

KOPIE BRIEF

Van: de heer Jean-Marie Halsdorf, minister van Binnenlandse Zaken en de Grote Regio

Contactpersoon: de heer André Weidenhaupt

Aan: de heer Joop Atsma, staatssecretaris van Infrastructuur en Milieu en de heer Henk Bleker, staatssecretaris van Economische Zaken, Landbouw en Innovatie

Datum: 11 november 2010

Betreft: beheer Haringvlietsluizen, vrije migratie van trekvissen

(aanhef)

Het duurzaam herstel van de trekvispopulaties, met name de zalm en de aal als indicatieve vissoorten, is een essentieel gegeven in de internationale samenwerking met het oog op het bereiken van de goede toestand van de waterlopen van de stroomgebieden waarvan onze beide Staten deel uitmaken, i.c. de Maas en de Rijn.

Tegen die achtergrond wil ik verwijzen naar Beschikking M(2009)1 van het Comité van Ministers van de Benelux Economische Unie tot opheffing en vervanging van Beschikking M(96)5 inzake de vrije migratie van vissoorten in de hydrografische stroomgebieden van de Benelux-landen alsook naar de richtsnoeren m.b.t. het Masterplan trekvissen Rijn, die tijdens de Rijnministersconferentie in Bonn op 18 oktober 2007 zijn vastgesteld.

Via de Luxemburgse delegatieleden in de Internationale Commissie ter Bescherming van de Rijn (ICBR) heb ik vernomen dat het coalitieakkoord van de nieuwe Nederlandse regering erin voorziet het Besluit Beheer Haringvlietsluizen in te trekken. Echter, de inrichting van de Haringvlietsluizen is een van de eerste maatregelen die bedoeld zijn om i.h.k.v. het Masterplan trekvissen Rijn te worden uitgevoerd om de opwaartse vistrek op de Rijn en zijn belangrijkste zijrivieren, met name de Moezel, te verbeteren. Voorts wil ik eraan herinneren dat het Masterplan trekvissen Rijn deel uitmaakt van het stroomgebiedbeheerplan Rijn, dat het resultaat is van internationale coördinatiewerkzaamheden in de ICBR en naast onze nationale beheerplannen het sleutelinstrument is voor het bereiken van de goede toestand van de waterlichamen tegen 2015 conform de EU-kaderrichtlijn Water (Richtlijn 2000/60/EG).

V.w.b. het deelstroomgebied van de Moezel wil ik overigens de Duitse autoriteiten complimenteren met hun beslissing om in een geest van solidariteit tussen oeverstaten die boven- en benedenstrooms van eenzelfde riviersysteem zijn gelegen, de ecologische continuïteit van de tien sluzen vanaf het Luxemburgse grondgebied tot de samenloop van de Moezel en de Rijn in Koblenz te herstellen. Deze maatregelen gaan hand in hand met de maatregelen inzake vispasseerbaarheid die gepland en/of uitgevoerd zijn op het Luxemburgse grondgebied en, in

samenwerking met de Duitse autoriteiten, op de grensoverschrijdende waterlopen Moezel, Sûre en Our, die onder de gezamenlijke soevereiniteit van Luxemburg en de Bondsrepubliek Duitsland vallen.

Het spreekt voor zich dat de maatregelen m.b.t. de implementatie van voornoemde instrumenten aanzienlijke investeringen meebrengen. Zo belopen de 48 prioritaire maatregelen voor de aanleg van vispassages en ecologische stuwrichtingen op de waterlopen uit het door de regering van het Groothertogdom Luxemburg goedgekeurde beheerplan circa 10 000 000 € tussen 2010 en 2015 m.u.v. van de maatregelen t.a.v. de twee sluizen op de Moezel die onder gezamenlijk Duits-Luxemburgs bestuur vallen.

De internationale samenwerking is gebaseerd op wederzijds respect en vertrouwen. De resultaten die de ICBR tijdens haar 60-jarige bestaan heeft kunnen behalen, i.c. de verbetering van de waterkwaliteit van de Rijn en zijn zijrivieren, het integrale beheer van overstromingsrisico's en de bescherming van de biodiversiteit van de aquatische milieus van de Rijn, zijn het resultaat van deze samenwerkingsgeest tussen de verdragspartijen.

