

COMMISSION OF THE EUROPEAN COMMUNITIES

R E P O R T

OF AN ENQUIRY INTO THE
CURRENT SITUATION IN THE MAJOR COMMUNITY SEA-PORTS

DRAWN UP BY THE

PORT WORKING GROUP

(Revised and enlarged in 1986)

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II

SUMMARY

At the plenary meeting of the major Community ports held on 19 February 1974 a Working Group composed of representatives of the port authorities and chaired by a representative of the Commission was set up with the task of :

- establishing for the purposes of its work, definitions of the terms used in the area of port activities;
- describing the existing situation especially in so far as it concerns the organisational structure of the ports, the division of responsibility between public and private bodies concerned in port activity, the operational conditions of each organisation, whether public or private, the financial and taxation matters of each organisation whether public or private, the statistics currently provided by port authorities.

The enquiry carried out by the Working Group, covering 77 port authorities responsible for 112 ports, led to a detailed analysis of the wide range of legal bases, forms of organisation and division of responsibilities which characterise the Community's ports.

The original report was presented to and approved at the third plenary meeting of major Community ports on 9/10 June 1977.

This revised version of the report contains new sections on the Greek, Portuguese and Spanish ports as well as a complete \ revision and updating of the original report.

It constitutes the basis upon which decisions as to possible action to be undertaken at Community level in the port sector can be made.

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PART I, - INTRODUCTION

CHAPTER 1

1.1. The meetings of representatives of the major European port authorities held on 21 November 1972 and on 19 February 1974 - creation of a Working Group

1.1.1. On 21 November 1972 the Commission organised the first meeting of representatives of the major European port authorities (1) in Brussels, in order to exchange ideas on possible actions to be undertaken at Community level in the port sector. At this meeting it was agreed that on the basis of a note setting out such possible actions, those present should, after further consideration, formulate their own ideas and submit them to the Commission.

1.1.2. For a variety of reasons (enlargement of the Community, reorganisation of the Commission's services) the next meeting was only held on 19 February 1974 (2). At this meeting, it was agreed that before undertaking any discussion on the need for, or the advisability of, starting any action in the port sector, it would be essential to have a better understanding of the ports' institutional and administrative structure.

In order to do this, it was decided that a Working Group should be set up, chaired by a representative of the Commission and made up of representatives from the port authorities on the basis of a member and a deputy from each maritime Member State. The members and deputies were to be designated by the following port authorities or organisations:

<u>Member</u>	<u>Deputy</u>
1. Antwerp	Ghent
2. Copenhagen	Copenhagen
3. Hamburg	Bremen
4. UPACCIM (2)	Bordeaux
5. Dublin	Dublin
6. Genoa	Venice
7. Rotterdam	Amsterdam
8. British Ports Association (British Transport Docks Board)	British Ports Association (London)

(1) Representatives of the following port authorities attended: Antwerp, Ghent, Copenhagen, Hamburg, Bremen, Bordeaux, Dunkirk, Le Havre, Marseilles, Dublin, Venice, Genoa, Naples, Trieste, Amsterdam, Rotterdam, Clyde, BTDB, P.L.A. and Mersey.

(2) Attended by representatives of the following port authorities or organisations: Antwerp, Ghent, Copenhagen, Hamburg, Bremen, Association pour le Développement des Grands Ports Français, Union des Ports Autonomes et des Chambres de Commerce et d'Industrie Maritimes de France (UPACCIM), Dublini, Venice, Amsterdam, Rotterdam, British Ports Association.

1.1.3. Furthermore it was agreed that the Commission would undertake a study of the existing situation in the area of traffic between the ports and their hinterland, especially the conditions of competition in these relationships.

CHAPTER 2

1.2. The terms of reference of the Working Group

1.2.1. "The terms of reference given to the Working Group were defined as follows:

- a) to establish, for the purpose of its work, definitions of the terms used in the area of port activities,*
- b) on the basis of the results of this, work to describe the existing situation ("fact-finding") especially insofar as it concerns:
 - the organisational structure of ports,
 - the division of responsibility between public and private bodies concerned in port activity,
 - operational conditions of each organisation, whether public or private,
 - financial and taxation matters of each organisation, whether public or private,
 - statistics currently provided by port authorities.

It is accepted that this examination should cover, essentially, aspects of port activity per se, i.e. all functions and activities linked to the transport process in a seaport;

- c) with a view to obtaining this information, draw up questionnaires to be sent to port authorities;
- d) summarize the information provided by the ports and on the basis of this prepare a report to be submitted to the next ports conference.

The date of completion for the Group's work was fixed for the end of 1974.

CHAPTER 3

1.3. The composition of the Working Group

1.3.1. In accordance with the decisions reached at the plenary meeting and the appointments made by the port authorities and organisations mentioned in paragraph 1.1.2. above, the Working Group was made up of one member and one deputy per country. For practical reasons it was decided, if required, to provide for an alternative deputy also.

The Working Group has always been chaired by the Commission and the Secretariat provided by officials of the Transport Directorate General of the European Communities.

The members and their deputies have always come from Antwerp, Ghent, Copenhagen, Hamburg, Bremen, UPACCIM, Bordeaux, Dublin, Irish Ports Association, Genoa, Venice, Amsterdam, Rotterdam, British Transport Docks Board (now Associated British Ports) and London (now British Ports Association).

CHAPTER 4

1.4. The definition of certain terms used in the port sector

1.4.1. In accordance with its terms of reference one of the first tasks of the Group was that of establishing, for the purposes of its work, definitions of certain terms.

The Working Group was able to reach a unanimous decision as far as the following definitions were concerned:

"A seaport, for the purpose of the present study, may be understood to be an area of land and water made up of such improvement works and equipment as to permit, principally, the reception of ships, their loading and unloading, the storage of goods, the receipt and delivery of these goods by inland transport and can also include the activities of businesses linked to sea transport".

'Port Locality: an area whose economic importance is essentially determined by the presence of a seaport".

*'Port Authority: state, municipal, public or private body *hich is largely responsible for the tasks of construction, administration and sometimes the operation of port facilities and, in certain circumstances, for security".

"Port Economy: those economic activities of undertakings which would not take place without the presence of a seaport'".

1.4.2. In addition, the majority of the Working Group agreed the following definition of "port policy":

"For the purposes of the Group's present work the term "port policy" covers all measures taken by the authorities which are related to activities and services carried out in a seaport (as previously defined) and which influence the operational and economic activity of the port".

1.4.3. The representatives of Hamburg and Bremen considered that this definition was too wide and expressed a preference for the following alternative definition:

"Seaport policy is a specific transport policy; it includes the whole series of measures taken by public bodies in the form of investments in infrastructure and the various administrative rules which are connected with the services provided in the ports in connection with sea transport".

They drew attention to their view that further definitions would be useful in order to avoid misunderstandings in the interpretation of this Report.

1.4.4. In this context various problems were revealed, especially on the question as to whether only the functions of handling and storage of cargo carried by sea should be included in the port function or whether other functions should also be taken into consideration, especially the function of industrial location.

The representatives of Rotterdam and Amsterdam were of the opinion that a limited interpretation given to the terms "seaport" and "port policy", as well as the restrictions as regards the field covered by the fact-finding which have followed from it, have led to the Group's report containing important lacunae.

In their opinion it is necessary to go further into the study of the aspects of competition, taking account especially of the industrial function of the ports, if all the necessary information is to be available for an exchange of views on possible actions to be undertaken at Community level in the port area. In addition, it would also be necessary to take into account the effect on the port of other policies, such as those in the fields of energy, transport, commercial, industrial organisation, cyclical, fiscal and monetary policies. Finally, social aspects and the conditions of work in the ports should be studied at greater depth. In their opinion some of these aspects have not been considered and others have only been dealt with to a limited extent.

All the other members of the Group considered that its terms of reference were clear and that, taking those terms of reference into account, the functions studied and the definitions suggested gave a correct picture of port activities.

CHAPTER 5

1.5. Drawing up and circulation of the questionnaire for the ••fact-finding••

1.5.1. The Working Group reached agreement on the text of a questionnaire (at Annex 1) as well as the explanatory notes (at Annex 2), which were designed with a view to ensuring consistency in the way in which the replies were set out.

The questionnaire was sent to 80 Community port authorities covering 115 ports. The 77 replies to the questionnaire covered 112 ports representing approximately 80% of the total traffic of the ports of the Community, as set out in the following table.

In order both to help the various national ports draw up their replies to the questionnaire and to coordinate these replies in such a way as to ensure that there was some consistence with the aims of the "fact-finding", the Group named one coordinator for each Member State from among its members.

1.5.2. The chapters on the ports of Greece, Portugal and Spain are not based on questionnaire returns but have been drawn up on the same basis as those for the eight Member States which originally contributed to this report.

CHAPTER 6

1.6. LIST OF PORTS REPLYING TO THE QUESTIONNAIRE

PORT	MEMBER STATE	SEA-BORNE TRADE 1984 in 000 tonnes	% of national tonnage covered by the ports replying
Antwerp	Belgium (2) (6)	86 549)	99
Ghent		23 765)	
Ostend		2 103)	
Brugge-Zeebrugge		6 687)	
Aalborg	Denmark (3) (7)	2 847)	47. (1)
Aarhus		5 355)	
Esbjerg		3 653)	
Fredericia		4 146)	
Kalundborg		439)	
Copenhagen		7 584)	
Odense		1 930)	
Brake	Germany (4) (7)	3 718)	93
Bremen/Bremerhaven		26 471)	
Brunsbüttel		4 950)	
Cuxhaven		427)	
Emden		3 465)	
Flensburg		772)	
Hamburg		51 087)	
Kiel		1 689)	
Leer		233)	
Lübeck		8 810)	
Nordenham		2 389)	
Papenburg		188)	
Rendsburg	France (5) (7)	507)	97
Wilhelmshaven		21 253)	
Bayonne		3 483)	
Bordeaux		10 580)	
Boulogne		3 712)	
Brest		1 855)	
Caen		2 409)	
Calais		9 801)	
Cherbourg		2 129)	
Dieppe		2 422)	
Dunkirk		32 167)	
Port-La-Nouvelle		1 470)	
La Rochelle		4 885)	
Le Havre		48 735)	
Lorient		1 926)	
Marseilles		89 394)	
Nantes-St.-Nazaire		22 853)	
Rouen		22 104)	
Sete		5 676)	

(1) The reason for this low figure is set out on page 1 of the Danish national summary. Please see Part III

(2) National Institute for Statistics (NIS) Provisional figures

(3) Figures provided by the ports themselves

(4) Federal Statistical Office

(5) D.P.M.V.N. (Ministry of Public Works) figures

(6) Foreign going traffic only

(7) Including national coastwise traffic

PORT	MEMBER STATE	SEA-BORNE TRADE % of national tonnage 1984 in 000 tonnes replying	covered by the ports
Arklow		150)
Cork		4 482)
Drogheda		868)
Dublin		6 580)
Dundalk	Ireland (1) (6)	238	) 92
Foynes		674)
Galway		346)
Limerick		2 967)
New Ross		765)
Waterford		1 323)
Ancona		5 133)
Augusta		31 292)
Brindisi		4 336)
Cagliari		20 120)
Civitavecchia		4 773)
Gela		7 041)
Genoa		45 238)
La Spezia		8 524)
Leghorn		13 805)
Milazzo	Italy (2) (6)	9 588	) 84
Naples		15 240)
Palermo		3 814)
Piombino		7 259)
Ravenna		11 648)
Savona		12 437)
Taranto		36 609)
Trieste		26 103)
Venice		24 830)
Amsterdam		25 249)
Delfzijl		3 079)
Rotterdam	Netherlands (3) (5)	243 353	) 91
Terneuzen		8 381)
Vlissingen		6 359)
Anglesey		6 470)
Bristol (3 ports)		3 829)
Sealink (7 ports)		10 000 approx.)
Associated British Ports (19 ports)		84 000 approx.)
Clyde		10 505)
Dover		8 993)
Felixstowe		9 311)
Forth (6 ports)	Great Britain (4) (5)	29 812	) 84
Ipswich		4 040)
London		48 249)
Manchester		10 735)
Medway		11 548)
Mersey (2 ports)		10 753)
Milford Haven		32 067)
Orkney		16 071)
Sullam Voe		59 692)
Talbot		6 647)
Tees (2 ports)		32 638)
Tyne		4 012)

(1) Figures provided by the ports themselves

(2) National Institute for Statistics (ISTAT) and port authorities

(3) Central Bureau for Statistics (CBS)

(4) British Ports Association

(5) Foreign going traffic only

(6) Including national coastwise traffic

PORT	MEMBER STATE	SEA-BORNE TRADE 1984 in 000 tonnes	% of national tonnage covered by the ports replying
Alexandroupoli		589)	
Elefsina		15 837)	
Igoumenitsa		270)	i 1 J.
Iraklio		1 830)	
Kalamata		395)	
Kavala		2 439)	
Khalkida	Greece (1)	2 473)	57
Lavrio		747)	
Mitilini		332 ,)	
Patra		568)	
Piraeus		5 238)	
Rodos		610)	
Siros		186)	
Thessaloniki	W	10 649)	
Volos		7 291)	
Aveiro		615)	
Ifaro		324)	
Figueira da Foz		412)	
Leixoes		8 413)	
Lisbon	Portugal (2)	12 256)	100
Portimao		337)	
Setubal		1 743)	
Sines		12 129)	
Viana do Castelo		234)	
Algeciras-La Linca		18 385)	
Alicante		2 497)	
Almeria		5 841)	
Aviles		4 327)	
Barcelona		18 193)	
Bilbao		23 633)	
Bahia de Cadiz		4 323)	
Cartagena		11 110)	
Castellon	Spain (3)	7 100)	95
Ceuta		2 202)	
El Ferrol		1 217)	
Gijon		10 909)	
Huelva		9 522)	
La Coruna		8 009)	
La Luz y las Palmas		5 262)	
Malaga		6 662)	
Melilla		335 .)	
Palma de Mallorca		2 875)	
Pasajes		4 362)	
Pontevedra		352)	
Santa Cruz de Tenerife		12 081)	
Santander		3 356)	
Seville		3 280)	
Tarragona		21 297)	
Valencia		8 633)	
Vigo		2 038)	
Vila garcia de Arosa		343)	
Total tonnage		1 780 377	
1 of total Community port traffic		8?	

(1) Statistics Department of the Ministry for the Merchant Marine

(2) National Statistical Institute

(3) Ministry for Public Works and Urban Planning Directorate General of Ports and Coasts

CHAPTER 7

1.7. Activity of the Working Group

1.7.1. After some 7 months' work the questionnaire was sent to the various Community port authorities but the Working Group then found it necessary to extend its work beyond the period fixed in its terms of reference because of the sheer size of the task with which it was confronted, which was much greater than initial forecasts. Among the administrative difficulties encountered were the translation and circulation of basic replies to the questionnaire (some 2000 pages) in two working languages as well as the delay in receiving replies from some port authorities.

The Working Group nevertheless considered that it had done all that was within its possibilities to complete the tasks set it as rapidly as possible. The Group wished to put on record the cooperation and the goodwill of the Community ports who took part in the original enquiry.

From 1977 to 1980 the Working Group met regularly with new terms of reference and produced a report under reference VII/440/80 which was discussed at a Plenary Meeting of European ports in December 1980. Between December 1980 and May 1986 the Group met in ad hoc meetings on four occasions, contact between members being maintained on an informal basis by communications to members from Mr Suykens, General Manager of the Port of Antwerp, who kept in touch with Commission officials. Representatives from Greece, Portugal and Spain joined the Group and it was decided to revise the original report and add national summary chapters on these three Member States.

The Commission wishes to record its appreciation of the co-operation it has received from members of the Group in revising this Report.

The opportunity has been taken, in this revision to shorten some of the original introduction but this does not affect the main body of the report. It should be noted that information in this document relates to the situation as known to the Commission at 31 October 1986.

COMMISSION
OF THE
EUROPEAN COMMUNITIES

QUESTIONNAIRE

A. DESCRIPTION OF THE PORT

Provide a map showing : ' ■

- the land and water areas of the port including the access channels (if possible)
- under the administration of the port authority (port administration, town or commune)
- under the administration of the state, or of the province
- the land used by businesses or port industries not administered by the port authority
- the land destined for port use in planned extensions to the port.

B* STRUCTURE AND ORGANISATION OF THE PORT

1 - Legal Status

nature of law or statute setting up port authority and the relation between the port authority and the body which set it up (State - Province - Town) or any other authority if any. If there is no port authority as such what kind of body makes the necessary decisions in the port ?

2 - Organisation Chart

(i) of the port authority/or port administration

- a. internal - the various functions
- b. external - relations with other bodies

(ii) the authority which appoints the Director General or the Director of the port authority - the formalities of such an appointment.

3 - Administrative/Governing Body of Port Authority

- (i) composition - number of persons
method of appointment
from which bodies do they come ?
length of appointment
method of nomination or election
of Chairman
- (ii) powers - especially over financial matters.

C. DESCRIPTION OF THE DIVISIONS OF RESPONSIBILITY BETWEEN THE
VARIOUS BODIES PROVIDING PORT SERVICES; THE METHOD OF
FINANCING PORT ACTIVITIES AND SOURCES OF REVENUE

Describe, for each of the various aspects of port activity set out in the list below, the nature of the responsibility exercised by :

- the port authority or port administration
- the central government
- the region, province or similar body
- the town, commune or similar body *
- other public bodies
- the private sector (please specify)

in the following matters :

- general responsibility for the activity
- financing of the activity
- administration/operation of the activity.

Describe the nature of the charges and dues levied for use of the services, facilities etc., the nature of the undertaking making the charge and the nature of the undertaking receiving these charges/dues, and whether the revenues so received are by themselves sufficient to cover relevant operations costs; if not, please specify the extent of any shortfall and the source from which this is made good.

1. MARITIME & HARBOUR OPERATIONS

- (i) Access channels
 - a. investment for initial dredging
 - b. administration
 - c. maintenance
- (ii) Lighthouses, buoys etc.
 - a. investment for initial purchase and installation
 - b. administration/operation
 - c. maintenance
- (iii) Radar & other electronic aids of shipping
 - a. investment for initial purchase and installation
 - b. administration
 - c. maintenance
- (iv) Exterior breakwaters
 - a. investment for initial construction
 - b. administration/operation
 - c. maintenance
- (v) Sea locks
 - a. investment for initial construction
 - b. administration/operation
 - c. maintenance
- (vi) Docks, quays, jetties, including back-up land
 - a. investment for initial construction
 - b. administration/operation
 - c. maintenance
- (vii) Reclamation for port works
 - a. investment for initial works
 - b. administration/operation
 - c. maintenance

(viii) Specialised terminals (e.g. Ro/Ro, container, grain etc.)

- a. investment for initial construction
- b. administration/operation
- c. maintenance

(ix) Others (please specify)

2. TRANSPORT WITHIN THE PORT AREA AND ACCESS LINKS TO AREAS OUTSIDE THE PORT

(i) Railways within the port areas

I. National network

- a. investment for initial construction
- b. administration/operation
- c. maintenance

II. Port network

- a. investment for initial construction
- b. administration/operation
- c. maintenance

(ii) Railway link to state railway system

- a. investment for initial construction
- b. administration/operation
- c. maintenance

(iii) Roads/Motorways within the port areas

I. Through main roads

- a. investment for initial construction
- b. administration/operation
- c. maintenance

II. Port communications roads

- a. investment for initial construction
- b. administration/operation
- c. maintenance

(iv) Road tunnels, bridges

I. Those which are part of the trunk road system

- a. investment for initial construction
- b. administration/operation
- c. maintenance

II. Those reserved for port traffic

- a. investment for initial construction
- b. administration/operation
- c. maintenance

(v) Canals * navigable waterways

- a. investment for initial construction
- b. administration/operation
- c. maintenance

(vi) Locks other than sea locks

- a. investment for initial construction
- b. administration/operation
- c. maintenance

(vii) Ferries for passengers within the port area

- a. investment for initial purchase
- b. administration/operation
- c. maintenance

(viii) Ferries for goods within the port area

- a. investment for initial purchase
- b. administration/operation
- c. maintenance

(ix) Pipelines within the port area

- a. investment for initial construction
- b. administration/operation
- c. maintenance

(x) Others (please specify)

3. EQUIPMENT Sc OTHER SUPERSTRUCTURE

(i) Sheds and warehouses etc.

