

Survey Questions Set 1 Results: Legal Cabotage Regulation

Introduction to Participants:

This section of our survey aimed to gather detailed insights into the legal framework governing cabotage regulations within your jurisdiction. We were particularly interested in understanding any restrictions applied to foreign-flagged vessels and the presence of a waiver system allowing exceptions to these rules. Your valuable responses contributed to a comprehensive analysis of cabotage practices globally.

Survey Questions:

1. General Legal Framework:

YOUR COUNTRY	NAME OF YOUR ASSOCIATION/COMPANY	Q1. General Legal Framework: Q1.1 Can you provide a brief overview of the legal framework governing cabotage in your country?	Q1.2 Are there specific laws or regulations that explicitly address cabotage services? If yes, please specify.
Algeria	APAMA	National cabotage is governed by the customs code (Law No. 79-07 of July 21st, 1979): Relating to the customs code, Modified and supplemented: Articles 124 and 124 Bis.	Yes: Decision of February 3rd, 1999 (Fm Customs) establishing the terms of application of article 124 of the customs codes.
Belgium	NAVES VZW	There are no intra-EU cabotage restrictions at the European level (between multiple EU member states) Only domestic (within 1 EU member state) cabotage can be restricted for ships from non-EU countries. Exceptions can be obtained in some EU member states via a waiver system.	EU regulations 3577/92, 4058/86, and 4055/86. No national legislation.
Brazil	FENAMAR - Federação Nacional das Agências de Navegação Marítima	Updated material on Legal Cabotage Regulation in Brazil can be found on the following websites: www.antaq.gov.br (Brazilian Agency for Waterway Transportation) www.abac-br.org.br (Brazilian Association of Cabotage Shipowners)	Yes. Please see answer 5. Q1.1
Chile	ASONAVE A.G.	The cabotage is reserved for Chile-flag vessels in Chile, under the Law.	Yes, by "Ley de fomento de la Marina Mercante" and "Ley de Navegación"
Croatia	ASBA Croatia	Regulations on the Conditions for Performing Marine Cabotage in the Republic of Croatia can be found here: https://narodne-novine.nn.hr/clanci/sluzbeni/2019_11_109_2198.html	Regulations on the Conditions for Performing Marine Cabotage in the Republic of Croatia can be found here: https://narodne-novine.nn.hr/clanci/sluzbeni/2019_11_109_2198.html
Cyprus	Cyprus Shipping Association	Maritime cabotage in Cyprus is regulated by Council Regulation (EEC) No. 3577/92, which ensures that the freedom to provide maritime cabotage services is enjoyed by EU shipowners.	No, as cabotage services are non-existent in Cyprus

Denmark	Danish Shipbrokers and Port Operators	A non-Danish-flagged vessel may do a cabotage carriage of sea transportation between two Danish ports; however, the freight is subject to VAT for the cabotage carriage. If the same vessel is signed for a consecutive contract of affreightment between two Danish ports, all freight is applicable to VAT, and seafarers must have a Danish working permit and be paid salaries at an equal local employee level.	There are several laws applying and suggested that any client that wishes to set up a domestic contract of carriage in Denmark consult a lawyer.
France	AMCF	Cabotage is authorized in France.	EU laws
Hungary	HUNASBA	Cabotage is allowed for EU-flagged owners.	No
Israel	Israel Chamber of Shipping	Only ships with an Israeli flag are allowed to perform cabotage.	The regulations for "Coastal Shipping".
Japan	Japan Association of Foreign-Trade Ship Agencies	Regulated under the Shipping Act.	Under Article 3 of the Shipping Act.
Netherlands	VNC	Please check EU law via the following link: https://transport.ec.europa.eu/transport-modes/maritime/internal-market/internal-market-services-cabotage_en	Please find details under question 5.
Portugal	AGEPOR	Cabotage is free to all vessels belonging to the European Community.	Yes. Decreto-Lei n.º 7/2006, de 4 de janeiro, alterado pelo Decreto-Lei n.º 137/2015, de 30 de julho.
Slovenia	The Slovenian Ship and Freight Agents Association	Cabotage is defined in the Slovenian Maritime Code.	It is defined in the seventh article of the law.
Spain	ASECOB	Spain follows the EU regulations, i.e., cabotage between member states with the EU flag is free https://www.boe.es/buscar/doc.php?id=DOUE-L-1992-81998 it is not allowed for the cabotage between EU ports of vessels with flags other than EU flags.	Specific rules, more restrictive, apply to cabotage between the mainland and the Balearic Islands, the Canary Islands, Ceuta, and Melilla.
Tunisia	All Seas Shipping Agency	Must be the Tunisian flag and customs authorities' approval. Unless there is a waiver.	Some regulations in the maritime code.
Uruguay	CENTRO DE NAVEGACIÓN.	Cabotage in Uruguay is regulated by Law 12,091 of January 5, 1954. This law states that cabotage navigation and trade are reserved for national flag vessels.	Yes, law 12.091, which was regulated by decree S/N dated February 1, 1956.

