

Port State Control Training on MV ESTONIA

1. Objective

Less than 12 hours before MV ESTONIA sank, the vessel was used for a Port State Control training session, performed by Swedish and Estonian participants. The outcome of the training session has been debated and discussed, and there have been suggestions that there were attempts to stop the vessel from sailing due to substandard safety and that the report form that the training resulted in has been falsified. However, no full investigation or examination of the training, its circumstances, and its outcome has been made. Hence, this memo discloses known facts about the training, the result of on-hand examination of all available copies of the report form, and provides an analysis and conclusions based on these facts.

The memo also includes a background and description of Port State Control at the time of the accident to allow an easy understanding of the at-the-time prevailing conditions. The Swedish Transport Agency, responsible for Port State Control in Sweden, has been providing advice and information during the work.

A course of events regarding how different protocols have evolved is included in the memo.

2. Background

Estonia regained its independence from the Soviet Union in 1991. As a part of the independence process a need of development of, i.a., shipping administrations arose. On request by Estonia, three areas within shipping were defined where Sweden was asked to provide training and know-how. One of these was maritime safety.

That part of the cooperation program was financed by the at-that-time acting Swedish authority *Beredningen för internationellt tekniskt-ekonomiskt samarbete* (BITS) [Agency for International Technical and Economic Cooperation]. Sharing training and know-how in Port State Control activities was a part of the maritime safety program. As a part of the program, a training exercise in Port State Control was conducted on board MV ESTONIA during the afternoon prior to the last journey of the vessel, i.e., 27 September 1994.

3. Port State Control Overview

Ultimately responsible for a vessel's safety is the shipowner and his representative, i.e., the master. The state whose flag the vessel flies (the Flag State) has an inspectorate authority which ensures that the owner's responsibilities are fulfilled. A certain part of the inspection responsibilities is performed by a classification society (recognized organization) and may vary depending on the degree of delegation that is practiced by the flag state. Normally, the hull and machinery are class responsibilities.

Beyond the control and supervisory inspections that the vessel undergoes by its flag state and class, some control activity may also be performed by the inspectorate in a foreign port the vessel is visiting, following the guidelines set up by IMO.¹ Such an inspection is called a Port State Control (PSC); it is carried out by the relevant authority in the Port State (the state in which the port is located) and it is performed by a Port State Control Officer (PSCO). PSC is thus the inspection of foreign ships in ports to verify that the condition of the ship and its equipment comply with the requirements of international regulations and that the ship is manned and operated in compliance with these rules.

The procedure includes the PSCO and the master of the vessel checking the vessel's compulsory documentation. If this is in order, and nothing remarkable is noted by the PSCO during a physical overview of the vessel during a walk-around, the control is finalized. If the documentation is not in order, or if obvious deficiencies are found on the walk-around, the inspection may be extended to an expanded control.

The result of a PSC is documented on forms - Report of Inspection in Accordance with the Paris Memorandum of Understanding on Port State Control² - Forms A and B, both at the time being a set consisting of three different coloured paper sheets. Form A is essentially where the relevant certification is listed, while any deficiencies noted during the inspection are listed on Form B. The actions to take for each deficiency are divided into different code categories depending on the severity (Appendix 1). The most severe deficiency code is Code 30 (detention) which means that the deficiency is to be rectified and re-inspected by the Port State authority before departure. Such a decision must be confirmed by a responsible duty official within the organization (in Sweden at this time it was the Maritime Inspectorate Director or, in his absence, their deputy). Thereto there are a number of codes, amongst them Code 17 (to be rectified before departure). This code concerns deficiencies that the crew is supposed to be able to handle within the estimated time for departure and is used when the deficiency is not severe enough to cause a

¹ IMO Assembly Resolution A.597(15), adopted 19 November 1987, annex: Procedures for the control of ships, section 1.2.

² Name of the PSC agreement for this part of the world.

detention or a need for the Port State authority to confirm the deficiency being rectified. This means that the deficiency is rectified to the master's discretion. If it is not rectified, the master risks, except for any harm the deficiency itself may cause, a follow-up PSC in coming ports and the consequences that this may cause. The simplest one is Code 99 (other) which can be used if no other codes are suitable. It requires a completion of what the master is instructed to do. A follow-up by the inspection authority is not necessary, although there should be a time limit for the rectification.

As mentioned, Code 17 also means that the deficiency is deemed to be possible to rectify before the vessel's departure. If a PSCO verifies that a Code 17 deficiency is rectified this should be noted.³ It could also be mentioned that it is up to the professional assessment of the PSCO to decide whether a deficiency may cause a detention, or if the deficiency can be assessed being less important and thus allow the vessel to sail.⁴

A PSC may be divided into different parts or segments. Of special interest in this matter is the part including conditions of assignment of load lines. IMO guidelines say that if a PSCO is dissatisfied after making observations on deck, he should pay "particular attention to closing appliances [and] means of freeing water from the deck...".⁵ Regarding life-saving appliances, the PSCO should look for the condition of the equipment. If the PSCO finds evident signs of deficiencies, there is a justification of a reasonably detailed inspection of all life-saving appliances.⁶ In respect of fire safety on passenger vessels, fire doors and their function, fire zones, and emergency exits are specially mentioned.

If a deficiency cannot be rectified without serious delay to the vessel and effective alternative means can be in use instead, the vessel should not be detained.

The guidelines also contain a general instruction saying that there should be a reference to relevant convention regulation.⁷ In 1994 this only applied to deficiencies that lead to detention, but it has later been made mandatory for all deficiencies.

After a completed inspection, the sheets from the two forms are distributed so the

³ Port State Control Committee Instruction 53/2020/12 Revision 8.

⁴ IMO Assembly Resolution A.597(15), adopted 19 November 1987, annex: Procedures for the control of ships, appendix 1: Guidelines on control procedures, section 1.

⁵ IMO Assembly Resolution A.597(15), adopted 19 November 1987, annex: Procedures for the control of ships, appendix 1: Guidelines on control procedures, section 13.

⁶ IMO Assembly Resolution A.597(15), adopted 19 November 1987, annex: Procedures for the control of ships, appendix 1: Guidelines on control procedures, sections 14-15.

⁷ IMO Assembly Resolution A.597(15), adopted 19 November 1987, annex: Procedures for the control of ships, appendix 2, Port State report on deficiencies.

master of the vessel receives the white one⁸ while the other two are kept by the issuing authority for data handling and administrative follow-up. In this way, the result of the PSC can be followed up on by other port authorities via a joint database, into which the result is inserted.

4. The PSC Training on MV ESTONIA

4.1 Introduction

During 26 to 30 September 1994, training and sharing know-how (on-the-job training) in PSC was conducted in Tallinn. The training was led by two experienced Swedish inspectors from the Swedish Maritime Safety Inspectorate (a department within Swedish Maritime Administration, SMA). Estonian National Maritime Board (ENMB, the Estonian maritime administration, *Eesti Riiklik Veeteede Amet*) was represented by nine Estonian inspectors. Two came from the ENMB head office, amongst them the Head of the National Ship Inspection Division, who was in charge of the Estonian part of the training and who led the Estonian team. One came from the Port of Tallinn and the remaining six came from different regional ports in the country.

The training was planned in general by the Swedish inspectors, while details were set up in cooperation with the Estonian participants. The plan was to perform some practical elements on available vessels in the Port of Tallinn, starting on the afternoon 27 September, over the following days. The report after the completed training week, including the training plan, is included as Appendix 2.

4.2 The Training

On the morning of 27 September, the theoretical base for a PSC was introduced to the participants, including certification control and need of references to MOU Code.

The Estonian participants of the training group chose the passenger vessel MV ESTONIA for their training. The group went to the ship and asked for the vessel's permission to have the training session onboard.

The normal start for a PSC is that the PSCO introduces him- or herself to the master of the vessel, and thereafter checks the required documentation and certification, which is noted on Form A. The master of MV ESTONIA was not onboard during the afternoon 27 September, thus the vessel's representative was the chief officer. As the group was allowed to have the training session onboard, the training started with the ambition to examine the vessel's certification and complete Form A.

⁸ IMO Assembly Resolution A.597(15), adopted 19 November 1987, annex: Procedures for the control of ships, section 6.9 and appendix 1: Guidelines on control procedures, section 26.

However, the chief officer did not have access to all the vessel's certificates,⁹ and the normal procedure – starting with documentation control and deciding the aftermath due to the result of that control – could not be fully followed. The group continued by turning to the practical part of the PSC training. The inspectors started to examine the vessel and its equipment together with the vessel's crew representatives, all according to standard procedures. In this case, the participants were divided into two groups. One started in the engine room, working upwards with one of the Swedish inspectors and accompanied by the vessel's chief engineer, while the other started in the wheel house, working themselves downwards with the other Swedish inspector and accompanied by the vessel's chief officer. When the two groups (altogether 13 participants) later met, the findings were discussed.

The training was put on hold at about 17:30 with the agreement to continue the following morning. The training the next day included the completion of the protocol.¹⁰

4.3 The Findings

The following deficiencies were listed as a result of the training exercise on MV ESTONIA¹¹.

1. Bow door, packing damage	99
2. Sounding pipe Aux Eng. room	17
3. 2 portable fire exting. missing Eng. room	17
4. Safety plan	99
5. Muster list	99
6. Damage control plan	99
7. Cargo operation manual	99
8. Fire prevention nav bridge door, boiler room closing device missing fire door in galley not working properly	17
9. "Off course" alarm not installed	99
10. Means of control Mimic panel	99
11. Manuals and instructions (em. gen, bridge routines, em handling steering gear, manouvre characteristics)	99
12. Windows in galley not possible to close	17
13. Covers on bulkhead deck to be closed	17

⁹ Witness statement by Swedish inspectors for JAIC, 2 November 1994.

¹⁰ Confirmed by Swedish inspector's statement for the police, 9 February 1998 (SHK dnr. S-200/20 ab 1116a).

¹¹ Please note that the numbering is added afterwards, also note that deficiency 1 and 14 is differently described in different versions of the protocol.

14. Cargo securing devices
(a few pieces of sec. dev worn out) 99

The deficiencies listed were categorized according to two levels of severity. Thus, two codes were used: 17 and 99.

4.3.1 Deficiencies Coded 17 – To Be Rectified Before Departure

Five of the 14 deficiencies were coded 17. This coding means that the deficiencies “are not serious enough to warrant detention, and/or can reasonably be rectified before the ship sails”.¹²

Of these five, three may be relevant for stability issues: sounding pipe (no. 2); windows in galley (no. 12); and covers on bulkhead deck (no. 13).

The remaining two deficiencies coded 17 concerned fire protection, and are thus not relevant for the accident.

4.3.2 Deficiencies Coded 99 – Other

Nine of the 14 deficiencies were coded 99. This coding means that the deficiencies are not severe enough to be followed-up by an authority, but they are supposed to be completed with a limitation in time (not necessarily while the vessel is still in port).

Some of these deficiencies may affect how the vessel acts in an emergency (e.g. standard of cargo securing devices), while several seem to be more of a principal matter, and not affecting a single emergency (e.g., the colour of indicator lamps for fire doors, language in vessel’s manuals). (See Appendix 4.)

One of the deficiencies coded 99 was related to the status of the bow visor arrangement (no. 1 bow door, packing damage) and is described by both the Swedish inspectors, three Estonian participants, and the Estonian Head of the National Ship Inspection Division as minor damage in the rubber sealing (see Section 4.5).

No other codes were used in the protocol.

4.4 The Copies of the Protocol

The training was documented in a protocol.¹³ It consisted of three rather thin carbon paper sheets: the top one white, the middle yellow, and the bottom pink. By

¹² Port State Control Committee Instruction 53/2020/12 Revision 8.

¹³ The Form B used during the training to register the deficiencies on MV ESTONIA was a Swedish pre-printed paper form. The form was printed in the printing house of the Swedish Maritime Administration in December 1992. This is revealed by the printed marking: "SjöV. I 104 92 12 SjöV. Tryck".

writing on the top one, the text was automatically also inscribed on the other two sheets, though slightly weaker. Only parts of one set of the form have been available and subject to examination after the accident.

