANTA HULYA's Master and OOW reported that a short time later they heard radio calls to the Tunisia Coast Guard. They stated that the radio calls were not in English and that they did not understand what was said. Neither the Master, the OOW, nor the Helmsman reported hearing any radio transmissions from RAZI or other fishing vessels that might have been directed toward MANTA HULYA after the fishing vessel had passed astern.

⁹ See STCW Code, section A-VIII/2, part 4-1, paragraph 16.

¹⁰ See SOLAS regulation V/33 regarding the obligation of a Master to render assistance.

RAZI's Captain stated the vessel's hull began to flood after the collision and that he immediately called the Tunisia Coast Guard. The Captain and crewmembers tried reducing the flooding by heaving to and placing a tarp on the outside of the hull in way of the stem just below the vessel's waterline (see Figure 4).



Figure 4: The location of the tarp over the lower portion of the stem and one of the two trawl lines. Note: In addition to the green light over the white light on the mast, there is also a red over a red light being displayed. The ship in the background is not MANTA HULYA. (Source: Tunisia Coast Guard)

At 0600, the Tunisia Coast Guard informed MANTA HULYA that the ship had collided with a fishing vessel and directed the Master to proceed to an anchorage off La Goulette, Tunisia after transiting the Cape Bon TSS. MANTA HULYA anchored off La Goulette, Tunisia at 0850.

Consequences of Collision

MANTA HULYA's hull received some scratches on the starboard side forward above the load waterline (see Figure 5). No other damage was reported. None of the ship's crewmembers were reported to have been injured.



Figure 5: MANTA HULYA's hull, starboard side forward. The area where the scratches were observed are circled in red. (Source: Tunisia Coast Guard)

RAZI was reported to have sustained damage on the port side forward both above and below the waterline (see Figure 6) that resulted in flooding of the hull. The damage included the stem and some planks being fractured and some seams being sprung.



Figure 6: RAZI's hull, port side forward showing the damage to the stem and planking. The tarp that RAZI's crewmembers placed over the stem at the vessel's waterline is visible in the photograph on the right. (Source: Tunisia Coast Guard)

At 0855, RAZI was reported to sink in position 37° 27.30' N, 010° 41.75' E after the 10 crewmembers who had been on board were safely rescued by the Tunisia Coast Guard.

MANTA HULYA's VDR

On 19 February 2022, a service technician attended MANTA HULYA while the ship was anchored off La Goulette to download the information recorded by the ship's VDR. The ship's Master stated he had turned the VDR off after the collision so that the information would not be overwritten pending the arrival on board of the service technician.

When the downloaded information was reviewed, no information relevant to the collision of MANTA HULYA and RAZI was identified. A more detailed review of the downloaded information indicated that no information had been recorded from 0846 UTC on 10 February 2022 until 1119 UTC on 19 February 2022, when the VDR was started by the service technician.

The VDR on board MANTA HULYA had been determined to be operating properly during its annual performance test on 12 August 2021.¹¹ Based on the fact that the downloaded VDR information did not include any relevant information for the ship's collision with RAZI, the Administrator required an additional performance test to be conducted. This test, which was conducted on 21 February 2022, did not identify any faults with the VDR.

Based on the information available to the Administrator, the VDR had likely been turned off while the ship was at sea on 10 February 2022 and remained off until it was restarted by the service technician on 19 February 2022.

The Company's SMS does not include a requirement for Masters or OOWs to routinely verify that the VDR is on and operating properly.

The lack of VDR information prevented the Administrator from being able to confirm many of the details reported by the OOW and ASD on board MANTA HULYA.

PART 3: ANALYSIS

Collision

MANTA HULYA, which was underway on an easterly heading, and RAZI, which was underway on a northerly heading while engaged in trawling, collided on the high seas approximately 20-25 NM north of Gulf of Tunis. The collision occurred as both vessels were maneuvering to avoid a collision. The collision occurred when RAZI's port bow contacted MANTA HULYA's starboard side in way of the No. 1 S WBT.

Although RAZI's hull was damaged, causing the hull to flood, the fishing vessel remained afloat for approximately 3 hours before sinking. All 10 crewmembers who had been on board were safely rescued before the fishing vessel sank.

