

FONASBA MEMBERSHIP ENQUIRY



ENQUIRY RESPONSE FORM

ORIGINATING ASSOCIATION:	CENTRO DE NAVEGACION
<p>ENQUIRY DETAILS:</p>	<ol style="list-style-type: none"> 1. How is the port industry in your country structured? Does it comprise: a) mainly privately owned and operated ports, b) mainly landlord ports - where the land and fixed infrastructure (quay walls, paving, some buildings etc.) are owned by a port authority and the moveable assets (cranes, handling equipment etc.) and specialised buildings are provided by a tenant company such as a terminal operator on a lease basis? c) fully state-owned ports? d) a mixture of the above? (please specify) 2. If the answer to the above question is b), is the port authority a national, regional or local body? 3. Is port development and expansion a commercial activity driven by the port authority/owner itself or is it determined by the national or regional government? 4. Are the port services (towage, line handling, stevedoring, cargo handling etc.) provided by a) the port authority/port owner?, b) the terminal operator? or c) a mixture of the above? (please specify) 5. Which party has responsibility for overseeing health and safety compliance within the port? a) the port authority/port owner?, b) the terminal operator? c) a national body or d) a mixture of the above? (please specify) 6. Are port tariffs set by: a) the port authority/port owner?, b) the terminal operator? c) a national body? or d) a mixture of the above? (please specify) 7. Are statutory actions in relation to customs, public health, phyto-sanitary and environmental compliance carried out by: a) national, regional or local statutory authorities? b) private contractors on behalf of the statutory authority? c) a mixture of the above? (please specify) 8. If appropriate, how are concessions for the use of fixed port infrastructure (see question 1 above) by terminal operators or other tenants regulated? Are there situations where the tenant may be responsible for maintaining or developing the fixed infrastructure? (please specify) 9. What is the process for securing environmental approval of port developments?
<p>CLOSING DATE FOR REPLIES:</p>	<p>5th July 2017</p>

RESPONDING ASSOCIATION COMMENTS: (Please include any attachments)

Algeria	<ol style="list-style-type: none"> 1. The majority of ports in Algeria are fully state-owned ports, even if there are two ports Algiers and Bejaia where we have two terminal operators acting as joint ventures. 2. The port authority is a regional body.
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	<ol style="list-style-type: none"> 3. The development and expansion of commercial activities is driven and planned by the national government. 4. The port services such as towage, stevedoring and cargo handling are exclusively provided by public port authority, even though the national regulation authorise private operators, terminal operators in case of concession provide stevedoring and cargo handling. 5. The port authority is responsible for overseeing health and safety compliance within the port. 6. The port tariffs are set by the port authority and terminal operators in case of joint venture. 7. Statutory actions in relation to customs, public health, phyto-sanitary and environmental compliance are carried out by national statutory authorities. 8. The two ports where we have concession, the terminal operators are not responsible for maintaining or developing fixed port infrastructure, it is the responsibility of the national authority. 9. The national environment protection plan is established to secure environmental approval of ports developments.
Brazil	<ol style="list-style-type: none"> 1) Option “d”. The Brazilian port system is administrated by the National Secretariat of Ports (SNP) under the Ministry of Transport. The SNP is responsible for formulating the policies and promoting the execution of measures, programs and projects to support the infrastructure development of maritime ports. It is also SNP's responsibility to participate in strategic planning and the concession plan approval. Those plans seek to ensure the safety and efficiency of the maritime transportation of cargo and passengers. Among the 35 statutory ports administrated by SNP, 14 of them are delegated, awarded or authorized to be operated by the state and city governments. The other 23 maritime ports are administrated by the dock companies, which are shared private and public companies that have the Federal Government as the major stockholder, and therefore are directly linked to the SEP. The activity is also regulated by National Waterway Transportation Agency (ANTAQ) which is a regulatory agency. 2) N/A. 3) Within the so-called "organized port", this is defined by the federal government. Concerning private areas, the development and expansion projects can be put in practice respecting the geographical limits without harming the environment or blocking common areas access. Since the beginning of the privatisation of the Brazilian ports in 1995, the lessee companies of container and other cargoes terminals have invested a huge amount of money in the acquisition of modern equipment, physical infrastructure, training of manpower and infrastructure. 4) Option ‘c’. Except for the manpower which, under the law, is managed by a body responsible for the supply of the permanent and non-permanent port worker, the other services are contracted directly by the applicant and the tariffs are defined through a free negotiation between the parties with the support of local representative bodies and governmental mediation when appropriate. 5) Health and Sanitary conditions are survey by National Health Surveillance Agency, a regulatory body. 6) A mixture.