- a. investment for initial construction
- b. administration/operation
- c. maintenance

(ii) Specialised buildings e.g. for grain or frozen goods. Please specify if different arrangements apply

- a. investment for initial construction
- b. administration/operation
- c. maintenance

- (iii) Cranes & other cargo-handling equipment.
Please specify if different arrangements apply
for the various kinds of equipment

- a. investment for initial purchase
- b. administration/operation
- c. maintenance

- (iv) Other equipment (please specify)

4. SERVICES PROVIDED FOR SHIPS

- (i) Pilotage
- (ii) Towage
 - a. within the port
 - b. ocean towage
- (iii) Berth allocation
- (iv) Dry docks and slipways
- (v) Unballasting/degassing services
- (vi) Provision of
 - a. water
 - b. electricity
 - c. telephone
- (vii) Ship repair
- (viii) Scaling and cleaning
- (ix) Shipping agencies
- (x) Ship brokerage
- (xi) Re-victualling
- (xii) Bunkerage
- (xiii) Other services to ships (please specify)

5. SERVICES RELATING TO GOODS

- (i) Cargo-handling
 - a. on board ship
 - b. ship to shore & vice-versa
 - c. warehouse work
 - d. groupage (pallets & containers)
 - e. tallying
 - f. quay or store to inland transport

- (ii) Forwarding agents
- (iii) Other services (please specify)

6. SECURITY SERVICES etc

- (i) Firefighting
- (ii) Police
- (iii) Medical services
- (iv) Pollution control
- (v) Other services (please specify)

7 * OTHER SERVICES

- (i) Docker training schools
- (ii) Canteens for port-workers
- (iii) Any other services not covered by categories 1-6 above.

D. SPECIAL FINANCIAL PROBLEMS AND TAXATION MATTERS

i. ANNUAL ACCOUNTS

- (i) Are separate accounts published for the Port Authority or Port Administration (i.e. separate from town or province etc.) ?
- (ii) Where cargo handling is not carried out by the Port Authority or Port Administration (or only partly carried out by the Port Authority or Administration) are accounts published for the companies carrying out such cargo-handling and are these accounts available separately for the specific port concerned (i.e. not consolidated with accounts for cargo-handling at other ports) ?
- (iii) Are accounts published for other port activities ?
- (iv) Where there are other private enterprises carrying out port related functions in port areas e.g. warehousing, cold storage etc. are separate accounts published ?

For (i), (ii) and (iii) above, if accounts are published could a copy be supplied to the working group ?

- (v) Does the Port Authority or Port Administration have a legal obligation to provide for depreciation ? How is such depreciation calculated ? e.g. is it on an historic or replacement cost basis ? Does depreciation work on the basis of a sinking-fund ? if there is an obligation is such depreciation actually provided for ?
- (vi) Is there provision for the revaluation/writing down/writing off of assets, if commercially appropriate e.g. because of unforeseen obsolescence or other reasons ?
- (vii) What requirements are there, if any, as to the rate of return on :
 - a) projected new port investments and
 - b) the assets of the Port Authority or port administration as a whole ?
 - c) what are the methods of calculating returns?
- (viii) Are there any obligations to provide particular facilities or services on a non-remunerative basis ?
- (ix) Are any facilities or services provided to the Port Authority or port administration at less than cost ? If so please state the nature of these facilities or services and the nature of the body providing them.

2. TAXATION

- (i) Please give details of any liability or exemption of the Port Authority for :

- a) national and
- b) local taxation

Please indicate whether tax is, in fact, paid and if so the approximate proportion of Port Authority gross revenue represented by such tax payments.

- (ii) Where the various organisations engaged in the port are :

- a. separate from the Port Authority, and
- b. have taxation liabilities which are different from those of private industry in the country concerned,

Please give information as in (i) above.

3. RESTRAINTS

- (i) Is the Port Authority allowed :
- a. to carry out different activities/functions
e.g. road haulage, shipping * forwarding
etc. ?
 - b. to invest in new projects (please give
details of the extent and type of controls
on new investment) ?
 - c. to control their own salaries, wages, terms
and conditions of service of staff ?
 - d. to control their own charges, dues etc. for
services rendered ?
 - e. to control rents charged for Port Authority
land leased to users etc. ?
- (ii) Are the various organisations carrying out
other port activities allowed :
- a. to carry out different activities/functions
e.g. road haulage, shipping & forwarding
etc. ?
 - b. to invest in new projects (please give
details of the extent and type of controls
on new investment) ?
 - c. to control their own salaries, wages, terms
and conditions of service of staff ?
 - d. to control their own charges, dues etc. for
services rendered ?
 - e. to control rents charged for Port Authority
land leased to users etc. ?

E. EMPLOYMENT

Please provide details of any written/legal agreements
concerning the employment of

- (i) dockers
- (ii) other grades of port staff (list separately if
necessary).

F. STATISTICS

Please detail for

- a. port authority
 - b. cargo-handling organisations (if known)
 - c. industries installed in the port area (if known)
-
- (i) Nature of statistics regularly collected by the organisation and, if possible, date from which such material is available.
 - (ii) Nature of statistics regularly published by the organisation and, if possible, an example of the most recent publication.
 - (iii) Nature of any special studies undertaken with major statistical content e.g. origin and destination studies.
 - (iv) Nature of any statistics or statistical studies not collected or undertaken by the port but which would be of interest and use to the port if it were possible for the Commission to collect and publish them.

ANNEX 2

EXPLANATORY NOTES FOR THE COMPLETION OF THE QUESTIONNAIRE

A. DESCRIPTION OF THE PORT

- In some ports there are recognised or statutory limits ; in others the port area may be merged with the local authority : please indicate as clearly as possible 'the limits of the area controlled by the port authority or port administration.
- It is appreciated that the access channel may not necessarily be controlled by the port authority or administration : if this is the case, please specify the legal or administrative position concerning the access channel and provide the information as set out in the questionnaire.
- It may be necessary to provide more than one map, or other descriptive material, or possibly written explanation of particular points.

B. STRUCTURE AND ORGANISATION

1. Legal status : in some countries the term '* port authority' does not exist. Nevertheless there is usually a separate body or undertaking (even if it is part of another administration) responsible for making decisions on port matters and carrying them out.
2. Organisation Chart : it is important to describe the scope of port management i.e. the manner in which the task of running the port is organised and the nature of the formal links which exist between the port authority or administration and other bodies. If possible please express these links by means of diagrams as well as by means of written material.
3. Administrative/Governing body : it is important to distinguish between those who are nominated to a port governing body as "representatives" of the organisations from which they come and those who are appointed simply for their expertise.

C. DESCRIPTION OF THE DIVISIONS OF RESPONSIBILITY BETWEEN THE VARIOUS BODIES PROVIDING PORT SERVICE ? THE METHOD OF FINANCING PORT ACTIVITIES AND SOURCES OF REVENUE

This section is fundamental to the fact-finding enquiry. It is important to distinguish, for each area of activity, between :

- (i) general responsibility for the activity - e.g. the body which makes the major decisions concerning investment.

(ii) Financing the activity : please indicate the usual practice followed for sources of finance for investment, operation and maintenance of port activities, both in the public, and, where possible, in the private sector. If there is no statutory basis for the practice or no fixed percentage figures please describe the practice over the most recent period possible (e.g. 1972-74) and specify the period.
Please note that the questionnaire does not refer to practice in the distant past but only to current practice insofar as it is possible to define such practice. Please provide any other relevant information concerning the financing of activities e.g. the time scale for loans.

(iii) Administration/operation of the activity - it is important to specify the body which manages the activity on a day to day basis. In addition for each of the various port activities, please note the comments below ;

1. Maritime and Harbour operations : this covers the provision of basins, berths and associated ground areas, moorings and water access including sea locks ; all these may be considered as part of infrastructure.
2. Land transport and access links : here the emphasis is on movement within the port area and links to the hinterland? these also may be considered as part of infrastructure.
3. Equipment and other superstructure s it may be possible to provide a detailed break-down under item 3 (^Lii) .
4. Services provided for ships : the word "services" is used here in a narrow sense,*
5. Services related to goods 5 it would be particularly appreciated if detailed information could be returned about practices in this area.
6. Security services.
7. Other services.

It may prove difficult to separate port activities from urban activities. Please be as precise as possible.

D. SPECIAL FINANCIAL PROBLEMS AND TAXATION MATTERS

A description of "national" practice, insofar as it applies to all ports in the country concerned, will be covered separately by members of the Port Working Group. If practice is different in the port replying to the questionnaire please specify.

1. Annual accounts : it may be difficult or even impossible for the port authority to obtain some of this information. If that is the case, it should be stated clearly as this information in itself is positive.
2. Taxation : please provide as much relevant information as possible.
3. Restraints : the object of this section is to determine just how independent the port authority or administration is to manage its own affairs.

E. EMPLOYMENT

Replies to the questionnaire should cover only formal agreements.

F. STATISTICS

Please note that there is no requirement to provide examples of all the statistics collected, neither is there any request for confidential commercial information to be sent to the Commission. The purpose of the enquiry is to clarify what current practice is in this area.

PART II - OVERALL SUMMARY

CHAPTER 1

2.1. General considerations concerning the methodology of the "fact-finding"

2.1.1. In addition to the establishment of the definitions necessary for its work the Working Group's terms of reference included the carrying out of an enquiry ("fact-finding") by means of a questionnaire, the main contents of which were outlined in the same terms of reference (1).

As it was not possible to cover all the Community's ports, it was necessary to make a selection. The results of the original "fact-finding" in 1977 were thus based on a representative sample which accounted for approximately 80% of total Community port traffic at that time.

2.1.2. The replies to the questionnaire, without taking the annexes into account, amounted to some 2000 pages. As it would have been impractical to reproduce the replies in full, and also because this would have resulted in much repetition, it was necessary to condense their contents into summaries.

The results of the enquiry were first of all summarised by member states (the "national summaries") and then an attempt was made to carry out some comparisons at Community level (the "overall summary").

Since 1977 three more Member States have joined the Community. The original questionnaire was not circulated to the ports of those states but the authorities concerned co-operated with the Commission in producing national summaries with the same outline as those in the 1977 Report.

2.1.3. The pattern followed in the preparation and presentation of the results of the enquiry was the same as that of the questionnaire. It is clear that the application of a uniform approach to structures which are in themselves very different cannot be carried out without problems. This difficulty was already appreciated when the questionnaire was being drawn up.

As far as the technical equipment and the services offered at the seaports are concerned, there are no substantial differences between the major ports. On the other hand, the legal basis, the responsibilities and the types of organisation of the port authorities are very different. This is true, for example, of the division of responsibilities between the public sector and the private sector, for the contacts with other bodies, the financial aspects of infrastructure investments, for drawing up charges, and especially for the organisation of operations and of labour in the ports.

(1) See para 1.2

Under these conditions, any comparison must be carried out with a great deal of care (1). One cannot compare elements in isolation without taking account of their context. It is necessary to use with a great deal of care such notions as "autonomy of decision", "centralisation", "decentralisation" and similar terms. It is always necessary to make clear the exact area and the exact connections being discussed. Finally, one can note that there are certain aspects, and often not the least important ones, which are in no way comparable from one port to another.

(1) Minor exceptions to the general practice described are not always mentioned in this text.

CHAPTER 2

2.2. Structure

2.2.1. General matters

The vast range of institutional structures which characterises the legal status of the Community's port authorities is the result of historical, political and legal evolution, which differ from one country to another. Therefore these structures are very difficult to compare. One can try to group them by relatively similar categories but this method must be used with appropriate réservations.

2.2.2. Municipal ports

A relatively homogeneous category is that of the municipal ports, in other words, those ports which come under the authority of a commune (or other local authority). This institutional form has been covered by the fact-finding enquiry in Belgium, Denmark, Germany, the Netherlands and Great Britain.

In Belgium, the Netherlands and in Germany there are no municipal" portadministrations with a separate legal status as such. In Belgium the administration of the ports of Antwerp, Ostend and Ghent (up until the end of 1978) forms an integral part of the public administration which is also responsible for all other questions outside the port itself. The same is true of the German ports. In Belgium, at Ghent (since the beginning of 1979) and in the Netherlands at Rotterdam and Amsterdam the administration of the municipal ports has been entrusted to a separate service ("Havenbedrijf") which is completely controlled by the municipality.

According to legislation the administration of these ports in Denmark is taken care of by a harbour board appointed by the City Council. The day to day management is in the hands of a harbour director or harbour engineer. The port budget is entirely separate from the municipal budget.

In Great Britain, the port of Bristol was set up as a public body by act of parliament but it is responsible to the municipal authority.

In Belgium, Germany and the Netherlands, the municipal ports (or those administered by lbcai authorities) are the most important ports of the countries in question (for example, Antwerp, Ghent, Hamburg, Bremen, Rotterdam and Amsterdam), and are also among the largest ports in the Community.

2.2.3. Autonomous ports

Another category of port administration which, however, differs from one country to another is that of the ports with autonomous statutes. They are of a public character and normally their statute provides, under one form or another, for a measure of supervision from central government and in many cases the representation of local authorities.

In France, this category is represented by the "ports autonomes", (Dunkirk, Le Havre, Rouen, Nantes-St. Nazaire, Bordeaux, Marseilles) governed by a uniform statute set out in the Law No.65-497 of 29 June 1965. These ports are public bodies.

In Italy on the other hand, the "autonomous ports" (Genoa, Savona, Trieste, Venice, Naples, Palermo, Civitavecchia) are public bodies defined by ad hoc laws; their statute is similar but their degree of autonomy and responsibilities are not uniform.

The "Havenschappen" of the Netherlands are similar bodies. They are port administrations in which both the interested local authorities (province, commune(s)) and the State take part.

To some extent one might include in this category the administration of the port of Brugge-Zeebrugge in Belgium as it is a kind of company with shareholding participation of the State, the local authorities and private interests (which were considerable in the past but are now negligible).

In Ireland, the status of the autonomous ports (e.g. Dublin, Corjci Limerick) is set out in a uniform mahner in the "Harbours Act 1946".

The port of Copenhagen in Denmark is governed by a statute which one could put in the same category as that of the autonomous ports.

This is true also of Great Britain for the trust ports (e.g. London, Tyne, Forth, Clyde) which have a large measure of autonomy but keep some statutory links with central government. They are considered as "public" bodies.

In Spain all the 27 major commercial ports depend on the State but have some kind of autonomus status. Four of the major ports: Barcelona, Bilbao, Valencia and Huelva, are public bodies, very much like public companies. The rest are public autonomous bodies with more intervention by the central Administration. The whole State port system is managed as a holding controlled by the General Directorate of Ports and Coasts of the Ministry of Public Works and Urban Planning who nominates the chairman and several members of each of the Port Boards.

1° Portugal all the commercial ports are autonomous. The ports of Lisbon and Leixoes are port administrations as established by Decree Law N°36977 of 20 July 1948, while that of Sines was established by Decree Law N°508/77 of 14 December 1977. These ports have a reasonable degree of independence. The other "autonomous ports" are under the financial control of the State.

In France, Italy, Ireland and Denmark these "autonomous" ports are the most important ports of the countries in question.

2.2.4. "State" ports

Another category is that of ports where the administration, as far as the infrastructure is concerned, comes under the State, as for example, the ports administered by the State in France and in Italy. They have a similar legal status and depend directly on the competent central authorities. In France and in Italy, all sea ports, except those with autonomous status, are administered by the State.

Ports administered by the State also exist in Denmark (e.g. Esbjerg).

Another group is that of the nationalised ports in Great Britain where a number of small ports are controlled by the British Waterways Board which is responsible to the central government.

In Greece all the major commercial ports are "State" ports under the supervision and administrative control of the Ministry for the Merchant Marine (Presidential Decree 649/1977).

2.2.5. Private ports

Finally, there are the private ports which are few in number. These may be of two categories. Firstly there are those ports, such as Nordenham in Germany and Liverpool, Manchester, Felixstowe, the ports controlled by Associated British Ports and Sealink in Great Britain which are common user installations offering the full range of cargo-handling activities but which are wholly or partly owned by private capital. The other category is represented by, for example, by the oil port of Wilhelmshaven, which is situated within the port area of Wilhelmshaven without coming under the port administration concerned. Such facilities are usually integrated within a major manufacturing enterprise.

In Greece there are many private ports, usually handling specific bulk materials for the private company concerned.

In Spain there are some private ports or terminals, authorised by the State, related to specific traffics for the owning company. Marinas and leisure ports, outside the commercial ports, are generally private under concession of the regional government concerned.

2.2.6. Conclusion

In every member state with the exception of Great Britain the most important ports are managed or operated locally either by a municipality or an autonomous body. However, the notion of autonomy from central government, enjoyed in principle by the municipal and autonomous ports, requires definition. In fact, central government can intervene in the management of a port by many different means, direct and indirect, statutory and in other ways. Central government can have a large influence on port management through the division of responsibilities, in investment decisions and in the financing of new works. This latter statement does not apply to the German ports.

CHAPTER 3

2.3. Internal Organisation

2.3.1. General matters

The internal organisation of port administrations is based, in general, on a policy-making body whose characteristics are defined by the institutional structure of the port in question, and on the services charged with the task of carrying out the decision of the policy-making body, usually directed by a general manager, managing director, director general or secretary general. (State ports are often an exception to this rule).

2*3.2. Municipal ports

In the municipal ports of Belgium and the Netherlands, the policy-making body is the city council; in the municipal ports of Germany it is the city council or the city parliament or a similar body. All decisions concerning port matters are taken within the institutional framework of municipal law and this is the same for the control or other functions of supervisory bodies (province or central government). In the Dutch municipal ports the administration of most port services is entrusted to a specialised municipal service, the "HavenbefeJrijf". In Germany, the port function is not the responsibility of any specific administration; the various duties come under those administrations which have the same general tasks outside the port. In some ports (Leer, Lübeck and Brunsbüttel) the port administration is entrusted to a private company. In the Danish and British municipal ports, the policy-making body effectively has the form of a committee or a board. The chairman and members are nominated by the town council.

2.3.3. Autonomous ports

The various forms of autonomous port have relatively similar administrative structures. Everywhere there is a policy-making body having the form (but not always the name) of governing board. Except in the British trust ports the members of the governing board represent central administrative departments, interested local authorities and business associations and in some cases, the trades unions. In general, the chairman is elected by the governing board but his nomination must sometimes be confirmed by central government.

In the French autonomous ports half the board members are nominated by decree, the other half being chosen by local authorities and the chamber of commerce and industry (1). The chairman is elected by the Board. The director-general is nominated by central government. He is always an Engineer in chief of the Bridges & Highways Dept.

(1) For details see French National Summary, (para. 3.4.3.1.)

In Italy, the management of the "autonomous ports"* is entrusted to a policy-making body, defined in each case by the law which set up the autonomous port in question. This policy-making body has the form of a governing board in which some of the members represent central government and the local authorities, some the Chamber of Commerce and the rest professional organisations. The chairman is nominated by decree of the President of the Republic after political consultation in the area concerned. Day to day matters are entrusted to a more restricted collegial body whose members are drawn from the governing board. The secretary or director general is nominated by the governing board (except in Venice where he is nominated by the Government).

In the Netherlands, the "Havenschappen" are managed by a governing board made up of members nominated partly by central government and partly by the interested local authorities. The Chairman is nominated by and from the permanent deputation of the province in question and the deputy-chairman by the Minister for Transport and Waterways.

In the case of Brugge-Zeebrugge in Belgium, the governing board is made up of members nominated partly by the Government, partly by the town of Bruges, and partly by the Annual General Shareholders' meeting.

In Ireland, the governing boards of the autonomous ports are nominated or elected by central and local Government and shipping, commercial, industrial and trade union interests. The chairman is elected by and from the governing board. The Chief Executive is selected by a (non Political) National Appointments Commission unless the Minister approves the promotion by the Port Authority of an existing Port Officer.

The administrative structure of the port of Copenhagen ■*-n Denmark is similar. However, the general manager of the port is nominated by the Minister of Public Works following the proposal of the Harbour Board.

In the British trust ports, the members of the governing board are nominated by the Secretary of State for Transport. They do not represent either the public administration or organisations but are chosen for their personal abilities. The chairman is also nominated by the Secretary of State for Transport.

British ports managed by limited companies generally have an internal organisation corresponding to that legal form but it should be noted that in the case of Liverpool, central government and in the case of Manchester, local government is represented on the governing board.

In Spain the chairman of the port Administrative or Port Board is always appointed by the central government. The rest of the members represent central administrative departments, regional and local authorities, business associations and representatives of the labour force.

In Portugal all members of the port Administrative Council are appointed by the Minister.

2.3.4. State ports

In the ports directed by the State one can distinguish between two groups ; those managed directly by central government and those where the management is entrusted to a separate administrative or similar body.

The first group is represented by the ports managed by the state in France and Italy: the port administration is entrusted to services which are peripheral to the central administration. In France, this administration comes entirely under the Ministry of Public Works, in Italy the main responsibilities are shared between the Ministry of the Merchant Marine and the Ministry of Public Works.