Wegens zijn status van toegangspoort voor trekvissen tussen de Noordzee en de hydrografische stroomgebieden van de Maas en de Rijn is Haringvliet een sleutelement in de herstelstrategie voor aquatische ecosystemen. Derhalve ben ik dan ook uitermate teleurgesteld over het besluit van de Nederlandse regering om zich niet langer ertoe te verbinden de Haringvlietsluizen voor trekvissen open te stellen.

Ten behoeve van de internationale samenwerking zou ik u erkentelijk zijn indien u de beslissing om het Besluit Beheer Haringvlietsluizen in te trekken zou kunnen heroverwegen teneinde de verplichtingen die ons vanuit de Europese regelgeving worden opgelegd en het verwezenlijken van de milieudoelstellingen die wij in onderling overleg primair hebben vastgesteld niet op de helling te zetten.

(beleefdheidsformule)

(w.g.)

Jean-Marie Halsdorf

Minister van Binnenlandse Zaken en de Grote Regio

Kopie: de heer Jean ASSELBORN, minister van Buitenlandse Zaken

de heer J.P.R.M. van LAARHOVEN, secretaris-generaal van de Benelux

de heer Jacques SICHERMANN, voorzitter van de Internationale Commissie ter Bescherming van de Rijn (ICBR)

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State Secretary at the Ministry of  
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**Courtesy translation**

Dear Mr Bleker,

Dear Mr Atsma,

Ensuring the continuity of water bodies for migratory species, in particular migratory fish such as salmon or sea trout, is a fundamental task of the transboundary management of water bodies in the river basin of the Rhine. In order to improve continuity, the countries in the river basin of the Rhine have agreed on an important package of measures for the next years - the Master Plan Migratory Fish Rhine. . In this way, they are contributing to the conservation and improvement of biological diversity in line with the Strategic Plan for the Convention on biological Diversity 2011 – 2020, which was adopted in Nagoya recently.

The plan to open the Haringvliet sluices is a significant project. It ensures that, in future, at this important access to the river basin of the Rhine, more migratory fish can pass this obstacle and enter into the main channel and tributaries in sufficient numbers.

Word has now reached me from the consultations of the International Commission for the Protection of the Rhine that pursuant to the coalition agreement of the newly elected Dutch government the decision to open the Haringvliet sluices is to be repealed. I am surprised at this, in particular in view of the prior high commitment of the Dutch government regarding the development and adoption of the Master Plan Migratory Fish Rhine. In October 2007 the conference of Rhine ministers affirmed its willingness to restore the continuity of the Rhine until Basel and in the salmon programme waters. The Netherlands played an important role in achieving agreement on this complex topic at the conference.

I would like to express my concern about the impact that repealing the decision to open the Haringvliet sluices would have on the cooperation of the countries in the river basin of the Rhine.

One aim of the Master Plan Migratory Fish Rhine is to establish self-sustaining populations of migratory fish. The plan contains several consecutive measures that are planned or already being implemented by all riparian countries of the main channel and its tributaries. If a country downstream of a river does not implement measures that were planned, this has an impact on the measures of upstream countries.

Improving continuity of water bodies requires great investments. In line with the Master Plan all countries should have considered this in their budgets or will do so, depending on which measure is taken and when. Since 1990, 50 million euros have been invested, relying on international cooperation. A total investment of 500 million euros is proposed.

Furthermore, the Master Plan Migratory Fish was incorporated into the international part of the river basin management plan for the Rhine, which means it also serves to implement the EU Water Framework Directive (Directive 2000/60/EC). The measures of the Master Plan were also included in national river basin management plans and programmes of measures. The international part of the river basin management plan for the Rhine and the national management plans were reported to the European Commission.

Transboundary cooperation regarding the protection of water bodies is largely based on trust and reliable agreements. All countries must be able to rely on the implementation of jointly

drawn up plans which in a transboundary river basin are naturally intertwined. Upstream and downstream riparians thus form a community based on the principle of mutual solidarity. They are dependent on each other with regard to the management of water bodies, be it the improvement of continuity or reducing pollution. Reliability has played a major role during the 60 years of cooperation in the International Commission for the Protection of the Rhine, which was initiated by the Netherlands.

