

## From state pilot to members of private pilot associations, backgrounds 1859-2000

In the first half of the 19th century, the pilotage of sea-going vessels in the Netherlands was handled by two categories of pilots: state pilots and pilots who were members of private pilot associations. These pilots had contrary interests and competed with each other. In other words, they were subject to the laws of supply and demand. In actual practice, the situation however became impossible. In 1852, the State therefore appointed a state committee to design a new form of organization for the pilots. The committee advised to establish one State pilot authority, to include the integrated state pilots and private pilots. The government accepted this advice and in the Pilot Act of 1859 the State demanded the monopoly to the pilotage of ocean vessels 'inside and outside the Dutch sea gates and sea harbours and along the rivers, steams, waterways and canals of the Realm. The execution of pilotage shall be carried out by specially examined and sworn pilots, provided with a deed of appointment and a pilot badge.' The act determined the pilot districts. Local pilotages in inner basins managed by Municipalities were however allowed.

### **The transition to the Ministry of Transport**

After the implementation of the Pilotage Act of 1859, the Pilots resided under the Ministry of the Navy and later under the Ministry of Defence. This had advantages and disadvantages. On the one hand, the Pilots had the benefits of Navy facilities, on the other hand they were at the bottom of the Defence budget. Policy was characterized by economy and lack of understanding of the pilot's work. There was a large distance between management, the colonels and the personnel, which led to many conflicts.

After WW II, the pilots organized themselves in the recognized civil-servant organizations. The recovering economy in the 'fifties led to a large increase in pilotage to the navigation supply. Frustrations were the consequence of the increased work pressure, which demanded a great deal from the pilots without any compensation being found neither in the regulations nor in the laws covering civil servants. It seemed impossible to point the interests of the pilots out to the management of the service. It led to much tension and even to the Minister of Defence being asked questions in Parliament. The Minister's answers were perceived as not, or not entirely, just. The tension remained and on **25 August 1958** in Rotterdam led to the establishment of Vereniging 'De Nederlandse Loods' (VNL) (the Dutch Pilot Association), in which half of the pilots were organized. This number increased steadily. VNL became an important player in the future of the Pilotage authority and played an important part in its later independence.

On **1 March 1958**, the Pilot Act of 1957 came into force. The highest available rank for the pilotage personnel, which came from commercial navigation, was the rank of commissioner. The director was an officer, originating from the Royal Navy, with the rank of naval captain. Originating from the four directors of the four districts, the director-general was appointed to the rank of rear admiral. Also the pilots were part of the Royal Navy, via the Royal Navy Reserves. They had the rank of sublieutenant 2nd class, latest category, of the Royal Navy Reserves.

In the course of **1966**, it appeared that pilots at the IJmuiden and Amsterdam stations had committed 'unlawful acts' in the area of finance. They had accepted money from tugboat owners. A Committee was established and charged with holding an administrative investigation. As had become apparent from the task commissioned in the decision of **11 December 1968**, the Committee in the first place was to find the causes, and any errors or omissions, that made it possible for the unlawful acts to occur for many years. The Committee proposed measures to make it possible in the future to prevent such misuse as had come to light in the 3rd district. From everything that the Committee had read and heard, it had become clear that the Pilot authority suffered from the solitary nature of the execution of the duty of pilot and especially also from lack of effective communication, mutual trust and mutual appreciation between the pilots and the service management of the Pilot authority. The solitary nature of the task of pilot was difficult to change, but improvements did have to be realized in the communication, trust and appreciation between the pilots and the service management of the Pilot authority.

The Committee agreed to the Ministry of Defence (the Navy) in their plans for modifying the structure of the Pilot authority setting the objective to improve the vertical communication as a means to bridge the gap between the

pilots and the service management. The decision of the Minister of Defence of **18 October 1968** indicated the plans to change the structure of the Pilot authority, which plans were detailed by Raadgevend Efficiëntie Bureau Bosboom en Hegener N.V. in Amsterdam. Although the report by Bosboom en Hegener didn't mention the actual reason for the reorganization, two advices attracted attention, i.e. that a new official had to be appointed, the pilot/group chief, and that the commissioner function had to be open to the pilots, via the pilot/group chief function.