The British and Danish ports come into the second group. The British nationalised ports are owned and administered by the British Waterways Board. The chairman and the members of the board are nominated by the Secretary of State for Transport. In Denmark, the port of Esbjerg has a similar administrative structure: the chairman and members of the board are nominated by the Minister of Public Works.

The Greek state ports are administered by Port Committees which control the Port Treasury in each port. The composition of each Port Committee is subject to the approval of the local prefect and its decisions need the approval of either the local prefect or the Ministry for the Merchant Marine. The chairman is elected by members of the Committee.

CHAPTER 4

2.4. External Relations

2.4.1. In general the relations between the administrations responsible for the ports and the provincial and central authorities are defined by the division of responsibilities which arise from the institutional structure in question.

In most cases the decisions of the policy-making body responsible for the port (town council, governing board or similar body) are subject to certain legal controls and, in some cases, to controls of a fundamental nature (e.g. port investments of some importance, port rates and dues, insofar as the latter are fixed by the administration responsible for the management of the port).

2.4.2. Another form of link with provincial and central bodies may arise from the presence on the policy-making body (governing board) of representatives of these authorities. On the other hand, ports can be represented in an advisory body to the central authorities as, for example, in Belgium and the Netherlands.

In all the French and Dutch ports as well as in the Belgian municipal ports the administration has available an advisory body made up of representatives either of local public interests (Dutch ports) or of both public and local private interests (French and Belgian ports).

In Italy this advisory body, known as the "Council for Port Work"* (Consiglio de Lavoro Portuale), is only responsible for port labour matters. At Genoa the relevant legislation provides for a "Consultative Committee" made up of representatives of various business interests. It is responsible for port regulations, port dues and charges, the more important concessions and the management of certain port services by the port authority.

In France, Ireland, Italy, Denmark and Great Britain, there exist port associations, to which all the major ports (or the majority) belong. Their importance as well as their functions differ, however, from one country to another.

2.4.3. In Denmark, there is an advisory body of para-state character known as the National Ports Council.

In Great Britain the National Dock Labour Board has an important role in the area of dock labour. In addition there are national or local organisations representing the interests of port employers in Great Britain, Germany, France, the Netherlands and Belgium.

In France, the Chambers of Commerce and Industry play an important role both in the autonomous ports, where they hold a third of the seats on the governing board and in the state-administered ports where in most cases they hold the concession for facilities provided for public use.

In Germany, there are no formal relationships between the local authorities responsible for port administration and the Federal Government. The governments of the "Länder" of Schleswig-Holstein and Lower Saxony have certain supervisory powers over the municipal ports in their territories.

In Spain the central government is represented on all the port boards and is usually responsible for approving any actions taken by them but to a lesser extent in the so called Autonomous Ports that operate as public companies.

In Portugal each port administrative body has a direct relationship with the government.

In Greece the Port Treasuries have direct relations with several ministries in the central government as well as the local prefects.

CHAPTER 5

2.5. Dues and charges

2.5.1. Usually the dues and charges imposed in the ports are levied either against the services provided for ships, passengers and goods or against the use of installations, equipment or land. Depending upon the division of responsibility and powers in the port in question, these dues and charges are paid to the bodies which provide the services and/or own the land and which are responsible for the construction and maintenance of the installations.

2.5.2. For the reasons set out in the paragraph above, it is impossible to lay down any general rules concerning dues, charges and revenues. In Italy, the dues and charges are fixed and collected by the State and a part only of them is paid over to the port authority. In Denmark, they are fixed by the State but paid to the port authority. In France, they are controlled by the State but paid to those local authorities or public bodies which help finance port investments, with the exception of the annual due on passenger ships and a quarter of the passenger tax.

In the other member states the authority responsible for the port (state, commune or port authority itself) usually has considerable latitude for fixing dues, and charges. In some cases their determination is subject to certain approvals or controls. These procedures differ from one country to another and are normally related to the legal basis of the port in question.

CHAPTER 6

2.6. General matters

2.6.1. Division of responsibility and powers

It is in the area of responsibility for the wide variety of port facilities and services that the variations, both in national practice, and between member states are revealed to their maximum. For this reason, it is necessary, in this chapter, to deal with nearly every facility on an individual basis. Some of the variations represent fundamentally different national philosophies and will be dealt with in more detail, others are of relatively minor importance and may be dealt with more summarily. It should be emphasised that any precise percentage figures given in tables 1-4 below are often theoretical, and depend upon national budgetary possibilities in the country in question.

2.6.2. Maritime access (Maritime Access Channels, Lights, Buoys, Navigational Aids, Sea Locks and Exterior Breakwaters)

It must be remembered that geographical conditions vary considerably from one country to another and so the need for some facilities varies. Thus no Mediterranean port requires a sea-lock and indeed many of the NW European ports do not require such facilities either. In addition, exterior breakwaters are not required in some of the ports covered by the questionnaire.

Generally, the governments or other public authorities finance the lights and buoys outside the port area throughout the Community. For all other matters concerned with maritime access there is a clear distinction between practice in Denmark, Ireland, Great Britain and Spain (1) and the other Member States. In the former, the cost of creating and maintaining maritime access channels, lighting and buoys to and inside the port, building and maintaining sea-locks and exterior breakwaters (where relevant) is borne entirely by the port authority with no financial assistance of any kind.

In the other Member States there is considerable variety of practice. In Germany, the Federal Government is generally responsible for all these facilities outside the port: within the port the relevant territorial authority is responsible? this applies especially to sea-locks where the relevant territorial authority is responsible for their construction and maintenance (with the exception of the lock at Wilhelmshaven where the Federal Government is responsible).

In Belgium, the national government is responsible for the entire initial cost of sea-locks and exterior breakwaters, and for the initial investment and maintenance costs of the maritime access channels. The municipalities (port authority at Brugge-Zeebrugge) are responsible for lighting and buoys within the port and for the maintenance of sea locks and exterior breakwaters where relevant.

(1) Although exceptionally with the assistance from the state

ⁿ France, Italy and the municipal ports of the Netherlands, the national government is responsible for the greater part of the initial cost of investment in all the above facilities (1), and is responsible for the entire cost of their maintenance. The balance of the initial investment cost is borne by the port authority in the French and Italian autonomous ports, by the "havenbedrijf" in Rotterdam and the municipality in Amsterdam. In the state ports the balance is found by the chambers of commerce (France) or by the communes and provinces (Italy). In the Dutch "Havenschappen" the financing of the above-mentioned maritime access facilities is borne partly by the Belgian central government and partly by the Dutch central government (namely at Terneuzen and at Flushing). At Delfzijl, the financing is borne jointly by the '■Havenschap'*, the central government, the province and the municipality, with the exception of the maritime access channel itself which is entirely financed by the central government.

In Portugal the initial investment in the above facilities is made by the port administrations in the four major ports and by the State in the autonomous ports. In Greece the initial investment is by the State but maintenance is in the hands of local government. The Navy is responsible in Portugal for the initial investment in lights and buoys and in both Greece and Portugal for their maintenance.

(1) With the exception of the initial cost of the access channel for ships drawing over 57' in Rotterdam.

MARITIME ACCESS CHANNELS			
Matter State	Cost of Investment	Cost of Maintenance	Remarks
BELGIUM	100% national Government	100% national Government	
DENMARK	100% Port Authority	100% Port Authority	
GERMANY	100% federal Government outside port 100% relevant territorial authority within the port	100% Federal Government outside port 100% relevant territorial authority within the port	
FRANCE			
Autonomous parts	80% National Government 20% Port Authority	100% National Government	
Natural maritime ports	30-50% National Government Balance Charter of Commerce		
IRELAND	100% Port Authority	100% Port Authority	
ITALY			
Autonomous parts	national Government + Port Authority in varying proportions	Varies but in general the national Government pays	
State parts	80% National Government 20% of Counties + Provinces	100% national Government	
NETHERLANDS			
"Bovenbedrijven"	2/3 national Government 1/3 "Haventoedrijf" (Rotterdam) or Municipality (Amsterdam)	100% national Government	• "Havenbedrijf in Rotterdam responsible for entire initial cost of access channel for ships drawing over 57'
"Havensdijken"	100% national Government		
GREAT BRITAIN	100% Port Authority	100% Port Authority	
GREECE	100% National Government	100% local Government	Local prefectural funds
PORTUGAL	100% National Government	100% Port Authority	
SPAIN	100% Port Authority	100% Port Authority	Sometimes with assistance from the national Government in the form of investment grants

LIGHTS, BUOYS AND NAVIGATIONAL AIDS				
Mariner State		Cost of Investment	Cost of Maintenance	Remarks
BELGIUM	outside port	100% National Government	100% National Government	
	inside port	100% Municipality/Authority	100% Municipality/Authority	
DENMARK	outside port	100% National Government	100% National Government	
	inside port	100% Port Authority	100% Port Authority	
GERMANY	outside port	100% federal Government	100% federal Government	*
	inside port	100% relevant territorial authorities	100% relevant territorial authority	
FRANCE	Autonomous ports	100% National Government)	
	inside port	60-100% National Government Balance Port Authority)	
Non-autonomous ports	outside port	100% National Government	) 100% National Government	
	inside port	30-50% National Government Balance Charge of Commerce)	
IRELAND	outside port	100% Commissioners of Irish Tides (1)	100% Commissioners of Irish Limits	
	inside port	100% Port Authority	100% Port Authority	
ITALY	outside port	) 100% National Government	) 100% National Government	Except at Genoa
	inside port))	
NETHERLANDS	"Havenbedrijven"	) 100% National Government	) 100% National Government	Except radar
	"Havenschappen"	) outside the port - position) within ports varies from port to port) to port	) outside the port - varying) responsibility within the) ports	
GREEK ISLANDS	outside port	Mostly Trinity House (2), sometimes Port Authority or similar body	Mostly Trinity House, some- times Port Authority or similar body	the costs are recovered from ships using the ports via light dues
	inside port	100% Port Authority	100% Port Authority	
GREECE		100% Port Authority	100% Navy	The local prefec- toral funds may help with initial investment
PORTUGAL		100% Navy	100% Navy	Except radar (see Portugal summary para 3.10.6.1)
SPAIN		100% National Government	100% Port Authority	

(1) A statutory organisation responsible for all navigational aids around the coast of Ireland other than those which the port authorities are responsible

(2) Trinity House is a non-statutory private guild responsible for the pilotage in the Thames estuary and in other ports and for most light-houses

TABLE 3

SEALOCKS AND EXTERIOR BREAKWATERS

Member State		Cost of Investment	Cost of Maintenance	Remarks
BELGIUM	Tocks Breakwaters	100% National Government 100%)	100% Municipality/Authority 100% Authority	At Brugge-Zeeland only
DENMARK	Locks Breakwaters	100% Port Authority 100%)	100% Port Authority 100%)	Only one snail lock at Copenhagen
GERMANY	locks Breakwaters	) "Länder" and Communities )	) "Länder" and Communities)	Only one sea-lock at Wilhelmshaven: responsibility of the Federal Government
FRANCE				
Autonomous ports	locks Breakwaters	80% National Government 20% Port Authority))	
Non-autonomous ports	Locks Breakwaters	30-50% National Government Balance Chamber of Commerce	) 100% National Government)	
IRELAND	Locks Breakwaters	100% Port Authority 100%)	) 100% Port Authority)	
ITALY				
Autonomous ports	Breakwaters	National Government and Port Authority in varying proportions	varies but in general the National Government pays	There are no locks in the Italian ports
State ports	Breakwaters	80% National Government 20% Communities + Provinces	100% National Government	
NETHERLANDS				
"Havenbedrijven"	locks Breakwaters	2/3 National Government 1/3 Municipal (Amsterdam only) 2/3 National Government 1/3 Municipal (Amsterdam) or "Havenbedrijf" (Rotterdam)	) ) ) 100% National Government))	Rotterdam has no sea-locks
"Havensschappen"	Locks Breakwaters	) varies from port to port ) . . . ■ ■ ■	) varies from port to port)	
GREAT BRITAIN	Locks Breakwaters	100% Port Authority 100%)	) 100% Port Authority)	
GREECE	Locks	100% National Government	100% National or local Government	There are no locks in the Greek ports
PORTUGAL		100% National Government	100% Port Authority	
SPAIN		100% Port Authority	100% Port Authority	There is only one lock in a Spanish port (Sevilla)

2.6.3. The port itself

2.6.3.1. Infrastructure

This section of the analysis concerns the port itself and includes the basic infrastructure within the port i.e. the docks, quays, back-up land together with reclaimed land (see Table 4). In this area the port authorities themselves are solely responsible for the cost in Great Britain, Denamrk, Ireland and Spain. In Germany, the public sector ("Land", province or commune) is usually responsible. In the Netherlands, the "Havenbedrijf" is entirely responsible in Rotterdam and Amsterdam. In the "Havenschappen" the central government, the province, the commune and the "Havenschap" itself share the cost. In the French and Italian autonomous ports, the cost of financing and maintaining these works is shared between the port authority, the central government, the province and the commune in varying proportions, often fixed on an ad hoc basis at the time that the construction concerned is decided upon. In the Belgian ports, the cost of investments for docks and quays is shared between the port authority and the central government. Land purchased by the port and the maintenance of all items of port infrastructure are the responsibility of the port authority. In the French and Italian "state" ports the financing, also in varying proportions, is shared between the central government and the chambers of commerce (France), and the communes and provinces (Italy). In Portugal infrastructure investment in the port administrations is in practice financed by the administrations themselves whereas in the autonomous ports the state is usually responsible. In Greece the initial investment is carried out by the State but maintenance is in the hands of Local government or the port administrations.

In addition, there are cases where the port infrastructure is not provided by the public sector but completely or partly by private undertakings. This is especially true for the few private ports. Furthermore, there are also specialised installations which, as part of an industrial undertaking, are financed by that undertaking e.g. often the case with oil terminals. Finally there are also privately owned, multi-user, specialised terminals, for example for container and ro/ro operations and others.

DOCKS, QUAYS, RECLAIMED LAND ETC.			
Member State	Cost of Investment	Cost of Maintenance	Remarks
BE03IUM	60-100% National Government Balance Municipality/Authority	100% Municipality/Authority	
DEWAFK	100% Port Authority	100% Port Authority	
GEHRNT	100% "Land" or Commune	100% "Land or Commune	
FRANCE			
Autonomous ports	Docks, quays etc 60% National Government, 40% Port Authority Reclaimed land - each case treated separately	100% Port Authority	
Non-Atlantic ports	30-50% National Government Balance Charter of Commerce	National Government and Charter of Commerce in varying proportions	
IRELAND	100% Port Authority	100% Port Authority	
Italy			
Autonomous ports	National Government and Port Authority in varying proportions	Part Authority with an annual contribution from the State	At Genoa this figure is fixed at 100 million lire p.a. by the Law of 1962
State ports	80% National Government 20% Communes + Provinces	100% National Government	
NETHERLANDS			
"Haventoedrijven"	100% Port Authority	100% Port Authority	
"Vensbinnen"	Cost shared by Port Authority, Central Government, Province + Commune	Cost shared by Port Authority, Central Government, Province + Commune	
GREY BRITAIN	100% Port Authority	100% Port Authority	
GREECE	100% National Government	100% National or local Government	
PORTUGAL			
Part Administration	Usually 100% Port Authority	100% Port Authority	
Autonomous Port Board	Usually 100% Central Government)	
SPAIN	100% Port Authority	100% Port Authority	

NOTE: This table does not cover jetties and specialised terminals or docks, quays and reclaimed land owned by the private sector

2.6.3.2. Superstructure

The pattern for the financing of port equipment and other superstructure installations varies considerably both from one state to another and often within any one country's ports. Often a distinction needs to be made between the sheds and warehouses, the fixed cranes and the mobile equipment.

In Belgium, Denmark, Germany and the Netherlands the greater part of the superstructure is, in general* financed and operated by the private sector. There are notable exceptions in all Belgian ports and in most Danish ports where the cranes are mostly controlled by the port authority. In France the port authority in the autonomous ports and the Chambers of Commerce elsewhere are in most cases entirely responsible except where highly specialised equipment is involved. In Great Britain, Ireland, Portugal and in Spain the port authorities are financially responsible for most of the superstructure but some of the specialised installations are financed by the private sector. In the Italian autonomous ports most of the superstructure and equipment is financed by the State and/or by the port administration. In the other ports such as in Greece the State is responsible. Private undertakings can be responsible for such installations if the appropriate authority has granted them a concession. In most cases these are such specialised installations as silos and warehouses and mobile cargo-handling equipment.

2.6.3.3. Services

2.6.3.3.1. In the provision of services to shipping the private sector plays a dominant role. Thus unballasting & degassing (With some minor exceptions in France and Portugal), ship repair, scaling, cleaning, shipping agencies, ship brokerage, revictualling and bunkerage are everywhere the responsibility of the private sector.

Pilotage associations or similar bodies are responsible for pilotage in the access channels or at sea (where relevant) in all ports except Aarhus and the Irish ports (where the port authority is usually also the pilotage authority), and the Belgian and Dutch ports (where the State assumes the task). Pilotage within the docks is organised on similar lines but in Belgium the dock pilots are privately organised, in Rotterdam the "Havenbedrijf" is responsible and in Hamburg the responsible public authorities provide the dock pilotage service. No distinction is made between dock and sea pilotage at Irish ports. In Spain each port has its own pilots' association. In Portugal there is a National Institute of Port Pilots responsible to the Minister.

Towage is almost always organised by the private sector. In Belgium, however, depending upon the port, both private bodies or port authorities may be responsible for the service. In Aarhus, the port authority is responsible and in Great Britain, Ireland and Portugal the port authority sometimes provides towage within the port.

Berth allocation for common user berths is always the responsibility of the port administration.

Dry docks and slipways are private except in Belgium, (where, depending upon the port, either the municipality, the state and/or the private sector provides the service) in France (where the state, the autonomous port or chamber of commerce or the private sector may be responsible), at Esbjerg (Denmark) and in Ireland (where the port authority is usually responsible); in Italy they are financed by the state or by port authorities or by companies set up especially for the purpose, usually with a subsidy from the state, but their management is given over to private undertakings, through a concession.

Although telephones are almost always provided by the public telephone organisation there are variations in detail in France, in Italy and in Portugal. The provision of water and electricity to ships in port varies considerably. The municipalities, the port authorities, the private sector, the provinces or in some ports a mixture of these bodies provide this service.

2.6.3.3.2. The provision of services for goods (cargo-handling and other services) is one of the few areas where there is, in most countries a clear cut national picture. Thus in Belgium, Denmark, the Netherlands, Spain and Portugal all such services are provided by the private sector. In Copenhagen the biggest stevedoring company is owned by the port authority. The private sector also provides such services in Germany (with the exception of the ro/ro service at Cuxhaven operated by the Land), France (with the exception of the ro/ro service at Cherbourg!) and Ireland (with the exception of certain warehousing, and groupage activities carried out by the port authority). In Great Britain, in contrast, some 2/3 to 3/4 of the cargo-handling is carried out by the port authorities, the balance by the private sector. In Italy there is no such clear cut pattern. At most ports the landside operations are organised by specialised private cargo-handling undertakings. In Venice and Trieste however the port authorities are responsible but operations in Italian ports are usually organised by the shipping companies. In Greece the work is carried out by cargo-handling associations.

2.6.3.3.3. Firefighting services are everywhere primarily the responsibility of the municipality or other local authority or of the state, frequently backed up by private bodies and specialised services from the port authority including the Harbourmaster's Department. Police services are usually provided by the bodies responsible in the port locality i.e. sometimes State, sometimes provincial and sometimes municipal police services. The police services may be backed up by private security organisations. Only in Great Britain and Spain is there a large number of ports with their own police services. Dublin also has its own port police service. In all countries the Harbourmaster's Department is responsible for certain maritime policing activities. Medical services

are usually provided by state, provincial, municipal and private bodies and the port authorities. In most countries

(1) the state provides the port health authority (sanitary and ship inspection etc.). Pollution control is usually the joint responsibility of the state, local and regional authorities and port administrations although in Portugal it is the responsibility of the Navy.

2.6.4. Inland transport within the port

In this report comment on transport has been confined to the various modes installed in the port area and the means of access to the areas outside i.e. no attempt has been made to describe transport conditions in the hinterland as this would have been beyond the Group's terms of reference.

