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European Commission DG MOVE
To Mister Theologitis
Rue Demot 24-28/Demotstraat 24-28
1040 Bruxelles/Brussel
Belgique

Rotterdam, September 29th 2014

Dear mister Theologitis,

Some years ago you have told the representatives of OnsRecht, La Glissoire and the ASV, "my door is open, just knock on it". Some years have passed, but now I knock on your door again.

The reasons for knocking on your door are related to all the things we have been warning for. These things are happening nowadays, just like we predicted the last time we spoke. And these things are disastrous for this valuable sector of inland navigation.

We know you care highly about environment. In this respect, I would like to point your attention to the research of the University of Cambridge. In this report, the researchers have concluded that more goods need to be transported by **small inland** vessels due to the climate change.

Whilst the importance of small inland vessels is demonstrated, reality is that over 180 vessels of this category (vessels < 1.500 tonnes) have been scrapped this year in the Netherlands, as their future perspectives are jeopardized by the technical prescriptions of the CCNR, that show no benefits on safety but do show high investment costs. Their transport performance is taken over by thousand of trucks, a negative modal shift. If you, mister Theologitis, really care about the environment, you should stop this trend. But until now, what has been done to protect these vessels from scrapping due to unreliable investment costs to meet the technical prescriptions set by the CCNR?

In November 2013, there has been a hearing in the Dutch Parliament about this subject ¹. I was allowed to speak to the parliament for 45 minutes and I could explain the disastrous situation of vessel owners: unfeasible high investment costs in relation to the turnover for measures that do not benefit safety in any way. As a result, two members of the parliament have asked for the resignation of mister Van der Werf, chairman of the CCNR. Of course, he did not resign, but this makes sure that parliament is not satisfied of what is going on.

This hearing resulted in a motion ², accepted by all parties, including the party of the Minister of Infrastructure and the Environment. The motion asks for an interception of the minister, she should

¹<http://www.algemeeneschippersvereniging.nl/nieuwsbrief/nieuwsbrief-december-2013/hoorzitting-ccr.html>

² [file:///C:/Users/Gebruiker/Downloads/h-tk-20132014-36-18%20\(1\).pdf](file:///C:/Users/Gebruiker/Downloads/h-tk-20132014-36-18%20(1).pdf) And <http://www.scheepvaartkrant.nl/default.asp?id=12732>

¹ "Overigens wil de ASV erop wijzen dat het opleggen van (ongefundeerde) nieuwbouweisen aan bestaande schepen (CCR) leidt tot koude sanering van dat segment schepen waar al een tekort aan is"
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ask the CCNR of an exemption of the technical prescriptions for vessels smaller than 86 meters. Although the motion has been accepted, nothing has happened so far.

When we last year handed over our 1,000 signatures, the result of our petition “Stop the CCNR”, you pointed a coming CCNR press release. “Mrs. Fluitsma, you will be glad when you read the paper³”.

That paper described a moratorium containing a very limited adjustment of the offending technical descriptions for vessels. In fact, the adjustments are so little; it will definitely not save the endangered vessel category from scrapping. So on contrary, I was not glad when I read about the moratorium, as it does not really help us.

Once again, I ask you to put some effort to save these vessels from the scrap yard.

The economic system and the reserve fund

For private vessel owners, the economic crisis has been disastrous. With hardly any market power, it has been very difficult to acquire decent freight rates. There has been a lot of discussion on European level on this topic and there seems to be an opening to actually change things that will ensure a better market position of private entrepreneurs in inland shipping. We consider this as a good development. However, we would like to point out the discussion of the Reserve fund. This money is raised by private entrepreneurs to prevent overcapacity, and we have heard rumors that this money will now be granted to the EBU and ESO. Can you confirm these rumors are truth?

And are these rumors related to the press release⁴ from the European Commission?.

In our judgment, when this will be the case it will bring up a lot of resistance from the private entrepreneurs that brought up the money. Reasons for this are the fact that the EBU being a multinational-linked organization, has achieved nothing for privately operating vessel entrepreneurs and the ESO has denied private vessel-owners wishes and has failed in relieving the distress of the sector inland shipping.

Why do you not ask the people who have contributed to the reserve fund what they want?

For example, in 2009 a survey amongst 606 vessel-owners called “de Schipper aan het woord” (“the vessel owner speaks”), an initiative from the political party SP(SocialistischePartij), has revealed that most vessel owners declared that there should be a possibility for a well-deserved retirement⁵.

As it was already foreseen in this survey, many entrepreneurs in inland shipping have saved their money for retirement pension investments in their capital, the ship. But the vessel owners who now reach their retirement, are left with nothing more than scrap value as their ships have lost their value due to a lack of future perspectives due to high investment costs in the next year as a result of unnecessarily stringent technical prescriptions by the CCNR. Also, due to the financial crisis, their savings are vanished. In this way the pension that they have built up by decades of hard work, is lost.