Several different copies of the protocol from the training have been made. The copies have the same origin, but there are some differences regarding the content. Due to these dissimilarities, it has been argued that the original protocol has been tampered with or even falsified. This section presents all the known copies and the results of their examination. The top white sheet from the original protocol is missing. The yellow middle sheet is preserved. The bottom pink sheet is missing.

4.4.1 The Yellow and Pink Sheets

The only remaining original sheet from the training is the yellow sheet (Image A and Figure 1). The original is kept in the Swedish National Archives and has been examined in situ. The yellow and pink sheets were connected until they were sent to SKL for forensic examination in 2000¹⁴. The original pink sheet (Image A and Figure 2) is missing after it was examined by SKL.

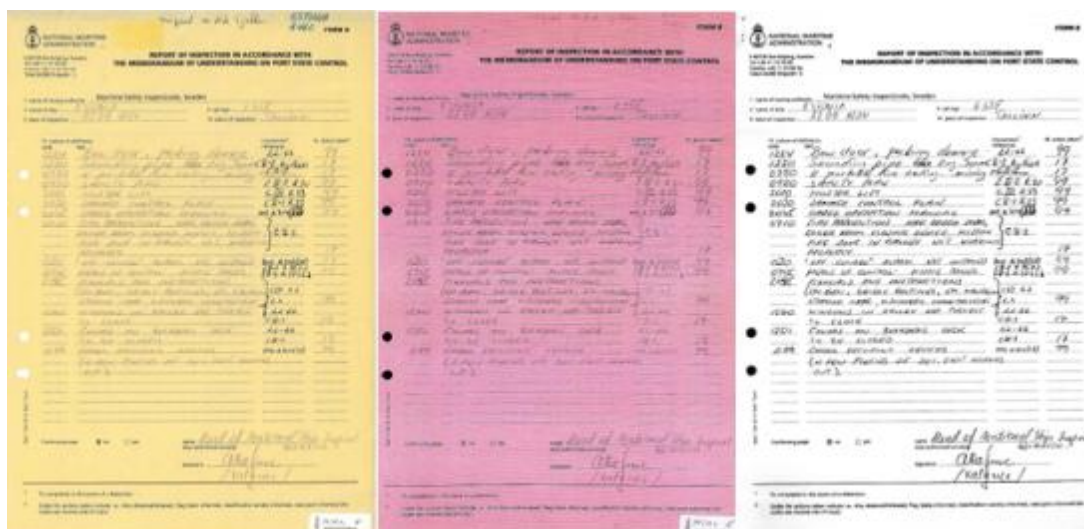


Image A. Miniatures of Figures 1, 2 and 3. A larger representation of the figures is shown in Section 4.4.5.

The yellow and pink sheets are identical, except from the marking made by SKL in the bottom right corner (the serial numbers differ).

No changes have been made in the text from the training, however the completion of column three and the ticked box down at left is made directly on the yellow sheet with a pen, after the separation of the top white sheet. As previous investigations have been undertaken, some notes have been added: in the very top, middle, there is a note made by JAIC administrators; in the very top right there is a

¹⁴ The examination was performed by the National Swedish Laboratory of Forensic Science (SKL, *Statens kriminaltekniska laboratorium*).

file no. made by the Swedish National Archives; and at the very bottom on the right there is a marking made by SKL in 2000.

A copy, made in black and white, is kept in the Swedish prosecutor's archive in Stockholm (Image A and Figure 3). In situ examination confirms that it is a photocopy of the yellow sheet,¹⁵ which is confirmed by a splotch from the yellow sheet, appearing as well on the photocopy as on the pink copy. That the notes and markings, compared to the yellow original sheet, are missing indicates that the photocopy was made before the yellow and pink originals were handed in to JAIC in November 1994.

4.4.2 The Top White Original Sheet

The top white original sheet has not been found. It was not kept by the Swedish inspectors. If it had been left onboard MV ESTONIA, it could have made other inspectors, surveyors, or crew members believe that a genuine PSC had taken place. To avoid this, it was not left on board for the crew (see Section 4.5.1). Instead, witness statements indicate that the Form B was completed the morning following the accident, and the top white original kept by the Estonian Head of the National Ship Inspection Division. Since the Head of the National Ship Inspection Division most likely did not take part in the complete training session the day after the accident due to other duties caused by the accident, it explains why the top white original sheet was not used for completing column three.

It is not known whether the Head of the National Ship Inspection Division kept the original top white sheet in his possession (as evidence for potential future proceedings, for internal training purposes, or for both). Nevertheless, the document was not considered by its nature an official PSC or ship inspection protocol. However, to check whether the sheet had been preserved, relevant archival records in Estonia were reviewed. The white sheet was not found in the MV ESTONIA file assembled by the ENMB, currently stored by the National Archives of Estonia. Nor was it found in any other official files still stored in the archives of the ENMB (currently the Estonian Transport Administration). (It should be noted that even if the document had been a result of an official PSC inspection instead of a PSC training, the ENMB had a policy at the time to keep ship inspection protocols for only five years.)

4.4.3 Copies of the Top White Sheet

There are two remaining photocopies of the original top white sheet. One was kept by the Estonian Police, but is now stored at the National Archives of Estonia (Image B and Figure 4), and the other is kept by the Estonian Maritime Museum in Tallin (Image B and Figure 5). Figures 4 and 5 have been examined in situ and are confirmed to be photocopies.

¹⁵ Tests has shown that black and white copies from a yellow sheet is more likely to stay white, while copies from a pink sheet may contain a greyish background.

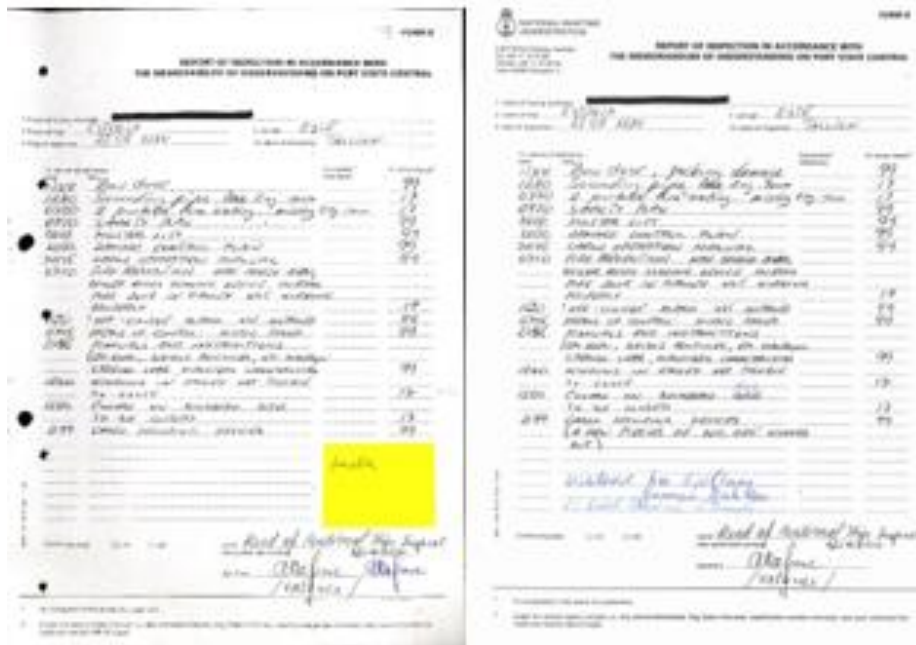


Image B. Miniatures of Figures 4 and 5. A larger representation of the figures are shown in Section 4.4.5.

In addition, the JAIC supplement 223 contains a depiction of a fax-transmission of the copy of the white sheet which is a result of copying and editorial changes. However, the original for this depiction has not been found. Instead, two photocopies made during the editorial process are displayed in Image C and in Figures 6A and 6B, respectively. Image C also includes the depiction from JAIC Supplement 223 (Figure 6C).

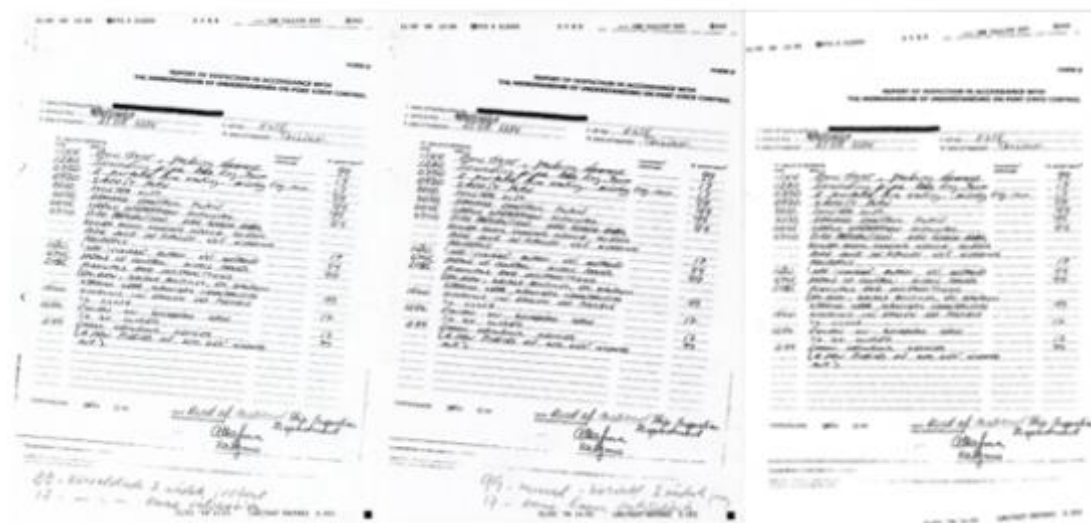


Image C. Miniatures of Figures 6A, 6B and 6C. A larger representation of the figures are shown in Section 4.4.5.

All these copies lack information in column three. Also, the name of the issuing authority (“Maritime Safety Inspectorate, Sweden”) in line 1 is crossed out in an identical way (see section 4.4.4). These findings strongly indicate that these three documents are all photocopies originating from the original top, white sheet. There are, however, a number of discrepancies.

The documents in Figures 4 and 6A-C have the logotype from the issuing state (Sweden) on the top left covered, while Figure 5 has the logotype shown.

Figure 4 does not show complete information of the deficiencies. This indicates that it has been copied on a different occasion compared to the copies in Figures 5 and 6A-C. Since they contain different information, the document in Figure 4 was made first as the description of top and bottom deficiencies had not yet been completed (see section 4.4.4). The photocopy in Figure 4 also has an additional signature. This is made with a pen directly on the photocopy, confirmed by in situ examination, on request by the police as the copy was handed over to Estonian Police on 29 September 1994 as a part of the interrogation of the Head of the National Ship Inspection Division (see Appendix 4).

The photocopy in Figure 5 has notes. The notes were made by a JAIC-member (probably months after the accident). The photocopy is made from the top white original sheet (or a photocopy of it).

The images in Figures 6A-C differ from Figures 4 and 5 in that one box down on the left is ticked, the original text “Ship Inspection Division” is replaced by “Ship Inspection Department”, the signature is replaced (but with the same name), and the vessel’s name is partly crossed out (but still readable) probably by a coloured or weak marker to highlight it. Some of these amendments can be explained by a reorganization within ENMB in 1996 when the Ship Inspection Division was instead renamed the Ship Inspection Department.

Since the image in Figure 6A still has the content along the far-left edge (information from the printing house) in place, it is considered to be the first copy of the three copies, 6A to 6C. It cannot be ruled out that 6A is the very copy that was received in the JAIC-member’s fax-machine 31 May 1996. A photocopy of this was made, shown in Figure 6B. Both 6A and 6B are confirmed to be photocopies with notes added directly on the respective copy with a pencil, both kept at the Estonian Maritime Museum after being found in the estate of the former JAIC-member.