These proposals however passed over the real causes such as lack of communication, lack of trust and lack of appreciation. These inadequacies were based on the incorrect official structure of the Pilot authority. The focus of frustration was the hierarchy, in which the administrative apparatus was higher than the pilots. In addition, the pilots were of the opinion that their salaries based on the salary review of 1962 didn't do justice to the difficulty and task content of their profession, nor to the appreciation to which they regarded themselves as entitled.

In **1970**, a reorganization was made with a salary action in the background. The function of pilot was reevaluated. The pilots were given an additional function, that of senior pilot, the so-called pilot/group chief. The pilots also were given access to a new function, the inspector function, but it had the same content as that of the old commissioner. The hierarchy remained, be it under a different name. The function of Director became eligible for an open application. But the Royal Navy retained the right, whether directly or via an open application, to appoint a director, as was done until 1975.

In **1969**, the diploma of first mate high-sea commercial navigation became obligatorily admissible to the pilot training. The increasingly better schooled and well-organized pilots via the VNL association of Dutch pilots demanded more influence in the organization. In 1976, in the District of Rijnmond this led to the appointment of Mr F. Eichelsheim, former VNL president, as the first pilot to make Director of the District of Rotterdam-Rijnmond. In Rotterdam, in addition to the State pilotage, the Municipal harbour pilot authority was active.

In **1970**, H. van Rossum BSc (SGP), Member of the Second Chamber, filed a private member's bill for cancelling the port pilotage authority. The Municipality of Rotterdam vehemently opposed the bill. A compromise was then reached. An interdepartmental committee under the presidency of Professor W. Duk would draw up a draft Pilotage Act. This draft was rejected by Rotterdam. The Committee Duk was given another task, i.e. to investigate whether a new pilotage act based on an integrated pilotage service would be feasible. The Committee Duk ended its activities in 1981. The attempt turned out to be in vain. But it had become clear that integration within the civil-servant system was practically impossible.

On **2 February 1979** the Council of Ministers decided that the Central government would see unity of maritime administration. This means that the State Pilotage, the Directorate-General of the Shipping Industry and the sea-navigation related activities of the Dept. of Waterways and Drainage would be accommodated in one organizational unit within the Ministry of Transport and Public Works: the Directorate-General for the Shipping industry and Maritime affairs (DGSM). A unity was formed in the ministerial responsibility for the entire area of policy. The policy intention to realize unity of maritime administration was ratified by the Council of Ministers on 14 September 1979 and would become actuality as of 1 January 1980. The Pilotage authority, which for decades had been connected to the Royal Navy, had become a civil organization.

### **Part of the Ministry of Transport and Public Works 80-88**

Under the Directorate General for the Shipping industry and Maritime affairs, in addition to the Pilotage authority also resided the service that was charged with beaconing and coast lighting, the wind- and storm alarm service, the coastguard and VBS (traffic-guidance service for ship navigation). A direct threat to the pilots was VBS. In April 1980, the city of Bremen saw the Fourth International Symposium on Vessel Traffic Service (VTS), during which one of the participants reported that a pilotage act was being drawn up that would transfer part of the pilot duties to VTS. This was denied by DGSM representatives. The pilots objected to the legal removal of competences granted and thus the creation of pseudo pilotages without legal scope.

At the same time, IJmond saw an internal conflict between the pilots and the service management, for which Drs E.J. van de Stok, an organizational specialist, was involved in order to solve it. The discussion between Van de Stok and the pilots and service management brought to the fore that it was a basic and national interest.

On **26 August 1982**, DGSM issued their report on the 'position of the pilot', incorporating the results of Van de Stok's investigation. One of the conclusions was that pilots actually didn't belong with DGSM and that privatisation would be a solution to the problems - for the following reasons.

- The pilot would derive his competence directly from the lawmaker.
- The pilot would have the exclusive competence to advise the captain.
- The pilot would be autonomous (by law) in the exertion of his competence.
- The pilot would remain devoid of directing management during the execution of his competence, unless service management has explicitly obtained such competence by law.

On **19 July 1983** the Minister publicly announced the policy intention to make ocean-vessel pilotage independent. Such independence couldn't be realized without the integration of the state-pilot corps and harbour-pilots in Rotterdam. At the end of 1983, the Minister appointed a consultant-coordinator for the privatisation of maritime affairs. This became Mr R.F. van Heusden, president of the National Harbour Council. Now, a large number of aspects had to be arranged.

