

Investigation Report 44/16

Date 5 October 2017

Very Serious marine casualty

Foundering of the fishing vessel CONDOR

on 6 February 2016 about 3.5 nm east of the Baltic Sea Island of Fehmarn

1 Summary

On 6 February 2016, the German fishing vessel CONDOR foundered about 3.5 nm east of the Baltic Sea island of Fehmarn. The two fishermen on board drowned in the Baltic Sea.

The fishing vessel sailed out of her home port (Burgstaaken on the island of Fehmarn) for a one-day fishing voyage east of the island of Fehmarn at 0647 on the day of the accident. At about 1130, the CONDOR started her voyage home after several highly productive hauls, which resulted in an estimated 3,000 kg of fish being deposited on her deck. The fishing vessel capsized a few minutes later and foundered at 1136 in wind force 5 Bft and a short-wave wind sea of about 1 m in the Baltic Sea, which was about 3°C and 20 m deep at the scene of the accident.

After the fishing vessel had still not arrived several hours after her expected return to Burgstaaken, the Fischergenossenschaft Fehmarn – Erzeugergemeinschaft eG (fishermen's cooperative) notified the waterway police (WSP). The latter then immediately initiated an extensive search for the missing vessel and her crew.

At about 2000, the WSP boat FEHMARN discovered items presumably from the missing vessel (fish crates and ropes) in the vicinity of the CONDOR's last known position. Shortly afterwards, the crew of a helicopter involved in the search and rescue operation identified two people floating lifeless in the water in the immediate vicinity. After their recovery and transport to Burgstaaken, they were unequivocally identified as the two crew members of the FV CONDOR. It was not possible to locate the actual fishing vessel and therefore assumed that she had foundered.

The BSH ship DENEK, which was tasked with searching for the foundered fishing vessel, located the wreck of the CONDOR on the sandy bottom of the Baltic Sea on 9 February 2016.

The subsequent dives by divers from the police and the BSH did not provide any evidence as to the cause of the fishing vessel foundering. As far as could be seen, she lay on her starboard side on the seabed and was largely undamaged.

Since it was not necessary to salvage the fishing vessel for the purposes of the police investigation into the accident, any environmental legislation or from the perspective of the river or shipping police, the BSU decided to salvage the CONDOR in the course of the maritime safety investigation, which was set in motion immediately after the accident was reported.

After extensive preparatory work, the salvage company (Baltic Taucherei- und Bergungsbetrieb Rostock GmbH) appointed by the BSU managed to raise the fishing vessel out of the water on the evening of 7 March 2016.

The fishing vessel was put ashore at the site of the Warnemünde/Hohe Düne buoy yard (outlying area of Waterways and Shipping Office (WSA) Stralsund) on 8 March 2016. Thanks to the cautious handling of the fishing vessel by the salvage company when she was raised, transported, and put ashore, she was available to the BSU for the necessary investigative measures in a largely intact condition in the months that ensued.

2 Safety Recommendations

The following safety recommendations do not constitute a presumption of blame or liability in respect of type, number or sequence.

2.1 German Social Accident Insurance Institution for Commercial Transport, Postal Logistics and Telecommunication (Ship Safety Division (BG Verkehr))

2.1.1 Review of the proofs of stability for all vessels covered by the 2009 Guideline for fishing vessels

The Federal Bureau of Maritime Casualty Investigation recommends that the Ship Safety Division (BG Verkehr) perform a thorough unscheduled review of the proofs of stability for all vessels covered by the Guideline for fishing vessels < 24 m in length.

2.1.2 Review of the procedures for determining stability values

The Federal Bureau of Maritime Casualty Investigation recommends that the Ship Safety Division (BG Verkehr) carry out an overall review of the manner in which roll period and inclining tests are performed by its own surveyors or by third parties acting on its behalf and, in particular, their evaluation procedures with regard to the reliability of the results obtained and the procedures required to prepare realistic proofs of stability for vessels covered by the 2009 Guideline for fishing vessels.

2.2 Federal Ministry of Transport and Digital Infrastructure (BMVI); German Social Accident Insurance Institution for Commercial Transport, Postal Logistics and Telecommunication (Ship Safety Division (BG Verkehr)) – review of the national body of rules applicable to fishing vessels

The Federal Bureau of Maritime Casualty Investigation recommends that the BMVI and the Ship Safety Division (BG Verkehr) review the existing body of rules for the approval, surveying and certification of vessels covered by the Guideline for fishing vessels < 24 m in length (according to Article 6(1)(6) of the Ship Safety Ordinance) and, in particular, the Guideline itself for legal certainty and practicability. An analogous recommendation concerns whether and to what extent it may be necessary to reassert the special accident prevention regulations and related notices and guidelines that ceased to apply in the course of the amendment of the UVV See in 2011 with a view to guaranteeing occupational health and safety on the fishing vessels in question.

2.3 Federal Ministry of Transport and Digital Infrastructure (BMVI); German Social Accident Insurance Institution for Commercial Transport, Postal Logistics and Telecommunication (Ship Safety Division (BG Verkehr)) – renewal of proof of stability and photographic documentation of vessel surveys

The Federal Bureau of Maritime Casualty Investigation recommends, with a view to enhancing the existing body of rules, that the BMVI and the Ship Safety Division (BG Verkehr) ensure, in particular, that proofs of stability are not only renewed at defined intervals but also whenever structural modifications are made that might affect the hydrostatic stability of the vessel in question. In this context, an obligation of photographic documentation during surveys should be introduced so as to make it easy to identify in subsequent surveys whether any structural modifications have been made in the meantime.

2.4 Federal Ministry of Transport and Digital Infrastructure (BMVI) – revision of the carriage requirement for EPIRBs

The Federal Bureau of Maritime Casualty Investigation recommends that the BMVI review the possibility of revising the carriage requirement for an EPIRB on vessels that fall within the scope of the Guideline for fishing vessels < 24 m in length (according to Article 6(1)(6) of the Ship Safety Ordinance). The equipment of two EPIRBs instead of one would mean a significant increase in safety for these vessels, in particular.

2.5 Survitec Group, Deutsche Schlauchboot

The Federal Bureau of Maritime Casualty Investigation recommends that the Survitec Group in Birkenhead, Merseyside, England and its German subsidiary Deutsche Schlauchboot (DSB) in Eschershausen reconsider the structural design for the stowage of the combined painter/release cord and corresponding sachet in the containers of the self-inflating liferafts it produces. A concept should be developed in which the stowage of the cord is made in such a way as to rule out fatal human error to the greatest possible extent when the liferaft is packed after a service.