Against this background, repealing a substantial element of the Master Plan Migratory Fish would be a negative signal for the previously successful cooperation in the river basin of the Rhine. The impact would be felt well beyond Dutch borders.

In this context, allow me to point out that opening the Haringvliet sluices is not only of significance for the river basin of the Rhine, but also for that of the River Maas. Both our countries are also members of the International Commission for the River Maas, which is currently also drawing up a master plan for migratory fish.

I therefore request that you comply with your promise of opening the Haringvliet sluices.

Yours sincerely,  
signed: Norbert Röttgen



CH-3003 Bern, GS-UVEK

Courtesy translation

Staatssecretaris van Economische Zaken,  
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Holland

Bern, 19 November 2010

### **Implementation of the Salmon 2020 programme in the Rhine basin**

Dear Secretary of State,

As a member of the International Commission for Protection of the Rhine (ICPR), Switzerland has been actively involved in programmes for sustainable development of the River Rhine for some 60 years. Within the framework of the Rhine 2000 action programme, agreed by the ministers responsible from the ICPR member states following the Sandoz fire in 1986, damage to the river from pollutants and nutrients was greatly reduced and an important step towards improving the water quality was taken. The positive effect on the Rhine, which is a major drinking water resource and aquatic ecosystem, is a striking example of joint cooperation among countries from the upper to the lower reaches of an international watercourse. The ICPR and its member states are therefore viewed worldwide as a model of international collaboration.

Although the biological condition of the Rhine has improved considerably over recent years, there continues to be a need for action on the ecological viability of the river, including the maintenance of biodiversity. The migratability of the Rhine itself and its tributaries for aquatic organisms, particularly migratory fish such as salmon and sea trout, is the purpose of the ICPR "Rhine 2020" programme and is now among the most important tasks for transnational water management in the Rhine basin.

To enable salmon to reach their original spawning grounds up to Basel, barriers to migration such as dams and sluices at the mouth and along the main river must be made passable. At the Conference of Ministers of the ICPR in Bonn in October 2007, the ministers responsible from the countries in the Rhine catchment agreed a corresponding package of measures which are defined in the ICPR Master Plan Migratory Fish Rhine and sets priorities for phased implementation of the measures to restore the accessibility of the Rhine and its tributary waters.

As part of the master plan, the Netherlands confirmed its intention at the Bonn conference to partly open the Haringvliet sluices, which are an important gateway to the Rhine catchment, to ensure that more migratory fish can pass this barrier and reach the main river and its tributaries.



During the current negotiations within the ICPR, we were given the news that the Netherlands wants to reverse its decision to open the drainage sluices in the Haringvliet dam on a rising tide in future. This is also indicated in the publicly available coalition agreement of the new Dutch government dated 30 September 2010.

I am very surprised at this information in view of the previous commitment by the Netherlands both to successfully conclude the negotiations on this subject at the Conference of Rhine Ministers 2007 in Bonn as well as the preparation and implementation of the ICPR Master Plan Migratory Fish.

I am very concerned about the impact that a decision of this kind would have on cooperation between the States in the Rhine catchment in view of the fact that improving the accessibility of the river involves high investment which the States have already scheduled in their budgets, or will be doing so, on the basis of the master plan. €50 million have already been invested since 1990, due at least in part to confidence in the international cooperation. Investment of €170 million is planned by 2015 and will total some €500 million. Switzerland has already spent considerable sums on the tributaries around Basel and in the Upper Rhine for return of the river's migratory fish.

Against this background, the removal of an essential component of the Master Plan Migratory Fish would be a negative signal in terms of the previously successful cooperation between the countries and would have an impact on the coordinated measures by the countries along the Rhine in general. Ultimately, it is clear that the effectiveness of the measures implemented or still planned by the States higher up the Rhine basin would be greatly reduced if the gateway through the Haringvliet sluices were not passable for migratory fish.