MANTA HULYA sustained only minor damage. None of the ship's crewmembers were reported to have been injured.

Risk of Collision

Both MANTA HULYA and RAZI were required by COLREGs Rule 7(a) to use all available means appropriate to the prevailing circumstances and conditions to determine if there was a risk of the two vessels colliding. Further, since both vessels were equipped with operational radar, they were also both required by COLREGs Rule 7(b) to make proper use of the radar equipment to obtain early warning of the risk of collision. This includes radar plotting or an equivalent systematic observation of detected objects.

¹¹ SOLAS regulation V/18.6, requires that VDRs, including all sensors, be subjected to an annual performance test. These tests are to be conducted by an approved testing or servicing facility and are intended to verify the accuracy, duration, and recoverability of the recorded data.

MANTA HULYA's OOW and Lookout reported first seeing RAZI when it was approximately 1.2 NM off the starboard bow as the ship finished passing through the large concentration of other fishing vessels (see Figure 3). They also reported seeing another fishing vessel approximately 2 NM off the port bow at the same time.

Given the weather conditions, RAZI and the other fishing vessel could have been seen when they were at least 5 NM or more away from MANTA HULYA.¹² However, the ship's watchstanders might not have distinguished them any sooner since they were focused on the other fishing vessels that the ship had been passing through between approximately 0420 and 0530. It is also possible RAZI might have been detected on radar sometime before the OOW and Lookout reported first seeing it at 0530. However, it is likely that because the focus of MANTA HULYA's OOW and Lookout was on avoiding a collision with any of the fishing vessels that they were passing through, earlier detection might not have provided additional time to assess the risk of collision with either RAZI or the fishing vessel that was off the ship's port bow.

At 0530, after sighting RAZI off the ship's starboard bow and the other fishing vessel off the ship's port bow, MANTA HULYA's OOW and Lookout both visually monitored the two fishing vessels as the ship continued on a course of 104° at a speed of 12 kn. The OOW stated that it appeared that MANTA HULYA would cross ahead of RAZI, and that the other vessel would pass down the ship's port side. He did not determine the range of the ship's CPA with either of these two fishing vessels, nor did he acquire either of them on the ARPA. In addition, there is no indication that either the OOW or Lookout recognized, or considered, that RAZI was engaged in fishing.

The Captain of RAZI stated he was aware that MANTA HULYA was approaching his vessel from the west. Given the weather conditions, the MANTA HULYA's masthead lights could have been seen from at least 6 NM away.¹³ It is not clear based on the information available to the Administrator when or how the Captain first detected the ship. It is also not known how long he monitored MANTA HULYA before he decided to turn RAZI away from the ship.

Action to Avoid Collision

Both MANTA HULYA and RAZI were required by COLREGs Rule 8 to take action to avoid collision. In accordance with the COLREGs Rule 8(a), which applied to both vessels, any action taken to avoid collision "shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship." Since they were in sight of one another, any actions taken by either vessel were required to be made in accordance Rules 13-18.

Because RAZI was engaged in fishing, which includes trawling,¹⁴ MANTA HULYA was required by COLREGs Rule 18(a)(iii) to keep out of RAZI's way. As such, MANTA HULYA was the give-way vessel and was required by COLREGs Rule 16 to "so far as possible, take early and substantial action to keep well clear." Further, RAZI was the stand-on vessel and was required by COLREGs Rule 17 to maintain its course and speed. However, this rule did permit RAZI to maneuver to avoid collision "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."

¹² The masthead light on RAZI was required by COLREGs Rule 22(b) to have been visible from at least 5 NM away. The white deck lights likely could also have been seen from at least 5 NM away.

¹³ See COLREGs Rule 22(a).

¹⁴ See COLREGs Rule 3(d).

The Captain of RAZI decided to turn away (e.g., to starboard) from MANTA HULYA as the ship continued on its planned course of 104° T at 12 kn. Although the reason for his decision could not be confirmed, the circumstances indicate it was most likely to avoid either a close quarters situation or collision with MANTA HULYA. There is no indication that the Captain of RAZI considered stopping or reversing its means of propulsion to avoid a collision.¹⁵ However, in doing so, there would have been a risk that the outlying trawling apparatus may have become entangled in the fishing vessel's propeller or steering gear.