	<p>7) National or regional.</p> <p>8) It is made through auctions promoted by the Federal Government. Currently the winners are defined by the value offered to the public power in exchange for the right to explore a certain area for a period of time and of course, complying with the prerequisites specified in the Auction Notice.</p> <p>9) There are some mandatory steps to follow in order to lease an area or to obtain a license to construct a "Private Use Terminal". Any construction of port facilities needs previous environmental licensing. The first step is to elaborate a project which will be turned into a "Term of Reference" by the environmental authority and this will guide the mandatory environmental studies. To apply for the licenses, it is necessary to submit this project draft to the environmental authority. The project contents should include: contact data, size of the construction, localization of the installations, technical details, liquid effluents, solid waste and atmospheric emissions, among others. This procedure is necessary in order to obtain a specific guide adequate for each situation when preparing the environmental impact study. The environmental authority can either belong to the Federal or the State governments. The definition of the responsible authority is based mostly on the impact of the construction in the surrounding biome, the cargo to be handled or the location of the facility. After carrying out the environmental impact study, the material should be returned to the environmental authority in order to be approved. Once the study is approved, a "Previous License" is granted, which will be valid for five years. It is also necessary to apply for the "Installation License" in order to begin construction. The application procedures determine that the applicant must present the Execution Project and it must also include a Basic Environmental Program and an Environmental Management Program. Once these projects and programs are approved by the responsible authority, the license, which will be valid for six years, is granted. Once the construction work is concluded, it is necessary to apply at the environmental authority for a final license which is called "Operation License" which is valid for 10 years. We also want to mention that enquiry details also demands a very detailed info, considering local laws and regulations applied to public ports or private terminals, regretfully very complicated to summarize in a short survey. Nevertheless we hope above will help.</p>
Croatia	<ol style="list-style-type: none"> 1. b) 2. local body 3. determined by the port authority/owner itself 4. c) separate private companies 5. d) the port authority/port owner 6. d) BY THE PRIVATE COMPANIES BUT PORT AUTHORITY DETERMINES MAX LEVELS 7. a) national, regional or local statutory authorities 8. unknown 9. unknown
Cyprus	<ol style="list-style-type: none"> 1. The major commercial port of Cyprus that of Limassol is mainly a landlord port where the land and fixed infrastructure are owned by the Cyprus Ports Authority and the operation of the port (containers, break-bulk general cargo/passengers and the marine services) were taken over by successful private operators for a long period of time after the international tenders invited by the Cyprus Government. 2. The Cyprus Ports Authority is a national semi-governmental body being entrusted by the Cyprus Government to administrate on its behalf Cyprus ports being also the owner of the port assets/infrastructure. 3. The port development is decided by the Cyprus Ports Authority in cooperation with the new Operators.