Countries up and down the river must be able to assume mutual implementation of plans prepared jointly, which naturally interlink in a shared river basin. The successes in relation to water quality were an impressive demonstration of this. The transnational cooperation on water protection is built to a large extent on trust and reliance on agreements.

I hope that my comments have shown you the importance of opening the Haringvliet sluices in achieving the objective of sustainable development of the Rhine ecosystem and would appreciate your support for this objective.

Yours faithfully,

Doris Leuthard  
President of the Confederation

JANEZ POTOČNIK  
Member of the European Commission

Brussels, 26. 11. 2010  
Ares(2010)

Staatssecretaris van Infrastructuur & Milieu  
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NEDERLAND  
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Dear State Secretary,

I was informed that, at a recent meeting of the International Commission for the Protection of the Rhine, the Netherlands announced its intention not to proceed with the partial opening of the Haringvliet floodgate in the context of the River Basin Management Plan for the Rhine River.

This decision would be at odds with the objectives of the EU Water Framework and Habitats Directives and of the Convention on the Protection of the Rhine. In addition, it runs counter to the new impetus given to biodiversity protection in Nagoya less than a month ago.

The passage of fish at the Haringvliet is fundamental, as stated in the Netherlands' river basin management plans, to re-establish a vital and self-reproducing salmon population. This was also agreed in the international river basin management plan for the Rhine. If a passage for migratory fish such as salmon is not ensured downstream in the Rhine estuary, all attempts upstream to improve conditions for migratory fish will be totally in vain.

The opening of the Haringvliet was agreed in the Master Plan for Migratory Fish adopted at the 2007 Ministerial Meeting of the International Convention for the Protection of the Rhine (ICPR) by the EU and its Rhine Member States. A decision by the Netherlands not to open the Haringvliet would therefore put the international credibility of the EU at risk.

Furthermore, the Contracting Parties of the ICPR have committed substantial resources to implement the measures to open up the river for migratory fish; around €500 million in total. Out of this, €170 million are to be invested by 2015 to reach the environmental objectives of the Water Framework Directive, while the cost of the measures to be taken at the Haringvliet floodgate would be around €36 million. Without the opening of the Haringvliet, the Parties' investments would not achieve their objective.



The river basin management plans reported to the European Commission by the Netherlands announced the partial opening of the Haringvliet floodgate as part of the agreed programme of measures. The plan has been coordinated, as required by the Water Framework Directive, with the river basin management plans of other EU Member States in the catchment of the Rhine.

I am therefore very surprised and disappointed to learn that the Netherlands may no longer want to implement this plan, which was adopted less than a year ago after an extensive public consultation.

Moreover, with regard to the Birds and Habitats Directives, the partial opening of the Haringvliet floodgate is of crucial importance to achieve the conservation objectives set for the Haringvliet Natura 2000 site. A decision not to proceed would make it impossible to restore the favourable conservation status of a number of habitat types or species of Community interest, including the Atlantic salmon for which the Haringvliet was designated as a site of Community importance. The Habitats Directive requires taking all the measures necessary to achieve a favourable conservation status of such habitats and species, particularly within the Natura 2000 network.

I am sure you will agree with me that ensuring biological river continuity is essential for re-establishing the salmon in the Rhine and the Maas rivers, to reach the objectives of the Water Framework and Habitats Directives and to maintain the international credibility of the EU.

I therefore appeal to the Dutch government to stand by the international commitment it made in 2007 to restore the Rhine and to support the partial opening of the Haringvliet floodgate. For your information, the issue has also been brought to the attention of the European Commission by the NGO Natuurmonumenten, acting on behalf of the Sportvisserij Nederland, de Natuur en Milieufederaties, and De 12 Landschappen.

Given the serious implications of a potential unilateral decision by the Netherlands not to proceed with the measures agreed to ensure the passage of migratory fish at the mouth of the Rhine, I have asked my services to examine all options to enforce the agreed EU objectives in this respect.