Although railway operations in the ports are frequently undertaken by the State railways the initial cost of investment in track is usually, at least in part, shared with the port undertaking. Thus in Denmark, investment costs are shared although on a negotiated basis. In Great Britain there is no uniform, overall basis for determining how port railway costs are met, but typically the railways may provide and operate locomotives while the port authorities may provide and maintain the railway track. In the French autonomous ports the port administration may contribute half the cost. In Italy the State Railways normally finance the rail works in the ports, except in Genoa and in Venice, where the autonomous port is solely responsible. In Germany, the port authorities provide the link to the Federal network but within the ports a great variety of different means of financing is to be found. In the Netherlands the N.S. (2) is responsible but in the "Havenschappen" the port administrations usually covered the cost of the initial investment. In Belgium the port authorities bear the cost of making land available prepared both for the tracks and for associated infrastructure works. In Ireland, the port authorities are solely responsible with the exception of the private rail sidings which are the responsibility of the companies concerned. In Spain the port authority is responsible for the investment within the port area but not the track maintenance.

Trunk roads which run within the port area together with their associated tunnels and bridges are normally financed by the public sector - (municipality, province or state). In the French and Italian autonomous ports and in Spanish ports, however, such installations are largely financed by the port authorities themselves and there are some exceptions in Belgian ports.

International port communications roads and their associated tunnels and bridges are the responsibility of the relevant port administration. There are some minor exceptions as regards bridges in Rotterdam and the State provided assistance for some of the port roads Brugge-Zeebrugge.

(1) In Germany; the "Länder"
(2) Dutch Railways

Canals and their associated locks where they are to be found in port areas, are almost entirely the responsibility of the State, local authority or separate public body. Nevertheless, in both Belgium and the Netherlands the port authority contributes towards the cost of certain specific installations.

Ferries are almost always the responsibility of the State or other public sector although in Spain private firms are responsible while pipelines are almost everywhere the responsibility of the private sector although in Portugal the port authorities are responsible.

CHAPTER 7

2.7. Financial and associated questions

2.7.1. General matters

- Financial practice in the major European ports varies considerably from one country to the next although on the whole there is little variety of practice within any one country despite the widely different bases upon which the ports are established i.e. accounting practice for ports usually follows the normal accounting practice for the country concerned. An exception to this is for all the municipalities of the Benelux countries where standard Benelux rules have been laid down for the drawing up of the annual municipal accounts. (These rules are already applied in the Belgian ports).

2.7.2. Annual accounts

No annual accounts are produced for the state ports in Italy or the non-autonomous ports of France as their financial affairs form part of the State budget. No separate annual accounts are drawn up for the German ports and the Belgian municipal port administrations, Antwerp, Ostend and Ghent (until the end of 1978). Annual accounts are published, in a variety of forms, for nearly every other port.

The cargo handling companies and companies engaged in other port activities are, in all the member states, treated no differently from other commercial enterprises of comparable legal status: insofar as the relevant legislation obliges them to do so their annual accounts are published. However if their activities cover several ports or if they are also active outside the port sector it is virtually impossible to isolate the activities in any one port in these accounts.

2.7.3. Depreciation

There are no rules or general practice as far as depreciation is concerned. In the German ports, as well as in the Italian ports no provision is made for depreciation; in Ireland there is no obligation to make such provision but some ports do. The other port authorities provide for depreciation, almost always on the basis of the historic cost of the assets concerned (1).

There is scarcely any general practice as regards the revaluation and/or writing down of assets. For some port administrations it depends upon occasional Government decision.

(1) One port authority in Great Britain is required by the Government to provide for replacement cost' depreciation. In Spain historic cost is revalued annually to allow for inflation.

2.7.4. Rates of return

There are no general rules either for the rate of return required on new investments. In Spain a net rate of return is laid down by the government.

2.7.5. Obligations

The Community ports are usually obliged to provide free facilities for certain official services e.g. customs, and to allow official/State ships to use the port without paying port dues. Other than this, however, there is virtually no requirement for the ports to provide facilities at less than cost. The Belgian ports, however, are obliged to provide a wide range of facilities at less than cost. The "Havenbedrijf" of Rotterdam is obliged to pay 6.75 million guilders per annum to the municipality of Rotterdam for general purposes.

Apart from facilities or services mentioned expressly elsewhere in this report, Community port authorities do not generally receive any facilities or services at less than cost.

2.7.6. Loans

The situation as regards loans is more varied. No special facilities exist for port loans but, in many member states, the ports may benefit from the slightly more favourable conditions which exist for public bodies. The state owned ports in Denmark may borrow at 4 1/2%. Other Danish ports, the Dutch "Havensschappen", the French ports the major Belgian municipalities and the Spanish and Portuguese ports borrow either directly or indirectly on the open market. In Italy, after having obtained the agreement of the competent ministries, and in the smaller Belgian municipalities borrowing is usually arranged through state approved bodies. In Germany, in the bigger Belgian municipal ports and in the Dutch "Havenbedrijven" this is done by the competent local authority within the framework of its overall financial plan. Irish ports normally borrow from a National Government fund but may borrow on the open market.

2*7.7. Taxation

The fiscal position of the port administration varies considerably from one country to another and often also, because of their different institutional bases, within the same country. However, private port undertakings are everywhere, without exception, treated for fiscal purposes in exactly the same way as any other private companies. Port administrations are liable to profits tax in France, Italy and Great Britain. In Germany, Denmark, Ireland, the Netherlands, the Belgian, Spanish, Portuguese and Greek ports in principle no such obligation exists.

The position as regards V.A.T. varies in detail from one country to another. In general it can be said that private port businesses are subject to the same V.A.T. as other business concerns in the country in question. In the Netherlands and in Ireland the ports are zero rated. In France, Great Britain, Germany, Belgium, Spain and Italy the ports are liable to V.A.T. but in practice virtually the whole of their services are exempted from payment. In Denmark the ports pay V.A.T. just like other business concerns.

Local taxation, in the form of rates or real estate tax, is paid everywhere except by some port authorities in Ireland and the "Havenbedrijven" in the Netherlands (1).

2.7.8. Restraints

2.7.8.1. Port authorities

Whatever the statutes setting them up, ports form part of the basic transport services of every member state. Hence, in most countries, there is a degree of central government intervention in their affairs, differing from state to state, but usually exercised on a similar pattern within any one state.

In no Member State are the ports entirely free to engage in any activity they please. In most the freedom exists only within their statutes as, for example, in Great Britain and Ireland where, in both cases, the statutes are fairly liberal and in France where the statutes are more restrictive. In Belgium, the municipal ports enjoy no freedom and any such change in activity would require provincial and/or state approval. In Denmark, no specific rules exist but the ports are understood to enjoy no freedom to engage in anything outside port activity. In the Netherlands, neither the "Havenbedrijven" nor the "Havenschappen" have any freedom to extend their activities.

In Germany the port administrations of Hamburg and Bremen are non-autonomous parts of the city administrations (cities with the Statute of "Land") and are therefore subject to the decisions of their governments and parliaments: on the other hand in Schleswig-Holstein and Lower Saxony, the port administrations are subject to certain intervention powers of, and in some cases, the right of decision by, the respective "Länder" governments.

Indeed in every Member State, ports require some measure of approval for new investments from a superior authority. Usually the need for such approval is linked to the cost involved. For example, in the Belgian municipal ports any major expenditure must be voted by the City Council and approved by the higher authorities. In Great Britain, since May 1984, there has been no requirement for ports to seek Government sanctions for new investment regardless of size.

(1) As from 1 January 1979 a property tax (rates) has been levied

In Denmark and in Spain, all larger investments are subject to the approval of the Minister of public Works - in Germany subject to a resolution of the appropriate public authority. Although the Irish ports are free to initiate new works the appropriate ministerial permission is required for major works. The same permission is required by the Italian autonomous ports, except insofar as there are special conditions at Genoa.

Few ports are entirely free to fix the charges, either for the services that they provide or rentals. In Italy, the autonomous ports fix cargo-handling charges while the charges for all other port services are, in principle, fixed by the central government. There are some exceptions in Genoa. British ports are free to set and vary their charges subject only to the right of appeal of port users with regard to two specific types of charge. In French ports, both autonomous and non-autonomous, and in Copenhagen rents are fixed freely by the port authority. Irish ports have a certain latitude in fixing rents although Government approval is required for the conditions of leases of over 10 years duration. As far as rents are concerned, the autonomous Italian ports follow the specific conditions laid down in their enabling statutes. In Spain and Portugal the port authority sets charges within the limits laid down by government. Elsewhere, the responsible local authority or, indeed, the central Government, has to give approval.

2.7.8.2. Private port undertakings

Private port enterprises are generally free, within their Articles of Association, to undertake a variety of activities, fix their own salaries within the relevant joint agreements and fix charges (e.g. cargo-handling tariffs). Sometimes these tariffs come under the general supervision of the public sector. In the French ports, it is the port authority that controls the tariffs for the private sector. In the Italian ports, cargo handling activities covered are subject to authorisation. Those undertakings which are authorised must apply the scale of charges fixed by the port authority. Private enterprises are, however, rarely allowed to sublet port land that they rent without prior approval of the port authority. In the Spanish and Portuguese ports private undertakings are subject to authorisation by the port authority.

CHAPTER 8

2.8. Employment

2.8.1. '• Dockwork leers'*

There is a variety of practice as far as the terms and conditions of service of dockworkers are concerned. In all the maritime Member States except Denmark and Germany they have, in some measure, a special status. In Denmark and Germany they enjoy exactly the same status as other workers. In Germany this is true also for all those workers employed in a port "pool" established and financed by several port businesses.

In all the member states the "registered" (1) dockers are paid a guaranteed daily minimum "fall-back" wage when there is no work: (in some cases this may be as high as the normal daily wage). In Denmark, this is financed by the state and the unions; in all other countries it is usually financed by the port employers. In all countries the sickness and accident benefits for dockers are the same as for all other workers.

In Belgium, Denmark, France and Ireland (with the exception of Dublin and Limerick) the dockworkers are essentially casual workers i.e. employed from a central "pool" in each port on a shift: or a daily basis.

In Great Britain, however, the dockworkers are permanently employed by individual employers as are the majority in German and Dutch ports (the remainder being permanently employed in "pools"). In all the Member States except Denmark only "registered" dockers are allowed to do dockwork (there are exceptions to this rule in certain Italian and British (2) ports). In Italy, the dockers are organised in the form of private corporate limited liability co-operative societies. This form of organisation is not found elsewhere in Community ports. These societies are also responsible for arranging the employment of their members. In Spain and Greece dockworkers may either be employed on a permanent or on temporary basis.

In general only the basic terms and conditions of employment (sometimes only the basic minimum wage) are negotiated or laid down nationally for all dockworkers. In most Member States these agreements are supplemented by local agreements.

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- (1) Those whose names are included on an official register kept in the port taken to be "permanently employed" even if they are not working every day
 - (2) Legislation passed in late 1976 provides that in future dock work may only be carried out by Registered Dock Workers

2.8.2. Other grades

Personnel may be distinguished as staff grades and manual grades (although the terminology varies from port to port and in some member states there is no such division of status. In some member states personnel come under the same agreements (either national or local) as other public sector employees. Elsewhere practice may vary from, for example, nearly 20 separate agreements in one British port to individual agreements at some Irish ports. In France there is a nationally negotiated collective agreement for all staff employed by the ports.

2.8.3. Dockworker training is organised by various bodies in all member states. In most ports it is financed by a levy on the port employers i.e. it is privately financed. However, in some countries the training may be financed by a number of bodies including the Trades Unions, Chambers of Commerce, Port Authorities or the State.

2.8.4. Canteens are to be found in most ports. Frequently they have been built by the port authority or municipality but in practically every case they are run by private bodies, often with a subsidy from the port employers and /or port authority concerned.

CHAPTER 9

2.9. Statistics

2.9.1. Statistics drawn up or collected and regularly published by the port authority or other port organisation

The replies received by the Commission referred only to the statistics drawn up by the port authorities or other public bodies. It is worth noting that the term "port authority" covers very different situations among the Community ports and consequently the body which makes the statistical returns varies from one country to another and sometimes also from one port to another within the same country. Often the statistics concerning the movement of ships and the movement of goods are not collected by the same body. While the former are normally collected by the body responsible for the movement of ships within the port those concerning goods are, in most countries, collected by the customs department. Both are then centralised nationally. However, this picture is a simplification. In some ports the same body is responsible for both the movement of ships and goods whereas in other ports various bodies may draw up the same statistics.

The replies are not very detailed as far as the collection of statistics is concerned as this question was not explicitly asked. However, one has an inkling of the organisation and the relations which exist for the exchange of information (either statutory or voluntary) between the various bodies concerned.

A more thorough study would be necessary in order to detail the organisation of port statistics in the various ports as well as the methods employed for their collection. Such a study, which would be a considerable task, would only seem justified if community action aimed at harmonising and improving port statistics were in mind. Any study of cargo flows through the ports (origin and destination statistics) would overlap transport statistics in general and raise specific problems both at national and community level for those statistics.

The organisation of port statistics at present is such that it is possible to draw up a certain amount of information at the community level, especially that which concerns the movement of ships (broken down by flag, number and tonnage as well as by national cabotage and international traffic and the movement of goods (tonnes loaded and unloaded, liquids and solids, by national cabotage and international traffic). For the original member states the movement of goods is broken down on the basis of the Standard Goods Classification for Transport Statistics (NST). (1) and this breakdown is now being

(1) NST - "Nomenclature Uniforme des Marchandises pour les Statistiques de Transport"

studied for the new member states (1).

An interesting example of the voluntary co-ordination of port statistics on an international level is that set up by the Co-ordination Committee for the North West Mediterranean ports which includes all the ports from Leghorn to Tarragona: the goods statistics are drawn up on the basis of the NST and a uniform division of geographical areas (25 maritime zones) has been adopted for origin and destination statistics.

2.9.2. Special statistical studies

As far as special studies are concerned the replies show a wide range made more or less regularly. In many cases one cannot draw a clear line between general statistics (as covered in the above paragraphs) and special studies. Included among the latter are those studies undertaken to check the productivity of the various port installations which have the specific aim of providing technical and economic control information for the port administration concerned. These studies are not usually published. In addition, in most cases, they depend upon the resources which the port concerned can devote to them which means that only the larger ports are able to carry out the more extensive studies.

2.9.3. Statistics or studies which would be of interest if drawn up the Commission ■... ~-

There were relatively few wishes expressed by the port authorities for the improvement of port statistics. These wishes were generally directed towards the introduction of community origin and destination statistics for goods. Some wished such work to be confined to seaborne traffic while others wished to include inland traffic to and from the ports.

The Dutch port authorities, which already have origin and destination statistics at their disposal for inland traffic, have mentioned the difficulties which have arisen in drawing up these statistics because of the removal of frontier controls within the Benelux countries. This problem is well known to the services of the Commission and, unfortunately, is not the only one which burdens the drawing up of origin and destination statistics at community level; for many years efforts have been made to set up such statistics for rail, road and inland waterway as well as on the basis of a geographical division by regions which would also take account of port areas but these efforts have so far not led to any concrete results.

(1) For more information see the series "Annual Statistics Transport and Communication, Tourism" published by the Statistical Office of the European Communities

PART III

NATIONAL SUMMARIES

3.1.

BELGIUM

CHAPTER 1

3.1.1. PREFACE AND PORT TRAFFIC STATISTICS

Four Belgian port authorities replied to the questionnaire. These ports handle approximately 99 % of the total seaborne traffic of Belgium. All the comments made in this summary refer only to the four ports listed below.

PORT AUTHORITY	Seaborne traffic 1984 in 1000 tonnes(1)		
	TOTAL	of which oil and oil products	approx. % of total Belgian seaborne traffic
<u>MUNICIPAL PORTS</u>			
ANTWERP	86,549	21,113	71.9
GHENT	23,765	3,337	19.7
OSTEND	2,103	28	1-7
<u>PUBLIC BODY UNDER THE SUPERVISION OF THE MINISTER OF PUBLIC WORKS BRUGGE-ZEEBRUGGE</u>	6,687	218	5.6
TOTAL i 4 ports	119,104	24,696	99.0
TOTAL : Belgium	120,331	24,795	

Source : "Nationaal Instituut voor de Statistiek", Brussels
(provisional figures on data released by the Customs
Office)

(1) * tonne = 0.9842 tons = 1000 kg.

NOTE : The above figures differ considerably from those based on transport data and published by the port authorities themselves, namely (in 1000 tonnes) : Antwerp 90,338 ; Ghent 26,592 ; Ostend 1,909 and Brugge-Zeebrugge 12,001.

CHAPTER 2

3.1.2. STRUCTURE

3.1.2.1. Two types of Belgian port undertaking replied to the questionnaire

- municipal ports
- a public body under the supervision of the Minister of Public Works

3.1.2.2. The municipal ports (Antwerp, Ghent and Ostend) are run as a department of the municipal administration. The port administrations of Antwerp and Ostend form an integral part of the City Administration. Since 1979 the port administration of Ghent has been entrusted to a municipal company, which means that the port is run outside the general municipal services. Although some limited areas are the property of the State they are managed by the municipal administrations.

3.1.2.3. The port authority of Bruges-Zeebrugge was established by an agreement between the State, the City of Bruges and the private builders of the port. Since 1954 it has been a public body under the supervision of the Minister of Public Works.

CHAPTER 3

3.1*3. INTERNAL ORGANISATION

3.1.3.1. Each Belgian port has its own internal organisation. Although there is no standard pattern and there are no statutory obligations as regards the divisions of responsibility, there are common elements in the organisation of the municipal ports and their links with other departments of the municipal administration.

3.1.3.2. In each of the municipal ports the supreme authority is the elected City Council. The Burgomaster, upon proposal of the City Council, is appointed by Royal Decree. Elections of the City Council take place every 6 years. Decisions taken by the City Council are subject to approval by the Permanent Deputation of the Provincial Council or by the competent government minister.

The execution of the City Council's decisions is carried out by the College of Burgomaster and Aldermen. One of the latter is particularly entrusted with the management of the port.

For all port matters, the College of Burgomaster and Aldermen acts in the same way as for all other departments of the City administration and this within the framework of the "Gemeentewet" (Municipal Law).

3.1.3.3. In the case of Bruges-Zeebrugge, the supreme authority is the shareholders' general meeting, the powers of which are laid down in the national law for commercial companies and the articles of association of the company. The management is covered by a Board of Directors, appointed for a period of six years. There are between 5 and 15 directors, 2 of whom are appointed by the government, 2 by the City of Bruges and the others by the shareholders' general meeting. In fact the Board of Directors has very wide powers including the purchase and sale of company assets and fixing of regulations and tariffs. The Chairman is appointed for a period of three years and is chosen by the board itself. The Chairman is ultimately responsible to the Board of Directors which in turn is responsible to the shareholders' general meeting.

3.1.3.4. Each port has a chief executive officer who may be termed Director General or Director. This officer is, in the case of Antwerp and Ghent, appointed by the City Council, in the case of Ostend by Royal Decree at the recommendation of the City Council as he is also Harbourmaster and at Zeebrugge by the Board of Directors. The chief executive officer, who is always a full-time employee, is mainly responsible for the coordination of the various port services. The college of Burgomaster and Aldermen in the municipal ports is responsible for the daily administration of the port.

CHAPTER 4

3.1.4. EXTERNAL RELATIONS

3.1.4.1. Each of the municipal ports has a statutory relationship with the National Government. For the ports of Antwerp and Ostend there is no obvious separation between the city administration and the port administration. Because of its status as an undertaking, for the port of Ghent there is an administrative separation between the city administration and the port administration, though the latter forms an integral part of the city administration itself.

For the port of Bruges-Zeebrugge both the city of Bruges and the Government are concerned in the appointment of two board members each.

3.1.4.2. Decisions made by the municipal port governing bodies must be approved by the Permanent Deputation of the relevant Provincial Council and/or by the competent Government ministers. All the ports have a relationship with the "Nationale Commissie voor het Havenbeleid" which is an advisory body under the Minister of Transport. In Antwerp and Ghent there is also an advisory body, the Consultative Council, (in Antwerp "Raad van Oyerleg" in Ghent "Raadplegingscommissie"*) which advises the City administration on matters connected with port management.

3.1.4.3. All port authorities have a statutory relationship with the Government departments responsible for such matters as public works, prices, customs, port health and pollution control.

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3.1.5 . CHARGES, DUES AND REVENUES

Port dues and charges, depending upon the kind of activity practised in each port, can in summary be divided as follows, for both the municipalities and the port authority.

- (i) Port dues on seagoing vessels, collected on the basis of their gross register tonnage or their gross tonnage as defined by the International Treaty of London (1969) and. on the basis of the tonnage of goods loaded and/or unloaded. At Bruges-Zeebrugge there is a special due for passengers and vehicles embarking and disembarking.

These port dues generally include the right for ships to berth in the port, to use the locks (if they exist), to stay in the port for up to one month as well as to carry out commercial operations (unloading and loading). The goods which are unloaded or loaded may stay without charge both on the quays and in the sheds during a limited number of days.