The document in Figure 6C is likely to be a photocopy, but it cannot be confirmed since it is a depiction from the JAIC Supplement 223 and thus not examined in situ.

4.4.4 The Forensic Examinations

In 2000, the SKL examined documentation related to the PSC training with the primary aim to find out whether the document in Figure 6C had been reproduced

from the documents in Figures 1, 2 or 4.¹⁶ The documents in Figures 3 and 5 were apparently not available for examination. SKL had at this time access to the original yellow and pink sheets (Figures 1 and 2), but not the photocopy of Figure 4 with the genuine second signature, nor the original to the fax-transmission of Figure 6A.

The examination result was that the document in Figure 6C was determined not to be a direct reproduction from documents in Figures 1, 2, or 4. It was also found that any other conclusions could not be made without other originals.

In 2025, the Swedish Police National Forensic Centre, NFC, examined photos or scans of the photocopies of Figures 4, 5 and the depiction in Figure 6C. The ambition was to find out whether the cross-out of line 1 is identical, and if the difference of the content in deficiencies 1 and 14 is due to that additional text in Figure 5 has been added or already existing text in Figure 4 has been removed.¹⁷ NFC notes that the quality of the examined photos and depiction cause a limitation of the judgement.

The results show that the cross-out on line 1 is identical. This means that the copies in Figures 4, 5 and 6A-C originate from the very same original, i.e. the original top, white sheet (or a photocopy of it, which cannot be fully ruled out). It is also evident from the examination that the missing text of deficiencies 1 and 14 in Figure 4 has not been removed. This means that the photocopies in Figures 4 and 5 have been made on different occasions, with the text of deficiencies 1 and 14 in Figure 5 completed after the photocopy of Figure 4 was made, but before Figure 5 was made.

¹⁶ The report is filed at the Swedish National Archives.

¹⁷ SHK file no. S-200/20 ab 1366.

4.4.5 Images of the Protocol Copies

Inspected on site Gjöblom **ESTONIA**
A46C FORM B

**NATIONAL MARITIME
ADMINISTRATION**

S-60170 Norrköping, Sweden
Tel +46 11 19 10 00
Telefax +46 11 23 99 34
Telex 64380 Shipadm S

**REPORT OF INSPECTION IN ACCORDANCE WITH
THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL**

1 name of issuing authority Maritime Safety Inspectorate, Sweden

2 name of ship ESTONIA 5 call sign E5LE

9 date of inspection 31.09.1994 10 place of inspection TALLINN

15 nature of deficiency code text	Convention ¹ references	16 action taken ²
1284 Bow door, packing damaged	LL-66	99
1289 Sounding pipe that eng. room	2-2 6-15.11	17
0720 2 portable fire extinguishers	CT-2	17
0920 SAFETY PLAN	CT-2 R20	99
2010 MASTER LIST	CT-1 R53	99
2030 DAMAGE CONTROL PLAN	CT-1 R23	99
2045 CARGO OPERATION MANUAL	MOA 714(17)	99
0310 FIRE PREVENTION NAV. GUIDE WORK	CT-2	17
COILER ROOM EXTINGUISHING DEVICE MISSING	CT-2	17
FIRE DOOR IN GALLEY NOT WORKING	CT-2	17
PROPERLY		17
1520 "OFF-COURSE" ALARM NOT INSTALLED	MOA 714(17)	99
2045 MEANS OF CONTROL HULL POWER	CT-1 R15.2	99
2055 MANUALS AND INSTRUCTIONS	CT-2 R17.2.2	99
STEERING GEAR, BRIDGE ROUTINES, CH. MANUAL	CT-1 R9	99
STEERING GEAR MANOEUVER CHARACTERISTICS	CT-1 R9	99
12160 WINDOWS IN GALLEY NOT PROTECTED	LL-66	17
TO CLOSE	CT-1	17
1250 COVERS ON BULKHEAD DECK	LL-66	17
TO BE CLOSED	CT-1	17
1199 CARGO SECURINGS DEVICES	MOA 714(17)	99
(A FEW PIECES OF SEC. DECK WERENOT OUT)		

2109.1154 0012 0900 Tyck

Continuing page ☒ no ☐ yes

name Head of National Ship Inspector
duly authorized surveyor

signature Alafine
Valdner

¹ To completed in the event of a detention.

² Codes for actions taken include i.a.: ship detained/released, flag State informed, classification society informed, next port informed (for codes see reverse side of copy).

DOUL 1776 4
2000002956

Fig. 1. Photo of the original yellow, second sheet from Form B. The original is kept at the Swedish National Archives. An in situ examination confirmed that the completion of column three and the ticked box below to left was made by a pen, directly on the yellow sheet, after separation from the top white sheet.

NATIONAL MARITIME ADMINISTRATION
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Telefax +46 11 23 99 34
Telex 64 880 Shipadm S

**REPORT OF INSPECTION IN ACCORDANCE WITH
THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL**

1 name of issuing authority: Maritime Safety Inspectorate, Sweden
2 name of ship: *ESTONIA*
3 date of inspection: *27.09.1999*
5 call sign: *ESSE*
10 place of inspection: *TALLINN*

15 nature of deficiency index	text	Convention ¹ reference	16 action taken ²
1264	Bow door, packing damage	LL-66	99
1280	Soundings pipe AAx eng. weak	2 by 15.63	17
0720	2 portable fire exting. missing	CD-1 R.23	17
0920	SAFETY PLAN	CD-1 R.23	99
2010	MUSTER LIST	CD-1 R.53	99
2030	DAMAGE CONTROL PLAN	CD-1 R.23	99
2045	CARGO OPERATION MANUAL	IMO A.714(17)	99
0710	FIRE PREVENTION NAV. BRIDGE DOOR, SOILER ROOM CLOSING DEVICE MISSING FINE DOOR IN GALLEY NOT WORKING PROPERLY	CD-1 R.23	17
1280	'OFF COINDE' ALARM NOT INSTALLED	IMO A.242(IX)	99
0745	HEADS OF CONTROL MIMIC PANEL	CD-1 R.15.5.2 CD-1 R.27.1.2	99
2055	MANUALS AND INSTRUCTIONS (EN, GEN, BRIDGE ROUTINES, EH HANDLING STEERING GEAR, MANOUEVRING CHARACTERISTICS)	CD-1 R.5	99
1260	WINDOWS IN GALLEY NOT POSSIBLE TO CLOSE	LL-66 CD-1	17
1280	COVERS ON BULKHEAD DECK TO BE CLOSED	LL-66 CD-1	17
1199	CARGO SECURING DEVICES (A FEW PLACES OF SEC. DEVS. DAMAGED OUT)	IMO A.242(IX)	99

Continuing page ☒ no ☐ yes

name: *Head of National Ship Inspectorate*
duty authorized surveyor
signature: *Alafine / Valguies /*

¹ To completed in the event of a detention.
² Codes for actions taken include i.a.: ship detained/released, flag State informed, classification society informed, next port informed (for codes see reverse side of copy).

MOU 5
200002956

Fig. 2. Photocopy of the bottom pink sheet from Form B. The original was sent to the SKL in 2000. It is not known where the original sheet is today.

**NATIONAL MARITIME
ADMINISTRATION**
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Telefax +46 11 23 99 34.
Telex 64380 Shipadm S.

FORM B

**REPORT OF INSPECTION IN ACCORDANCE WITH
THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL**

1 name of issuing authority Maritime Safety Inspectorate, Sweden
2 name of ship ESTONIA 5 call sign ESIE
9 date of inspection 27.09.1994 10 place of inspection TALLINN

15 nature of deficiency code	text	Convention ¹ references	16 action taken ²
1284	Bow door, packing damage	LL-66	99
1280	Soundings pipe MAX Eng. 100mm	II-2 R.15.1.1	17
0720	2 portable fire exting. missing	II-2 R.20	17
0920	SAFETY PLAN	II-2 R.23	99
2010	MUSTER LIST	II-2 R.23	99
2030	DAMAGE CONTROL PLAN	II-2 R.23	99
2045	CARGO OPERATION MANUAL	MOA 214(17)	99
0710	FIRE PREVENTION NAV. BRIDGE DOOR, BOILER ROOM CLOSING DEVICE MISSING, FIRE DOOR IN GALLEY NOT WORKING PROPERLY	II-2	17
1520	"OFF-COURSE" ALARM NOT INSTALLED	MOA 212(IX)	99
0745	MEANS OF CONTROL: HILITE PAPER	II-2 R.15.1.2	99
2056	MANUALS AND INSTRUCTIONS (EM. GEN, BRIDGE ROUTINES, EM. HANDLING SIDING GEAR, MANOUEVR CHARACTERISTICS)	II-2 R.8	99
1260	WINDOWS IN GALLEY NOT POSSIBLE TO CLOSE	II-66	17
1250	COVERS ON BULKHEAD DECK TO BE CLOSED	II-66	17
1199	CARGO SECURING DEVICES (A FEW PIECES OF SEC. DEV WORN) (G.T.)	MOA 214(17)	99

Continuing page ☒ no ☐ yes

name Head of National Ship Inspect.
duty authorized surveyor Division
signature Alafine
/Valguez/

1 To completed in the event of a detention.
2 Codes for actions taken include i.a.: ship detained/released, flag State informed, classification society informed, next port informed (for codes see reverse side of copy).

Fig. 3. Photocopy of the yellow original sheet from Form B. This copy has been examined, and it is kept at the City Archive, Stockholm (Stadsarkivet i Stockholm), where the prosecutor's office has their archive. Beneath the second M in "Maritime" in the logotype, there is a splotch, originating from the yellow sheet.

-17- FORM B

REPORT OF INSPECTION IN ACCORDANCE WITH THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

1 name of issuing authority: ESTONIA

2 name of ship: ESTONIA

3 date of inspection: 27.09.1994

5 call sign: ESIE

10 place of inspection: TALLINN

15 nature of deficiency code	text	Consent ¹ references	16 action taken ²
1284	Bow door		99
1280	Sounding pipe MAX Eng. room		17
0720	2 portable fire exting. missing Eng. room		17
0920	SAFETY PLAN		99
2010	MUSTER LIST		99
2030	DAMAGE CONTROL PLAN		99
2045	CARGO OPERATION MANUAL		99
0710	FIRE PREVENTION NAV. BRIDGE DOOR, BOILER ROOM CLOSING DEVICE MISSING FIRE DOOR IN GALLEY NOT WORKING PROPERLY		17
1320	'OFF-COURSE' ALARM NOT INSTALLED		99
0745	MEANS OF CONTROL: HILIC PANEL		99
2055	MANUALS AND INSTRUCTIONS (EH. GEN, BRIDGE ROUTINES, EH. HANOVING, STEERING, CTR, HANOVING CHARACTERISTICS		99
1260	WINDOWS IN GALLEY NOT POSSIBLE TO CLOSE		17
1250	COVERS ON BULKHEAD NOT TO BE CLOSED		17
1199	CARGO SECURING DEVICES		99

Continuing page ☐ no ☐ yes

name: Head of National Ship Inspect.
duly authorized surveyor

signature: Alafme Alafme
/valguse/

1 To completed in the event of a detention.

2 Codes for actions taken include i.e.: ship detained/released, flag State informed, classification society informed, next port informed (for codes see reverse side of copy).

Public

Fig. 4. This scan shows a photocopy which was handed in by the Estonian Head of the National Ship Inspection Division to the Estonian police on 29 September 1994 (see Appendix 4). The blue signature in the right, lower corner is made on request of the police to verify the witness statement, directly with a pen on the photocopy. This copy was kept by the Estonian Police and Border Guard Board, but is now stored at the National Archives of Estonia. The yellow Post-it-note says Public in Estonian.



S-60178 Norrköping, Sweden.
Tel +46 11 19 10 00.
Telefax +46 11 23 99 34.
Telex 64380 Shipadm S.