Yours sincerely,

*Courtesy translation*

Mr.  
Joop Atsma  
State Secretary of Infrastructure and the Environment  
of the Kingdom of The Netherlands  
Plesmanweg 1-6  
2597 JG The Hague  
The Netherlands

UW.3.2.7/0165-VII/2/10

Vienna,

Excellency,

The successful work of the International Commission for the Protection of the Rhine is a shining example and a yardstick for other commissions on riverine areas, which is not least due to the great commitment on the part of the Netherlands. As one of the internationally particularly recognized examples we would like to mention the Salmon 2000 Programme, whose continuation is also one of the most crucial goals of the Water Management Plan Rhine, which has been set up according to the requirements of the EU Water Framework Directive.

This orientation according to the internationally exemplary work of the International Commission for the Protection of the Rhine applies especially to Austria, which is represented in the International Commission for the Protection of the Rhine as well as in the International Commission for the Protection of the Danube River.

Now I have heard via my representatives at the International Commission for the Protection of the Rhine that the Netherlands would discuss for budgetary reasons the idea to revert the decision to open the Haringvliet lock. With the opening of the lock a key obstacle for the access of the salmon to the Rhine would be eliminated. With the reversal of the decision a central result of the Rhine Ministers Conference in October 2007, to restore the passability of the Rhine for the salmon as far as Basel, is withdrawn by the Netherlands, the country which has played an important role in the agreement on this complex topic.

I would like to refer to the fact that the confidence and the reliability of the compliance with international commitments constitute the basis for trans-boundary cooperation. The withdrawal

of the commitment to open the lock made by the Netherlands at international level, which is obviously under discussion, is thus likely to have unpredictable negative effects on the international cooperation concerning other riverine areas such as the Danube with its riparian states, which are economically in a considerably worse position.

I am very concerned about the fact that this could be seen by other countries in our times, which are harder from the economic point of view, as a precedent. This would render the work in other commissions on riverine areas - such as the International Commission for the Protection of the Danube River - considerably more difficult

As much as I understand the need for budgetary cuts – I would still kindly request you to stick with your previous commitment to open the Haringvliet lock.

Please accept, Excellency, the assurances of my highest consideration.

Madame Mélanie SCHULTZ  
Ministerie van Infrastructuur en Milieu  
Plesmanweg 1-6  
NL-2597 JG Den Haag

Namur, le 7 decembre 2010

Madame la Ministre,

Chère collègue

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**Concerne: Kier Haringvliet - Fente Haringvliet: gestion des écluses dans le barrage**

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Le Gouvernement wallon a pris connaissance de votre accord de coalition qui fait suite à l'installation d'un nouveau Gouvernement au lendemain des élections néerlandaises.

Le Gouvernement wallon a pu lire dans cet accord que votre Gouvernement envisage de retirer la décision sur le « Kier Haringvliet » (Fente Haringvliet ; gestion des écluses dans le barrage), qui a pour but de permettre la migration des poissons migrateurs, entre la Mer du Nord et la Meuse.

Le Gouvernement wallon tient à vous faire part de son inquiétude à ce sujet.

Sachant que les débats dans votre parlement national (les Etats Généraux) sur le budget de votre ministère sont prévus du 30 novembre au 02 décembre, le Gouvernement wallon tient à vous faire part de son point de vue sur la question.

Cette position serait en totale contradiction avec les exigences de la libre circulation des poissons, notamment dans le cadre de l'implantation de la Directive cadre sur l'eau ainsi que de l'exécution du Règlement (CE) n° 1100/2007 du Conseil instituant des mesures de reconstitution du stock d'anguilles européennes et de la Décision Benelux M (2009) 1 relative à la libre circulation des poissons dans les réseaux hydrographiques Benelux. Elle risque de contrecarrer fortement les efforts consentis pour la restauration de la libre circulation des poissons et pour la réimplantation des populations de poissons migrateurs (projet Saumon).

Par ailleurs, les parties contractantes à l'accord pour la protection de la Meuse, siégeant au sein de la Commission Internationale pour la Meuse, sont occupés à finaliser une synthèse et des recommandations concernant la réalisation du Plan directeur « poissons migrateurs Meuse » dans le souci de rétablir des populations durables de poissons migrateurs dans le district de la Meuse.