- (ii) Port dues on inland navigation vessels, collected on the basis of their capacity in m3. At Antwerp the due includes the delivery of drinking water. In addition, at Bruges-Zeebrugge, a due is collected on the tonnage of goods unloaded and/or loaded and paid for by the proprietor, consignee, etc.
- (iii) Dues and rentals for lands let out for port use.
- (iv) Dues and rentals for services rendered or for the use of installations such as warehouses, dry docks, cranes and other equipment, towage services, etc.
- (v) Dues and rentals for deliveries of such items as drinking water, electricity, etc.

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3.1*6» DIVISION OF RESPONSIBILITY AND POWERS

3.1.6.1. Maritime Access

The State is responsible for the entire cost of the access channels (some jointly with the Dutch State), lighthouses, buoys, radar and electronic aids.

The State was responsible for the initial investment in the exterior breakwaters at Bruges-Zeebrugge and in the new sea locks at Antwerp, Ostend and Bruges-Zeebrugge.

The administration and maintenance of the latter items is assured by the municipality in the municipal ports, by the authority at Bruges-Zeebrugge.

3.1.6.2. The Port itself

3.1.6.2.1. Infrastructure

The State can provide 60-100 % (depending upon the budgetary position of the State) of the public investment cost of the construction - on the initiative of the port authorities - of such port infrastructure as docks, quays, jetties, as far as they are considered of national interest, the balance being provided by the municipality at Antwerp, Ghent and Ostend and by the port authority at Bruges-Zeebrugge. Some jetties, quays, docks, etc. are built by private interests in the ports of Antwerp, Ghent and Bruges-Zeebrugge. The administration and maintenance of the docks, quays and jetties is shared by the municipality and the private sector in Antwerp and Ghent, by the authority and the private sector in Bruges-Zeebrugge and is entirely the responsibility of the municipality at Ostend.

When the initiative in respect of such port works is taken by the State itself, the investment costs are borne by the State. The administration, maintenance and operation are entrusted to the port authorities in whose port areas these works have been carried out.

The administration and maintenance of reclaimed areas is assured by the authority in Bruges-Zeebrugge, by the municipality elsewhere.

The administration and maintenance of the specialised terminals depends on the municipality and private interests at Antwerp and Ghent, on the municipality at Ostend, on the port authority and private interests at Bruges-Zeebrugge.

3.1.6.2.2. Superstructure (including port equipment)

Decisions concerning most items of specialised superstructure in Belgian ports are made by the private sector and paid for, operated and maintained by them. This is, however, a feature of the last 35 years and there are still many buildings, cranes and items of general superstructure owned and operated by the municipality.

In Bruges-Zeebrugge, however, the port authority is responsible for approximately 3/4 of the superstructure; the container cranes in this port are financed partly by the Belgian State Railways and partly by an affiliated company of the latter. In Ostend the municipality is responsible for all port cranes.

3.1.6.2.3. Services

3.1.6.2.3.1. Services provided for ships

PILOTAGE : is the responsibility of the State at sea and in the estuaries but of the private sector in the docks themselves.

TOWAGE WITHIN THE PORT : is the responsibility of the private sector in Ghent and Ostend, of the municipality within the docks and of the private sector on the River Scheldt in Antwerp and of the port authority in Bruges-Zeebrugge (although it is performed by a private company).

OCEAN TOWAGE : is the responsibility of the private sector in Antwerp and Ghent, of the State in Ostend and the Port Authority in Bruges-Zeebrugge (although it is performed by a private company).

BERTH ALLOCATION : is the responsibility of the municipality or Port Authority (Bruges-Zeebrugge).

DRY DOCKS & SLIPWAYS : are municipal in Ghent, municipal and private in Antwerp, municipal and State owned in Ostend.

UNBALLASTING, DEGASSING,)	
SHIP REPAIR, SCALING &	)	all matters concerning these
CLEANING, SHIPPING	)	activities are the responsibility
AGENCIES, SHIP BROKERAGE	)	of private companies.
RE-VICTUALLING, BUNKERAGE)	

PROVISION OF WATER : is the responsibility of the municipality or the port authority (Bruges-Zeebrugge). At Bruges-Zeebrugge the State helped finance the installations.

PROVISION OF ELECTRICITY : the municipality or port authority (Bruges-Zeebrugge) usually provide for small users : major contracts are made directly with private electricity producers.

PROVISION OF TELEPHONES : is entirely the responsibility of the Post Office.

3.1.6.2.3.2. Services provided for goods

All such services are provided, without exception, by the private sector. Firms fix their own charges, subject to Government approval, and receive all monies due.

3.1.6.2.3.3. Security services

The general practice is that the municipalities are responsible for firefighting backed up by private auxiliary services and facilities. Police services are provided by the municipality and the State backed up by private watching or security forces. Medical services are assured by the State, the municipality (for their own personnel) and private employers' organisations (for the dockers). Pollution control is the joint responsibility of the municipality or port authority (Bruges-Zeebrugge), province and the State.

3.1.6.3. Inland transport within the port area

The landward transport infrastructure decisions and costs are, in the case of the railways, entirely the responsibility of the State Railways which meet all costs and collect all charges. In the case of trunk roads responsibility for through main roads is shared by the State and the municipality except at Ghent where the State is entirely responsible. Port communication roads are entirely the responsibility of the municipality except at Bruges-Zeebrugge where the State assists with the initial investment. Tunnels and bridges on major roads are normally built and maintained at State expense but, in Antwerp, certain major works have been built and are maintained by the municipality while in both Ostend and Bruges-Zeebrugge the municipality and port authority respectively are responsible for maintenance. Those tunnels and bridges which are reserved for port traffic are the entire responsibility of the municipality or port authority (Bruges-Zeebrugge) although the State was responsible for part of the initial investment in Bruges-Zeebrugge. Canals and other inland waterways are entirely the responsibility of the State. Canal locks are financed, operated and maintained by the State in Ostend, financed by the State but maintained by the authority in Bruges-Zeebrugge, and partly financed (Kattendijklock) by the State, for transit traffic to and from the Albert Canal in Antwerp. Ferries are entirely the responsibility of the State and pipelines the responsibility of the private sector.

3.1.6.4 SUMMARY OF CHAPTER 6

3.1.6.4.1. Maritime Access

The maritime access is the responsibility of the national government although the operation of the locks is usually for the account of the municipality or the responsible authority. No direct charges are made for access channels, lights, buoys and radar. Charges for the use of the locks are normally included in the harbour dues.

3.1.6.4.2. The Port itself

As far as harbour infrastructure is concerned the investment decisions are made by the municipality (or responsible authority), and sometimes by the State itself or by the private sector. 60-100 % of the cost of the harbour infrastructure, which is considered of national interest can be given by the State within its budgetary possibility. The operation and maintenance of the facilities is mostly the responsibility of the municipalities (port authority at Bruges-Zeebrugge). The tariffs are fixed by the municipality (port authority) and approved by the Government. AH charges and dues are collected by the municipality (port authority).

The port superstructure is partly public, but increasingly, mainly in Antwerp, private. In the case of public superstructure, considered to be of national interest, grants can be given up to 60 % by the national government within its budgetary possibilities. The municipality and the authority fix the tariffs and collect the dues for the use of the public superstructure. Although the port undertakings and private companies are free to set their own tariffs (and receive the totality of charges and dues) these are generally subject to Government approval.

Services for ships such as pilotage, towage, berth allocation, dry docks, etc. are partly the responsibility of the State, partly of the private sector and partly the municipality or port authority (Bruges-Zeebrugge). The position varies from port to port. All services for goods are, however, provided by the private sector. Security services are mostly provided by the public sector.

3.1.6.4.3. Transport links

Railway investment is carried out by the State Railways, road investment by the municipality and the State. Canals and ferries are the responsibility of the State and pipelines of the private sector. The facilities are usually operated and maintained by the investing body, which also determines the tariff although Government approval is usually necessary. No separate charges are made for roads and linked works - elsewhere the bodies making the investment collect the charges.

CHAPTER 7

3*1*7*

SPECIAL FINANCIAL PROBLEMS

3.1.7.1. Annual accounts

The Belgian municipal ports of Antwerp and Ostend do not have separate accounts for port activities. Port activities are included under heading F 452 of the municipal accounts# following standard BENELUX rules. As a municipal undertaking, the municipal port of Ghent has separate annual accounts. Bruges-Zeebrugge, as a public company, does publish annual accounts. Where private cargo-handling companies are limited companies they are legally obliged to publish annual accounts, but it is usually impossible to distinguish the results for their cargo handling activities from those for the rest of the undertaking. The same is true for all other port related activities.

3.1.7.2. Depreciation

In the municipal ports of Antwerp and Ostend, where accounts are kept on the basis of expenditure and receipts, plant and equipment are written off in respect of the annual statement of Council property. The depreciation corresponds to the redemption of existing loans on the basis of their effective duration. In the municipal port of Ghent, plant and equipment are written off in respect of the annually revalued assets, in compliance with the ministerial directives to municipal companies and the principles of Belgian accounting law. The port administration of Bruges-Zeebrugge writes off on the basis of the historical costs of the assets and in compliance with the principles of Belgian accounting law.

3.1.7.3 Rates of return

3.1.7.3.1. New Investment

In the municipal ports all expenditure of more than BF 1.5 million must be voted by the City Council. When the expenditure exceeds BF 3.3 million it must equally be approved by the Governor of the province. All expenditure relating to investments and amounting to more than BF 400.000 have to be subjected to tenders. These tenders can be private in case the investment amounts to BF 1.250.000 or less. When this amount is exceeded the tenders have to be placed publicly.

3.1.7.3.2. Overall rates of return

There are no legal provisions for the calculation of profitability for projected new port investments. In practice all investment projects must be justified by profitability calculations when they are submitted to the competent authorities.

3.1.7.4. LOANS

The municipal ports in Belgium do not borrow separately from the municipalities themselves. Municipal loans are designed to finance the complete range of municipal responsibilities : education, police, fire service, medical service, housing, port, etc. The four major Belgian cities, including Antwerp and Ghent, are obliged to borrow on the public market after they have obtained the permission of the Ministry of Finance ? in practice this means that the Ministry only gives permission when, on the market, the financial requirements of the State and public bodies are covered. The rate of interest is fixed after approval of the central government on the basis of the situation in the financial market. The other cities and communes, including Ostend, must borrow money through the "Gemeentekrediet van Belgie". In order to borrow money the port authority (Bruges-Zeebrugge) must obtain the permission of the relevant Minister (Public Works) and the Minister of Finance. These loans must be obtained from bodies approved by the State such as the "Gemeentekrediet van Belgie"*. "

3.1.7.5. Provision of facilities

There are three main groups of facilities and services which the port must provide at less than cost :

- (a) operational items, the results of which (loss of income, not reimbursed expenses) should be charged by the port authority to another public service or government authority :

- U> making land available at less than cost for laying pipelines
- (ii) making land available for railway lines and associated buildings
- (iii) supplying drinking water to internal navigation and seagoing vessels moored to buoys
- (iv) fitting out municipal tugs for firefighting
- (v) berthing of naval, NATO and State-owned vessels
- (vi) making land available for trunk roads, tunnels and bridges
- (vii) making land available for customs, social institutions, auxiliary services, etc.

- (b) Services rendered to other agencies :

- (i) provision of bonded warehouses

(c) Special social provisions different from expenditure borne by comparable private undertakings :

- (i) additional pay costs laid down by the State
- (ii) additional pension payments
- (iii) special employment conditions (due to which certain facilities cannot be operated under normal commercial conditions)
- (iv) provision of sports centres
- (v) expenditure on public transport
- (vi) subsidies to social institutions.

3.1.7.6. Taxation

3.1.7.6.1. Position of Port administration

The port administration attracts both national and local taxation including VAT and rates.

3.1.7.6.2. Position of private port organisations

Private port organisations are subject to the same tax liabilities as those of private industry elsewhere in the country.

3.1.7.7. Restraints

3.1.7.7.1. Port administrations

The port administrations are not free to carry out different activities. They may neither invest in new projects, determine salaries paid to their personnel, fix their own charges, dues, etc., nor fix rents for their own land without the prior approval of the Permanent Deputation and the Government.

3.1.7.7.2. Private port organisations

The various private port organisations are free to carry out a wide range of different activities and may invest in new projects. They are free to determine salaries paid to their staff although they must respect the various collective agreements. They may fix their own charges, dues, etc., although they are sometimes subject to the approval of the local authority and always subject to the approval of the Minister of Economic Affairs. Private firms may not sub-let land which they occupy, without the approval of the municipal administration or the port authority at Bruges-Zeebrugge.

CHAPTER 6

3-1-8. EMPLOYMENT

3.1.8.1. Portworkers ("dockers")

As regards dock labour, the Port Labour Act of 8 June 1972 states : "No person shall have port work carried out in the port area by employees other than recognized port workers".

A Royal Decree sets on that "a joint committee shall be formed to be known as the joint committee for the port", which shall be competent in respect of employees who mainly carry out manual work and of their employers, viz : all employees and all employers that carry out port work in the port area as a principal or auxiliary activity, i.e. all handling of goods delivered or removed by seagoing vessels or inland navigation, rail or road, and auxiliary services connected with such goods irrespective of whether such activities are carried out in the docks, on navigable waterways, on the quays or at installations set up for the import, export and transit of goods and of the handling of goods -delivered or removed by seagoing vessels or inland navigation on the quays of industrial organizations.

The portworkers are not permanently allocated to individual port employers. They may be employed on a daily basis by any port employer.

In addition to the general and compulsory unemployment insurance, laid down in national laws concerning social security (see below), funds called "Compensatiefonds voor Bestaanszekerheid" have been set up for portworkers. Such funds, which exist separately in each port, are financed by a contribution from the employers (at present varying between 12,15 and 15 % on the gross wages) in addition to the wages paid. Payments may be made from these funds towards a minimum daily guarantee for unemployed portworkers.

Besides this extra unemployment compensation some of the funds pay in favour of certain categories of personnel various fringe benefits e.g. compensation for the guaranteed weekly and monthly salaries in case of sickness and industrial accidents as well as part of the guaranteed annual bonus, etc.

3.1.8.2. Other grades

The employees of private port undertakings (dockers as well as other grades), are entirely subject to national laws as regards social security. These include provision for security against unemployment for which the employer pays additional contributions and the employee pays deductions from his wages.

The municipal personnel employed in the ports are permanently employed and come under the provisions of the "Gemeentewet" (Municipal Law) and the collective labour agreement for public service employees. The personnel of the port authority at Zeebrugge are permanently employed and come under the collective labour agreement for public service employees.

3.1.8.3 Docker Training

Docker training is available at Antwerp, Ghent and Bruges-Zeebrugge, financed through the port employers' associations and private firms.

3.1.8.4. Canteens

Canteens are available in Antwerp, Ghent and Bruges-Zeebrugge, usually built by the municipality or authority (Bruges-Zeebrugge) but operated privately.

CHAPTER 9

3.1.9. STATISTICS

3.1.9.1. Maritime navigation

The "Nationaal Instituut van de Statistiek" collects the statistics of the international maritime navigation for the Belgian ports on the basis of the customs document "Benelux Generale Verklaring"*. These provide data on tonnage, flags, countries of origin and destination, types of vessel, etc... and give indications as to the import and export of goods. The various port authorities also collect and publish statistics of maritime navigation based on their own data.

3.1.9 . 2 . Sea-borne traf fic

The "Nationaal Institut voor de Statistiek" collects the statistics of the international goods traffic by sea for the Belgian ports. By means of computer listings, they are communicated to the ports concerned and published annually for all of them together. These statistics are based on customs documents and are subdivided according to the nature of goods (NSTR - classificaiton), according to the countries of origin or destination and according to the nature of the foreign trade (import, export, bonded storage, transit).

The various port administrations collect and publish monthly and yearly statistics with regard to the loading and unloading of goods into or out of seagoing vessels. To that effect the manifests of the ships that effect loading or unloading operations in the port concerned are used. Subdivisions are made according to the nature of goods and the countries of origin or destination. In contrast to the NIS-statistics which are for foreign trade, these are traffic statistics.

3.1.9.3. Goods traffic by other means of transport

The "Nationaal Instituut voor de Statistiek" collects and publishes statistics concerning international goods traffic by canals and rivers, by rail and by road, following the same methodology as for sea-borne traffic (see 3.1.9.2. above).

The "Nationaal Instituut voor de Statistiek" also provides statistics concerning the national and international transport by waterway. These statistics are also traffic data.

3.1.9.4. Others

According to need and mostly for their own use, the municipal ports and the port authority collect statistics with regard to various port matters and occasionally publish them.

3.2.

DENMARK

CHAPTER 1

3.2.1. PREFACE AND PORT TRAFFIC STATISTICS

Seven Danish port authorities representing the public ports replied to the questionnaire. These ports handle approx. 46,6% of the total sea-borne traffic of Denmark. All the comments made in the summary refer only to the seven ports listed below. Private ports handle approx. 32% of the total traffic. (See notes below).

PORT AUTHORITY	Seaborne traffic 1984 in 1000 tonnes		
	TOTAL	of which oil and oil product	approx. % of total Danish sea-borne traffic
<u>TRUST PORT</u> Copenhagen (1)	7.584	3.143	13.6
<u>STATE OWNED</u> Esbjerg (1)	3.653	336	6.6
<u>MUNICIPAL PORTS</u>			
Aarhus (1)	5.355	947	9.6
Aalborg (1)	2.847	1.025	5.1
Odense (1)	1.930	146	3.5
Fredericia (1)	4.146	2.416	7.4
Kalundborg (1)	439	9	0.8
Total 7 ports	25.954	8.052	46.6
Total Denmark {2}	approx. 55.700 {3}	approx. 20.300	

- 1) Source: Own Statistics.
 - 2) Source: Statistical Department of Denmark
 - 3) The total figure includes
 - i) approx. 13.6 m. tons of coastwise trade and
 - ii) approx. 17.8 m. tons handled through private ports attached to refineries, power plants or factories.
- 3 oil refinery ports account for over 10.1 m. tons of the total handled through the private ports.

Coastwise trade is included in the figures for the individual ports.

CHAPTER 2

3.2.2. STRUCTURE

3.2.2.1. Three principal types of Danish port undertaking replied to the questionnaire:

- Municipally governed ports
- Trust port
- State owned port.

3.2.2.2. The municipal ports (e.g. Aarhus, Aalborg, Odense, Kalundborg and Fredericia) are run as a department of the city administration. They were set up by Act of Parliament, as public bodies, directly responsible to the City Council with a harbour committee entrusted with the immediate administration of the port. They are, therefore, not real autonomous bodies.

3.2.2.3. The port of Copenhagen is a self-owning semi-independent body set up by Act of Parliament. With the exception of certain controls mentioned in Paragraph 3.2.4. the port is an autonomous body.

3.2.2.4. The port of Esbjerg is state-owned, set up by an Act of Parliament. It is administered by a local board responsible to the Ministry of Public Works.

CHAPTER 3

3.2.3. INTERNAL ORGANISATION

3.2.3.1. Most of the municipal ports are fairly small undertakings and have a simple and comparable management structure, usually sharing certain key management posts with the municipality. The ports of Aarhus, Aalborg and Odense have, however, independent harbour administrations (c.f. the port of Copenhagen).

3.2.3.2. Each port has a Chairman and a Board. (In the municipal ports the harbour committee). The Chairman is frequently the Mayor of the town concerned or is otherwise elected from among the members of the Board. In Esbjerg the General Manager is appointed as Chairman. Thus the Chairman is usually part-time. The majority of the Board members are nominated by or from public bodies, generally the city, and number 5-7 in total except at Copenhagen where they total 17, and where 6 Board members represent the private sector. The length of appointment is 4 years in all the ports except Copenhagen, where it is 6 years.

3.2.3.3. Each port has a chief executive officer whose title is normally General Manager or Harbour director. In the port of Copenhagen, the General Manager is appointed by the Minister of Public Works upon nomination of the Harbour Board. In Esbjerg, the General Manager is appointed by the Minister of Public Works. In municipal ports, the General Manager or Harbour Director is appointed by the City Council on the recommendation of the port or harbour board. The General Manager usually attends Board meetings but is not a member of the Board. (N.B. In Esbjerg the General Manager is also Chairman of the Board).

3.2.3.4. The special duties of the chairman, if any, are laid down in the enabling statutes. The chief executive officer who is always a full time employee either of the harbour board or of the municipality is in charge of the running of the port authority in accordance with current legislation and the provisions laid down by the board.

CHAPTER 4

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3.2.4. EXTERNAL RELATIONS

3.2.4.1. Each of the Danish Port Authorities replying to the questionnaire has a statutory relationship with the Minister of Public Works.

