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Mrs. C. van Nieuwenhuizen
Ministerie van Infrastructuur en Waterstaat
Rijnstraat 8
2515 XP Den Haag
Nederland

Brussels, 6 October 2019

Dear Mrs. van Nieuwenhuizen,

With this letter, the European Maritime Pilots' Association (EMPA) would like to respond to the internet consultation regarding the proposed amendment of the Dutch Pilotage Act and of the Decree and Regulation on market supervision of registered pilots.

EMPA is a professional, non-profit organisation with headquarters in Belgium since 1963. The association represents around 5,000 pilots in 24 European countries, with the aim of promoting efficient and safe pilotage in European ports and fairways. EMPA has been appointed by the European Commission as a member of the "European Ports Forum". The Dutch Pilotage Corporation (NLC) has been a highly valued member of EMPA for a long time and has informed us of the proposed amendment and the associated internet consultation.

We would like to take this opportunity to particularly express our concern about the proposed amendment of Article 2 of the Dutch Pilotage Act. We regard this as an important key article that defines the essence of the pilot's profession and forms the basis of the professional practice of 450 pilots who jointly pilot more than 95,000 sea-going vessels annually. The first and foremost task of pilots is to offer a service of public interest to contribute to ensure effective and safe maritime transport and the protection of the environment. In addition, it is essential that pilots can always exercise their professional and independent judgment in full integrity and free of economic pressure.

Just as the Dutch Pilotage Corporation, we support the underlying idea that regulations should not stand in the way of future technological developments in shipping. The explanatory memorandum lists a number of technological developments that could lead to more competitive, safer and more sustainable shipping. Naturally, technological developments also innovate pilot services. The Dutch Pilotage Corporation has in fact been in the forefront of such innovation. Across Europe, pilot organisations have been benefiting from the state-of-the-art equipment, standards, and procedures initiated and developed by our Dutch colleagues.

EMPA recognises that the entire transport sector is being influenced and changed by the introduction of autonomous technologies. In general, we regard this as an on-going, positive and promising development, that can have valuable impact on transport safety and efficiency. In the context of safeguarding and guiding future fully autonomous and unmanned ocean-going ships, we regard it as natural that pilots will possibly play a completely different role than today. The possibility to be able to experiment outside of the current job performance therefore fits well with the services provided by pilots in the Netherlands and in Europe.

However, the security aspects and economic interests associated with maritime sea transport are of significant size and gravity. It is therefore essential to have a solid legal basis supporting the deployment of a safety instrument (pilotage) and to change it only in a well-considered and sufficiently substantiated manner. This is especially

instrumental for the Netherlands, where the port of Rotterdam is the largest port in Europe with a high added economic value. Worldwide there is also a great appreciation for the quality and efficiency of the entire Dutch port infrastructure.

In order to safeguard that important position and at the same time incorporate possible future technological developments in shipping, experimenting with the function of pilots can be fruitful. There must therefore be room for experiments, which should be considered as such, and which must take place in a structured context and be subject to carefully defined conditions. This will prevent unforeseen consequences for the safety and the efficiency of maritime transport as well as for the waterway capacity of the Dutch seaports. For this, a separate and well-thought-out legal base should be created.

At the same time, it is also important to keep the applicable legal frameworks connected to the strongly international nature of shipping with its great diversity in ship types, crews, flag nations, and cargo characteristics. Taking into account the principles of equality and legal certainty, it is justified to have some reservations to change national maritime regulations underlying the provision of nautical services to international shipping. The question therefore arises as to whether such frameworks should be changed in anticipation of the results of experiments still to be carried out. Such an important framework can be found in the current Article 2 of the Dutch Pilotage Act, describing the way pilots carry out their duties ("on board, unless...").

In some other European countries, legal frameworks provide for the possibility of so-called "remote pilotage" ("loodsen op afstand" or LOA). However, this practice is normally only permitted in very specific circumstances and with necessary limitations. Such deviation from standard pilotage procedures is usually aimed at getting a pilot on board or off the ship at a location other than the regular location in case of bad weather conditions. This exceptional way of working is and remains secondary to the preferred job performance on board the ship itself, where the pilot is interacting directly with the ship's bridge team in accordance with the operational procedures recommended by the UN International Maritime Organization IMO.

With the proposed amendment to Article 2 of the Dutch Pilotage Act, anticipating the results of future experiments, a structural change will be made from the principle "on board, unless.." to "in principle on board, if there is reason to do so, from shore". In our opinion, this seriously detracts from the value of the current internationally recognised method of deploying an important safety instrument, the piloting of sea-going vessels on the bridge, adhering to well-established Bridge Resource Management procedures. The possible impact of the proposed change to the organisation of the pilotage service, the safety and efficiency of maritime transport, the economic importance and critical infrastructure of Dutch seaports are insufficiently accentuated.

EMPA consequently advises against the proposed amendment of Article 2 of the Dutch Pilotage Act. A separate and well-thought-out legal base should be created for experimental needs. The umbrella organisation of European Maritime Pilots' Association advises you to deal with such an important framework as the basis of the professional practice of pilots in a well-founded and safety-conscious manner. We believe that thorough dialogue with, and support from the professional organisation having to implement experiments, is essential.

Yours sincerely,

EMPA – European Maritime Pilots' Association



Capt. Stein Inge Dahn
President



Aileen Van Raemdonck
Secretary General