Nous vous informons que ce dossier s'ajoute à notre préoccupation quant au projet de centrale hydroélectrique à Borgharen pour lequel nous avons adressé un courrier

précédemment à Madame la Ministre Mevrouw Gerda VERBURG, courrier dont vous trouverez copie en annexe.

Si le contenu de votre accord de coalition devait être confirmé sur le dossier du Fente Haringvliet lors des Etats Généraux, cette décision entraînerait une véritable régression environnementale qui réduirait à néant les projets et travaux réalisés ce jour et compromettrait gravement le potentiel futur de la biodiversité en Meuse pour les décennies futures.

Dans l'espoir que les engagements internationaux seront respectés au mieux des intérêts de l'écosystème Mosan et dans l'espoir que vous pourrez revoir votre position, nous vous prions de croire, Madame la Ministre, chère Collègue, à l'assurance de nos sentiments distingués.

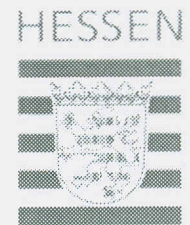
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Benoît LUTGEN

Ministre des Travaux publics, de  
l'Agriculture, de la Ruralité, de la  
Nature, de la Forêt et du Patrimoine

Rudy DEMOTTE

Ministre-Président



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Geschäftszeichen (*Bitte bei Antwort angeben*)  
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An den Staatssekretär für Ökonomische  
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Umwelt des Königreiches des Niederlande  
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Datum: 28. Dezember 2010

#### Opening of the drainage sluices in Haringvliet dam

Dear Mr Dr. Bleker,

dear Mr Atsma,

after the Sandoz accident in 1986, the Rhine Ministers in 1987 adopted the "Rhine Action Programme", which has set itself, including the reintroduction of Atlantic salmon to the target. On this decision, the Netherlands played a key role. The salmon is here because of its high environmental standards and its particular indicator function as a symbol for the sustainable rehabilitation of the Rhine ecosystem. To improve the chemical water quality, the Rhine states in the episode and has already made enormous efforts in the 90s reached for the reintroduction of salmon required quality. Further conditions for the reintroduction of migratory fish were the restoration of continuity created (Iffezheim, Gambsheim and numerous tributaries), fish stocking, habitat improvement, etc.. This have been issued about 97 million euros. Other measures in the order of 138 million euros by 2015 and long term provided a total of about 500 million euros.

In the Rhine Ministers Conference in 2007 it was agreed that the Haringvliet locks will partially open. In return, the upstream committed to several measures, including the following:

- The restoration of patency to the barrage of Strasbourg in 2015 and
- the start of work on the barrage Gerstheim from 2015 to the Elz-Dreisam-System with 59 ha of spawning and juvenile habitats back into reach.

On behalf of the Rhine Ministers Conference was a "master plan migratory fish to the Rhine" prepared, which also includes the agreement on the opening of the Haringvliet locks and shows in addition to those many other measures for the Atlantic migratory fish upstream in German, French and Swiss waters - including the EU-LIFE project for the resettlement of shad in the Rhinesystem in the states of Nordrhein-Westfalen and Hessen, in cooperation with France. About the plenary assembly of the IKSR in July this year in Mainz, I received the information that the Netherlands - according to a definition in the coalition agreement of the new government - would reverse the decision to open the Haringvliet locks to eliminate conflicts with local authorities and interest groups.

In conclusion, to emphasize that the effectiveness of the investments were made by all Rhinestates, by a failure of the partial opening of the floodgates Haringvliet would be reduced considerably. In view of the international salmon reintroduction program shall present data situation even be said that the resettlement be completed only if the migration corridor for migratory fish Haringvliet is passable - otherwise, this failure is a major international project! The same applies to the reintroduction of shad.

For this reasons, I urge you from the revocation of the decision of the Rhine-Ministers-Conference in 2007 to see and to work on the binding nature of decisions made. International efforts around common interests, such as water conservation on the Rhine, require a high degree of mutual trust and absolute reliability. Otherwise, the success of such an important joint project is doomed to failure.

Yours sincerely

Lucia Puttrich