FORM B

REPORT OF INSPECTION IN ACCORDANCE WITH
THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

1 name of issuing authority [REDACTED]
2 name of ship ESTONIA 5 call sign ESTE
9 date of inspection 27.09.1994 10 place of inspection TALLINN

15 nature of deficiency code	text	Convention ¹ references	16 action taken ²
1284	Bow door, packing damage		99
1280	Soundings pipe Aftx Eng. Room		17
0720	2 portable fire extinguishers missing Eng. room		17
0920	SAFETY PLAN		99
2010	MUSTER LIST		99
2030	DAMAGE CONTROL PLAN		99
2045	CARGO OPERATION MANUAL		99
0710	FIRE PREVENTION NAUT. BRIDGE DOOR, BOILER ROOM CLOSING DEVICE MISSING FIRE DOOR IN GALLEY NOT WORKING PROPERLY		17
1520	"OFF-COURSE" ALARM NOT INSTALLED		99
0745	MEANS OF CONTROL: FIRE ALARM		99
2095	MANUALS AND INSTRUCTIONS (EN. GEN., BRIDGE ROUTINES, EM. HANDLING STEERING, CTR. MANOVRAS CHARACTERISTICS)		99
1260	WINDOWS IN GALLEY NOT POSSIBLE TO CLOSE		17
1250	COVERS ON BULKHEAD DECK TO BE CLOSED		17
1199	CARGO SECURING DEVICES (A FEW PIECES OF SEC. DEV. WORN OUT)		99
	<u>Djulest År Spöklung</u>		
	<u>Gunnar Zahke</u>		
	<u>Viktor (Svein) Ström</u>		

5000 1 104 99 12 5000 1000

Continuing page ☐ no ☐ yes

name Head of National Ship Inspect.
duly authorized surveyor Division
signature Alafine
/Valguse/

¹ To completed in the event of a detention.

² Codes for actions taken include (i.e.): ship detained/released, flag State informed, classification society informed, next port informed (for codes see reverse side of copy).

Fig. 5. This document is examined and confirmed to be a photocopy from the top white sheet from Form B. It was found in the estate of the former Estonian chair of JAIC, and it is kept at the Estonian Maritime Museum.

31/05 '96 13:00 0372 0 312303 ENMB CHM TALLINN EST. 002

FORM B

REPORT OF INSPECTION IN ACCORDANCE WITH
THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

1 name of issuing authority
2 name of ship ~~ESTONIA~~
3 date of inspection 27.09.1994
4 call sign ESTE
5 place of inspection TALLINN

15 nature of deficiency code	text	Convention references	16 action taken
1284	Bow door, packing damage		99
1280	Sounding pipe not easy from		17
0920	2 portable fire extinguishers missing	Reg. comm	17
2010	SAFETY PLAN		99
2020	EMERGENCY LIST		99
2045	DAMAGE CONTROL PLAN		99
0710	CARGO OPERATION MANUAL		99
	FIRE PREVENTION NAV. BRIDGE DECK		99
	BOILER ROOM CLOSING DEVICES MISSING		
	EDGE DOOR IN GALLEY NOT WORKING PROPERLY		
1520	'OFF-COURSE' ALARM NOT INSTALLED		17
0245	MEANS OF CONTROL: MISC. PUMPS		99
2058	MANUALS AND INSTRUCTIONS (EMERGEN., BRIDGE ROUTINES, ETC. HANDLING)		99
	SUPERIOR COMP. HANDOVER CHARACTERISTICS		
1260	WINDOWS IN GALLEY NOT POSSIBLE TO CLOSE		99
1250	CANALS ON BULKHEAD DECK TO BE CLOSED		17
1199	CARGO SECURING DEVICES (A FEW PIECES OF SETS. DEV. WANTED OUT)		17
			99

Continuing page ☒ no ☐ yes

name Head of National Ship Inspection
duty authorized signature Alafma
Valgma Department

To be completed in the event of a violation
ready for use in the event of a violation
of the provisions of the Convention

99 - kõrvaldada 2 nädala jooksul
17 - - - - - enne valgusõitu

31/05 '96 14:01 LBR/VAST NR09882 S.002

Fig. 6A. The document is a part of a fax-transmission made on 31 May 1996 to a member of JAIC from the Estonian National Maritime Board. The original document has been used for training purposes. In 1996 the ENMB was reorganized and the title of the signee was changed from the Head of Ship Inspection Division to the Head of Ship Inspection Department. The vessel name ESTONIA seems to have been crossed out by a coloured or weak marker and the "Continuing page" box has been ticked. The notes at the bottom of the sheet were later added in pencil by the recipient. This copy is stored at the Estonian Maritime Museum.

31/05 '96 13:58 372 8 312303 E N M B *** CMX TALLINN EST. 002

FORM B

REPORT OF INSPECTION IN ACCORDANCE WITH
THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

1 name of issuing authority [redacted]
2 name of ship ESTONIA
3 date of inspection 27.09.1994
4 call sign ESIE
5 place of inspection TALLINN

15 nature of deficiency code	16 action taken ²
1284 Bow door, packing damage	99
1280 Sounding pipe max Eng. room	17
0720 2 portable fire exting. missing Eng. room	17
0920 SAFETY PLAN	99
2010 MUSTER LIST	99
2030 DAMAGE CONTROL PLAN	99
2045 CARGO OPERATION MANUAL	99
0710 FIRE PREVENTION NAV. BRIDGE ROOM, BOILER ROOM CLOSING DEVICE MISSING FIRE DOOR IN GALLEY NOT WORKING PROPERLY	99
1520 'OFF-COURSE' ALARM NOT INSTALLED	17
0745 HEADS OF CONTROL: MISC. PAPER	99
2055 MANUALS AND INSTRUCTIONS (EN. GEN., BRIDGE ROUTINES, EN. HANDLING SIGNALING, CTR. MANOVR. CHARACTERISTICS WINDOWS IN GALLEY NOT POSSIBLE TO CLOSE	99
1250 COVERS ON BULKHEAD OPEN TO BE CLOSED	17
1199 CARGO SECURING DEVICES (A FEW PIECES OF SEC. DEV. WANTED OUT)	17

Continuing page ☒ no ☐ yes

name Head of National Ship Inspection
duly authorized surveyor Alfama
Valgma

To be completed in the event of a deficiency
only for use by the port state control officer
To be completed in the event of a deficiency
only for use by the port state control officer

99 - münd - korvold. 2 nadak jona
17 - mune laevu sahtsusest

31/05 '96 14:01 LBH/VAST NRO9882 S.002

Fig. 6B. The intermediate version of the initial fax (Figure 6A) shows that content along the far-left edge likely disappeared during the copying process. The notes at the bottom of the sheet were later added in pencil by the recipient. This copy is stored at the Estonian Maritime Museum.

31/05 '96 13:56 372 6 312303 ENMB +++ CMM TALLINN EST. 002

FORM B

REPORT OF INSPECTION IN ACCORDANCE WITH
THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

1 name of issuing authority ESTONIA 5 call sign ESIE
2 name of ship 27.09.1994 10 place of inspection TALLINN
9 date of inspection

15 nature of deficiency code	text	Convention ¹ references	16 action taken ²
1284	Bow door, packing damage		99
1280	Sounding pipe Max Eng. room		17
0720	2 portable fire exting. missing Eng. room		17
0920	SAFETY PLAN		99
2010	MUSTER LIST		99
2030	DAMAGE CONTROL PLAN		99
2045	CARGO OPERATION MANUAL		99
0710	FIRE PREVENTION NAV BRIDGE DOOR, BOILER ROOM CLOSING DEVICE MISSING, FIRE DOOR IN GALLEY NOT WORKING PROPERLY		17
1320	'OFF-COURSE' ALARM NOT INSTALLED		99
0745	MEANS OF CONTROL: HULL PAPER		99
2055	MANUALS AND INSTRUCTIONS (EN. GEN, BRIDGE ROUTINES, EH HANDLING SLEEPING GEAR, MANOEUVRE CHARACTERISTICS)		99
1260	WINDOWS IN GALLEY NOT POSSIBLE TO CLOSE		17
1250	COVERS ON BULKHEAD DECK TO BE CLOSED		17
1199	CARGO SECURING DEVICES (A FEW PIECES OF SEC DEV WORKED OUT)		99

Continuing page ☒ no ☐ yes

name Head of National Ship Inspection
duly authorized surveyor Department
Alafma
Valgma

To be completed in the event of a deficiency

copy for the ship's master and the State's information, classification and other relevant data

31/05 '96 14:01

LBH/VAST NR09882 S.002

Fig. 6C. The latest version of the initial fax was published in the Supplement No. 223 of the JAIC's final report. For editorial purposes, the content of the fax has been rotated.

4.5 Participants' Statements

4.5.1 The Swedish Inspectors

The two Swedish inspectors have made several public or official statements that have been deemed relevant for this investigation work. One was made on the evening of 28 September 1994 (i.e., the same day as the accident happened) and was in a TV interview by a German broadcasting company, another was published in the Swedish tabloid Expressen on 29 September 1994; additional statements were also made for the Estonian authorities (30 September 1994), Swedish police (31 October 1994), the JAIC investigation team (interview 2 November 1994), and during the criminal investigation performed by the Swedish prosecutor (9 February 1998). There is also a written report to the Swedish Maritime Administration about the Port State Control training, dated 24 October 1994.

Interviews in 2022

The inspectors were, in addition, both interviewed separately by SHK in December 2022. A synopsis from these interviews is summarized below.

They both stated that the “covers on bulkhead deck” that were found opened may have been two or possibly three which were manually operated. One inspector claimed that they were in the centercasing¹⁸, while the other one said boardwards. Neither remembered the exact position. One inspector described them as 80x80 cm, with a coaming and operable (otherwise they would have been discovered opened during a PSC in Stockholm or other inspections). He also claimed that they were closed while they were still there.

Neither experienced any real problem with the visor rubber sealing; instead the damage was limited and there was no problem to accept the statement from crew that a replacement was planned.

They have different opinions about who wrote the protocol. One claimed that the protocol was not written on MV ESTONIA, but on the icebreaker, which served as the base for the training operations, on the following day, while the other hesitated but could not rule out any options. Both stated there was no copying of the protocol onboard MV ESTONIA. They both agreed that no protocol was left on MV ESTONIA, in order to prevent the training to be wrongly regarded as a genuine PSC. They did not understand the differences between the protocols, except for the third column that was written directly on the yellow sheet the following day. One inspector stated that no one should have signed the protocol since it was a training, but unfortunately the Estonian team leader did it anyway. Both Swedish inspectors claim that there were no copies left onboard MV ESTONIA, hence the top

¹⁸ He was on the other hand not personally taking part in that specific moment of the training.

white sheet must have been in the hands of the Estonian team leader. One stated that they were picked up the morning after the accident by the Estonian team leader.

Summary of Interviews

The statements differ somewhat concerning details, both between the early and latter statements, but also between the two inspectors. Some recollections seem to be inconsistent with facts, e.g., one inspector recalls the second training session on board a vessel to be on a tanker (while it was on a roro vessel, VIIRELAID). There were in addition some other divergent memories.

The inspector, who was present when the covers on bulkhead were discussed, stated that these covers were closed during the presence of the training participants. This is confirmed by their statement in *Expressen* 29 September 1994. Hatches to bow thruster room were mentioned in the JAIC interview.

Both consistently described the damage of the rubber sealing or packing as minor, and with no effect on the outcome of the accident.

Both consistently rejected that there was any reason to stop the departure of MV ESTONIA or even that any such discussion had taken place.

4.5.2 The Head of the Estonian Ship Inspection Division

One of the participants on the training on MV ESTONIA was the Head of the Estonian Ship Inspection Division and the Estonian team leader. He was also the one who signed the protocol. On one copy of the protocol, his signature appears twice, which some have interpreted as a confirmation that the protocol has been tampered with. However, the Head of the Estonian Ship Inspection Division was interrogated by the police 29 September 1994 (Appendix 4). All the statement documents, page after page, are signed by him on request of the police to verify authenticity of the witness statement. Since a copy of the protocol is included in the statement documents, this copy received yet another signature, resulting in two signatures. In the statement he says that he was the one who compiled the Form B.