All larger investments in Danish traffic ports are subject to supervision from the Ministry. The supervision takes place through annual approval of the ports' investment plans. On the basis of proposals from each individual port the Minister has prepared a National Ports' Plan, laying out the framework of the co-ordinated investments of Danish traffic ports during the period 1982-1992. The Plan will consecutively be revised, first time in 1986.

All Danish port charges are ultimately fixed by the Minister.

To advise the Minister on the matters mentioned, a consultative National Ports Council has been appointed with representation from all parties involved, including the port-users.

The Minister lays down the rules for depreciation in all the ports except Copenhagen.

3.2.4.2. In the Port of Copenhagen the Prefect of the City of Copenhagen is chairman ex-officio of the Harbour Board.

3.2.4.3. The Minister of Public Works nominates the Chairman of the Board in Esbjerg. The Board is responsible for all matters concerning the management of the harbour and advises the Ministry of the harbour's budget, which is part of the Danish Finance Bill.

3.2.4.4. Danish municipal ports (apart from Aarhus and Aalborg) are voluntary members of the non-statutory association ("Sammenslutningen af danske havne"). Copenhagen is not a member of this association.

CHAPTER 5

3.2.5. CHARGES, DUES AND REVENUES

3.2.5.1. Port dues and charges on ships and goods are fixed by the Ministry of Public Works for all Danish ports. The dues are usually collected by the port authorities. Private operators collect their own dues. There are no charges for the lights.

The following charges are made in the Danish ports:

- ship dues: fixed in relation to the gross register tonnage (GRT) or the gross tonnage (GT)
- cargo dues: fixed per ton on goods classified in 4-5 groups.

3.2.5.2. The main sources of revenues are:

- revenues from the above-mentioned charges.
- revenues from letting out of uncovered areas and warehouses etc.
- revenues from letting out cranes and other mechanical equipment.
- income from interest.

CHAPTER 6

3.2.6. DIVISION OF RESPONSIBILITY AND POWERS

3.2.6.1. Maritime Access

Decisions concerning all items of maritime and harbour infrastructure in Danish ports are made by the ports themselves (although usually subject to the approval of the Ministry of Public Works) and paid for entirely by the ports themselves. This is true of access channels, most lighthouses and buoys, radar (where applicable), exterior breakwaters (where applicable) and the only sea lock (at Copenhagen). The State is responsible for all passage ways and their buoyage in Danish waters.

3.2.6.2. The Port Itself

3.2.6.2.1. Infrastructure

Decisions concerning all docks, quays, jetties etc. (except in private harbour areas/quays), and all reclamation for port works, are made in the same way as for access channels above. The private sector is responsible only for some specialised terminals (Esbjerg, Fredericia and Copenhagen).

3.2.6.2.2. Superstructure (including port equipment)

The provision of sheds and warehouses is almost entirely a matter for the private sector there being only a few owned and operated by the port authority in Copenhagen and Aarhus. Specialised buildings, with the exception of some provided by the port authority for the fishery industry in Kalundborg, are entirely the responsibility of the private sector. Cranes are for the most part owned and operated by the port authorities. Most mobile cargo-handling equipment is owned and operated by the private sector.

3.2.6.2.3. Services

3.2.6.2.3.1. Services provided for ships

PILOTAGE: is the responsibility of the private sector except in Aarhus where the port authority is responsible inside the port area.

TOWAGE: is the responsibility of the private sector except within the harbour at Aarhus where the port authority assures the service.

BERTH

ALLOCATION: is performed by the authority. Mooring is privately organised, except in Aarhus.

DRY DOCKS Sc SLIPWAYS are the responsibility of the private sector

except in Esbjerg where they are entirely the responsibility of the port authority and in Aarhus where some are controlled by the port authority and some by the private sector.

UNBALLASTING, DEGASSING,)
SHIP REPAIR, SCALING &) all matters concerning these
CLEANING, SHIPPING AGENCIES,) facilities are the responsibi-
SHIP BROKERAGE, REVICTUALLING,) lity of private companies.
BUNKERAGE)

PROVISION OF WATER - in Aalborg, Fredericia and Kalundborg, the port authority is responsible, in Esbjerg the private sector, in Odense the port authority and the municipality whereas in Copenhagen and Aarhus the initial installation is financed by the port authority while the private sector operates the sale of water on payment of a fee to the port *

PROVISION OF ELECTRICITY - is by the local public electricity supply bodies. The port authority in Aarhus, Esbjerg, Fredericia and Kalundborg provides the connections.

PROVISION OF TELEPHONE - is by the telephone companies. The port authorities provide the connections.

ICE BREAKING SERVICES - in the port are operated by the port authority in Copenhagen, Aarhus, Aalborg, Odense, Kalundborg and Esbjerg.

3.2.6.2.3.2. Services provided for goods

All such services are carried out entirely by the private sector. In Copenhagen the port authority owns the Copenhagen Free Port and Stevedoring Company Ltd. which takes care of about 25% of the stevedoring of general cargo in Copenhagen.

3.2.6.2.3.3. Security services

The general practice is that firefighting is the responsibility of the municipalities. In Fredericia, the private sector assists the municipality. Police services are provided by the State but uniformed staff from the Harbour-master's department assist within most port areas. There is no common practice in the provision of medical services. They are usually guaranteed by the public sector^ not the port authorities. There is some assistance from the private sector in Kalundborg. The port authorities play the leading role in pollution control, always in association with the municipalities.

3.2.6.3. Inland transport within the port area

The land transport infrastructure decisions and costs are, in the case of the railways, a matter for negotiation between the port authority and the State Railways. The port authority pays up to half the initial investment in quay tracks of a

national nature. The port network is usually the responsibility of the port authority and the private sector, the proportions varying from port to port. In the case of roads and related works the port authority is usually entirely responsible. The State however is entirely responsible for a tunnel and a bridge serving through traffic at Aalborg. There are no canals of any importance and no locks. Ferries are largely provided for the transport of personnel to port-based industries* In Copenhagen, they are provided by the State and the private sector. In Odense there are municipal and port authority ferries. Pipelines are almost entirely the responsibility of the private sector, but the port authority of Esbjerg has financed a local pipe-line.

3.2.6.4. SUMMARY OF CHAPTER 6

3.2.6.4.1. Maritime Access

Decisions are made and investments paid for by the port authority. Exceptionally the private sector may decide to pay for investments in certain specialised terminals. The facilities are operated and maintained by the port authority. The tariffs are fixed by the Ministry of Public Works and the revenues are collected by the port authority.

3.2.6.4.2. The Port Itself

Most decisions concerning harbour infrastructure investment are made by the port authority, although usually subject to the approval of the Ministry of Public Works. They are usually paid for by the port authority although some specialised terminals are the responsibility of the private sector. The facilities* are operated and maintained by the body making the investment. Items of harbour superstructure are almost entirely the responsibility of the private sector (apart from most fixed cranes). They are paid for, operated and maintained accordingly. The operator fixes the tariffs and receives the revenues.

Most services for ships are provided by the private sector as are all services concerned with goods. Security services are usually the responsibility of the public sector, sometimes assisted by the port authorities.

3.2.6.4.3. Transport links

Decisions concerning railways are made jointly by the port authority and the state railways. Most roads and related works are the responsibility of the port authority. Responsibility for ferries varies from port to port. Pipelines are mainly private. The operation and maintenance of these facilities is usually carried out by the bodies making the investment decision. For much of the basic communications no charges are made, although the state railways usually impose rail haulage charges. Where relevant, - all monies are paid to the operator.

CHAPTER 7

3.2.7. SPECIAL FINANCIAL PROBLEMS

3.2.7.1. Annual Accounts

All the Danish ports except Esbjerg publish separate annual accounts. The accounts of Esbjerg can be seen in the Danish Finance Bill. Where cargo-handling is carried out by limited companies their accounts have to be accessible for public inspection. The same is true for any organisation, carrying out other port activities.

3.2.7.2. Depreciation

Depreciation is mandatory and is usually effected at rates fixed by the Minister of Public Works on the basis of historic costs. In Copenhagen, the rates are fixed by the Port Board. Reclaimed land is not depreciated. In all the Danish ports revaluation and writing down may be carried out but usually any major change in procedure would require approval from the Ministry of Public Works. In Copenhagen, however, decisions in this matter are made by the Port Board, after taking into account the necessary commercial considerations.

3.2.7.3. Rates of return

3.2.7.3.1. New Investment

In principle profit calculations are always made on a commercial basis in order that the harbour should function as a sound business. The intention is that individual investments should cover themselves in the long run. However such methods cannot be applied to the establishment of such items as safety facilities and some special services for shipping e.g. firefighting appliances, life-saving equipment, compass adjusters etc.

3.2.7.3.2. Overall Rates of return

There are no standard requirements for port authorities as regards rates of return on their total assets, however defined. Normally surplus plus depreciation will finance port investments without any specific interest rate being laid down. The Ministry of Public Works usually ensures that dues are fixed at a suitable level to make provision of reserves.

3.2.7.4. Loans

When raising loans the Danish ports have to pay the ordinary market rate of interest, which at present is 11-12% except for the State owned ports which pay 4,5% to the Treasury for loans granted by the Treasury.

3.2.7.5. Provision of Facilities

Port authorities are obliged by law to provide certain facilities or service arrangements for safety, security and of an environmental or social character such as life-saving appliances, oil spillage control and dockers' canteens. The Danish Port Authorities do not benefit from any facilities or services at less than cost.

3.2.7.6. Taxation

3.2.7.6.1. Position of Port Administrations

Danish port authorities do not pay any national profits tax. The ports pay and collect VAT in the same way as other business concerns. , jbstantial sums of real estate tax (on rented areas, building etc.) are paid locally. Reclaimed areas which are not currently in use and areas which are open for public traffic are not subject to local tax.

3 . 2 . 7 . 6 . 2 . Position of Private Port Organisations

The freeport Company is Copenhagen pays national profit tax but no estate tax. Other cargo-handling organisations and private companies within the ports pay taxes in the same way as any other Danish industrial undertaking. Estate taxes are usually paid through the area rentals paid to the Port Authority.

3.2 . 7.7. Restraints

3 . 2 . 7 . 7 . 1 . Port Administrations

3.2.7.7.1.1. On Activities and Investment

3.2.7.7.1.2. ~

Although there are no specific rules preventing port authorities from carrying out different activities it is generally understood that they are confined to port operations. All larger investments are subject to the approval of the Minister of Public Works.

3.2.7.7.1.3. On Salaries, Wages, Conditions of Service

Terms and conditions for public servants must be approved by the Minister of Public Works. For other employees the terms and conditions are subject to joint agreement between the trade unions and the national association of municipalities or the Danish State.

3.2.7.7.1.4. On Charge, Dues etc.

The port authorities suggest the cargo and ship dues which are then subject to Ministry of Public Works approval. Other rates, such as crange, are fixed by the owners.

,3.2.7.7.1.5. On Rentals

The port authorities fix the rentals which are subject to Ministry of Public Works approval. In Copenhagen the rentals are fixed by the Harbour Board alone.

3.2.7.7.2. Private Port Organisations

Other cargo-handling organisations are free, within the rules of Danish legislation, to carry out different activities and, within the limits of the leasing conditions in the port concerned, to invest in new projects. They may control their own salaries and control their own charges within the rules of existing Danish legislation.

CHAPTER 8

3.2.8. EMPLOYMENT

3.2.8.1. Portworkers ("dockers")

There are written agreements concerning the working conditions of dockers in Danish ports and these are drawn up jointly between the dockers and the port employers' organisations. According to these joint agreements the dockers must meet at a certain hour, fixed by the local agreement, when hiring takes place, and take on the work offered. There is a 'pool' of dockers in each port.

Thus a docker is a casual worker, but although the agreement does not contain any clause about the dockers' priority to the work, the docker is normally given such a priority when he has the qualifications.

The employer can transfer a docker to another job, when the first one is finished, without having to hire him again. Generally the docker is paid by the piece, for which reason the agreement contains rules about the number of men per gang. When hired the docker is guaranteed a minimum pay on weekdays.

Dockers are members of the Special Workers' Unemployment Fund and thus they have the right to receive a daily allowance on the days when they do not obtain work. It is, however, a condition that they seek work at the hours when hiring takes place and that they are controlled by the Employment agencies. The expenses are in general covered by the public authorities.

Just like other workers and employees the dockers receive a daily allowance according to the law, when they suffer from loss of income by incapacity for work owing to illness or injuries. During the first weeks the expenses are covered by the employers, later on by the public authorities.

3.2.8.2. Other grades

The working conditions of staff grades are contained in by-laws issued by the Ministry of Public Works. These are issued after consultation with the port boards and the employees' associations. The working conditions of manual grades are drawn up in written agreements following the same lines as those of the general labour market.

3.2.8.3. Dockworker Training

There are dockworker training schools at Copenhagen, Esbjerg and Aalborg (all private sector) at Odense (State run) and at Aarhus (run by the trade unions).

3.2.8.4. Canteens

Canteens are provided by the private sector and port authority at Copenhagen, Aarhus, Aalborg and Odense - by the port authority at Kalundborg and by the trade unions and Port Authority at Esbjerg.

CHAPTER 9

3.2.9. Statistics

3.2.9.1. The State Department of Statistics publishes an annual publication "Danmarks skibe og skibsfart" (Danish Ships and Shipping) and a quarterly publication "Statistik Information". In the annual publication, for example, the following information is given:

- sea-borne exports, by ship's nationality and by commodity category and country of destination
- sea-borne external trade, by Danish countries and ports, by commodity categories and countries of despatch and destination
- shipping at Danish ports
- goods carried between Danish ports
- total navigation at Danish ports
- shipping by passenger ships and ferries at Danish ports

The statistical material is based on monthly information from each individual port, supplemented with other information including Foreign trade statistics.

In the quarterly publication monthly information is given on shipping at customs districts and ports (numbers of ships, tonnage, loaded and unloaded cargo for foreign and home trade).

3.2.9.2. Some Danish ports, e.g. Copenhagen, Aarhus, Aalborg and Esbjerg publish supplementary monthly, quarterly and yearly statistics giving more specific information than the above mentioned. The Port of Copenhagen publishes monthly information about container-turnover etc.

3*1,

FEDERAL REPUBLIC OF GERMANY (1)

CHAPTER 1

3.3.1- PREFACE AND PORT TRAFFIC STATISTICS

The replies to the questionnaire concern fourteen German ports. These ports handle approximately 92% of the total sea-borne traffic of the German ports. All the comments made in this summary refer only to the fourteen ports listed below.

PORT	Sea-borne traffic 1984 in 1.000 tonnes (2)		
	TOTAL	of which oil and oil products	Percentage of total sea-borne traffic through German ports
BRAKE	3.718	44	2.7
BREMEN/ BREMERHAVEN	26.471	2.640	19.5
BRUNSBÜTTEL	4.950	3.824	3.6
CUXHAVEN	427	1	0.3
EMDEN	3.465	131	2.6
FLENSBURG	772	61	0.6
HAMBURG	51.087	12.756	37.6
KIEL	1.689	290	1.2
LEER	233	* (3)	0.17
LÜBECK	8.810	96	6.5
NORDENHAM	2.389	281	1.8
PAPENBURG	188	* (3)	0.14
RENDSBURG	507	4	0-4
WILHELMSHAVEN	21.253	19.230	15.6
Total 14 ports	125.959 (3)	37.377	92.71
Total Germany	135.810	39.495	100

Sources Statistisches Bundesamt, Fachserie
Hs Verkehr, Reihe 2: Seeschifffahrt

(1) In the text the term "Germany"* will be used.

(2) 1 tonne = 0.9842 tons = 1000 kg.

(3) No separate figures for oil available

CHAPTER 2

3.3.2. STRUCTURE

3.3.2.1. German seaports are neither legally nor economically independent entities. Their land and water surfaces mainly belong to territorial authorities (1) whose jurisdiction extends far beyond the harbour area. There are no port authorities to cover all the public functions relating to the port. Instead, these functions are covered by various departments of the territorial authorities as part of their general administration.

3.3.2.2. The ports included in the investigation can be classified as follows as regards ownership of most of the land and water surfaces :

- as belonging to a "Land": Emden, Brake, Brunsbüttel, Cuxhaven, the fishing port of Bremerhaven?
- belonging to a "Land" and a municipality, in this case identical: Hamburg;
- belonging to a "Land" and, partly, to a municipality: Wilhelmshaven;
- belonging to a municipality: Bremen/Bremerhaven (excluding the fishing port), Flensburg, Kiel, Leer, Lübeck, Papenburg, Rendsburg;
- belonging to a company (2) Nordenham;

3.3.2.3. The ports may be sub-divided as follows as regards the fulfilment of public functions, i.e. those more important than the interests of individual companies:

- Executive responsibility of the various-departments as part of the general administration of the territorial authorities: Hamburg, Bremen/Bremerhaven, Papenburg, Wilhelmshaven (as regards the part belonging to the town), Kiel, Flensburg, Rendsburg;
- Executive responsibility of the local agency of the "Land" or of the Federal administration acting on behalf of the "Land": Emden, Brake, Cuxhaven, Wilhelmshaven (as regards the section belonging to the "Land");

(1) "Gemeinde" (town), "Kreis" (County) or "Land"

(2) Here and throughout this means,: Undertakings incorporated under private law, which therefore also include the "Hamburger Hafen-und Lagerhaus Aktiengesellschaft" (HHLA) and the "Bremer Lagerhaus Gesellschaft" (BLG-AG). The HHLA is fully owned by the Free Hanseatic City of Hamburg. It accounts for about 16% of Hamburg's total turnover. The city of Bremen owns 50.4% of the BLG which accounts for approximately 50% of the total turnover of Bremen and Bremerhaven.

- Executive responsibility of a private company on behalf of the public authority responsible: Leer, Lübeck, Brunsbüttel;
- Executive responsibility of the company owning the port: Nordenham.

In accordance with the federalist structure of Germany established in the Constitution, the central administration conducts no public functions within the ports.

CHAPTER 3

3.3.3. INTERNAL ORGANISATION

3.3.3.1. As "the port" does not exist as an independent administrative entity, the various duties of port administration are usually the concern of the corresponding agencies of the legislature and the executive (finance, transport, public works, etc.), which are responsible for the whole area of the territorial authority in question and not only for the port (see 3.3.2.3. above). The political leadership of each territorial authority coordinates the duties.

3.3.3.2. In the municipal ports, including Hamburg (1), the public duties are carried out by the various departments of the general administration. In the ports belonging to the "Länder" the responsibility is transferred to a local agency of the "Land" administration (port office). In Lower Saxony there is an intermediate agency between the "Kreis" and the "Land" administration. Administration of the "Land" port of Brunsbüttel is the concern of a port company.

3.3.3.3. The public authorities possess no special committees for port affairs; their activity is subject solely to general parliamentary supervision. Where port committees have been formed, for instance in the chambers of industry and trade, they have an advisory capacity.

(1) Exceptions: Leer, Lübeck - see 3.3.2.3. above

CHAPTER 4

3.3.4. EXTERNAL RELATIONS

3.3.4.1. The public duties within the ports are the sole responsibility of the appropriate territorial authority.

3.3.4.1. The "Land" supervises the municipal ports in Schleswig-Holstein and Lower Saxony and sets general rules for the administration of the seaports.

3.3.4.3. At administrative level, there are no institutional committees for co-ordinating the work of the territorial authorities. At political level, port affairs, like all other affairs involving both "Länder" and the Federal Government, are covered by the participation of the "Länder" in the law-making procedures of the Bundesrat (Federal Council).

CHAPTER 5

3.3.5. CHARGES, DUES AND REVENUES

Generally, the territorial authority concerned charges seagoing vessels port dues for the use of port facilities. The criteria used in calculating such dues are:

- gross tonnage or, UMS if applicable in the case of passenger ships, the maximum number of persons permitted on board?
- geographical area covered on voyage?
- type of freight.

These port dues include:

- a charge generally based on gross tonnage (known as 'Hafengeld' rather than 'Raumgebvihr' in Hamburg)?
- demurrage

and, in all ports except Hamburg and Kiel:

- wharfage (known as 'Kaigebühr' rather than 'KajegebUhr', in Schleswig-Holstein); here the weight of goods loaded and unloaded is the basis for calculating the charge.

Where no gross tonnage charge is required under the regulations, or where a ship's turnround time exceeds the number of lay days covered by such a fee, demurrage is generally charged according to the number of lay days and:

- the gross tonnage of sea-going vessels?
- the carrying capacity of inland-waterway vessels, or
- the area of water taken up by floats and floating equipment.

In addition, there are the following port-related dues:

- harbour pilot fee;
- anchorage for the use of public anchoring facilities?
- fees for making special use of areas of land or water dedicated for use by public traffic?
- fee for the use of public storage areas on land?
- bridge and lock tolls?
- toll on the old Elbe tunnel in Hamburg.