- The interdependence of Pilotage, pilots and support service.
- The integration of the harbour-pilot corps and the state-pilot corps in Rotterdam.
- The rearrangement of the nautical management in Rotterdam.
- Coordination with Germany concerning the Eems interfaces.
- Coordination with Belgium concerning the Schelde interfaces.

A new Shipping-Traffic Act and a new Pilotage Act were drawn up. The conflict concerning traffic guidance was settled. The minister established the exclusive licence of pilots with regard to remote piloting. On 1 September, the Pilotage was made independent and the pilots were referred to as Register pilots.

### **Independent in 1988**

In 1988, the Pilotage authority had become independent as a non-civil servant organization. The level of service rose from one day to the next. There was now always a pilot available and there weren't any further waiting periods. The entrepreneurship changed the work ethos of the pilots and freed the register pilot from the restrictive resting- and working hours that governmental rules imposed on the former state- and municipal pilots while not taking into account the requirements of a 24-hour service.

When they became independent in 1988, the State agreed with the Pilotage authority that the pilots would get a standard amount as remuneration for their work. This amount, the so-called standard costs, was determined based on the civil-service salary, converted to non-civil service norms. The remuneration that the pilots received for their work was determined by the number of activities (pilot trips). The activity rate is a rate per pilot trip, based on the standard number of pilot trips, the standard number of working hours per pilot, the standard formation and the standard income per pilot. Each year, the rates are adapted to the price increases. The activity rate was determined in such a way that if the pilots carried out their standard number of activities, with the related standard formation, they would receive a work remuneration equal to the standard costs, therefore an amount equal to the civil-service salary. The actual work income of the pilots was variable, depending on the number of activities (pilot trips) and the number of pilots with whom these were carried out. In actual practice, it amounted to less pilots carrying out more activities and raising their productivity as compared to the civil-service standard. The rates established by the government and indexed each year, led to an increase of the number of pilot activities and a decrease of the number of register pilots and therefore to a substantial increase in pilot income.

*The Financial Decree recorded the agreements with the government in two main lines.*

1. The pilot fees were charged by the Pilotage authority to the ships and paid to the State (DGSM). The rate structure used by the State remained intact. The independence therefore had no consequences for the rates. Rate increases were unilaterally determined by the State.

2. The Pilotage authority was allowed to reduce the pilot fees to be paid to the Government by the following cost budgets: a fixed budget for the support operation, each year indexed for price increases, a variable budget for the activities carried out by pilots (number of activities x rate), the paid-out amounts for Functional Age Discharge (FLO) for boat personnel and the Functional Age Pension (FLP) for register pilots.

The pilot-fee proceeds and the income of the Pilotage actually were not interdependent. The pilot-fee rates were established by the State. This had the following advantages for the State.

- for competition considerations the State could refrain from increasing the rates.
- the State had to adapt the rates to Belgium.
- the State could adopt a safety policy by means of the rates and the obligation to use a pilot.

The disadvantage of the State was that it ran the risk that the proceeds from the pilot fees would fall short of the budgets to be paid out to the pilots.

This independence was in the continual focus of political interest. As early as **August 1989**, the Government Audit Office issued the report 'Pilot Authority becoming Independent.' One of the conclusions from the report was that the costs of the Pilotage authority were DGL 54 million higher than if Pilotage had remained in the civil service sector. The Pilotage authority disputed these results of the Government Audit Office, since it had only taken into account the income and expenditures of DGSM and the Municipal Port Authority of Rotterdam (GHR) rather than included the Pilotage expenditures incurred by other State sections. Furthermore, the year 1987 was a bad choice, since hardly any capital goods were purchased just before the Pilotage authority became independent. But the tone had been set. Also the shipping industry and especially the short-sea shipping industry were dissatisfied with the independence.