Another official statement was made 31 May 1996¹⁹. This was also a written statement, and again in this statement he says that he was the one who compiled the Form B. No known additional statements by the then Head of the Estonian Ship Inspection Division have been made later.

It may be noted that the Head of Estonian Ship Inspection Division stated on 29 September 1994 that the rubber sealing or packing damage was not significant. Further, he claimed that the covers on the bulkhead deck concerned two hatches in

¹⁹ JAIC Supplement 223.

the aft, and that these were closed in the presence of the training participants.

4.5.3 Other Estonian Participants

Of the remaining eight participants, all Estonian inspectors, four were still available for interviewing. They were interviewed by OJK in 2023. They all confirm that they were divided into two groups, and one claimed that the Swedish inspectors told them to react accordingly if there was any serious problem – even though it was just a training. The same participant stated that the loading on car deck had started and that he saw lashings being put in place.

One specifically mentioned a cover on the bulkhead deck and stated it was in the forward part, as well as he can remember. A size of approximately 80 cm to 1 m, and the bow thruster room was mentioned.

Three participants mentioned the visor rubber sealing, but described the damage as minor.

Two remembered that the protocol was completed the following day on the icebreaker (one said that under the leadership of the Estonian Head). They also confirmed that photocopies were made (one got a copy himself) and that the Estonian team leader kept the original. Both of them confirmed the presence of the Estonian team leader on the morning of 28 September.²⁰

Two mentioned that the Swedish inspectors commented the good status of the vessel. None of the inspectors mentioned that there was any discussion about preventing the departure of MV ESTONIA.

4.6 Footage of hatches on car deck

During summer 2023 the car deck of ESTONIA was filmed with ROV. One of the purposes was to examine status of the accessible covers on bulkhead deck (hatches on car deck). The result was that the only accessible hatch was the one in the port forward wing house, which turned out to be open. Due to the fact that the vessel is almost up-side-down, the hinges of the hatch are upwards, towards water surface, and consequently, following law of gravity, the hatch strives to be open. Hence, it is not possible to determine how or when the hatch was opened.

5. Previous Inspections

5.1 The Inspection in Tallinn, January 1993

The inspectorate at the Swedish Maritime Administration (SMA) issued statutes in

²⁰ The presence of the Estonian team leader the morning of 28 September 1994 is also confirmed by the master of the icebreaker.

the beginning of the 1990's. One of these, Statute 1/92²¹, was in force when MV ESTONIA was put on the route between Tallinn and Stockholm by its new owners. The statute, which replaced the Statute 2/90, required inspection of foreign roro-passenger vessels and went in force on 15 April 1992. This type of inspection was in addition to already existing Flag State inspections and Port State Controls and should have been performed before the vessel was put on its new route.

Thus, the statute included MV ESTONIA, as was well known to its owners. To fulfil the requirement, discussions about when and how to perform the inspection started already in autumn 1992. SMA documentation reveals that a meeting was held on 28 November 1992 when plans for the coming inspection were set up. It was also clear that the classification society Bureau Veritas (BV) was assigned for inspection and certification on behalf of the Estonian authorities.²² It was further noted that due to BV's incomplete knowledge of passenger vessel surveys, the Stockholm office of the Swedish inspectorate, IOS, should support that part. The vessel would dock in Turku (Åbo) and thereafter leave for Tallinn for crew training and exercises. In a fax-transmission from BV, dated 28 December 1992, the main points were confirmed.

Inspection and survey of MV ESTONIA were carried out in Tallinn on 20–26 January 1993. Four Swedish inspectors participated. In addition to technical inspections, a major operational drill was held on 26 January 1993, where all four Swedish inspectors took part. The owners were charged for the activity with an invoice dated 15 September 1993 (see Appendix 5).

5.2 Other Inspections

On 29 March 1993, an operational drill was held on MV ESTONIA, which included abandon vessel. On 2 February 1994, a RITS exercise²³ was held, in which five Swedish inspectors took part.

During its time under the name "ESTONIA", the vessel had, in addition, been exposed to PSC by the Swedish inspectorate authority five times²⁴. These were done in Stockholm, where the Swedish authority has the mandate to perform such controls. These had the following results:

- 1 February 1993 – no deficiency
- 2 April 1993 – 1 deficiency:

²¹ SHK file no. S-200/20 ab 1180b. The Swedish statute has been replaced by EU-directive 2009:16 and 2017:2110.

²² SHK file no. S-200/20 ab 1178.

²³ RITS: räddningsinsats till sjöss, rescue service at sea. It refers, i.a., to fire drills including participation of land-based rescue services. The term is now replaced by Maritime Incident Response Group (MIRG).

²⁴ SHK file no. S-200/20 ab 745.

- oil leakage port stern tube – Code 15 (rectify deficiency at next port)
- 6 April 1993 - 1 deficiency:
 - oil leakage from port stern tube – Code 10 (deficiency rectified)
- 16 December 1993 – 3 deficiencies:
 - ISPP certificate missing – Code 99 (other: rectify deficiency within 30 days)
 - cleanliness of engine room and separator room – Code 16 (rectify deficiency within 14 days)
 - plates in engine room should be fastened – Code 99 (other: rectify deficiency within 30 days)
- 2 March 1994 – no deficiency.

6. Conclusions

6.1 Interpreted Course of Events

Based on the facts presented in this memo, combined with knowledge about Port State Control, experience about vessels and how they are maintained and operated, and understanding the relation between ranks within a crew, and between crew and Flag State as well as Port State Control authorities, it is possible to draft a course of events on how the different protocols have evolved. This is presented in this section. See also Figure 7.

6.1.1 The Training on MV ESTONIA

The training group went onboard MV ESTONIA after lunch and received permission from the Chief Officer (C/O, supreme officer as the master was ashore) to conduct the training.

The first moment consisted of certification and documentation control. As the master was ashore, there was limited access to documents since some were in the master's office, with which the C/O was not familiar with or had restricted access to.

The training group was divided into two smaller teams. One started from the bridge, working downwards, and the other from the engine department, working upwards. Both teams were accompanied by a representative of the crew, respectively, the C/O and the Chief Engineer (C/E).

After the walk-about, the two groups met for summarizing their findings. The deficiencies were reported to the crew representatives, who at this point realized that they had to handle several items. Even if some of the deficiencies were already taken care of, they had to report this to the master, and they could not rule out that the Swedish and Estonian authorities, represented during the training, could in the future require a follow-up of the deficiencies in one way or another. However, as the training was not official, the deficiencies were neither recorded nor reported. To avoid any confusion about the status of a training, a training team should not leave any documents on a vessel which was the subject of the training. Hence, the crew representatives were informed orally, for them to make notes of the findings.

Around 17:30, the training was over for the day, and the participants departed from MV ESTONIA, having agreed to continue the training on the next morning on the icebreaker TARMO, which was used as that week's premises.²⁵

During the following night, MV ESTONIA sank. The Swedish inspectors were picked

²⁵ It is confirmed that the Head of the National Ship Inspection Division arrived home about 2200 hours. Where he spent the time after the training is not known.

up by the Estonian team leader in the morning of 28 September, and the participants met onboard the icebreaker. They were much affected by the news about the accident.

Due to his position as the Head of the National Ship Inspection Division of Estonia, the Estonian team leader was not comfortable to continue with the training under those circumstances. He intended to leave early for the ENMB head office. Before leaving, the participants compiled a Form B of the found deficiencies.

The Estonian Head of the National Ship Inspection Division's intention was to use the top white sheet as part of his official statement, so he signed it. He also removed any connection to Swedish authorities by crossing out the pre-printed text "Maritime Safety Inspectorate, Sweden" on line 1, and, when photocopying, hid the logotype on the top left. After making the first photocopy, the participants realized that the first and last deficiencies did not contain any useful information. Hence, these deficiencies were completed with some additional information and new photocopies were made. Also at this time, the logotype was covered. Some photocopies were distributed within the group.

When leaving, the Head of the Estonian National Ship Inspection Division brought the top white sheet and some of the photocopies with him. These documents, the top white sheet and its different copies, are from where Figures 4, 5, and 6A-C originate.

The remaining participants continued with another planned subject of the training, namely references to conventions. This was done by completing column three on Form B. As the Head of the National Ship Inspection Division, being in possession of the top white sheet, was not present, the completion was made directly on the separated yellow sheet, which was still connected to the pink sheet. The yellow and pink copies were kept by the Swedish inspectors. The results are Figures 1 and 2, as handed over to JAIC on 2 November 1994.

After lunch, another training was executed on the ro-ro vessel VIIRELAID. The training included other areas than the training performed the previous day, e.g., dangerous goods. A finding from this PSC training was, according to statements from the Swedish inspectors, that the latter vessel was in not as good a condition as MV ESTONIA. In all, nine deficiencies were found, amongst them eight coded 17 and one coded 99. Of those coded 17, one was also coded 30, i.e. reason for detention (emergency generator not working: coded 17, 30 – detention - 50 – flag state informed - and 70 – classification society informed). The protocol is also marked "just example for detention", but the vessel was not detained in reality as this was a training exercise only. This protocol is attached as Appendix 3.

6.1.2 Aftermath and the Evolution of the Copies

The previously planned third on-board training was cancelled, due to media pressure after the loss of MV ESTONIA.

On 29 September 1994, the Estonian Head of the National Ship Inspection Division was interrogated by the Estonian police. The result was a statement, consisting of altogether four pages (Appendix 4), of which one is Figure 4. All four pages were countersigned by the Head of the National Ship Inspection Division due to a police request.

On 31 October 1994 one of the Swedish inspectors was interrogated by Swedish police via telephone on behalf of the prosecutor. He announced that he was handing over the protocol originals (yellow and pink) to JAIC coming 2 November, thus the originals were not available for the police. It is, however, assumed that he made a copy of the yellow original for the on-going police investigation (Figure 3). This photocopy was obviously made after completion of column three on 28 September 1994, but before the yellow and pink sheets were handed over to JAIC 2 November 1994.

During the accident investigation by JAIC, one of the JAIC members (later chair of JAIC) received a photocopy of the top white original. As some notes were made on it, it turned into the sheet shown as Figure 5. At this time, there was no reason to cover the logotype on the top left corner.

On 31 May 1996, the Estonian Ship Inspectors, including the Head of the Ship Inspection Division, made a report for the General Director of the Estonian National Maritime Board, probably due to discussions about the protocols. The report included a photocopy of the top white sheet, now edited due to the reorganization of the ENMB (with “Ship Inspection Division” changed to “Ship Inspection Department”) and the vessel name ESTONIA crossed out by a coloured or weak marker. The copy had been used “as a teaching aid on training of inspectors”. The report was faxed from the ENMB to a representative of JAIC in Estonia, shown as Figure 6A. After a series of copying and editorial processes (Figure 6B) the fax was published in Supplement No. 223 of the JAIC’s final report (Figure 6C).²⁶

²⁶ The supplement was printed in Finland, thus the original to Supplement 223 should be situated in Finland.