³<http://www.rbv-advies.nl/Docs/CCR%202014/Prot%202014-l-16%20Uitgestelde%20overgangsbepalingen.pdf>
<http://www.totaaltrans.nl/binnenvaart-krijgt-vijf-jaar-extra-tijd-voor-rosr-eisen-op-de-rijn/>
and <http://www.totaaltrans.nl/asv-uitstel-ccr-eisen-niets-om-tevreden-over-te-zijn/>

⁴European Commission - IP/14/442 15/04/2014, European Parliament votes for more modern inland waterway transport, available at http://europa.eu/rapid/press-release_IP-14-442_en.htm

⁵Socialistische partij, 2009: https://www.sp.nl/sites/default/files/090930_schipper_1.pdf

This unnecessary suffering must be avoided. After all, these vessel owners are the ones who have contributed a lot to the reserve fund. It might be an idea to compensate them to this loss.

Lastly, I will give you an insight of the history of our problems concerning the CCNR.

In 2001, a **German research report**⁶ on the effects of transitional provisions has been published in command of the Federal Ministry of Transport, Building and Housing. This report assessed the necessity of the forthcoming technical provisions by the CCNR in terms of safety, emissions and investment costs. The report has concluded that the former technical provisions were sufficient and adequate, and guaranteed a decent safety level on the German inland waterways. The new technical requirements that will come into force in the next years have been assessed as well. Their nature is of a different kind: in comparison with the former prescriptions with low investment costs, these requirements will result into very high investment costs, long repair times and for the smaller category of vessels, unfeasible investment costs from an economical point of view, with hardly any effect on safety at all.

The sequel (2002):

In the CCNR report "ships of the future"⁷:

- "The transitional rules in their current form, thus contributing to a certain degree of preservation of the older segments of the fleet."
- "Finally the question to what extent the continuation of this tradition stands in the way of socially desired and market-based development of the Rhine and inland waterways."
- "There is more need for a revitalization of new construction, then to preservation of the existing fleet."

Reading this, the conclusion must be that the CCNR has consciously controlled a cold remediation of an essential part of the existing fleet.

But on contrary, the CCNR also wrote in the same report:

"At the remediation of the existing situation is to avoid that certain fleet segments in proportion be more severely affected than others."

"Balance and proportionality therefore serve as criteria (related to the relationship between increased safety and effort required) for members starting point of measures and their effects."

Looking at the current market developments, we stress if the criteria by the CCNR have been met. For both bullet points, the German report of 2001 proves the opposite effect. Of all vessel segments, the segments of smaller vessels are proportionally way more effected than others, on such an extent that investments that need to be made to meet the technical prescriptions are economically not feasible.

Has criteria as balance and proportionality (with regard to the relationship between increased safety and effort required) been the starting point of action to be taken? We conclude: no! The German report proves the opposite

⁶ Auswirkungen von Übergangsbestimmungen in den technischen Vorschriften für Binnenschiffe, Hauptstudie.

Projektleiter: Dipl.-Ing. Volker Renner.

The complete document: <http://www.algemeeneschippersvereniging.nl/bestanden/Kleine%20binnenvaart/VBD%20onderzoek%20overgangsbepalingen%20technische%20eisen%20binnenschepen.pdf>

⁷ Dr. W. Hönemann: Eindrapport aan de Centrale Commissie voor de Rijnvaart SCHEPEN VAN DE TOEKOMST

The complete document: http://www.ccr-zkr.org/files/documents/rapports/btxftr_nl.pdf#search=

³ "Overigens wil de ASV erop wijzen dat het opleggen van (ongefundeerde) nieuwbouweisen aan bestaande schepen (CCR) leidt tot koude sanering van dat segment schepen waar al een tekort aan is"
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Is in consolidating the existing situation avoided that certain fleet segments in proportion be more severely affected than others?

We conclude the opposite. Above all, smaller ships disappear (German report) bringing damage to the diversity and competitiveness of the inland navigation fleet.

So we kindly request you to : leave the CCNR act aside. Of course we have asked the CCNR time after time to change their regulations, but the CCNR hardly moves. Desperately we ask you, think about the white paper, is it only a paper tiger or does the European Commission really have intentions with what has been written down? If it is really your intention to work out the objectives of the White Paper, than you should have some compassion with this valuable part of the inland navigation fleet. Not just on behalf of the vessel owners, on behalf of the whole society.

Dear mister Theologitis. Years we have been waiting after knocking on your door. Years we have been waiting for the measures to be taken as we asked you for. Years we have been waiting because you have requested us to be patient.

We have showed our patience but now we urge you to listen to us; there are things to be done to relieve the mistress of a large group of vessel owners.

Mister Theologitis, you promised me once I should be smiling reading a press release from the CCNR. Yet, I think the time has come to keep your promise and make the vessel owners smile, finally.

Because we are convinced you really meant it, your invitation at your door, which would be always open, we would very much like to have the opportunity to explain to you the backgrounds of this letter.

So I'll end this letter speaking out the wish to have the opportunity to discuss these matters:

With regard to the reserve fund: what is the wisest choice to deal with that subject?

With regard to the CCNR: Let's talk about a solution for this valuable part of the inland navigation fleet. Not just on behalf of the vessel owners, on behalf of the whole society.

I thank you very much for your attention. I'll end this letter hoping I will soon find your invitation for such a conversation.

Best regards,

Sanniva Fluitsma