It was characteristic for the years before 1988 that the captain of an ocean vessel was always obligated to use the service of a pilot unless the ship had taken in ballast and had a draught of less than 22 dm. This had been established in the **Exemption decree of the Pilot Act of 1957**. It was true that there was a pilot obligation, but not a sharpened pilot obligation, meaning that no sanction was imposed on any ship not desiring to use a pilot, but in that case the ship did have to pay the pilot fee. There was an exception for ships with a dangerous cargo navigating the North Sea Canal and the Rotterdam New Waterway. Here, the pilot obligation was in force. It was not imposed by the Pilotage Act, but by the manager of the waterway, the Dept. of Waterways and Drainage. The consequence was that many ships navigated without pilot. In the Rijnmond District, these were 30.4% of the ocean ships in 1975. In 1975, the Scheldemond district saw about 14% ships navigating without pilots. Reasons to navigate without pilot were a shortage of pilots or the costs of the taxi, which for small ships made a major part of the total pilot fee. The Exemption decree did allow - be it on strict conditions - to obtain a pilot certificate. The conditions were such that this possibility was only used by captains and firstmates of ferries. The Pilotage authority could therefore maintain the service with a limited number of pilots, balancing income and outgo.

Whereas captains used to be allowed to navigate Dutch waterways without pilot, now every ship with a length exceeding 60 metres was obligated to use a pilot at all times. This led to much irritation among captains. There were serious objections to the generic character of the pilot obligation and the height of the pilot-fee rates. With reference to the report of the Government Audit Office, the Minister of Transport of Waterways established the CVL, the Committee on the Pilotage becoming Independent, under the direction of the then secretary-general of Transport and Public Works, Drs H.N.J. Smits BSC. The task of the Committee was to suggest solutions for the financial problems since the exploitation balance after the Pilotage becoming independent was lower for the State than the State had estimated. The Committee issued an interim- and a final report. In their interim report, also the Committee concluded that the Government Audit Office had made the wrong comparison and in their final report they concluded that the difference mentioned by the Government Audit Office (actually the budget difference) wasn't DGL 54 million, but was DGL 13 million on such basis as used by the Committee.

### **The period from 1991 to October 1995**

The exploitation risk was therefore for the State, since the State ran the risk that the proceeds from the pilot fees would be lower than the budgets to be paid to the pilots. In this respect, the Government Audit Office was right. In their final report of CVL, in addition to adaptations for the pilot obligation it was proposed to review the financial agreements between the State and the Pilotage authority.

- Termination of the financial guaranty arrangement of the State.
- The Pilotage authority became entitled to the pilot fees.
- There would be a separate arrangement for settling the VBS, the traffic regulation system.

In anticipation of new regulations, an agreement was reached between the Pilotage authority and the State. The pilot fees now belonged to the Pilotage authority minus the amount that had to be paid to the State for the VBS. The rate structure used remained intact. The State determined the rate increases unilaterally. These rate increases belonged to the State. The Pilotage authority would receive only the part compensating the wages and prices. The pilot obligation remained unchanged during this period.

### **From October 1995 to 22 June 2000**

Some unintended and negative effects of the independence were removed on 1 October 1995 via a then effected change in the Pilot Act and the Shipping Traffic Act, including proposals from CVL. This was especially true for the pilot obligation and the possibilities for the certificate holders. For instance, on certain routes the pilot obligation was cancelled for certain small ships (Rhine vessels, inland vessels, sea vessels, Denmark coasters/low-height coasters) on certain conditions. These ships were enrolled in the register of NLC, the Netherlands Pilot Corporation. They could also obtain a Certificate of Exemption.

The Second Chamber had recorded that they wanted to soon evaluate the alteration of the law of 1 October 1995. This led to the establishment of the 'Committee Wide Revaluation of Pilotage' (Committee Frissen, after its president Prof Dr P.H.A. Frissen). In their advice of June 1997, 'Pilotage Revaluated', the Committee Frissen proposed to make far-reaching changes to the pilotage of ocean vessels in the Netherlands and in a few words proposed the following changes.

- Regionalization of the pilot-obligation system.
- Development of the pricing mechanism by the introduction of market operation.
- Provide room for technological developments.

The Committee Frissen passed over two important affairs. The pilot rates in the Dutch seaports were linked to the mutual competition positions. Earlier, the Pilotage authority had tried to introduce a more justified rate structure, the 'Loodstas'. That had become a failure. In the second place, the Committee Frissen very easily passed over the agreements in the Schelde treaty of 1839, which coupled the rates of the ports of Antwerp and Rotterdam to each other. Then there was also the FLP/FLO obligation, from which the government couldn't withdraw. The report had good ideas but passed over the problems to be solved before any change could occur.