2. Restrictions on Foreign-Flagged Vessels:

YOUR COUNTRY	NAME OF YOUR ASSOCIATION/COMPANY	Q2. Restrictions on Foreign-Flagged Vessels: Q2.1 What specific restrictions are placed on foreign-flagged vessels regarding cabotage services in your country?	Q2.2 Are these restrictions uniform across all types of cargo and passenger services, or do they vary? Please provide details.
Algeria	APAMA	Foreign-flagged vessels are not authorized to provide such services: CS is exclusively reserved for the national flag.	Same.
Belgium	NAVES VZW	Belgium has no restriction on domestic cabotage, given the limited importance of coastal shipping for our country.	N/a
Brazil	FENAMAR - Federação Nacional das Agências de Navegação Marítima	Please see answer 5. Q1.1	Please see answer 5. Q1.1
Chile	ASONAVE A.G.	The foreign-flagged vessel cannot perform cabotage unless they are allowed by a waiver issued by the Ministry of Transport at the request of a Chilean Company duly registered.	They are uniform for cargo vessels, but for passengers is different.
Croatia	ASBA Croatia	Regulations on the Conditions for Performing Marine Cabotage in the Republic of Croatia can be found here: https://narodne-novine.nn.hr/clanci/sluzbeni/2019_11_109_2198.html	Yes, restrictions are uniform. Regulations on the Conditions for Performing Marine Cabotage in the Republic of Croatia can be found here: https://narodne-novine.nn.hr/clanci/sluzbeni/2019_11_109_2198.html
Cyprus	Cyprus Shipping Association	Not applicable	Not applicable
Denmark	Danish Shipbrokers and Port Operators	See answer to Q1.1.	You cannot carry passengers by sea or land in cabotage or in domestic service. See also answer to Q1.1.
France	AMCF	Check EU laws	Yes
Hungary	HUNASBA	No	No
Israel	Israel Chamber of Shipping	No cabotage.	They are uniform.
Japan	Japan Association of Foreign-Trade Ship Agencies	Unable to carry out coastal transport of cargoes or passengers between ports in Japan.	Evenness
Netherlands	VNC	Please find details under question 5.	Please find details under question 5.
Portugal	AGEPOR	Not possible	Restrictions are uniform.
Slovenia	The Slovenian Ship and Freight Agents Association	The transportation of goods and passengers between Slovenian ports (cabotage) is carried out freely by domestic individuals, while foreign individuals are subject to reciprocity conditions.	Uniform
Spain	ASECOB	See above.	Yes, they are the same, including passenger vessels, as considered transport of persons.
Tunisia	All Seas Shipping Agency	They can't operate unless a waiver is obtained.	Is it a case-by-case matter? No written restrictions or options available in the code.
Uruguay	CENTRO DE NAVEGACIÓN.	Law 12.091 establishes that: Navigation and cabotage trade, that is to say, that which is carried out between ports of the Republic, as well as port and beach services, salvage operations, caching, and those carried out by tugboats, launches, and other small vessels in waters under Uruguayan jurisdiction, are reserved for vessels flying the national flag.	Yes, except for passengers and vehicles with Argentina, which is regulated by Law 18.891, which approved the Water Transportation Agreement between the Oriental Republic of Uruguay and the Argentine Republic.

3. Waiver System:

YOUR COUNTRY	NAME OF YOUR ASSOCIATION/COMPANY	Q3.1. Waiver System: Q3.1 Does your country employ a waiver system that allows foreign-flagged vessels to engage in cabotage under certain circumstances?	Q3.2 If a waiver system exists, what are the typical criteria or conditions under which waivers are granted?	Q3.3 How often are waivers sought and granted? Please provide any available statistics or estimates.	Q3.4 Please briefly describe the procedure to file and to have a waiver request approved. Please also indicate whether this procedure is digital.
Algeria	APAMA	No	Nil	Nil	Nil
Belgium	NAVES VZW	N/a	N/a	N/a	N/a
Brazil	FENAMAR - Federação Nacional das Agências de Navegação Marítima	Please see answer 5. Q1.1	Please see answer 5. Q1.1	Please see answer 5. Q1.1	Please see answer 5. Q1.1
Chile	ASONAVE A.G.	Yes.	There are three exemptions for foreign-flagged vessels to perform cabotage: 1. Bidding (not very much used) 2. Waiver. 3. Foreign vessel reputation. All the above are applicable when a Chilean-flag vessel service is not available on certain routes.	Waivers and reputation are very frequent. Reputation: 433 waiver:342 Total general: 775 (In a year)	The transmission is digital on the page of the Ministry of Transport. With a username and password can be accessed. The same can be done by a Natural individual or a Company. The information requested is the identification of the party that requests the waiver (Chilean individual or Company). Identification of vessel (IMO Number) Place of Loading Place of discharge Port Captancy Identification
Croatia	ASBA Croatia	Yes. Regulations on the Conditions for Performing Marine Cabotage in the Republic of Croatia can be found here: https://narodne-novine.nn.hr/clanci/sluzbeni/2019_11_109_2198.html	Regulations on the Conditions for Performing Marine Cabotage in the Republic of Croatia can be found here: https://narodne-novine.nn.hr/clanci/sluzbeni/2019_11_109_2198.html	Any waivers are granted on a case-by-case basis.	Regulations on the conditions for performing marine cabotage in the Republic of Croatia can be found here: https://narodne-novine.nn.hr/clanci/sluzbeni/2019_11_109_2198.html
Cyprus	Cyprus Shipping Association	Not applicable	Not applicable	Not applicable	Not applicable
Denmark	Danish Shipbrokers and Port Operators	No	N/a	N/a	N/a