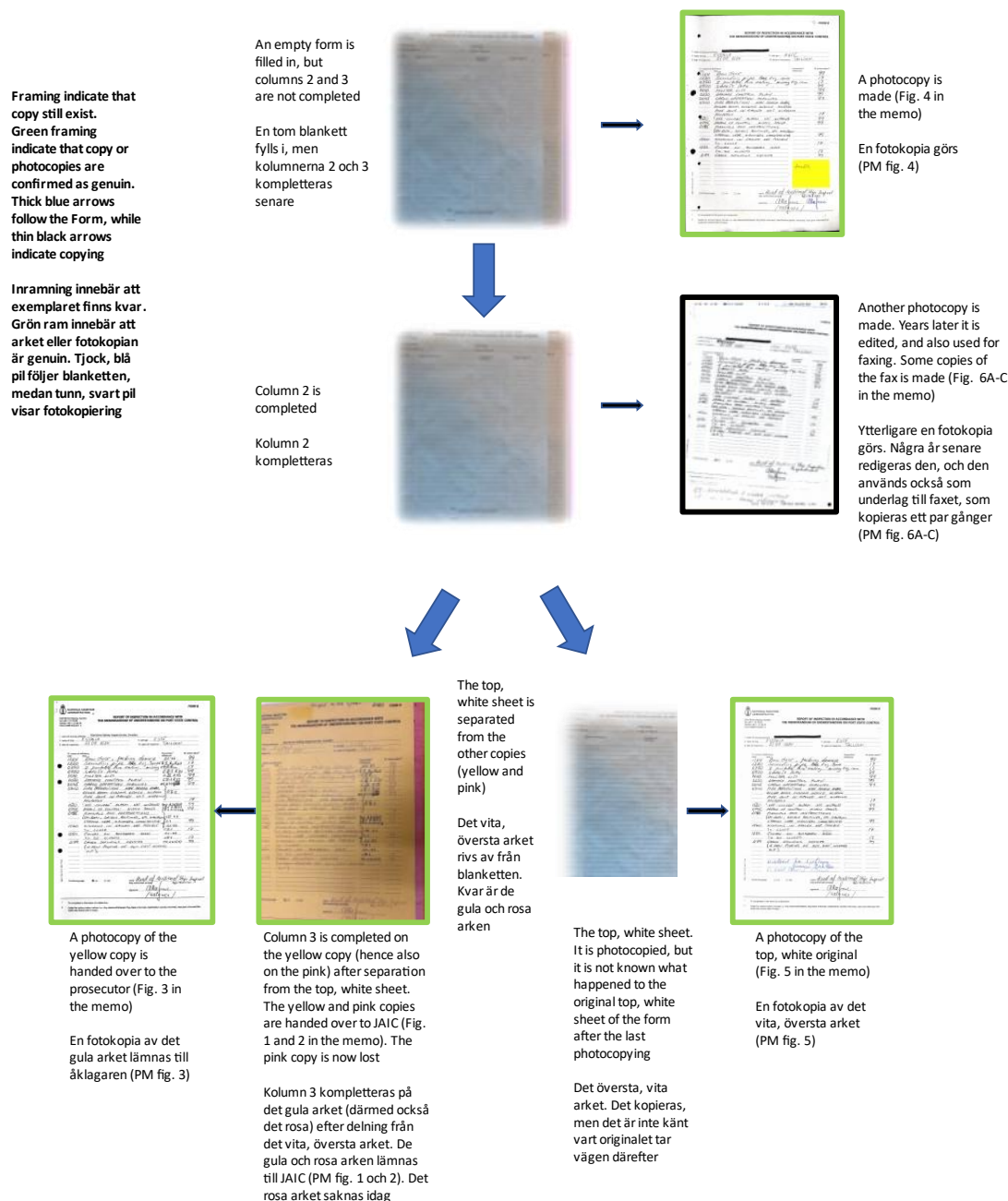


Figure 7. Chart showing the evolvement of the different copies of the protocol. Figure 3 has a splotch which is the same as in Figures 1 and 2. The cross-out of line 1 is identical in Figures 4, 5 and 6A-C, which means that they originate from the very same original, i.e., the top, white original sheet (or possibly a copy of it).

6.2 Findings

6.2.1 The Status of the Training

A state has flag state jurisdiction over vessels flying that state's flag all over the world. A state also has port state jurisdiction over vessels flying other states' flag, but only in ports within that state. This means that the only jurisdiction valid for an Estonian vessel in Tallinn, capital of Estonia, is the Estonian flag state jurisdiction (ENMB).

The training on MV ESTONIA was based on voluntary participation by the crew on MV ESTONIA. The inspectors made obvious attempts to prevent that any documentation, which could be mistaken for official documents, would be left onboard. Not all vessel's certificates were available for the inspectors, which is a necessity for a real PSC.

Based on the above, it is clear that the status of the PSC training was training, and there is no indication of anything else. Any suggestion of it being a genuine PSC can be set aside. This is supported by the circumstance that the training on MV VIIRELAID the following day resulted in a deficiency which could cause a detention, but still no action to detain that vessel was made. It is also confirmed by the witnesses' statements which unanimously state that it was a training only. One witness even says that he was told to react on any severe deficiency even though it was a training.

6.2.2 The Deficiencies

Of the 14 deficiencies recorded during the exercise, some were witnessed as immediately rectified. None was registered to be regarded as reason for hindering the vessel to sail (detention).

Some of the deficiencies coded 99 concerned, according to witness statements, procedural matters of plans and manuals, while some concerned operational matters. Of the latter, two could be of special interest for how this accident occurred, namely "bow door, packing damage", and "cargo securing devices". Both these deficiencies were however regarded by the inspectors and their trainees not to be significant enough to detain the vessel. There is no reason to doubt these judgements, which both were made on site with the actual rubber sealing and securing devices before the eyes of the training group.²⁷

Regarding the deficiencies coded 17 and the three that could be relevant for stability issues, two of them are witnessed as immediately rectified. The nature of the remaining one, "sounding pipe aux eng. room", is not known, but was

²⁷ It should also be noted that the effect of a malfunctioning visor rubber sealing would not be alarming for the survival of a vessel, which is reflected in classification society regulations, where outer door protection is defined neither as watertight nor weather-tight.

obviously not regarded as significant by the inspectors and the trainees. It is very hard to argue otherwise since the opening allowing any potential water ingress in a sounding pipe is minor compared to a fully opened bow ramp like the case with the sinking of MV ESTONIA.

The deficiency that potentially could cause some concern in this very accident is the “covers on bulkhead deck to be closed”. These covers were not clearly identified, but based on the use of plural, taking witness statements into consideration, and combining this with the vessel’s drawings, it seems likely that the covers mentioned are those in the forward wing houses on the car deck (see Figure 8). These are man hatches with the function of reaching the below area, i.e., the bow thruster room, one hatch on each side. Alternatively, the reference could refer to two similar hatches in aft wing houses, emergency exits from the steering gear room. The covers were, according to statements from different and independent witnesses, closed as the training went on. New footage show, however, that at least the port side hatch to bow thruster room today is open. There are several possible explanations to that (e.g. that it was not properly closed during the training exercise, that it was opened again after the training exercise, or that it has turned open as a consequence of the sinking process or when the vessel hit sea bottom) and it is not possible to determine if it was open during the sinking process. If the hatch, and the corresponding hatch on starboard side, were open during the sinking process, they have significantly speeded up the water ingress in the water tight section, consisting of the bow thruster room.²⁸

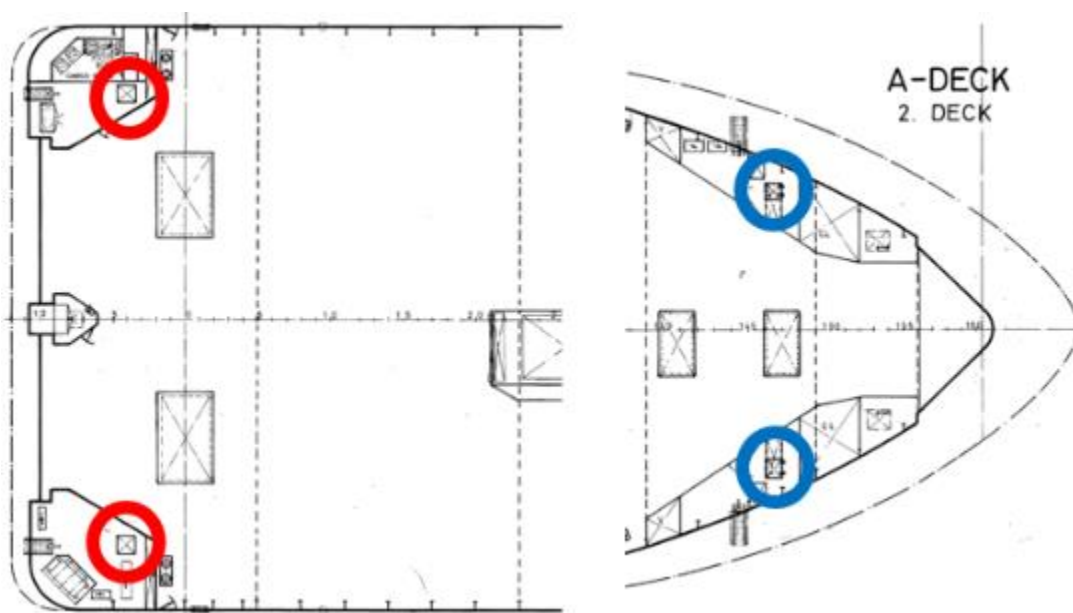


Fig. 8. The image shows the aft (left) and forward (right) parts of deck 2, i.e., the car deck. In

²⁸ MV ESTONIA had altogether 15 water tight sections beneath car deck.

each aft corner (left) there is a wing house, containing a hatch (marked in red) being an emergency exit from the steering gear room in engine department below. In each wing house in both forward corners (right) there is a hatch (marked in blue) leading to the bow thruster room below. All hatches are to be kept closed while at sea, but they may from time to time have been kept opened, e.g., for ventilation reasons.

Generally, the action to take, in case of a deficiency, may not be obvious, but is instead based on an assessment made by the PSCO. To discuss and understand this was one of the important objectives of the training. There is no reason to believe that any ambiguity in that matter was accepted, neither by the Swedish inspectors (who of course wanted to deliver a professional product) nor the Estonian recipients. This is confirmed by the discussion of reason for detention on the training session on another vessel, MV VIIRELAID, in the afternoon of 28 September (see Appendix 3).

Altogether, there is no reason to doubt the assessments made by the inspectors and the trainees of the found deficiencies during the Port State Control training. There was no cause to prevent MV ESTONIA from departing Tallinn on 27 September 1994. This is further confirmed by one witness, claiming that he was told to react on any severe deficiency, even though it was a training exercise.

6.2.3 The Differences of the Copies

Some notes and marks on the documents are consequences of investigations and examinations following the accident. These consist of:

- notes made by the JAIC administrator and filing reference by the Swedish National Archives on top of Figures 1 and 2, as well as the marking made by SKL on the bottom right of the same documents,
- the second signature on Figure 4, made on the request of Estonian police,
- the additional pen notes in column 2 of document in Figure 5 and additional pencil notes in footer of document in Figure 6A-B, made after the copies were received by the JAIC investigator.

The remaining changes or additions are:

- the completion of column 3 and the ticked box at the bottom left of documents 1, 2, and 3.

This was done on the yellow, original sheet (Figure 1) as a result of the continuation of the training in the morning after the accident, after the original top white sheet had been removed. Thereby it was automatically copied on the original pink sheet (Figure 2) and included on Figure 3, as this is a photocopy of the original yellow sheet (Figure 1).

- the crossing out of issuing authority in line 1 in Figures 4, 5, and 6A-C, and

- the removal of the logotype in the top left corner on Figures 4 and 6A-C, which is explained by the logotype being covered when the original photocopy was made.

These copies (4, 5, and 6A-C) all originate from the original top white sheet on which the crossing out was made. The crossing out on line 1 as well as the covering of the logotype were most likely made to emphasize that the original top white sheet was compiled for and by the Head of the Estonian National Ship Inspection Division as his official statement – thus the cause for removing any Swedish connection.

All these changes mentioned above can, as described, be proven or explained by logic.

In addition, the following differences exist:

- changes in Figures 6A-C, namely the text and signature on the bottom right, and the box on the bottom left ticked in a different way, and the vessel's name on line 2 partly crossed out.

The explanation to the change of text may be the reorganization of ENMB in 1996, when "Division" was turned into "Department". However, the remaining changes have no obvious explanation. They have, however, no effect on the deficiencies identified during the training. It should be mentioned that the copy shown in Figure 6A was used for internal training at ENMB.

The overall conclusion is that the documents were completed or copied separately on different occasions, resulting in different versions. It is also evident that the mentioned differences are consequences of adding notes, and not removal of significant, already existing information.