This was reason for SIVN to invite professor P. Frissen to Amsterdam in September 1997 in order to clarify the backgrounds and proposals in his report 'Pilotage Revaluated.' The almost one hundred attendees - also by the discussion and the formulated postulates - were given every opportunity to reach a judgement concerning the complex matter. SIVN emphasized that they would urge the Minister to make the following highlights in the proposals of the committee.

- Fast technological innovations (including LOA) and far-reaching cultural changes necessitate an open change process that is understandable to everyone.
- Its objective must be an integrated traffic guidance system (VBS), in which all usual nautical services are provided to the ship per the market requirements and custom-made.
- The administrative responsibility for this must be regionally organized; the involvement of all parties must be assured from the very start and the overhead must be financed by the government.
- Also for the latter reason it must be prevented that the authority again would become a hybrid organization, by it also having its own interests in the free market.

In the report of the Committee Frissen the Cabinet found the basis in June 1997 to accommodate the pilotage of ocean vessels in operation MDW (Market operation, Deregulation and Law quality) and against the background of the advice of the Committee Frissen to have issued recommendations for re-regulation, while paying special attention to the introduction of market operation in the pilotage of ocean vessels. For this it established an MDW working group, under the presidency of G.Ph. Brokx, Master of Law, former president of the National Harbour Council. The report of the MDW working group Pilotage formed the basis for the MDW policy intention. In April 1998, the Cabinet came with the following proposals.

- Introduce a differentiated system of navigation support services (NOD).
- Regionalize responsibilities and competences.
- Introduce market operation.

The implementation of the proposals, including the necessary alterations of law, was provided for at the end of 2001. The navigation-support service (NOD) would be made up of four categories.

- VBS basic provision. This remained a public affair financed by the government, individual users and payment by private providers of navigation-support services for the use of VBS.
- Navigation assistance (NA), still to be detailed.
- Remote Pilotage (LOA), knowledge and experience of the pilot on board aren't necessary.
- Pilot on board (LAB), knowledge and experience of the pilot on board are necessary.

The application to assign a ship to a certain category is the responsibility of the owner, the assignment of the (sub) responsibilities is the responsibility of the Nautical Authority, in principle the mandated Government harbour master. Traffic guidance would be provided in all relevant call areas and accesses to the seaports. Ship traffic is operationally organized and regulated from VBS, the traffic guidance system, using advanced radar- and communication equipment and supported by so-called information-processing systems (IVS). Also the arranged course of the traffic flow and the traffic behaviour of individual ships are monitored. The report of the working group Brokx formed the basis for such as the detailed MDW policy intention. The documents of MDW-Pilotage suggested that traffic guidance was available in all areas in the Netherlands where pilots were used. This was not the case in the area of the Amsterdam-North Sea Canal. The application of the above-mentioned differentiated system wasn't possible in the Amsterdam-North Sea Canal, because there wasn't complete radar coverage. This was certainly necessary for the application of LOA. In order to implement the MDW policy intention for pilotage in this region, a full-coverage radar system would have to be realized as soon as possible.

On **22 June 2000**, a General Meeting was held between the Minister of Transport, Public Works and Water Management and the Permanent Chamber Committee for Transport, Public Works and Water Management concerning the policy intention Navigation Support Service (NOD). The fraction's spokespeople made positive and critical marginal notes concerning this policy intention. They wondered whether the formulated objective (a better price/quality ratio within the responsibility of the minister for the safe and smooth handling of shipping traffic) couldn't be realized in a way that was more simple, using a concession system. According to them, full marketing effects probably were only possible in Rotterdam, due to the extent of the shipping traffic there. They appeared worried about negative economic consequences outside Rotterdam and for a loss of safety and quality in pilotage and service. Also the administration 'Christmas tree' met with critique.

The Minister's conclusions included the following:

- The independence process for Pilotage started in 1988 (was based on) safety first and a balancing legal formulation of guaranties was required before detailing the policies for the various regions of the Dutch seaport network.
- Attention must be paid to the pilotage training and the free access to the profession.
- The FLO/FLP problems must be solved in coordination with the Pilotage authority via an increase of the retirement age, the 'evaporation' of reserves and obligations and the cancellation of surcharges. The Minister didn't promise a government contribution to the latter item, which was estimated to require some DGL 500 million, because she preferred a renewal of the transition period, so that the 'market' (international shipping industry) would bear the costs.' During the meetings, the Permanent Committee gave the Minister the green light for further detailing this policy intention in rules and regulations, observing the promises made by the Minister and the conditions formulated by the Second Chamber.