CHAPTER 6

3.3.6. DIVISION OF RESPONSIBILITY AND POWERS

3.3.6.1. Maritime Access

The whole of the maritime access infrastructure, such as the access channel, light houses and other navigational aids, exterior breakwaters and sea locks is, when outside the port itself, as a general rule financed by the Federal Government. Within the port (including the Federal waterway of the Elbe within the limits of the city of Hamburg) such installations are the responsibility of the competent territorial authority.

3.3.6.2. The port itself

3.3.6.2.1. Infrastructure

As regards port infrastructure, the construction and maintenance especially of sea locks and of docks, including embankments and all types of berth, are almost exclusively (1) the responsibility of the "Länder" or municipalities. The provision of land for port installations is also generally the responsibility of the "Länder" and municipalities.

3.3.6.2.2. Superstructure (including port equipment)

Investment decisions, finance, operation and maintenance are a company responsibility. The superstructure in Brake and the roll-on, roll-off facilities in Cuxhaven are an exception.

3.3.6.2.3. Services

3.3.6.2.3.1. Services provided for ships :

PILOTAGE: On sea access channels, with the exception of Flensburg, the responsibility of pilot associations with the legal form of a public corporation and under the supervision of the federal government.

Within the ports the responsibility of the appropriate territorial authority.

In Hamburg and Bremerhaven the responsibility of a pilot association under the supervision of the "Land" government.

TOWAGE: Private responsibility.

BERTH ALLOCATION: Responsibility of the appropriate territorial authority. Company responsibility in Wilhelmshaven (partially) and Nordenham.

(1) In Wilhelmshaven the Federal Government is responsible for the lock.

DRY AND FLOATING DOCKS,)
SLIPWAYS, UNBALLASTING AND)
DEGASSING, SHIP REPAIRS,) company responsibility
CLEANING, FITTING-OUT,)
BUNKERAGE, SHIP BROKERAGE)

PROVISION OF WATER : normally carried out by companies,
though occasionally by the
appropriate territorial authority.

PROVISION OF ELECTRICITY: company responsibility.

PROVISION OF TELEPHONES: responsibility of the federal Post
Office.

OTHER SERVICES: Most other services such as mooring,
security, etc. and, in part,
ice-breaking are also performed by
companies; in Brake mooring is the
responsibility of the "Land" of
Lower Saxony.

3.3.6.2.3.2. Services provided for goods

These services are a company matter. The main items are forwarding, transshipment, stevedorage, cargo inspection, storage, packaging, container stuffing, distribution to the terminals of consolidated export cargo and the transportation of other sea freight by lighters or lorries. The roll-on/roll-off terminal at Cuxhaven operated by the "Land" of Lower Saxony is an exception.

3.3.6.2.3.3. Security Services

Under the Constitution the executive responsibility for police duties is a matter for the "Land". Fire-fighting within the port areas is usually a municipal responsibility. The Federal government provides fire-fighting services on Federal waterways. Port medical services and pollution control are a matter for the territorial authorities responsible for the ports.

3.3.6.3. Inland transport within the port area

Linking the ports to the Federal rail network is a matter for the port administrations, especially as regards finance. Various arrangements exist as regards the responsibility for rail facilities within the port area. The cost of financing and maintaining the installations is borne either by companies (e.g. Wilhelmshaven, Lübeck and Nordenham), or the municipality (e.g. Bremen, Leer, Kiel, Emden and Rendsburg), the "Land" and municipality (where identical, see 3.3.2.2.) : Hamburg) or by the "Land" (e.g. Brake and Cuxhaven). In most of the ports the rail operations are performed by the German Federal Railways.

Some distinction must be made in the case of roads, tunnels and bridges; the federal government is responsible in the case of facilities coming under the Federal Trunk Road Act (Federal motorways, Federal trunk roads). There are also 'Land' and municipal roads for which the appropriate territorial authority is responsible. Finally, private roads may exist on company land for which the company in question is then responsible* No special charges are made for the use of roads and associated works.

Where canals and other waterways are Federal waterways under the Federal Waterways Act responsibility lies with the federal government. All other waterways in the ports except a few regional waterways in Lower Saxony, come under the jurisdiction of the territorial authority responsible for the port in question. The same applies to locks situated on Federal waterways or within the ports.

Most passenger ferries are owned and operated by companies. In Lübeck the ferry is operated by the municipality and in Emden by the Federal Shipping and Navigation Office, whereas the "Land" of Lower Saxony covered investment in the initial purchase. In Lübeck there is a goods ferry run by the municipality.

The construction and operation of pipelines are the responsibility of companies, except in Brunsbüttel where responsibility is shared by the "Land" of Schleswig-Holstein and by companies.

3.3.6.4. SUMMARY OF CHAPTER 6

3.3.6.4.1, Maritime access

The Federal Government is normally responsible for maritime access channels outside the port itself and no direct charge is made for their use.

3.3.6.4.2. The Port itself

In general, it may be said that territorial authorities are responsible for port infrastructures. This also applies to inland transport infrastructure within a port. Economic charges, such as the gross tonnage charge in respect of water-related infrastructures and ordinary rents as well as rents on leased building rights in respect of land, are imposed for the use of the infrastructures. The private sector is responsible for most of the port superstructure.

With the exception of pilotage, most services to shipping are also in the hands of the private sector. The relevant fees are usually agreed between contracting parties. Except in the case of Flensburg, pilotage on maritime access channels is provided by pilot associations subject to the supervision of the Federal administration.

Pilotage within harbours is always the responsibility of the appropriate territorial authority. All pilot charges are economic and fixed by Federal Government regulation or the appropriate territorial authority.

Almost all services relating to goods are provided by the private sector; to some extent charges are subject to authorization by the appropriate authority.

The services referred to in paragraph 3.3.6.2.3.3. come under the jurisdiction of the Federal Government, the 'Länder' authorities or the municipalities, as appropriate; as there are no specific regulations covering ports, the general scale of charges is applicable.

Other services (paragraphs 3.3.8.3, and 3.3.8.3.) are provided by companies that are free to set their own charges.

3.3.6.4.3. Transport links

Generally speaking, the Federal Government is responsible for links between the harbour area and supra-regional transport infrastructures. The port administrations are responsible for rail links to the Federal network; other territorial authorities are responsible for roads which are not Federal highways within the meaning of the Federal Trunk Road Act.

CHAPTER 7

3.3.7. SPECIAL FINANCIAL PROBLEMS

3.3.7.1. Annual accounts

As "the port" does not exist as an economically and/or legally independent entity# no separate accounts can be drawn up for the ports. The costs and revenue relating to the ports are included in local authority budgets together with the income and expenditure relating to other public activities. Even in the case of the port of Nordenham, which belongs to a company that, because of its legal status, is obliged to draw up and publish accounts, port-related activities are not separated from the company's other activities in the balance sheet. In the case of all companies the publication of accounts depends on their legal status. If these companies are public companies they are obliged to draw up and publish accounts in accordance with German company law. It may therefore be noted that no legal provisions exist for treating these companies differently from companies in other economic sectors.

3.3.7.2. Depreciation

Apart from minor exceptions, the territorial authorities, in accordance with current budget law, do not depreciate their investments. The companies handle depreciation according to the general provisions of tax law.

3.3.7.3. Rates of return

There are no general provisions or guidelines for conducting profitability studies. Cost-benefit studies are conducted in the case of new investments in Hamburg, Bremen and Lower Saxony in line with an obligation imposed by the budget law.

3.3.7.3. Loans

3.3.7.4.1. Territorial authorities

The territorial authorities cover all their borrowing requirements on the capital market according to the conditions currently obtaining. Generally there are no special loans for the purposes of the ports. Instead, the loans raised accrue to the overall budget and are available for covering all investment (i.e. not only for the ports).

3.3.7.4.2. Private port organisation

There is no difference between the conditions for loans applying to companies within ports or outside them. The conditions currently applying on the capital market are relevant.

3.3.7.5. Provision of facilities

Companies and territorial authorities are neither obliged nor likely to perform services at less than cost. The exemption of Federal and "Land" vessels and of fishery vessels from port dues is an exception. Other exceptions : in Flensburg the surpluses of water and electricity supply Services are used to cover deficits. Ferries are subsidized in Emden and in the fishing port of Bremerhaven.

3.3.7.6. Taxation

3.3.7.6.1. Position of territorial authorities

With a few exceptions (e.g. turnover tax) the territorial authorities responsible for port administration are not subject to taxation. On the contrary, they too raise taxes as provided for under the Constitution and the complementary tax laws, e.g. wages tax, income tax, corporation tax, and vehicle tax.

3.3.7.6.2. Position of private port organisations

The companies operating within the port are subject to taxation under the same laws applying to all other companies.

3.3.7.7. Restraints

3.3.7.7.1. Territorial authorities

3.3.7.7.1.1. On activities

When performing their administrative duties, including those relating to port administration, the territorial authorities may exercise no other activities than those allocated to them by the then applicable provisions under the Constitution.

The company responsible for port administration in Nordenham is not subject to any specific restrictions, compared with other companies, when exercising its business activities.

3.3.7.7.1.2. On investments

Any decision to invest must be accompanied by a corresponding resolution by the appropriate territorial authority within the framework of budget law. The port of Nordenham, which is owned by a company, is an exception.

3.3.7.7.1.3. On salaries, wages and conditions of service

Salaries, wages, etc. are fixed in the form of national collective agreements both for white collar and blue collar workers and for workers in the public sector. Salaries for public service staff are fixed by the legislature on a standardized national basis. Port administrations may not act according to their own discretion.

3.3.7.7*1 »-4. On charges

The calculations of reduction of and exemption from charges are subject to legal provisions which also apply to the scale of charges and raising of charges by the territorial authority.

3.3.7.7.1.5. On rentals

Under budget law the territorial authorities are obliged to charge a full commercial rent. In Hamburg the Finance Department fixes rent in agreement with the department of Economics, Transport and Agriculture. In Bremen this is done by the Department of the Senator for Ports, Navigation and Transport in agreement with the Finance Senator and the permanent parliamentary committee. In those lower Saxony ports owned by the "Land" rents are based on the normal local rates fixed by the local agencies (see paragraphs 3.3.2. and 3.3.3.). In Rendsburg, Flensburg and Kiel rents are fixed by the municipality, and in Leer by the Stadtwerke GmbH. In Nordenham the rental is fixed by the company responsible for port administration.

3.3.7.7.2. Private port organisations

3.3.7.7.2.1.) On activities and investments

3.3.7.7.2.2.)

Companies are free to carry out any activity they consider appropriate on their own land. The purpose specified in the contract governing utilization applies in the case of companies on land they do not own ; changes of or extensions to the designated purpose require the approval of the owner in question - usually the territorial authority responsible for the port.

3.3.7.7.2.3. On salaries, wages and conditions of service

Generally speaking, salaries and wages are freely negotiated by the employers and trade unions (the two sides of the industry) without the intervention of the public authorities and laid down in the wage agreement. If no wage agreement exists, the salaries and wages are freely negotiated between the employers and the workers - here too within the framework of the legal provisions - without the intervention of the public authorities.

3.3.7.7.2.4. On tariffs

Generally speaking, companies in the port transport industry are free to fix the tariffs for their services. In certain cases (Cuxhaven, Emden, Bremen and Hamburg) permission is required from the appropriate territorial authority. In Nordenham the company is free to fix tariffs y the same is true for the companies in Wilhelmshaven, Brake and Leer.

3.3.7.7.2.5. On rentals

Generally speaking rents are freely negotiated. Subletting generally requires the consent of the lessor.

CHAPTER 8

3.3.8. EMPLOYMENT

3.3.8.1. Portworkers ("Dockers"^M)

All workers in the German ports enjoy the same status under the labour and welfare laws as workers employed outside the ports. Even workers from companies whose main activity revolves around cargo handling (1) have no special status under the labour and welfare laws. Their benefits e.g. in the event of unemployment disability or retirement are the same as those enjoyed by other employees. They also enjoy the same protection from dismissal embodied in general labour law i.e. they receive full wages from the company until a dismissal takes effect under these provisions.

A particular feature of the organisation of dock labour consists of the fact that the individual port undertakings have created and financed a "Gesamthafenbetrieb" ("pool") which supplies additional dockers when required. These dockers are also covered by permanent working conditions and regular payment. Furthermore the dock undertakings may engage temporary personnel from those notified as being out of work at the labour office (a service of the Federal administration). As far as social and industrial conditions are concerned it makes no difference whether these persons are employed in the docks or elsewhere.

3.3.8.2. Other grades

Employees of the territorial authorities engaged on port duties enjoy the same status under the labour and welfare laws as their colleagues who are not employed on port duties. The Public Service and Welfare Insurance Laws apply to all employees.

3.3.8.3. Canteens

Canteens are privately run.

(1) Cargo-handling workers or dockers are wage earners employed in stevedoring operations, quay and other loading operations, re-victualling, warehousing, weighing, tallying, cleaning, port navigation and towing operations, mooring services.

CHAPTER 9

3.3.9. STATISTICS

3.3.9.1. The Federal Statistical Office publishes "Seeschif fahrt"* statistics monthly (Shipping and Sea-borne traffic, goods handled in seaports, including containers) ; corresponding statistics in more detail are published annually.

The Federal Minister of Transport publishes monthly statistics for "Der Seegüterumschlag in 13 Seehäfen der Bundesrepublik Deutschland" (goods handled in the 13 largest German seaports).

3.3.9.2. Of the public bodies which are usually responsible for drawing up general "Land" statistics those in Hamburg and Bremen publish monthly a greater quantity of seaport statistics, for example in Hamburg :

- maritime traffic in the port of Hamburg (seaborne traffic, shipping and liner services) by major commodity groups and traffic regions
- transit through the port of Hamburg ;
- German foreign trade through the port of Hamburg ;
- inland waterway traffic in the port of Hamburg ;

for Bremen :

- maritime traffic of the Bremen ports ;
- import and export traffic through the Bremen ports ;
- inland waterway traffic ;
- Transit via the ports of Bremen and Bremerhaven.

Corresponding statistics in more detail are published under the following titles :

- Bi-annually "Handel und Schifffahrt des Hafens Hamburg" (Commerce and Shipping of the port of Hamburg)
- Annually "Handel und Verkehr (Bremen)" (Commerce and Transport).

3.3.9.3. In addition, territorial authorities which are responsible for the ports publish the following statistics :

Cuxhaven : The "Niedersächsische Hafenamt Cuxhaven" establishes monthly and annual statistics. The figures are also published in the statistical yearbook for the town of Cuxhaven,

Emden : A monthly and annual summary of the shipping and goods traffic of the port of Emden has been published since 1933. Other statistics are drawn up for internal use e.g. shipping draught statistics,

- Flensburg : Inward and outward movements for all ships, commodities and passengers are collected and published on a monthly basis. The publication is available from the 5th day of the following month,
- Kiel : The "Hafenamt der Stadt Kiel" draws up the passenger, shipping, goods traffic and cargo handling statistics and publishes the results monthly and annually. In addition this "Hafenamt" conducts special enquiries of a statistical nature,
- Leer : The "Stadtwerke Leer GmbH" publishes monthly statistics on hinterland traffic and sea-borne traffic : number and tonnage of inland waterway vessels and sea-going vessels as well as figures for goods handled by crane,
- Lübeck : The "Statistische Amt der Hansestadt Lübeck" publishes annual statistics,
- Papenburg s The town of Papenburg is responsible for the port statistics. Monthly statistics are available from the 5 th day of the following month and annual statistics from the 10th January of the following year. The port traffic statistics are published on a half yearly basis in a local newspaper.
- Rendsburg s Monthly statistics of the "port administration" are available since 1967.
- 3.3.9.4. No statistics are available for the private companies.
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3.4.

FRANCE

CHAPTER 1

3.4.1. PREFACE AND PORT TRAFFIC STATISTICS

Seventeen French ports replied to the questionnaire. These ports handle approximately 97 % of the total sea-borne traffic of France. All the comments made in this summary refer only to the 17 ports listed below.

PORT AUTHORITY	Traffic 1985 in 1.000 tonnes (1)		
	Total	of which oil and oil products	Approx. % of total French port traffic
<u>Autonomous ports</u>			
DUNKERQUE	32.167	8.538	11,7
LE HAVRE	48.735	32.988	17,8
ROUEN	22.104	5.129	8,1
NANTES-ST-NAZAIRE	22.853	17.647	8,3
BORDEAUX	10.580	6.674	3,8
MARSEILLE	89.394	65.006	32,6
<u>Non-autonomous ports</u>			
BAYONNE	3.483	877	1,3
BOULOGNE S/MER	3.712	51	1,3
BREST	1.855	677	0,7
CAEN	2.409	0,4	0,9
CALAIS	9.801	122	3,6
CHERBOURG	2.129	95	0,8
DIEPPE	2.422	18	0,9
LA ROCHELLE	4.885	1.379	1,8
LORIENT	1.926	514	0,7
PORT-LA-NOUVELLE	1.470	729	0,5
SETE	5.676	3.260	2,1
TOTAL 17 PORTS	265.601	143.704	96,8
FRANCE TOTAL METROPOLE	274.257	144.625	

Source : Statistics published by the "Direction des Ports Maritimes et de la Navigation maritimes" at the Secretariat of State for the Sea.

(1) 1 tonne = 0.9842 tons = 1 000 kg

CHAPTER 2

3.4.2. STRUCTURE

3.4.2.1. two categories of French port replied to the questionnaire :

- six autonomous ports
- eleven non-autonomous ports of national importance.

3.4.2.2. The six autonomous ports have been placed under autonomous control in accordance with the provisions of Law No. 65-491 of 29 June 1965. These ports assume the form of public State undertakings with legal status and financial independence. Placed under the charge of the Minister responsible for seaports, subject to the economic and financial control of the State and administered by an administrative body assisted by a director, these ports enjoy a considerable degree of functional independence.

3.4.2.3. The seventeen non-autonomous ports (1) of national importance and the ports adjoining military ports which come under the state have been designated by the Decree No 83-149 of 23 December 1983.

This Decree applied Article 6 of the Law of 22 July 1983 concerning the division of competence between the communes, the departments, the regions and the State. They are placed under a regime set out in the Decree of 7 April 1924 altered especially by the Decree No 70-1112 of 3 December 1970.

(1) These are the ports of Calais, Boulogne, Dieppe, Caen-Ouistreham, Cherbourg, Saint-Malo, Brest, Concarneau, Lorient, La Rochelle, Bayonne, Port-la-Nouvelle, Sète, Toulon, Nice, Ajaccio, Bastia.

CHAPTER 3

3.4.3. INTERNAL ORGANISATION

3.4.3.1. Autonomous ports

3.4.3.1.1. Each port has a board and a President (Chairman). The latter is not a full-time job. He is elected by the board from among its members. The board is made up of 26 members (Decree No 84-533 of 28 June 1984) of whom 14 are nominated by decree and 12 chosen by the Chamber of Commerce and Industry of the area in which the autonomous port is situated, by the local authorities, by local public bodies and elected by trades union representatives. The members of the board serve for 5 years, except for those nominated by elected bodies which are terminated at the time of renewal of the assembly which nominated them. All members are part-time and unpaid.

3.4.3.1.2. Each autonomous port has a director who is appointed by a decree passed by the Council of Ministers at the proposal of the Minister responsible for seaports, after consulting the board. The director is always a senior civil engineer from the "Ponts et Chaussées". He is not a member of the board but he attends their meetings and carries out the decisions of the board and fulfills some functions through delegation by that body and others through powers conferred upon him precisely and directly by statute. He is also responsible for the financial management of the port and for representing it in court proceedings and in all other legal matters.

3.4.3.1.3. As far as port expenditure and revenue are concerned the board makes the decisions relating to new works or equipment which have to be carried out or acquired without financial assistance from the State. It has the power to fix the tariffs and the conditions of use of facilities which it administers itself and may take the necessary steps for creating resources to cover the costs for which it is responsible. It proposes the level of charges to the supervisory authority on the basis of the outline valid for all French ports. Each year it presents a provisional budget for approval to the Minister responsible for Seaports and the Minister of Finance and Economic Affairs. The board is obliged to give advice on any question arising from the various public services provided in the port and on proposed port bye-laws. The Decree No 83-1244 of 30 December 1983 confirmed the institution in the autonomous ports of a permanent committee of enquiry whose advice must be sought on a certain number of specific questions - port infrastructure works, equipment, tariffs. It is made up of 11 members who are nominated for 5 years by a decree of the Commissioner of the Republic, the department or the territory in which the main port installations are situated viz : eight members who are not members of the board of administration of the autonomous port and who represent the port users and three members of the board of the autonomous port who are nominated by the Council. In the ports adjoining military ports an officer is nominated by the maritime prefect. An equal number of deputies are nominated at the same time and under the same conditions. Members of the permanent committee are unpaid.