6.2.4 Could the accident have been prevented with a PSC?

Even though a Port State Control can be rather thorough, checking drawings, welds, and structural strength is not included in the procedure. It is hence concluded that a Port State Control cannot be expected to identify such deficiencies which initiated MV ESTONIA bow visor to collapse and the status of the bow visor lockings. Such expectations would be incongruous. Instead, the only reasonable occasion to discover such flaws is during the construction and building of a vessel.

When MV ESTONIA was built she was built with an exemption from SOLAS legislation.²⁹ The exemption limited the vessel's trade to be within 20 M from nearest land and was required to be noted in the certification. That was however not done. Due to this lack in certification, the knowledge of the limitation had been

²⁹ See Intermediate Report of the Preliminary Assessment of MV ESTONIA, Appendix B.

lost when MV ESTONIA was put in traffic between Tallinn and Stockholm. However, it is not realistic to assume that a PSC inspector from passing on car deck should notice that the vessel was subject of a limitation in trade area. Such a conclusion would require potential general knowledge amongst the inspectors about problems with bow constructions on similar vessels, combined with a detailed knowledge of how MV ESTONIA was constructed.

It should also be mentioned that the training team was onboard for a general training in Port State Control – not to inspect the vessel MV ESTONIA.

6.2.5 Was there any attempt to stop the vessel from sailing during the training?

One of the reasons for the discussion of the PSC training through the post-accident years has been that statements have been made to the effect there were attempts by the Swedish inspectors to stop the vessel from sailing due to identified severe deficiencies.

Several witness statements from participants of the training have been made from the evening of 28 September 1994, i.e., the very same day the accident occurred up to recently. None of these contain any information about any attempt to stop the vessel – rather the opposite.

Based on the witness statements, supported by the nature of the deficiencies, it can therefore be concluded that no attempt to stop MV ESTONIA from departing on the evening 27 September 1994 was made or even discussed. No fact-based information what-so-ever indicates otherwise.

6.3 Summary of Conclusions

- The reason for the inspectors to be onboard MV ESTONIA was training and training only. No information suggest otherwise.
- No deficiency gave cause for a detention or to stop the vessel from departing.
- Figures 1, 2 and 3 have a similar splotch on the same spot on them.
- The cross-out of line 1 on Figures 4, 5 and 6A-C is identical, thus they all originate from the very same original (the top, white sheet).
- The dissimilarities in the copies of the protocol can all be explained with natural causes, except for one: the copies in Figures 6A-C have some minor changes that are not explained.
- No dissimilarities in the copies had any impact on the severity of the identified deficiencies.
- It is considered incongruous for the inspectors to have found any deficiency that caused the accident during the PSC training, and it is beyond reason to expect that any PSC could have prevented the accident.

- There was no attempt to detain the vessel or stop her from sailing.

Jörgen Zachau
Investigator-in-Charge

On behalf of
Ohutusjuurdluse Keskus/Estonian Safety Investigation Bureau, Tallinn, Estonia
Statens haverikommission/Swedish Accident Investigation Authority, Stockholm, Sweden

Safety Investigation Authority, Finland (SIAF), while facilitating the preliminary assessment work, has not participated in the drafting of this document. SIAF has seen the document prior to its publication, but had no comments.

Appendixes

1. List of PSC Codes for Actions Taken/Lista över koder för vidtagen åtgärd vid hamnstatskontroll
2. Report After the Completed Training Week to the Swedish Maritime Administration/Rapport efter den avslutade utbildningsveckan till Sjöfartsverket
3. Form B: Protocol from training session on MV VIIRELAID on the afternoon of 28 September 1994/Form B: Protokoll upprättat under övningen på MV VIIRELAID eftermiddagen den 28 september 1994
4. Protocol from Police Interrogation of the Estonian Head of the National Ship Inspection Division at ENMB/Förhørsprotokoll upprättat vid förhöret av chefen för National Ship Inspection Division vid den estniska tillsynsmyndigheten
5. Invoice from Inspection in Tallinn 20–26 January 1993/Räkning från tillsynen i Tallinn 20–26 januari 1993

Appendix 1

List of PSC Codes for Actions Taken/Lista över koder för vidtagen åtgärd vid hamnstatskontroll

codes for actions taken	
00	no action taken
10	deficiency rectified
12	all deficiencies rectified
15	rectify deficiency at next port
16	rectify deficiency within 14 days
17	master instructed to rectify deficiency before departure
20	ship delayed to rectify deficiencies
25	ship allowed to sail after delay
30	ship detained
35	detention raised (+ specify date)
40	next port informed
50	flag state/consul informed
55	flag state consulted
60	region state informed
70	classification society informed
80	temporary substitution of equipment
85	investigation of contravention of discharge provisions (MARPOL)
99	other (specify in clear text)

Appendix 2

Report After the Completed Training Week to the Swedish Maritime Administration/Rapport efter den avslutade utbildningsveckan till Sjöfartsverket

 SJÖFARTSVERKET Malmö Sjöfartsinspektionsområde Handläggare, direkttelefon	<i>Utryckt av Åke Sjöblom</i>	<i>ESTONIA A46d</i>
	Datum 94-10-24 Ert datum	Vår beteckning Er beteckning
...	5	SjövHK International Projects Att: Willand Ringborg
...		

PSC - On the Job Training in Estonia.

Hej Wille!

Översänder "utkast" till rapport från vår sejour i Estland 26-30/9 -94.

Ändra och stryk som du finner gott - kolla gärna den engelska stavningen osv.

För fortsättningen föreslår jag att 2-4 st "Trainees" gnuggas hos oss i Sverige under en 14-dagarsperiod. Lämpligen involveras IOG i verksamheten. Tidigast kan IOM medverka v 46-47.

Följande namn är lämpliga:

Arne Valgma
Vello Muru
Jaak Arro
Uku Tiik

Nästa steg borde bli att sikta in sig på tillsyn av esternas eget tonnage inkl. lagstiftning och regelimplementering.

Med vänlig hälsning


Åke Sjöblom

9

Sjöv. A 529 94 03 2 000 Sjöv. Tryck

g:\apdok\diversc\pscjob.rot

Adress Jörgen Kocksgatan 9 211 20 Malmö	Telefon 040 747 80	Telefax 040 23 16 91	Telex 33175 NAVSYD S
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Project 83043-4

Malmö 94-10-24

Utkast

Report "On the Job Training" PSC in Estonia

Participating from NMA:
Gunnar Zahlée and Åke Sjöblom

Participating from Estonia National Maritime Board, ENMB
See Annex II.

26.09.94

Arrived in Tallinn 13.00 and was met by Mr Valgma ENMB, who took us to the headoffice. There we spent the afternoon, together with Deputy Director General (Maritime Safety Department, Head) V.Muru discussing and settling the content of the course and the time schedule as given in Annex I.

27.09.94

09.00-12.00 Introduction to PSC and theoretical lessons were given. The afternoon object for "On the Job Training" was chosen by the trainees. The inspection was roughly planned.

12.00-18.00 M/S Estonia, an Estonian passenger ship, was inspected as a port state control case and we all started in wheel house by introducing ourselves to the commanding officer on board (Chief Mate) and explaining the purpose with our visit. The Chief Mate had no objections and we started with certificate and document control. Then we split in two groups. One, accompanied by Chief Engineer, started in the engine room and worked upwards. The other, accompanied by the Chief Mate, started in wheel house and worked downwards. Around 16.30 we were all gathered in the officers mess for summoning our "findings". These "findings" were then discussed and agreed upon with Chief Mate and Chief Engineer. We then left the ship around 17.30 and closed the day.

28.09.94

09.00-12.00 Yesterday's "findings" was discussed with the early morning disaster for M/S Estonia as background. The total loss of M/S Estonia was, off course, a chock to all of us and we found it difficult to avoid the

subject and concentrate on our mission. To avoid speculations we therefore spent some hours explaining the Ro-Ro concept. We discussed the danger of great influx of water on cardeck with total loss of stability, due to free water surfaces, as result and hull openings that could cause the flooding. The attention was drawn to "Herald of free Enterprise" and the new regulations adopted to avoid similar disasters. The rapid sinking of M/S Estonia was then discussed in connection with our "findings" related to LL-matters.

During lunch we then planned the afternoon activities.

13.00-17.00 A "port state control" was carried out on board an Estonian cargo ship, M/S Viirelaind. The object chosen by the trainees, and was a Ro-Ro ship loaded with containers containing dangerous goods. Following the standard PSC procedure we made certificate and document control, made spot checks on SOLAS-, LL-, and Marpol-issues and noted the cargo in relation to the IMDG code and existing letter of compliance. Our "findings" was summoned, discussed and agreed upon with the master. The day was closed.

29.09.94

08.00-12.00 Yesterday's "findings" (deficiencies) and "actions taken" according to the MOU code was discussed. Then detention of ships was discussed in relation to different "deficiencies" and an example concerning Em-generators was put forward to the trainees for decisions. The age of the ship due to "Grand Father's clause" related to different SOLAS conventions was then to be considered. The training was at this time almost impossible to keep on an efficient level due to media pressure because of the "Estonia disaster" and about noon we gave up our time schedule and programme. Some of the trainees had, at that time, already left due to obligations related to their positions as Harbour Masters. We then spent the afternoon and night with TV companies, radio stations and newspaper correspondents.

30.09.94

We started early morning with some TV interviews and was then taken to the Ministry for a short briefing of our impression of M/S Estonia's condition and status at the time for our visit on board. After some hours ride on the Estonian countryside Mr Valgma took us to Tallinn Airport and we left for Sweden 13.45. Unfortunately no course evaluation was carried out and due to the circumstances we find this understandable and acceptable.

Project 83043-4

Estonia; Planned schedule

27.09.94

- 09.00-12.00 Introduction PSC including theoretical lessons concerning
- Documentation to be carried on board
 - Certificates related to different conventions SOLAS, LL, Marpol, STCW, ILO conv. and rel. IMO resolutions) to be carried on board.
 - Missing or expired certificates
 - Nature of deficiencies (ref to MOU code)
 - Substandardships
 - "Grand Father's Clause"
 - Ships with gross tonnage below limits for international conventions
 - Detention of ships, bodies to be informed
 - Ships from countries that have not ratified conventions
 - Surveyors "professional judgement"
 - Code of Ethics for surveyors - how to create a constructive and co-operativ atmosphere on board.

12.00-13.00 - Lunch

13.00-17.00 - On board practise. Suitable object to be chosen by ENMB

28.09.94

- 09.00-12.00 - Summoning up of yesterday afternoon's practical work.
- General impression
 - Reports, master receipt, categoryzing of "Findings"
 - Codes for "findings" (ref MOU code)
 - Descision of actions to be taken - codes (ref MOU code)

12.00-13.00 - Lunch

13.00-17.00 - On board practice. Suitable object to be chosen by ENMB

29.09.94

09.00-12.00 - Summoning up of yesterdays work (see above)

12.00-13.00 - Lunch

13.00-17.00 - On board practice. Suitable object to be chosen by ENMB

Appendix 3

Form B: Protocol from training session on MV VIIRELAID on the afternoon of 28 September 1994/Form B: Protokoll upprättat under övningen på MV VIIRELAID eftermiddagen den 28 september 1994



5-60178 Norrköping, Sweden.
Tel +46 11 19 10 00.
Telefax +46 11 23 99 34.
Telex 64380 Shipadm S.

FORM B

REPORT OF INSPECTION IN ACCORDANCE WITH THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

1 name of issuing authority Maritime Safety Inspectorate, Sweden
2 name of ship VIIRELAID 5 call sign ESCD
9 date of inspection 28 September 1994 10 place of inspection TALLINN

15 nature of deficiency code text	Convention ¹ references	16 action taken ²
0960 ESCAPEWAY CARGO HOLD BLOCKED		17
11 TO LIFEBOAT S/S SIDE		17
0710 FIRE DOORS: NOT WORKING PROPERLY		
AND MECHANICAL HOOKS TO BE REMOVED.		17
0950 ELECTRICAL INSTALLATION IN GALLEY		
TO BE RECTIFIED.		17/16
1130 DANGEROUS GOODS IN CARGO HOLD		50, 17
0745 QUICK CLOSING VALVES		17
1280 SOUNDING PIPE ENG. ROOM		17
0725 CO ₂ INSTALLATION HARB. GEN. ROOM		99
(JUST EXAMPLE FOR DETENTION)		
0945 EM. GEN. NOT WORKING		17
		30
		50
		70

Sjöv. 1104 92 12 Sjöv. Tryck.