### **Flexibilization of the obligatory-pilot system**

In the beginning of October 2000, an Action Plan was issued, proposing alterations of the **Pilot Obligation Decree of 1995** and the Decree certificate holders under the Shipping Traffic Act. This is referred to as flexibilization of the obligatory-pilot system. This decree realized part of the Policy intention concerning the navigation support service (NOD) in the interim measures formulated in the seaport areas. In addition, this decree implemented a further-reaching flexibilization of the pilot obligation. It meant the following alterations.

- The system of exemption was differentiated. The existing exemptions for fishery vessels, sand vessels, gravel vessels and dredges and pilot vessels were maintained. For each region, a maximum exemption limit was indicated. For Amsterdam-IJmond, the exemption limit was increased to 70 m.
- The competence of the competent authority to grant exemption from the pilot obligation for recovery trips was extended in the sense that also exemption could be granted for recovery trips cruising or navigating the main waterway.
- Rhine vessels, Denmark navigators, inside/outside vessels and low-height coasters - if listed in the Register on pilot obligation and short-sea vessels - were exempted from the pilot obligation at the in-port sections of the pilot-obligated shipping ways. In view of the knowledge and experience with the waterways concerned that by then were present aboard short-sea vessels, from a safety view it was now a sound idea to create an exemption possibility for these ships, when navigating out-of-port sections. Exemption was not to be granted just like that. Exemption could be granted if the relevant traffic participant and the crew members satisfied the requirements established by the competent authority.
- A new competence for the competent authority was implemented in order to grant exemption from the pilot obligation for all ships with a length not exceeding 90 metres in the region Amsterdam-IJmond, if the ship and her crew satisfied certain quality requirements.
- The certificate-holder regimen would be adapted in some parts. For instance, the possibility was opened for the regional authority to expand the validity of a certificate of exemption to other berthing places in the harbour area concerned. Furthermore, the regional authority could impose evaluation trips in order to promote enforcement. In addition, the examination of the certificate holder could be expanded with a simulator test for passing the designated artefacts and delegates could attend the test trips and the simulator tests. Finally, a large number of technical or minor changes were made. Based on safety considerations, an important limitation was imposed on the competences to grant exemption. Ocean vessels with a dangerous cargo could not be granted exemption. In addition, the competent authority had the possibility to connect regulations and limitations to any exemption. It was explicitly arranged that the competent authority would have the possibility to restrict the use of exemption in such a way that its use would be impossible. This could only be in circumstances in which also the so-called ad-hoc pilot obligation could be imposed.

### **Responses of Pilotage**

Separately from each other, the regional pilot corporation Amsterdam-IJmond and SIVN had adopted viewpoints about the recent policy intention concerning the flexibilization of the pilot obligation. The minister included part of the intended interim measures in a draft Government Administrative Order (AMvB). This order incorporated a series of useful changes of the Pilot-obligation decree of 1995 and the Decree certificate holders Shipping Act. This policy intention was on the agenda of the National Harbour Council (NHR) on 1 November 2000 and there triggered an intense discussion also on the basis of the two letters concerned. The result was that NHR distanced itself from the suggestion of the Pilotage authority to retrace their footsteps in their advice to Transport & Public Works. The Council continued to support the introduction of market effects following the action plan of Minister Netelenbos. It was however true that NHR in the monitoring committee established by the minister for the purpose of market effects and their transition period stuck to the items from the SIVN letters. SIVN brought up for discussion that clarity must be produced (and that sufficient basis for agreement must be reached with all concerned) about in any case the following items.

- The termination of the Schelde Treaty at the end of 2000, as unrealistically formulated in the plan.
- The entry- and quality requirements formulated for the pilots and certificate holders.
- The manner of establishing that each ship had fully paid for the service rendered based on the actual costs (which was an end-situation condition formulated by the action plan, that in our view wasn't market-oriented and therefore couldn't be realized).