	<ol style="list-style-type: none"> 4. The operations and services to vessels, cargoes and passengers are rendered by the private Operators of the port using their own equipment and staff under the terms and conditions provided in the concession agreements signed between them and the Cyprus Government. 5. Both the Cyprus Ports Authority and the Operators (according to the concession agreements) are jointly responsible for overseeing health and safety compliance within the port implementing the ISPS Code and the international rules/regulations governing the sector of health. 6. Port tariffs are regulated by the Grandor (i.e: the Government). There are however cases where the operators are allowed to issue non-regulated tariffs which should be approved by the Government. 7. All statutory actions in relation to customs, public health, phyto-sanitary and environmental compliance are carried out by the competent national public authorities with the assistance and cooperation of the Operators. 8. According to the concession agreements the Operators (tenants) are responsible for the maintenance and developing the fixed port infrastructure such as quays, equipment, logistics systems and other related assets or operational instruments with the approval/agreement of the Cyprus Ports Authority. <p>According to the concession agreements the operators should carry out their port activities in a manner so as to protect the environment, minimising the risk of any injury or nuisance to any person or damage to property or the environment, protecting against and minimizing the risk of any adverse impact on the environment and all port users.</p>
Denmark	<ol style="list-style-type: none"> 1. The port industry is structured as: “d) a mixture of the above”. There are four different company structures of which one is wholly privatized, one is a limited company owned by the Municipality and the remaining two structures are controlled by the Municipality. The port sector is governed by a statutory law called “Havneloven”. 2. n/a, since we replied “d)” to question 1. 3. Decided by owners and carried out by the port authority. 4. In general, port services are carried out by private companies with exception of stevedoring which can be performed by ports established as public limited companies owned by the port. Privately owned ports can perform any port related service. 5. Port authorities, port terminals as well as Health agencies and Maritime administrations have responsibilities within health and safety compliance. 6. Port Tariffs are set by Port Authority. 7. Statutory actions in relation to customs, public health, phyto-sanitary and environmental compliance are carried out by national authorities and agencies. 8. No concessions in Denmark any longer only separate leasing agreements. 9. There are national statutory rules how to get the necessary approvals for environmental issues.
Finland	<ol style="list-style-type: none"> 1. D. -a) industrial ports related to production facilities/factories -b) mainly container ports, incorporated private companies but municipality owned -c) no 2. Local

	<ol style="list-style-type: none"> 3. Determined by owners commercial interests themselves often in co-operation with regional interests and municipality 4. C. Basically though by terminal operator and/or 3rd party entrepreneurs 5. D. All parties of their own activities. Port authority responsible overseeing port area safety co-operation between parties. Overall general overseeing lies with respectively general governmental authorities 6. A. Port/cargo dues by port owner B. Terminal handling /stevedoring by terminal operator/stevedore 7. A. 8. Contractual/Negotiable 9. Environmental impact assessment, environmental permit (complicated and time-consuming process generally involving complaints and appeals...)
France	<p>As far as France is concerned:</p> <ol style="list-style-type: none"> 1. France ports are fully state owned infrastructures. An equipped (quay, paving...) piece of land is on long term lease to terminal operators. All moveable assets are property of terminal operators. 2. Regional. 3. By port authority. 4. Towage, line handling, stevedoring, cargo handling are private companies or mixture private/public depending on the ports. 5. By port authorities. 6. By Terminal operators. 7. Regional statutory authority. 8. Fixed infrastructures maintenance is done by the port. 9. Regional state authorities in relation with ministry of environment provides the approval.
Greece	<ol style="list-style-type: none"> 1- B - Ports in Greece are mainly state - owned. The services in most of them are provided either by private companies (eg. Cranes etc) or by unions (eg. Stevedores). There are a few exceptions, like the Piraeus container terminal, which is privately operated under lease agreement (concession) with the state. There are also some private terminals, which are related to factories, plants or mines in the area and are given to them for their shipment needs. However these concessions (the factory or mines private terminals) do not have the right to use them for any commercial activity other than their own shipments. 2- The major port authorities are regional or local bodies and legal entities (societes anonymes). 3- It is mainly determined by the national government. Even if the local port authority introduces a plan, it would need to be approved by the government. 4- For the fully state ports (majority) the provision of the services varies. Line handling is usually provided by the port authority or concessionaire, stevedoring by local unions, towage by private companies, etc). 5- No specific body. Coast guard implements national laws with the port. 6- By the port authority supervised by the state 7- A 8- To the best of our knowledge the tenant has full responsibility for maintaining and developing the fixed infrastructure. Normally mandatory development of infrastructure is part of the concession agreement which reverts to the state when the concession ends. 9- It requires multi-ministerial approval plus local and regional authorities.
Hungary	<ol style="list-style-type: none"> 1. Mixture of above. 2. - 3. both, but mainly based on EU funding 4. c/