France	AMCF	Yes	Check EU laws	Not available	A digital request is possible on the government site.
Hungary	HUNASBA	Cabotage is allowed for EU-flagged owners	Nil	Nil	Nil
Israel	Israel Chamber of Shipping	Yes, in theory, but practically the answer is no.	Very exceptional cases are allowed, but we do not know of even one case like that.	From seldom to none.	There is a form to be filled out. Also, digital
Japan	Japan Association of Foreign-Trade Ship Agencies	Yes	Avoiding marine casualties or capture.	Not done	Apply to the transport authority with jurisdiction over the port concerned. Not digitized
Netherlands	VNC	Please find details under question 5.	Please find details under question 5.	Do not know	Please find details under question 5.
Portugal	AGEPOR	No	No	N/a	N/a
Slovenia	The Slovenian Ship and Freight Agents Association	Yes	This depends on the regulator.	Currently, we don't have a case study.	The waiver should be requested from the correct authority. This is not a digital procedure.
Spain	ASECOB	Yes	Waiver is submitted to the merchant marine directorate, who request advice on the availability of EU flag vessels. Negatively, waivers used to be granted.	N/a	Written submission to the merchant marine directorate specifying vessel type, trip, ports, cargo, etc
Tunisia	All Seas Shipping Agency	Yes	That there are no local competitors/The local company declares she can't make it.	Very few per year	An official letter to the merchant marine with details and motivation of the demand.
Uruguay	CENTRO DE NAVEGACIÓN.	In the case of foreign-flag vessels, the Law provides that, exceptionally, operations reserved for national cabotage may be authorized to be carried out by foreign-flag vessels, provided that national-flag vessels are not available.	There is no availability of the national flag, and it will be the Executive Power that will authorize the same by means of the National Naval Prefecture, since the Executive Power delegated its attributions to the National Naval Prefecture.	We do not have statistical data on this matter, but it is common for working dredgers to request it, as well as some special vessels.	Interested parties should contact the Prefectura Nacional Naval; the Dirección Registral de Marina Mercante (Merchant Marine Registry Office) prepares a report on the existence of vessels, and then the legal advisor reports; finally, the Prefectura is the one who decides.

4. Recent Changes and Future Outlook:

YOUR COUNTRY	NAME OF YOUR ASSOCIATION/COMPANY	Q.4 Recent Changes and Future Outlook: Q4.1 Have there been any recent changes to the cabotage laws in your country? If so, what were they and what impacts are anticipated?	Q4.2 Are there any proposed changes or reforms to cabotage regulations under consideration? If so, what are they and what impacts are anticipated?
Algeria	APAMA	No	No
Belgium	NAVES VZW	N/a	N/a
Brazil	FENAMAR - Federação Nacional das Agências de Navegação Marítima	Please see answer 5. Q1.1	The last important change in the Law that altered rules for the cabotage transport service has been in force since January 2022 (Law 14.301/2022 - BR do Mar). Also, it can be found in answer 5. Q1.1
Chile	ASONAVE A.G.	In 2020, the cabotage for passenger vessels was modified to allow foreign-flagged vessels to perform cabotage if they carry above 400 pax.	There is currently a project to modify the " Ley de Fomento de la Marina Mercante" and Ley the Navegacion", introducing modifications with various exemptions to cabotage. The idea introduced is to benefit mainly container traffic, reducing cost and impacts when no service is available with Chilean-flag vessels.
Croatia	ASBA Croatia	No recent changes	No
Cyprus	Cyprus Shipping Association	No	No
Denmark	Danish Shipbrokers and Port Operators	No changes	No
France	AMCF	No	N/a
Hungary	HUNASBA	Nil	Nil
Israel	Israel Chamber of Shipping	No changes occurred in the last decades.	No
Japan	Japan Association of Foreign-Trade Ship Agencies	Non	Non
Netherlands	VNC	Please find details under question 5.	We do not know.
Portugal	AGEPOR	No	No
Slovenia	The Slovenian Ship and Freight Agents Association	No	No
Spain	ASECOB	Not yet but working on a modification/interpretation of Spain's law in the sense that cabotage should be defined by cargo/passenger status, i.e., if cargo loaded on a cabotage vessel is not customs cleared in the EU, it should be possible to move it between EU ports on a foreign-flag vessel.	Modification to Spanish maritime law is currently at the parliament, although no date has been fixed yet for processing.
Tunisia	All Seas Shipping Agency	No. Same since 1970	Unfortunately, not yet.
Uruguay	CENTRO DE NAVEGACIÓN.	No	No changes or reforms to our country's cabotage regulations are being considered.