- The formulation and legal establishment of limiting conditions for safe and smooth settlements.
- The establishment of the standard and the measurement method for safety, of which the 'current level' should be maintained.
- That the State in good time removed the gaps in the VBS basic provision along the North Sea Canal, in order to make remote pilotage technically possible.
- The possibilities for adopting regional policy, if there wouldn't be a wide regional body (as indicated in the action plan in deviation of the prior history).
- The FLO/FLP problems and the interpretation of the department and perhaps the Second Chamber, which in our view is incorrect, that the State would be free to have its obligations 'evaporate.'

The Pilotage authority came with a series of arguments that perhaps weren't regarded as incorrect, but certainly as badly timed and undiplomatic. They appeared to go back on the market-operation principle and expressed their concern whether the now proposed way of market operation would have the result intended for navigation. They were not sure of the final number of ships to be piloted and in the last three years hadn't appointed any new pilots. In view of the surplus of pilots, expected once the relaxation of the pilot obligation will have been effected in 2005, in the next years no pilots can be hired, so that in the transition period to 2005 the Pilotage authority expects lack of capacity and therefore waiting periods in pilotage. In the long term, the Pilotage authority expects that the new management structure and FLO/FLP problems (pre/pension) will lead to pilotage becoming more expensive, possibly steeply more expensive on the routes that aren't viable to the Pilotage authority, 'whereas it must be seriously taken into account that possibly on these routes no more pilotage could be provided.'

The question is how the continuity of the service can be guaranteed. More providers on the market furthermore will have consequences for their manageability. This means that the government must make the current management infrastructure considerably heavier, and that as a consequence the costs incurred somehow would be passed to you. Furthermore, the large number of unpiloted ships will make a different traffic picture, producing risks for the smooth flow of the other ships,' thus the Pilotage authority, whose adopted position probably is based on the feeling that they were insufficiently involved in policy preparation.

### **Coordination of RWS (Dept. of Waterways and Drainage) with the region**

As just reported in 'Het Kanaal' issue No. 105, on 29 November 2000 an extra meeting was held with the members immediately involved in the flexibilization of the pilot obligation. This meeting was held in order to exchange views on the consequences of the draft Government Administrative Order (AMvB), previous to the regional meeting organized by the Dept. of Waterways and Drainage (RWS). The regional meeting was held on 6 December 2000. Under the presidency of Mr J.D. Landkroon (RWS), representatives of the industry, Municipalities, the Province, the Port Authority of Amsterdam and the Pilotage authority were informed and consulted about the MDW operation pilotage or navigation support service for the region of Amsterdam-IJmond. The HID (Harbour Information Service) must advise the Minister concerning safety, smoothness, environment (and infrastructure). He received written responses from KVNR, SIVN and the Pilotage authority. The advice was public and would be sent to all.

First, the state of affairs with regard to the MDW-Pilotage came up for discussion. Twice, there was consultation between the Minister and the Chamber and the policy intention was approved. The newly established monitoring committee under the presidency of Director General Bram Westerduin (in which a.o. SIVN was represented via the current president of the National Harbour Council, Drs A. van der Hek) would analyse the financial problems and submit advice. Working groups were created for the administration model and nautical affairs.

The General Administrative Order (AMvB) leading to flexibilization of the pilot obligation and incorporating some interim measures led to the development of an Allocation-decision model for the Navigation Support Service (NOD). The director of the Port Authority of Amsterdam, Cor Oudendijk, proposed that two representatives from Rotterdam, the director of the Port Authority of Rotterdam, Peter Struijs and his employee, Peter Mollema, presented an 'allocation-decision model', to be used to create unequivocalness in the operational decisions.

The interim measures for flexibilization of the pilot obligation have a process- and a content form. The policy intention of the Minister was discussed in the Chamber on 22 June 2000 and incorporated custom-made pilot obligation. Consultations were held with national parties, such as the National Harbour Council (NHR), the Royal Association of Netherlands Ship owners (KVNR), the Netherlands Pilot Corporation (NLC) and the Wadden Council.



The regional discussion therefore wasn't about the monitoring committee but about safety. The proposal was to exempt ships from 60 to 100 metres from the pilot obligation. This means in the first place exemption up to 70 metres and on certain conditions an exemption up to 90 metres.