	<ol style="list-style-type: none"> 5. port operator 6. owner or operator 7. a/ 8. it depends on the concession contract 9. must have the approval of the government environment body
Israel	<ol style="list-style-type: none"> 1. Israel has 5 ports in the Mediterranean and one port in the Red sea. All are basically subject to the Landlord concept. That is not going to change. The two largest ports are Haifa and Ashdod, which are handling all types of cargo except coal. The two ports are also the only ports handling containers. In 2021 we expect to have two new additional container terminals, one in Haifa and one in Ashdod. The small ports of Eilat (Red sea) and Israel Shipyards deal with cars and minerals (Eilat) and with General cargo and bulk (Israel Shipyards). The last two are "Energy ports", Hadera for coal and Ashkelon for crude oil. 2. Israel does not have any more the classical "port authorities" but has instead a fully owned Government body for all ports, called: Israel Ports company (IPC). Its main tasks are to develop the ports and assign operators to run the ports' activities. 3. The IPC is subject to the Government policy and financial resources. 4. By b. 5. National Bodies 6. All ports' handling tariffs are set by the Government, however they are maximum tariffs and the ports have the right to levy less or grant individual reductions if you like. There is also a special fixed tariff collected from the importers and exporters for the purpose of the ports' development. This is also set by the Government. 7. All are handled by the various Government bodies. 8. At present, there are both Government and private management companies running the various ports' activities. Since the two new container terminals' operation have been assigned to private companies and the two small ports are already working under private operators, the Government decided to adopt private operators for all the commercial ports. The two "energy ports" will probably remain operated by Government companies. For clarity sake, please note that the two new container terminals, in Haifa and Ashdod, will not be operated by the present ones, but by two new different companies. 9. There is no way to bypass the approval and monitoring of the Environmental Ministry and its various laws and bylaws.
Japan	<ol style="list-style-type: none"> 1. With the idea of decentralization, Local autonomy body as port administrator, manage its port facility. Management of facilities is lent to private companies. 2. Local autonomy body. 3. In case of Construction of breakwater exceeding 12 meters in depth, or other big construction are driven by national government, after-then Local autonomy body administrate port facility. 4. Private enterprises for Tug service, Stevedoring/Cargo handling, line handling, etc. 5. Local autonomy body.

	<p>6. Some charges/fees are set by Local autonomy body but tonnages due are national tax.</p> <p>7. a)</p> <p>8. Local autonomy body.</p> <p>9. Under consultation of national body and Local autonomy body.</p>
Kenya	<p>1. Fully state owned. One private operator handles grains thro' conveyor belts and stored in silos.</p> <p>2. N/A</p> <p>3. It is determined by the national government.</p> <p>4. Port Authority who doubles as terminal operator.</p> <p>5. Both the port authority & national body.</p> <p>6. By the Port Authority.</p> <p>7. National Authority through government agencies.</p> <p>8. Not applicable.</p> <p>9. A government agency called National Environmental Management Authority (NEMA) has to grant approval.</p>
Malta	<p>1. B.</p> <p>2. National body.</p> <p>3. Port authority driven by the National Govt.</p> <p>4. Terminal operator.</p> <p>5. Terminal operator.</p> <p>6. A mixture. Terminal operator proposes and the Port authority finalises officially.</p> <p>7. National local statutory authorities.</p> <p>8. It depends on the Port and also a specific port area. It also depends on the agreement between the local Government as the lessor of the land/infrastructure and the Terminal Operator.</p> <p>9. Port developments will need to go through a process of approval of the development by the local planning and environmental authority before any development may proceed.</p>
Mexico	<p>1. A mixture of the above. It is structured by 102 ports, which are divided by Integral Port Administrations, Federal, State, The National Fund for Tourist Development (FONATUR) and private.</p> <p>2. n/a</p> <p>3. To continue promoting development, the Federal Government creates public policies to develop new criteria and strategies to improve the quality of services offered, all with a comprehensive and long-term vision.</p> <p>4. Port services are provided by private companies; users select the best provider for their interests.</p> <p>5. a. It has the obligation to protect and safeguard the lives of their workers. These establish a compulsory social insurance against the risks of accidents and occupational diseases. However, maritime authority (SEMAR) and Department of Health regulate and supervise compliance of health and safety in ports.</p> <p>6. the port authority/port owner</p> <p>7. a. The Port captaincies, as well as customs, sanitary, phytosanitary, migratory or any other authorities that perform their functions in ports will be coordinated in terms established by the regulation or the law to comply with it.</p>