The OOW of MANTA HULYA, who had previously determined that the ship would pass between RAZI, which was to starboard, and the other fishing vessel, which was to port, did not take any action to avoid a potential collision until he observed RAZI turn toward the ship at approximately 0535. When action was taken, he first ordered two successive 5° turns to port before taking more decisive action at 0543, when a collision appeared to be imminent. There was insufficient information available to the Administrator to verify the OOW's initial assessment that MANTA HULYA would pass between RAZI and the other fishing vessel without any change of course or speed. Similarly, it was not possible to calculate the CPA between MANTA HULYA and each of the two fishing vessels.

There is no indication that MANTA HULYA's OOW and Lookout considered the possibility that RAZI's maneuverability may have been constrained while trawling.

Navigation Lights

The OOW and the Lookout on board MANTA HULYA stated they could only see the white deck lights on RAZI and the other fishing vessel and that they were unable to see any of the lights prescribed by COLREGs on either of the two fishing vessels.

COLREGs Rule 20(b) allows the use of working lights by vessels engaged in fishing provided they "cannot be mistaken for the lights specified in these Rules or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out." The use of working lights on RAZI prevented the OOW and Lookout from visually determining the fishing vessel's course and aspect.

MANTA HULYA and RAZI were in a crossing situation as defined by COLREGs Rule 15. Because RAZI was to starboard and forward of the beam of MANTA HULYA, MANTA HULYA was required by this rule to keep out of the way and, if possible, avoid crossing ahead of RAZI. Although the OOW and Lookout on board MANTA HULYA reported not being able to see any of the lights prescribed by COLREGs because of the working lights that were illuminating RAZI's deck, the OOW should have applied Rule 15 based on the vessels' relative position to one another.

Sound Signals

COLREGs Rule 34(d) requires that "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."

¹⁵ See COLREGs Rule 8(e). It is noted that the trawl would have served as a drogue and would likely have resulted in RAZI stopping.

Although MANTA HULYA's OOW did use the ship's whistle to signal RAZI as the two vessels closed each other, he sounded either two or three long blasts rather than the required "at least five short and rapid blasts." Further, he did not sound the signal until the collision was imminent.

There is no indication that RAZI's Captain attempted to sound any signals using the fishing vessel's whistle either prior to or after the collision occurred.

Navigation Watchstanding

The Company's SMS and Master's Standing Orders clearly stated both the Company's and Master's expectations regarding the OOW's responsibility for the safety of the ship and to comply with COLREGs. They also provided clear guidance regarding when the OOW should call the Master. These were not fully implemented by the OOW as indicated by the fact he did not make full use of the ship's ARPA when assessing the risk of collision. In addition, he did not take early, positive action to avoid a close quarters situation with RAZI. Lastly, he waited to call the Master until collision was imminent, which prevented the Master from having the opportunity to properly assess the situation and assist the OOW.

After deciding it was necessary to turn away from MANTA HULYA, RAZI's Captain's attention was divided as he continued to navigate the vessel while also stepping outside of the wheelhouse to monitor the crewmembers' progress cutting the trawl free. This would have interfered with his ability to maintain a proper lookout. It might have also interfered with his ability to fully assess the situation and identify actions that could be taken (e.g., stopping the engine) to avoid a collision. The reason RAZI's crewmembers had not been able to cut the trawl free was not made known to the Administrator.

Use of Autopilot

The principles for navigational watches in the STCW Code, section A-VIII/2, part 4-1 require OOWs take into account, when using autopilot, "the need to station a person to put the steering into manual control and steer the ship in good time to allow any potentially hazardous situation to be dealt with in a safe manner." This same part also cautions against breaking "the continuity of the lookout in order to take emergency action."

