

FONASBA MEMBERSHIP ENQUIRY



ENQUIRY RESPONSE FORM

ORIGINATING ASSOCIATION:	AMAU (Ukraine)
ENQUIRY DETAILS: For ECASBA Members: When circulating this enquiry, we are aware that authorisations for towage and other port services in EU member states are covered by regulation 2017/352, the Port Services Regulation. If that is the only regulation, please say so, but if there are any other regulations relating to the provision of towage services in your country however, please provide further details.	<i>AMAU have some concerns at the transparency and openness of the granting of towage service in Ukrainian ports and the consequent impact on the provision of agency services. They are therefore seeking information about:</i> <ul style="list-style-type: none">• <i>What procedures are in place in your country to govern and regulate the granting of authorisations to towage operators for the provision of services to vessels?</i>• <i>Are the procedures different if ports are publicly or privately owned or operated?</i>
REPLY TO:	admin@fonasba
CLOSING DATE FOR REPLIES:	Friday, 15th January 2021

RESPONDING ASSOCIATION COMMENTS: (Please include any attachments)

Algeria	<p>Referring Algerian's law, towage activity is a commercial activity that can be executed either by private or public companies.</p> <p>In practice, the activity is subject to factual monopoly of the public companies managing ports and no authorizations are delivered to towage operators wishing to provide services to vessels.</p>
Argentina	<p>Generally speaking, the towage is a private service and many companies compete in price and conditions to get their clients.</p> <p>The Argentinean Ports Act rules that towage is responsibility of Ports.</p> <p>With regards to conditions of safety and procedures, the Prefectura Naval Argentina (Argentinean Coastguard) is the authority who rules over necessity, exemptions, and any technical or safety matter in this issue.</p>
Brazil	<ol style="list-style-type: none">1. Tugs operating in Brazil must be Brazilian flagged. Therefore, foreign companies are not allowed unless they buy another that already operates here or become national to build tugboats in Brazil.

	<p>The companies interested in providing towage services shall submit to The National Waterway Transportation Agency (ANTAQ) the necessary requirements such as financial, legal and technical qualification in order to operate in the country.</p> <p>2. It's a single procedure to both public and private terminals.</p>
Costa Rica	<p>Article 121 subsection 14 of the Political Constitution establishes the legal nature of the national docks and subjects them - together with the railways and airports - to a reinforced regime, preventing them from being alienated, leased, taxed or from leaving the domain and control of the State. Since the docks are public domain assets, the exploitation of the services linked to them must be considered public, and for this reason in our country, issues related to the exploitation of ports and port services are subject to the limitations and controls exercised by the Ministry of Public Works and Transportation as the National Port Authority, and by the Costa Rican Institute of Pacific Ports (INCOP) and the Board of Port Administration and Economic Development of the Atlantic Side of Costa Rica (JAPDEVA), these last in the condition of Local Authorities. The latter, be INCOP and JAPDEVA, have been operating towing services in the following ways: a) directly as in the case of JAPDEVA in some ports of Limón (Costa Rican Caribbean coast), b) through the figure of the Concession of Works with Public Services regulated in the General Law of Concession of Public Works with public services No. 7762 of April 14, 1998, as in the case of the Moín Container Terminal in the Caribbean, in charge of the company APM Terminals Moín SA (with the Subcontract for towing services with the company Svitzer Costa Rica SA), and c) through the figure regulated in the Regulation for the management concession contracts of port public services issued by INCOP N ° 3049 of 14 November 2001 for the case of the Concessionaire SAAM CR SA in the Pacific, Puerto Caldera.</p>
Croatia	<p>1. Towage service in Croatia is regulated by the respective Port Authority in accordance with Croatian/EU regulations.</p> <p>2. Same procedure refers to all ports.</p>
Cyprus	<p>Please be advised that at Cyprus ports Towage Services are provided by private companies which are licensed by the Competent State Authorities. Directives to the providers of the towage services to vessels are given by the port Operators/Terminals.</p>
Denmark	<p>1. Denmark has a liberal market for towage services covered by regulation 2017/352, the Port Services Regulation. Some ports have for historic reasons "grandfather rights" to operate tug boats in their own port, but cannot trade free in the market.</p> <p>2. No, but private owned ports are not among those with grandfather rights. In principle they may operate tugs boats but there would probably not be a business case to operate such a tug boat.</p>

Dubai	<p>Provision of such services in UAE is regulated by Government and Port Authorities.</p> <p>Companies offering such services must have a valid company licence and below documents to register with Ports for offering such services</p> <p>Documents Required to Obtain the Port Licence:</p> <ul style="list-style-type: none"> • Copy of a Valid Trade licence of the company • P & I Insurance (per Vessel) • NTA Navigation Licence (per Vessel) • Minimum Safe Manning Document (per Vessel) • Bollard Pull Certificate (per Vessel) • Class Certification (per Vessel) • Load Line Certificate, if applicable (per Vessel) • Completed and Signed Tug Check List • Other documents if any required by Port Authority from Port of operations for such service. <p>Towage tug / vessel can sail to any port waters in UAE subject to approvals from Port Harbour Master and valid documents.</p> <p>Towage tugs / vessel must be registered with Port Authorities prior arrival to any other port in UAE and must have a nominated agent to register with the authority.</p> <p>Services to offer at Free Port / Private jetties will be followed by same procedures and prior arrival /sailing port authorities must be notified in advance for arrangements by registered agents.</p>
France	<p>Towage is a public service delegation from State so every 5 to 8 years, tenders are sent to select the suitable company.</p> <p>State ports and private ports are acting the same way.</p>
Hungary	<ol style="list-style-type: none"> 1. Some port has mandatory towage service 2. No. Every port has its own regulations
Israel	<ol style="list-style-type: none"> 1. All the procedures are public and regulated by the Shipping and Ports Administration (IMOT). However, they are not delving into the services' details or services' levels. Most importantly, the procedures adhere to the Operational Queue priorities. 2. No.