	<p>8a. The concessions will be awarded through a public tender (tenders)</p> <p>8b. Yes, by entering into a contract.</p> <p>9. We don't have that information.</p>
Morocco	<ol style="list-style-type: none"> 1. At Morocco, the ports infrastructure is owned and managed by the state. The state gives concessions to private terminal operators to whom belong the cranes and handling equipment. 2. The port authority is a national body. 3. Port development and commercial expansion driven by port authority. 4. By either private companies or terminal operator. 5. For Health, Health officers. For safely, port authority and terminal operator. 6. Main Tariffs are set by port authority. 7. Port authority. 8. The terminal operators are responsible for maintaining the fixed infrastructure. The port authority is responsible for developing the fixed infrastructure. 9. The main Moroccan ports are in conformity with national and international environmental regulations.
Netherlands	<ol style="list-style-type: none"> 1. The answer is B. 2. The PA was in former days a regional governmental body but it has been privatised since a decade. 3. Port development and expansion is a commercial activity driven by the PA. 4. None whatsoever. All private companies. 5. The Port Health Centre. A combination of private enterprise and the PA. 6. Port and quay dues are set by the PA. All other tariffs are set by the executing companies themselves. Like pilotage, mooring, terminals etc. 7. National, regional and local statutory authorities. 8. The PA arrange for these kind of concessions and fix the rent. If there is responsibility for the tenant to maintain and develop is not known. 9. Regional or national legal bye laws.
Portugal	<ol style="list-style-type: none"> 1. b 2. Local or Regional body 3. National Government and as well as port authority 4. All conceded. Only in Leixões tugs are provided by port authority 5. Mixture 6. Mixture of the above. All services concessioned should have a tariff approved bt port authority. 7. National/regional authorities 8. Terminal operators 9. National authority
Russia	<ol style="list-style-type: none"> 1. "b". 2. Regional branch of National body. 3. National government. 4. "b" and by tug company in case of towage. 5. "a". 6. "c" if port dues and " b" if CY service. 7. "a". 8. Tenant is responsible for maintaining the fixed infrastructure and can develop it if it's agreed with landlord. 9. Environment protection service is to be requested for approval in writing.
Slovenia	<ol style="list-style-type: none"> 1. d) In Slovenia we have a specific situation where the company Luka Koper-Port of Koper, d.d. has the concession to develop, invest, finance, maintain and operate the port area and capacities (equipment and infrastructure). It is

	<p>worth to mention that this company historically built (from 1957) the whole port infrastructure and act as stevedoring company in the past as well.</p> <ol style="list-style-type: none"> 2. No port authority. The company Luka Koper, d.d. is a public limited company, listed on Ljubljana Stock Exchange (since 1996). The Republic of Slovenia is the major shareholder. 3. Port development is commercially driven, with the consents of the owners. 4. c) See also '1'. <p>Towage-private company, line handling-Luka Koper, stevedoring and cargo handling-Luka Koper.</p> <ol style="list-style-type: none"> 5. d) On the 1st level Luka Koper and then national authorities. 6. d) Port tariffs are set by Luka Koper for services provided by Luka Koper. Port dues are set by the government. 7. c) By national authorities through local offices. 8. Please see '1'. 9. The National Spatial Plan (NSP) for Port area include a comprehensive Environmental Impact Assessment confirmed by Government of Slovenia. Specific Investments already included in Long-Term Port Development Plans are additionally presented to national Ministry of Environment and are subject to their approval (Environmental consent).
South Africa	<ol style="list-style-type: none"> 1. a) No The Landlord of the ports in South Africa is TNPA-Transnet National Ports Authority responsible for the Marine service, dredging of the port entrance and channels and TPT - Transnet port terminals who man and operate all terminals. There are some Leasehold terminals as well. 2. National. 3. Transnet the holding company and TNPA. 4. Marine services are by the Port Authority and Stevedoring by Private companies. 5. The Port Health Authority and Port Safety Officer. 6. National Port Authority. 7. Local Statutory departments in each port. 8. The state owned lessee TPT will be responsible for maintaining the infrastructure. 9. It will be through the Department of environmental affairs.
Spain	<ol style="list-style-type: none"> 1. b) Landlord ports. 2. There is a national port authority that controls all the port authorities in each 'port of general interest'. 3. All these activities are driven by the Port Authority, but previously approved by the National authority. The port authority must present a so called 'strategic plan' with the initiatives for the next year. The national authority controls that every strategic plan's initiative fulfils all the legal criteria and then authorise it. 4. Port services are provided by private operators previously authorised by the port Authority. <ol style="list-style-type: none"> a. Port authority only can provide these services if there is not any private provider. 5. d) a mixed of the above. In the shared areas, like roads, parking areas, etc., the port authority. Inside concessions (like terminals) the terminal operator.