The OOW's use of the autopilot to maneuver MANTA HULYA through the concentration of fishing vessels north of Cape Farina by adjusting the autopilot rather than by using hand steering was not consistent with these principles since any maneuver made using the autopilot may not be readily apparent to another vessel observing visually or made in ample time as required by COLREGs Rule 8. This is because autopilots are designed to limit either the radius of a turn or the rate of turn in order to prevent any sudden, large changes of course that might endanger the safety of the ship.¹⁶

Actions after Collision

MANTA HULYA's Master decided to continue on the ship's planned voyage and not turn back to determine if RAZI needed assistance based on the fact that the fishing vessel was still afloat and because there was not a clear indication that a collision had occurred. Although the Master and OOW reported hearing radio calls to the Tunisa Coast Guard

¹⁶ See IMO Resolutions MSC.64(67), Annex 3 and MSC.74(69), Annex 2.

immediately after the collision, they did not understand what was said. The Master's decision to not determine if RAZI required assistance was not consistent with the requirement of SOLAS regulation V/33 to render assistance.

RAZI's Captain took prompt action to inform the Tunisia Coast Guard of the collision and that assistance was required.

PART 4: CONCLUSIONS

The following Conclusions are based on the above Factual Information and Analysis and shall in no way create a presumption of blame or apportion liability.

1. Factors that contributed to this very serious marine casualty include:
 - (a) ineffective navigation watchstanding on board MANTA HULYA in that the OOW:
 - i. did not make effective use of all available means, including visual bearings and the ship's ARPA, to assess the risk of collision with RAZI;
 - ii. did not take positive action in ample time to avoid collision; and
 - iii. did not use sound and light signals until collision was imminent; and,
 - (b) ineffective navigation watchstanding on board RAZI in that the Captain:
 - i. divided his attention as he continued to navigate the vessel while also monitoring the crewmembers' progress cutting the trawl free; and
 - ii. did not take sufficient action to avoid collision.
2. Additional factors that may have contributed to this very serious marine casualty include:
 - (a) the white deck lights on board RAZI interfered with the ability of the navigation watchstanders on board MANTA HULYA to see the navigation lights exhibited by the fishing vessel; and
 - (b) the inability of RAZI's crew to cut the trawl free from the vessel in sufficient time to freely maneuver as required by COLREGs.
3. Actions or events that reduced the consequences of this very serious marine casualty include:
 - (a) the Captain of RAZI promptly informing the Tunisia Coast Guard that the fishing vessel was flooding and that assistance was required.
4. Additional issues that were identified but that did not contribute to this very serious marine casualty include:
 - (a) the decision of MANTA HULYA's Master to not determine if RAZI was in distress,
 - (b) use of the autopilot rather than hand steering to maneuver MANTA HULYA through the concentration of fishing vessels; and
 - (c) that the VDR on board MANTA HULYA had apparently been turned off without the Master's or OOWs' awareness from 10 February 2022 until it was restarted by the service technician on 19 February 2022.

PART 5: PREVENTIVE ACTIONS

In response to this very serious marine casualty, the Company has taken the following Preventive Actions:

1. Shared the lessons learned with all ships in the Company-managed fleet. The identified lessons learned included the need for:
 - (a) Masters of ships in the Company-managed fleet to include instructions regarding navigation in the vicinity of fishing vessels in their Standing Orders;
 - (b) OOWs to strictly follow the Master's Standing Orders; and
 - (c) OOWs to be familiar with the maneuvering characteristics of the vessel on which they are working.

PART 6: RECOMMENDATIONS

The following Recommendations are based on the above Conclusions and in consideration of the Actions taken.

1. It is recommended that the Company:
 - (a) review and, as necessary, revise its procedures for assessing the competence of navigational watchstanders on board ships in the Company-managed fleet;
 - (b) ensure that Masters serving on board ships in the Company-managed fleet are aware of their responsibility to render assistance;
 - (c) use the lessons learned from this very serious marine casualty as the basis for a scenario for bridge team management training on board ships in the Company-managed fleet; and
 - (d) revise the procedures in the Company's SMS to require that Masters of ships in the Company-managed fleet to routinely verify that the installed VDR is on and operating properly.
2. It is recommended that the Tunisia Maritime Administration consider reminding operators of Tunisia-flagged fishing vessels of the:
 - (a) requirements and application of COLREGs; and
 - (b) importance of having appropriate tools on board to quickly cut trawl lines in an emergency.

The Administrator's marine safety investigation is closed. It will be reopened if additional information is received that warrants further investigation.