In order to acquire exemption, some criteria must be satisfied. For this, the Port Authority of Rotterdam designed the 'allocation-decision model', based on the national Umbrella Model for the Nautical Support Service. Rijnmond thereby followed the line that in recent years was continually pleaded by SIVN: the grant of exemptions and the market-operational flexibilization of the pilot obligation required a systematic approach, that would give all parties involved in good time an understanding of the decision to be expected. The Port Authority of Rotterdam therefore chooses first to form the final model and not until then to detail the interim models in that scope. The nautical sector in Amsterdam/IJmond is intended to adopt this decisional model.

It was to be based on the conclusions of the General Consultation of the Second Chamber with the Minister.

- Maintenance of the current safety level.
- Market operation of Navigation Support Service (NOD).
- The VBS basic provision continued to be publicly embedded.
- Differentiation of NOD.
- Regionalization of responsibilities and competences.
- Further consultation Regional Body.
- Taking care of NOD training.
- Detailing of behaviour- and competence rules.
- Solution of transition problems 2001-2004.
- Put interim measures into effect soon.

A model was made specifying the conditions on which use is made of a Pilot on board (LAB), Remote pilot (LOA), 24-hour LOA and Navigation assistance (NA). Static environmental factors (locks, bridges) and dynamic environmental factors (shipping picture) must be taken into account, in addition hydro/meteorology (fog, wind) played a part.

The objective of the allocation-decision model was to provide the Government harbour-master with a tool allowing him to take decisions concerning exemptions. The allocation-decision model divides the entire harbour- and roads area in sectors that can be governed by various conditions. Permanent remote piloting (PLOA) formulates more technological requirements and doesn't play a role yet, for this, there is the introduction of 24 hour LOA. Requirements are formulated to ships getting 24 hour LOA, and to the captain and crew and the operational conditions. Less stringent requirements will be formulated to the smallest length category of ships. Further detailing is yet to occur. Interim measures may not be in conflict with the national umbrella model NOD.

Then the responses to the presented model will follow. Storm (SIVN) gave much praise for the model, it was very tangible and could be readily further detailed. The way of application and the decisions to be expected would then be clear for the operational users, agents, ship owners, captains and pilots. President Landkroon (Waterways and Drainage) stated that there remained a period of one week for written responses. Oudendijk (Port Authority of Amsterdam) promised structural coordination with the Pilotage authority and would further inform the industry. Landkroon (RWS) emphasized that any desire for further structured coordination would be communicated by the Minister. Bronshoff (RLC) wanted to know to what degree it was known how many ships must be provided with a pilot. Mollema (Port Authority of Rotterdam) had understanding for the question and stated that the situation had to become clear soon. But he found that it was possible to make a fair estimate based on the intended measures. Jansen (Cargill) asked what the conditions would be and when we would hear that. According to Oudendijk (Port Authority of Amsterdam) that would be the middle of next year. Generally, this was found too late, further indications were necessary. Struijs (Port of Authority of Rotterdam) further remarked that it was possible to make a correct estimate of the demand for pilots. In the next 5 to 6 years, there still won't be market effects. A vital role was to be played by the Government harbour-master.

Then followed the presentation by Mr Thiermann of the Port Authority of Amsterdam. He further reported some points of attention:

- There were serious concerns about the departure of pilots to the Rijnmond region,
- Active efforts were being made to find alternatives,
- Chemical tankers with destination Rotterdam in due time would no longer be piloted within the piers of IJmuiden (LOA) and stern trawlers > 110 metres would be subjected to an ad-hoc pilot obligation, unless not required for safe navigation.

In as far as the allocation-decision model was concerned, it was based on an application field in each sector.

Norms are:

- ship (cargo, dimensions, technique, crew) and
- infrastructure (condition of waterway, geographical limitations) and waterway (tide port, tugboats, hydro- and meteo factors of the traffic picture).

Again, a discussion followed in which the parties agreed that communication is an important aspect, that the emphasis must be on safety and that care must be taken to make sure there is support in the region.

After the meeting, the members of SIVN made a short evaluation. The meeting was perceived as positive. The communication was open and intensive communication with the nautical sector of Mr Thiermann in the Ship Motions Committee was regarded as important. The Nautical Advice Council (NAR) would be separate, its company of participants being more mixed. SIVN volunteered to participate in NAR.