	<p>In the shared quays is the stevedore company who operates the vessel. During the arrival/departure vessel manoeuvres, the ship owner/ship agent. It depends. And not only for health and safety but also for coordination between different activities/companies involved.</p> <ol style="list-style-type: none"> 6. Port taxes (vessel tax, goods tax, navigation aids tax, passenger tax etc), are fixed by the Spanish law and every port authority can introduce some discounts. Conditions for these discounts are also regulated by national law. Port services tariffs are fixed by the provider but the port authority fix a 'maximum tariff'. 7. National law and authorities with delegations in each port. 8. As landlord ports, is the port authority who regulates. But there is an exception. Spanish law allows to create 'Dedicated terminals', i.e. private terminals that operate only their own traffics. In this case the private operator pays/construct all the infrastructure. 9. National Law and national Port Authority. Every infrastructure project, must have the approval of the national environmental authority. <p>This process is very complicated in Spain and in addition to the national authority, also regional and local authorities can participate in the process through the allegations period.</p>
Sweden	<ol style="list-style-type: none"> 1. b) mainly landlord ports - where the land and fixed infrastructure (quay walls, paving, some buildings etc.) are owned by a port authority and the moveable assets (cranes, handling equipment etc.) and specialised buildings are provided by a tenant company such as a terminal operator on a lease basis? 2. Local body. 3. Driven by the port authority/owner itself. 4. a) the port authority/port owner. 5. c) a national body. 6. a) the port authority/port owner. 7. a) national, regional or local statutory authorities? 8. / 9. It is by legislation on national levels.
UK	<ol style="list-style-type: none"> 1. UK ports are a mix, most are privately owned, some are trust ports and some are owned by the local authority. None are nationally owned. 2. All UK ports are locally managed - there is no national port authority. 3. Any port expansion would be privately funded by the port. 4. No common system, some operate all of the assets in their port, some only operate some services and some are all operated by independent companies. Pretty much every combination is used in the UK. 5. All H&S in the UK is overseen by the HSE (Govt. authority) port authorities and terminals will have their own policies in place which must comply with HSE rules. 6. Ports and terminals fix their own tariffs - these are based on pure commercial pressure. No national body fixing tariffs - illegal in the EU!! 7. Statutory authorities control all official reporting / regulation at national and local levels - no private contractors. 8. No fixed system - each port is different. 9. All port developments must be approved by the local govt. authority, large developments would need national govt. approval also. Public consultations, surveys, etc.
Uruguay	<ol style="list-style-type: none"> 1. In Uruguay, the port industry is structured with mixture of the items a) & b). 2. The port authority is national. 3. The development and expansion commercial activity are driven by the port authority and / or the port owner and the private community.

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| | <ol style="list-style-type: none">4. The services are provided by port operators.5. The Ministry of Labor and the Port Authority.6. The port tariffs are fixed by the port authority and / or the port owner.7. By the national authorities.8. Concessions for the use of fixed port infrastructure are granted by the port authority, and in some cases, it is established that the tenant is responsible for maintaining and / or developing the fixed infrastructure.9. The process to obtain the environmental approval of the port developments is through the National Directorate of Environment. |
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