Italy	<ol style="list-style-type: none"> 1. The towing service in Italy is governed by Art. 101-107 Navigation Code and art. 138 and 139 of the Regulation for the execution of the Navigation Code, as well as by art. 14 of Law No 84/1994, as amended by Laws Nos 647/1996 and No 186/2000. Each port has its own regulation drawn up by the competent Maritime Authority and approved by decree by the Ministry of Infrastructure and Transport. The concession for the towing service in Italy is given on the basis of Legislative Decree No. 50 of 18 April 2016, amended by Legislative Decree No. 56 of 2017 (called the New Code of Public Contracts). With Circular Prot. No 11 of 19/03/2019, the Ministry of Infrastructure and Transport has issued guidelines for the issue of the concession for the operation of the port towing service. 2. In Italy, all ports are public. There are no differences in procedures.
Japan	<ol style="list-style-type: none"> 1. Local Government or authorized association approve to a company that owns and operate a tugboat 2. No
Jordan	<p>Kindly note that tariff to towage services for ship calling the port applying to all as we have one company owned by private sector and government under concession agreement for one period of time 15 years (BOT). Tariff approved by the government according recommendation from the Board of the company. Tariff is lump sum for each type of vessel and the place of the jetty in the port.</p> <p>Tariff published to all and it is in our website without any restriction, anyone can see it.</p>
Lithuania	<ol style="list-style-type: none"> 1. Towage operators regulate according to of the regulation of navigation of Klaipeda state seaport. 2. No
Mozambique	<p>In Mozambique all main ports are under concession. It is the concessionaire who is empowered to regulate and determine charges for all towage operations in their jurisdiction.</p> <p>A new private port is to be built dedicated to the oil & gas industry and this is meant to self-regulate on all maritime services like pilotage and towage.</p>
Netherlands	<p>Feedback below is based on the Port of Rotterdam:</p> <ul style="list-style-type: none"> • No limitations to start towage activities so ‘everybody’ can start with these activities. It is not protected like pilots and boatman. • Ships and crew should follow the international and national laws. • Fixed berth necessary. • Following practical issues will be discussed and agreed with the Port Master: official registration in all systems (incl. PCS); local knowledge of the port infrastructure; language; etc.

Panama	<ol style="list-style-type: none"> 1. Please note towage operator are required to follow procedures with local authorities (Autoridad Marítima de Panamá) in order to get a licensed granted. Further information at: https://amp.gob.pa/servicios/puertos-e-industrias-maritimas-auxiliares/licencia-de-operacion/ 2. The procedure currently in place is standard for all ports, however ships demanding these kind of services, are only calling private facilities.
Portugal	<ol style="list-style-type: none"> 1. Towage Companies have to be licensed and then authorized by the Port Authority to work in a port. It might be the case that a Port Authority (Leixões) provides the towage service. 2. There are only public ports in Portugal.
Romania	<p>Please be advised that at Constanta port the procedures that take place regarding towage operations are the following:</p> <p>In Romania the ports are publicly owned and the Towage companies are owned privately. There is a schedule arranged by the Port where there is a three-day rotation for each Towage company, e.g. 3 days the towage operations are being handled by towage Company XZZZ... and after this period another company handles the operations. This schedule/procedure continues in rotation mode in order for all private companies to participate.</p>
Russia	<ol style="list-style-type: none"> 1. Towage service in Russia is allowed licensed providers. A set of docs is to be provided in order to get the license for towage. 2. No difference in requirements for license in case of privately-owned port. As a part of port regulations each port has to develop its operational plans and requirements for towage IN/OUT/SHIFTING per vessel size.
South Africa	<ol style="list-style-type: none"> 1. In South Africa it is not a port related matter. They obviously need to know that it is taking place but the final decision to hire the tug for towage purposes is between the vessel owner and salvage tug operator. 2. In South Africa the ports are state controlled.

Spain	<p>Spain follows the EU Regulation 2017/352 of 17/09/2017 regarding Port Services and Ports transparency.</p> <p>Then, specific regulations on Port Services including towage is included in the Ports and Merchant Marine Law, which also mention that local Port Authorities must issue Bid Specifications, for which a model and guide is prepared by National Ports Administration. Specifications are very strict and detailed, in order to guarantee the free concurrence to market, maximum fares applicable when there is no competition etc.</p> <p>Ports are mostly public in Spain but it is ruled that licence can be granted to a Port Operator for traffics within its administrative concession.</p>
Turkey	<p>The towage services in Turkey are granted to a single towage company for each area or port according to the licenses released by the Ministry of Transport and Infrastructure.</p> <p>The above is valid for all ports whether private or state operated.</p>
Uruguay	<p>In Uruguay the companies that provide towing services in public and private ports are in free competition.</p> <p>The procedures that must be followed are those related to registering the tugboats under the terms of the Uruguayan flag registration, complying with the formalities required by the Merchant Marine Registry Office and the General Directorate of Maritime and River Transportation.</p> <p>In cases of providing services in public ports, the tow companies must be Port Operators, complying with the requirements of our Port Law and its regulatory decrees.</p> <p>In cases of providing services in ports or private terminals, the owner of said facility reserves the right to grant the service under its own conditions.</p>
USA	<p>To the best of my knowledge, there are NOT any requirements for being able to offer towing services in the USA other than:</p> <ul style="list-style-type: none"> • Proper USCG certifications regarding vessel safety, stability, seaworthiness, etc • Jones Act compliant vessels/crews when operating on US Inland Waterways • There are no distinctions made between public/private ownership.