Continuing page ☐ no ☐ yes

name
duly authorized surveyor

signature

¹ To completed in the event of a detention.

² Codes for actions taken include i.a.: ship detained/released, flag State informed, classification society informed, next port informed (for codes see reverse side of copy).

Appendix 4

Protocol from Police Interrogation of the Estonian Head of the National Ship Inspection Division at ENMB. In this public version, some personal details are removed

Förhörsprotokoll upprättat vid förhöret av chefen för National Ship Inspection Division vid den estniska tillsynsmyndigheten. I denna offentliga version har vissa personliga uppgifter borttagits

- 16 -

POLITSEI KESKUUURIMISBÜROO

Tunnistaja ülekuulamise protokoll

<29> 27 septembril 1994 a. Eesti Transpordi uurimisbüroo vanemuurija
(ametikoht, V. Karmi)

(perekonnanimi)

juhitudes KrPK §§ 52, 132 ja 134, kuulas üle tunnistajana:

1. Perekonna-, ees- ja isanimi Valgma Aarne

2. Sünniaasta _____ 3. Sünnikoht _____

4. Töökoht ja amet Eesti Veeteede amet Laevakontrolli teenistuse juhataja

5. Haridus _____

6. Rahvus _____

7. Pass või teised dokumendid isik tuvastatud
(seeria nr., kelle poolt ja millal välja antud)

8. Alaline elukoht (aadress ja telef. number) _____
tel. _____

Ülekuulamine toimus uurimisbüroos

Olen hoiatatud vastutusest teadvalt valetunnistuse andmise ja tunnistuse andmisest keeldumise eest KrK §§ 173 ja 175 järgi, mille kohta annan oma allkirja:

Alafm

Ülekuulamine algas kell 13.20 lõppes kell 13.50

Asja kohta annan järgmise ütluse: Vastavalt oma ametile, viibisime veeteede ameti inspektorkoosseisuga 27 septembril 1994 a. reisilaeva "Estonia" pardal. Kokku oli meid kümme inimest, kelle ülesannete hulka kuulus reisilaevafreisikõlbuslikkuse kontroll vastavatele rahvusvahelistele nõuetele. Kogu selle grupi töö oli minu juhtimisel ja kontrolli all. Selle kontrollkäigu kohta, mis kehtis neli tundi ja milles osalesid ka laeva vanem tüürimees Herma Juhan ja laeva vanemmehhaanik Lembit Leiger, sai koostatud akt, millele mina, kui grupi

Allkiri: Alafm

juht allakirjutasin. Akt on koostatud vastavalt mereseadustele inglise keeles ja tema koostamisel on kasutatud koode vastavalt rahvusvahelisele kokkuleppele.

Meie aktis leidsid kajastamist järgmised momendid:

1. sissekanne 1284 Bow door 99 all tuleb mõista, vööri luugi ~~tkummi~~ tihendilolid kriiped kuni 30 cm., sügavusega 2-3 mm., mis võisid olla tekitatud mehhaanilisest kokkupuutest. Kuna see ei olnud määrav vigastus, siis sai tehud vastavasisuline märkus ja seda tähistab nr. 99, mis tähendab, et kuulub hiljem kõrvaldamisele.
2. sissekanne 0920 SAFETY PLAN 99 all tuleb mõista et laeva häirete plaan, mis asus laeva sillal oli ainult inglise keelne, nõuetav aga ka eestikeelne. nr. 99 tähendab, et kuulub hiljem kõrvaldamisele.
3. sissekanne 2010 MUSTER LIST 99 all tuleb mõista, et laevameeskonna kohustused eriolukorras tegutsemise kohta laeva sillal oli ainult inglise keelne. nr. 99 tähendab, et kuulub hiljem kõrvaldamisele.
4. sissekanne 2030 Damage control plan 99 all tuleb mõista, et riigite kõrvaldamise juhend oli sillal ainult inglise keelne, nr. 99 tähendab, et kuulub hiljem kõrvaldamisel.
5. sissekanne 2045 Cargo operation manual 99 all tuleb mõista, et laeva laadungi kinnitusejuhend ~~ei olnud täielik~~. Juhend asus sillal. nr. 99 tähendab, et kuulub hiljem kõrvaldamisele.
6. sissekanne 1260 Windows in alley not possible to close 17, tuleb mõista, et ühel 7 deki illuminaatoril puudus kinnitusmutter (liblikas) mis ka koheselt kõrvaldati vanemmehhaaniku poolt. See asus kambüüsis.
7. sissekanne 1250 Covers on bulkhead deck to be closed 17 tuleb mõista, et kaks luuki autoteki ahtriosas tuleb sulgeda, mida ka koheselt meie juuresolekul tehti.
8. sissekanne 1199 Cargo securing devices 99 all tuleb mõista, et autodekil laadungikinnitamise vahendid - (konkreetselt 2-3 tükki) kuulusid vahetamisele, s.t. kuulub kõrvaldamisele hiljem.

Allkiri:

Alafme

Võin kinnitada, et minu poolt koostatud ja allakirjutatud akt vastab tege-
likkusele ja et muid puudusi me ei avastanud. Ma ei saa väita, et midagi
võis veel olla, aga kümne inimesega nelja tunniga ei ole ka võimalust nii
suurt laeva lõplikult kontrollida, seda enam, et see oli meil plaanivä-
line kontroll.

Täpsustan, et liblikmutri vahetamine ei käinud minu juuresolekul, küll aga
lubati ta malle koheselt paigaldada.

Lisan oma ülekuulamisele minu poolt koostatud akti valguskoopia, mis on
minu poolt ka allkirjaga kinnitatud.

Protokoll õige, minu poolt läbi loetud
Abafine

Allkiri: _____

M / S E S T O N I A

Protokoll över förhör nr 63 med estniska medborgaren **Valga Aarne** född 1938.

Förhörspersonen var chef för Fartygskontrollenheten (Vattenvägsverket vilket motsvarar Sjöfartsverket i Sverige. TOLKEN KOMMENTERAR: TROR JAG).

Adress: Ehitajatetee 25-14, Tallinn.

Förhöret är hållet torsdagen den 29 september 1994 med början klockan 13.20 på Utredningsbyrån i Tallinn.

Förhørsledare är V. Karmi.

Förhöret är tolkat från estniskt, handskrivet koncept av tolken Maie Vinter.

Anmälan nr: 0201 K 84 051-94

BERÄTTELSE

"I enhet med vår befattning befann sig en inspektörsgrupp från Sjöfartsverket den 27 september 1994 ombord på passagerarfärjan Estonia. Tillsammans var vi tio personer bland vilkas uppgift var att bland annat kontrollera passagerarfärjornas lämplighet motsvarande internationella krav.

Jag ledde hela den gruppens arbete och övervakning. Den kontrollturen som tog fyra timmar och i vilken också deltog styrman Herma Juhan och fartygets "äldre mekaniker" Lembit Leiger" sammanställdes ett dokument som jag om gruppledare skrev under. Dokumentet är sammanställt på engelska motsvarande sjölagarna och vid dess sammanställan har använts koder motsvarande internationella överenskommelser.

forts, förhör med **Valga Aarne**. M/S Estonia. Anmälan: 0201 K 84 051-94.

I vårt dokument fanns följande moment återgivna:

- 1.) Notering 1284. "Bowdoor". Under 99 avser att på framluckans gummitätningar fanns repor på upp till 30 centimeter med ett djup av två till tre millimeter som kunde ha uppkommit av mekanisk kontakt. Då det inte var en utmärkande skada så gjordes en anmärkning motsvarande innehållet och det betecknas av nummer 99 som betyder att det senare skall åtgärdas.
- 2.) Notering 0920. "Safeti Plan" som avser fartygets alarmplan som var på fartygets brygga var endast på engelska. Krävdes också på estniska. Nummer 99 betyder att det senare skall åtgärdas.
- 3.) Notering 2010. "Master List" som avser manskapets åligganden vid speciella situationer som fanns på bryggan. Fanns endast på engelska. Nummer 99 betyder att det ska åtgärdas senare.
- 4.) Notering 2030. "Damace Control Plan 99". Avser att felåtgärdningsinstruktionen på bryggan fanns endast på engelska. Nummer 99 avser att det skall åtgärdas senare.
- 5.) Notering 2045. "Carol Operation Manual 99". Avser att befästningsanordningar för lasten inte var tillräckliga. Handboken fanns på bryggan. Nummer 9 betyder att det skall åtgärdas.
- 6.) Notering 1260. "Windows In Cakkey Not Possible To Close". Avser att ett ventilfönster på däck 7 saknade låsmutter (vingmutter) som omgående åtgärdades av den "äldre mekanikern". Den var belägen i kabyssen.
- 7.) Notering 1250. "Covers On Bulkhead Deck To Be Closed 17". Avser att två luckor på bildäcks aktere sida skulle stängas, som också gjordes i vår närvaro.

3 (3)

forts, förhör med **Valga Aarne**. M/S Estonia. Anmälan: 0201 K 84 051-94.

8.) Notering 1199. "Corgo Securing Devices 99". Avser fästningsanordningar på bildäck (närmare bestämt två till tre stycken) behövde bytas ut. Skall åtgärdas senare.

Jag kan intyga att de av mig sammanställda och underskrivna dokumentet motsvarar verkligheten och att inga andra brister upptäcktes. Jag kan inte hävda att det inte kunde vara något mer, men att med tio man och på fyra timmar kontrollera ett sådant stort fartyg är inte möjligt. Dessutom var detta en icke planerad kontroll. Förtydligar att vingmutterns utbyte inte skedde i min närvaro. Dock lovade man mig att man skulle sätta den omgående på plats.

Jag bifogar en kopia till förhöret av det av mig sammanställda dokumentet som jag också undertecknat".

FÖRHÖRET TOLKAT AV MAIE VINTER.

Utskrift den 21 dec -94 efter indiktering
på band
Marie-L. Wolffram

Appendix 5

Invoice from Inspection in Tallinn 20–26 January 1993/Räkning från tillsynen i Tallinn 20–26 januari 1993



FAKTURA

Datum
930915
Kundnr
3145

Fakturanummer
000061398

Org.nr 202100-0654

NORDSTRÖM & THULIN AB
ULF HOBRO
BOX 1215
111 82 STOCKHOLM

Rapportnr
5511

Fartygsnamn
ESTONIA (SIGN:ES
Signal

Förfallodatum
931015
Betaltvillkor
30 DGR NETTO

Handläggare
STOCKHOLMS IO
08-666 66 00

Efter förfallodagen debiteras drojsmålsränta med diskonto + 8 %

Benämning	SEK
BESIKTNING/INSPEKTION AV ESTONIA 930120-0126: 20 TIMMAR A' 440 KRONOR RESEKOSTNAD OCH TRAKTAMENTS- ERSÄTTNING I SAMBAND MED FÖRÄTTNING I TALLIN 930120, 930125 (4 INSP.) - HAMNSTATSKONTROLL EFTER Ö.K MED REDERIET	8,800.00 20,165.00
FAKTURATOTAL	28,965.00
++ ERSÄTTER FAKTURA 60754 SOM KREDITERATS ENLIGT Ö.K., VÅR REFERENS EVA LINDSTRÖM (STOCKHOLMS IO)	
Var vänlig använd det förtryckta inbetalningskortet. I annat fall betala till postgirokonto 22 31 20 - 7	

Delfa Data AB Xarö

POSTADRESS:
601 78 NORRKÖPING

TELEFON:
011-19 10 00

TELEX: 64380 SHIPADMS
TELEFAX: 011-10 19 49

POSTGIRO:
22 31 20 - 7

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613980697 28965 00 2