3.4.3.2. Non-autonomous ports

3.4.3.2.1. Each port is placed under a director, selected by the Minister from among the senior civil engineers of the "Ponts et Chaussées" and appointed by decree of the Minister of Public Works. When the port director is not also the senior engineer of the maritime service the decree whereby he is appointed specifies the limits of his responsibilities as regards port access, coastal areas and, where applicable, as regards lighthouses and buoys as well as secondary ports. The director has under him a port operating superintendent selected from among the civil engineers of the "Ponts et Chaussées", who may also be responsible for a works department? and one or more civil engineers from the "Ponts et Chaussées" responsible exclusively for works.

3.4.3.2.2. There is no board in the non-autonomous ports. A Decree (No 83-1244) of 30 December 1983 created "Port Councils" to replace the permanent committees in the non-autonomous ports. The Port Council, which meets at least twice a year, is competent to offer opinions on the port matters which interest the legal and natural persons concerned by its administration and it must be consulted but it has no decision-making powers. Members of the Port Council serve for five years and membership may be renewed. As far as the composition of the Council is concerned, it may vary, depending on whether the port is a commercial port or a fishing port or whether it engages in commercial, fishing and leisure activities.

Among the members are the holder of the concession, one or more representatives of the Regional, General and Municipal Councils, representatives of the staff trades unions, users and, in ports adjoining a military port, an officer nominated by the maritime Prefect.

This Committee which must be consulted on all matters within its scope, also exists in the autonomous ports. Then it is composed of eleven members of whom 3 are chosen by the board of the autonomous port. It has no powers of decision.

3.4.3.2.3. Under the provisions of the law of 17 May 1941, Article R 115-7 of the seaports code, a public facilities concession or a private facilities licence with an obligation to provide service may be granted in connection with the installation and operation of the facilities provided for public use in seaports, whether autonomous or not, and in all other areas under the jurisdictions of the public maritime authority. The public facilities concessions granted in non-autonomous ports are usually granted to the chambers of commerce and industry.

Authorization of private facilities with obligation to provide public service may be granted to a company whose activities require certain special port installations which the company itself finances. The company is, however, obliged to place these installations at the disposal of whosoever might have need of them, provided that this is not prejudicial to its activities.

CHAPTER 4

3-4.4. EXTERNAL RELATIONS

3.4.4.1. Autonomous ports

The Ministry of Public Works, responsible for seaports, the Merchant Marine, the Ministries for Finance, Industry and the Council of State have strong links with the autonomous ports through their right of nomination to the board and nomination of the port director. In addition the State is very much concerned with all investments in infrastructure (see paragraph 3.4.6.). The ports also have relationships with several other ministries, especially those of Defence, Agriculture, Public Health, Labour, etc. In addition the ports have a formal relationship with the department and the commune, which are represented on the board. The relationship between the autonomous port and the Chambers of Commerce and Industry fixed in particular by Decree 34-533 of 28 June 1984, remains close : in fact, these assemblies nominate four of the twenty six members of the boards of the autonomous ports in the areas in which they are situated and they propose, to the Minister in charge of ports - who will choose two - a List of 4 users. In addition they are consulted by the said Minister about the eight persons selected by him for their competence.

3.4.4.2. Non-autonomous ports

3.4.4.2.1. The director exercises general responsibility with regard to relations between the port and all departments of the Ministry of Public Works. On all matters concerning the good utilisation of the port, he is responsible for establishing the requisite co-ordination with all the Local services : mercantile marine, health department, post office, customs, land department, police, factory inspectorate, emigration authorities, the navy, military engineers, departmental and municipal administration, chambers of commerce, etc.

3.4.4.2.2. Since 1920, the autonomous ports and the Chambers of Commerce and Industry have been working together within PPACCIM (Union of Autonomous Ports and Maritime Chambers of Commerce and Industry), which defends the common general interests of all French ports. This organization is especially concerned with problems relating to the administration and operation of commercial and fishing seaports, and particularly with problems relating to staff : updating the collective agreement and fixing wages and salaries.

3.4.4.2.3. UPACCIM works in collaboration with public authorities and other bodies (notably ADGPF (Association for the Development of the Major French Ports) which represents the interests not only of the major ports, but also of the port professions, the various modes of transport and the port users - and is required to give its views on laws and regulations relating to port problems and, where appropriate, to take the necessary steps to instigate such measures with a view to safeguarding and developing traffic in French ports.

CHAPTER 5

3 . 4 . 5 . CHARGES, DUES AND REVENUES

In all French ports, the port dues levied on commercial activities or calls in ports made by vessels are collected by the Customs authorities, one of the services of the Ministry for Economic Affairs on Finance.

The Law of 28 November 1967 (67-1175) provides for the following port dues to be levied on trading vessels :

- a due on the ship, at a rate which varies depending upon the port, imposed on each call both on entering and on leaving the port. This due is based on the cubic metre or fraction of a cubic metre, the taxable volume of the ship being fixed depending upon its physical characteristics. The due is credited to the local authorities or public bodies which finance the port investments?
- a berthing charge, based on the volume of the ship and the length of its stay beyond the period of grace. It is credited to the local authorities or public bodies which finance the port investments;
- a due on goods applied either on the weight or by the unit of goods unloaded, loaded or transhipped. This due, at a rate which varies depending upon the port, is credited to the local authorities or public bodies which finance the port investments;
- a tax on passengers disembarked, embarked or transhipped, levied at a standard rate in all the French ports but varying depending upon the origin or the destination of the passengers. Three quarters of the revenue goes to the local authorities or those public bodies which finance port investments and a quarter goes to the State;
- a French registration and navigation due paid annually by the owner of a ship sailing under the French flag: this due is collected by the Customs for the Treasury (i.e. the State) with no part of it being returned to the ports.

With the exception of the passenger tax whose level is fixed by decree, the level of the taxes which make up port dues is fixed:

- by the board for the autonomous ports
- by the decision-making body in the local authority or public body which receives the dues for the non-autonomous ports
- in the autonomous ports the proposals for altering the level of port dues are the subject, on the one hand, of a public enquiry and, on the other, of consultation with the Customs and Maritime Affairs services as well as the permanent committees of enquiry.

The proposed tariffs are considered to be approved if the Commissioner of the Government has not objected within 15 days and if this latter objection has not been confirmed within one month by the Minister responsible for seaports.

In the non-autonomous ports the proposed tariffs are the subject of a public enquiry and consultation with the Port Council as well as with the Customs and Maritime Affairs services.

The proposed tariffs are considered to be approved if the Commissioner of the Republic has not objected within 15 days and if this latter objection has not been confirmed within one month by the Minister responsible for ports.

The date of commencement of new tariffs must be 10 days after the publication of a notice in the Official Journal.

CHAPTER 6

3.4.6. DIVISION OF RESPONSIBILITY AND POWERS

3.4.6.1. Maritime access

3.4.6.1.1. Autonomous ports

Decisions concerning nearly all port infrastructure are made jointly by the autonomous port authority and the State. This is because the State provides part of the finance. The State provides 80 % and the port authority 20 % of the cost of access channels, exterior breakwaters and sea locks, while their maintenance is financed entirely by the State (Articles 4 and 5 of the Law of 29 June 1965). For the creation of areas of land intended for port purposes (but not for industrial sites) through reclamation (as in the case of land areas formed after filling work has been undertaken) the State contribution towards the cost of filling undertaken by the autonomous port is decided upon in each individual case by the ministry. No dues other than the port dues are levied for the use of these facilities.

The State pays the costs of the maintenance and operation of the sea locks and of the maintenance of access channels, depth in outer harbours and exterior breakwaters.

The State and the autonomous ports have jointly created a "Group of Economic Interest" (GIE) in order to set up, maintain, renew and manage a dredging fleet and other equipment for carrying out dredging in both the autonomous ports and the non-autonomous ports when there is no concession.

For lighthouses and buoys the State provides 100 % of the cost if outside the port and between 60 and 80 % if within the port. There is no general rule concerning radar, where the distribution of costs for each installation is subject to a decision fixing the proportion to be paid by the State and the autonomous port in each individual case.

3.4.6.1.2. Non-autonomous ports

Decisions concerning nearly all port infrastructure are made by the State after consulting the port board. The State provides between 30 and 50 % of the investment cost and the Chamber of Commerce and Industry provides the rest, sometimes with the assistance of local authorities, that is municipal authorities, councils of the department and even regional councils. Usually the State operates and maintains the facilities.

3.4.6.2.1.2. Non-autonomous ports

See 3.4.6.1*2. above for docks, quays and jetties.

In the case of specialised terminals the cost of the infrastructure is usually provided by the Chamber of Commerce and/or a private undertaking but the State may provide up to 30 % of the finance. The superstructure of such specialised terminals is either entirely financed, operated and maintained by the Chamber of Commerce or entirely by a private undertaking.

3.4.6.2.2. Superstructure (including port equipment)

3.4.6.2.2.1. Autonomous ports

The sheds, warehouses and cranes are entirely financed and operated by the autonomous ports and often let to firms engaged in the handling of cargo or shipping companies. Specialized equipment is usually financed and operated by private companies.

3.4.6.2.2.2. Non-autonomous ports

The sheds, warehouses and cranes are entirely financed and operated by the Chambers of Commerce and Industry except in the few cases where they are the responsibility of private undertakings.

3.4.6.2.3. Services

3.4.6.2.3.1. Services provided for ships

PILOTAGE : Pilots for each port are grouped together in a "pilot station" and are under the administrative jurisdiction of the General Secretariat of the Mercantile Marine.

Pilots are appointed by the Minister responsible for the Mercantile Marine on the basis of a competitive examination.

The administrative organization of the stations, and also the salary scales for the pilots, are fixed in each station by a ministerial decree following consultations with the "Assemblée commerciale réglementaire" which represents the various interests involved (shipowners, shippers, port and maritime authorities, local authorities).

BROKERAGE transactions are carried out by shipbrokers - legal officials appointed by the State Secretary for Transport, who controls the profession and fixes the rates by decree.

3.4.6.2. The Port itself

3.4.6.2.1. Infrastructure

3.4.6.2.1.1. Autonomous Ports

The State provides 60 % of the construction costs of docks, quays and jetties (Article 6 of the law of 29 June 1965). In the case of specialised terminals, the State or the industries concerned usually provide 60 % of the cost of the infrastructure, while the autonomous port authority provides 40 %.

TOWAGE, SHIP REPAIR,) These operations are carried out by
SCALING & CLEANING) private undertakings : the rates
SHIPPING AGENCIES,) for towage are fixed by decree of
REVICTUALLING, BUNKERAGE) the Prefect

BERTH ALLOCATION is carried out by the Harbourmaster's department.

UNBALLASTING/DEGASSING SERVICES are carried out by a private undertaking in Le Havre and by an oil company and the autonomous port authority at Nantes/St-Nazaire. At Marseilles the port authority has financed the most recent installations : it carries out the maintenance and major repairs at all the installations. The management of one of these has been given to a private company.

DRY DOCKS AND SLIPWAYS : The position is different in the various ports. At Marseilles the State has contributed between 30 and 40 % of the cost of the large scale installations. The costs were shared between the port authority and the State at Bordeaux, between the State and the private sector at Rouen, while at Le Havre and at Nantes the port authority has been responsible for the entire cost. In the non-autonomous ports the Chamber of Commerce is responsible at Calais, Boulogne, Cherbourg and Bayonne as well as at Brest where the State contributed 50 % to the initial financing : the private sector is responsible at Dieppe while the State and the Chamber of Commerce are responsible at Lorient.

PROVISION OF WATER : The position is different in the various ports. At Marseilles, the autonomous port is entirely responsible - at Bordeaux the port carried out the initial investment and partially supports the operation and maintenance of the installations - at Le Havre the port authority and the municipality are jointly responsible while at Bayonne the Chamber of Commerce is entirely responsible and at Dieppe the municipality.

PROVISION OF ELECTRICITY : in the non-autonomous ports the entire responsibility rests with the Chamber of Commerce. At Le Havre# Rouen and Marseilles the autonomous port authority is responsible while at Dunkirk "Electricité de France" provides the service and at Nantes/St-Nazaire the position varies in the different sectors of the port. At Bordeaux the port provides vessels with electricity.

PROVISION OF TELEPHONES : the position is different in the various ports, particularly as regards investment where the Post Office (PTT) frequently asks for up to 30 % participation in the case of subsidies, and sometimes 100 % participation in the case of interest-free loans recoverable from rental charges.

3.4.6.2.3.2. Services provided for goods

In the French ports, cargo handling is carried out by companies which, whatever their legal status - private, public or limited company - are private in character. They carry out cargo handling operations on board ship, and from ship to shore and vice-versa. They also carry out handling in port depots and warehouses except in the few cases where the port authority is responsible for such operations e.g. at Cherbourg where Ro-Ro operations are not carried out by dockers. The companies are responsible for the service they provide and for their operation and financing. A scale of handling charges is set for each port and is controlled by the Government.

3.4.6.2.3.3. Security services

3.4.6.2.3.3*1. Firefighting

Responsibility for both fire prevention and firefighting is vested in the commune or communes within which the port is situated. They are assisted in this by the departmental firefighting services. The autonomous port authorities and the Chambers of Commerce and Industry generally share in the financing and sometimes even in the operation of certain specific firefighting facilities.

3.4.6.2.3.3.2. Police

The police powers in the ports are invested in the mayors of the communes within whose territories the port are situated or in the Prefect of the department concerned. In some ports, groups of port users have set up, at their own expense, observation and guard services. Police duties relating to the operation of the port and to the protection of property are carried out by the autonomous port as administrator of public State land and, in the other ports by the local State service responsible for the port (maritime service).

3.4.6.2.3.3.3. Medical services

There are no medical services exclusively for the ports. The autonomous ports and the Chambers of Commerce and Industry have, at their own expense, medical services for their staff ? the cargo-handling companies have similar facilities for their dock workers and other personnel employed on the quays.

3.4.6.2.3.3.4. Pollution control

There are various regulations. Usually it is the local authorities, works or operators responsible for such effluent discharge or whose installations create pollution risks who are required to finance the pollution control measures. The autonomous port authority and the Chamber of Commerce and Industry may be induced to set up special installations against the risk of oil pollution and there are provisions for emergency assistance on a national scale.

3.4.6.3. Inland Transport within the Port area

All rail installations are financed, constructed, and maintained by the SNCF (the French National Railways) ; the autonomous ports can contribute towards the cost in the case of a port network. Main roads within the port earea which serve an industrial estate are entirely financed by the autonomous ports. They are financed jointly by the autonomous port (40 %) and the State (60 %) when they serve public port areas. Roads required for port operation are 100 % financed by the autonomous port authority. The port authority is responsible for the administration and maintenance of all categories of road. The roads for port use in the non-autonomous ports are wholly the responsibility of the Chambers of Commerce and Industry. Road tunnels and bridges are entirely financed, administered and maintained by the autonomous ports wherever they are within the port area even if they form part of the main road network. Canals and navigable waterways are entirely the responsibility of the State, as well as all locks other than sea locks. Such canals and locks other than sea locks are only to be found in the port of Le Havre. Ferries, where they exist at all, are nearly always a responsibility of the department. Oil pipelines are entirely the responsibility of the private sector except at Boulogne and Calais where they belong to the Chamber of Commerce and Industry and at Marseilles-Lavéra where they belong to the port (investment and operation), if they are within the port area.

3.4.6.4. SUMMARY OF CHAPTER 6

3.4.6.4.1. Maritime access

3.4.6.4.1.1. Autonomous ports

Decisions relating to investment in access channels are taken jointly by the port authority and the State. The State provides 80 % of the finance and the port the remaining 20 %. The State bears the entire cost of financing and maintaining the navigational aids necessary for easy access to the port.

3.4.6.4.1.2. Non-autonomous ports

The cost of financing work on the maritime access is borne by the State and the Chamber of Commerce and Industry. The State is also responsible for operating and maintaining the installations involved.

3.4.6.4.2. The port itself

3.4.6.4.2.1. Autonomous ports

The State contributes, to a greater or lesser extent, to the financing of other port infrastructure installations. The port authority bears the entire cost of the port superstructure. All the cargo handling and almost all the services provided for ships are undertaken by the private sector. Almost all the security services are provided by the local authorities.

3.4.6.4.2.2. Non-autonomous ports

The State and the Chamber of Commerce and Industry together bear the cost of all the port infrastructure installations. In most cases, however, the Chamber of Commerce and Industry is solely responsible for providing and operating the superstructure. See "Autonomous ports" for details of the other services.

3.4.6.4.3. Transport links

3.4.6.4.3.1. Autonomous ports

The transport infrastructure installations within the port area and the links with external networks are - according to their nature - the responsibility either of the French National Railways (SNCF) or of the port authority alone or of the port and the State together or, sometimes, of the department.

3.4.6.4.3.2. Non-autonomous ports

The arrangements regarding transport are the same as in the autonomous ports.

CHAPTER 7

3.4.7. SPECIAL FINANCIAL PROBLEMS

3.4.7.1. Annual accounts

All the autonomous ports prepare an operating account, a profit and loss account and a balance sheet. The latter is sent to the superior administration and in application of Article 164 of the law n° 58-1374 of 30 December 1958 the accounts, balance sheet and borrowings of the autonomous ports are, at the end of the financial year, published annually in an annexe to the list of public commercial and industrial bodies with a mixed economy which are of national interest.

In the non-autonomous ports, the expenditure on infrastructure of the concessionnaire (state or local Authority) are included in the State budget. The concessionnaire prepares and publishes separately the accounts relating to his port activities. There is no obligation for the cargo-handling companies or other port businesses to publish their annual accounts unless the company is quoted on the stock exchange. There is no obligation either to prepare separate accounts either for cargo-handling activities or for each of the operating agencies in the different ports.

3.4.7.2. Depreciation

In the autonomous ports, the port authority has an obligation to provide for depreciation, even where this gives rise to an operating deficit, but there is no strict rule concerning the method of application. The minimum depreciation to be provided for is linear depreciation but it is possible to provide for decreasing depreciation whereby the amount is greater during the first years of capitalisation. The calculation of the depreciation for accountancy purposes is based on the historic purchase value.

In the non-autonomous ports, the concessionnaires are obliged to provide for depreciation (c.f. circular of November 1982 of the Director of Seaports concerning documents of a budgetary or accountancy nature for the port concessions of the Chambers of Commerce and Industry).

Sinking fund - there is no such item in the accounts of French autonomous ports.

Balance sheet revaluation is permissible only by government decision and applies to all business undertakings. It is done only very rarely (about every 15 or 20 years) and there is no rule concerning such action. There are no special provisions concerning the procedure to be adopted but the port authority or the concessionnaire are authorized to provide for exceptional depreciation in the case of obsolescence.

3.4.7.3. Return on capital

There are no precise obligations. The port authority sets its own norms so as to ensure that investments can generate sufficient revenue to permit the smooth running of the undertaking. Before deciding on any investment a profitability calculation is made. In the non-autonomous ports the concessionnaires of the ports are required to draw up investment estimates which must be accompanied by calculations showing their profitability within the framework of the five-year plans.

3.4.7.4. Loans

Both the autonomous ports and the non-autonomous ports borrow on the capital market. The privilege of loans at a lower rate was withdrawn in 1983.

3.4.7.5. Provision of facilities

3.4.7.5.1. The Ministerial Order of 22 August 1969 provides exemption from berthing charges for the following : warships, service vessels of Government departments and departments of the port itself, pilotage and towage vessels of the port, harbour craft and craft used for cargo-handling and works, inland waterway vessels, coastal navigation vessels. At La Rochelle, cruise ships and the ferries to the Isle of Ré are also exempted. In addition, the ports are obliged to provide shelter and offices for the customs administration.

3.4.7.5.2. Facilities provided at less than cost

Usually the ports benefit from services provided by the commune in which they are situated, especially the provisions for firefighting, but they are often called upon for considerable participation in these services (see paragraph 3.4.6.2.3.3.1.).

3.4.7.6. Taxation

3.4.7.6.1. The autonomous ports are obliged to pay the following direct taxes :

- tax on wages, but it may be that an autonomous port is exempt because of its being liable to VAT on more than 90 % of its turnover ;

- compulsory investment by employers in the construction of housing for employees ;
- annual tax on the autonomous port's vehicles ;
- payment for public transport ;
- contribution on non-built-up land belonging to autonomous ports (not applicable in the case of state land conceded to autonomous ports) ;
- contribution on built-up land (same distinction as for non-built-up land) ;
- municipal electricity tax.

The autonomous ports are liable to VAT on all their activities. It should be noted, however, that this tax is not levied on services treated as services rendered outside France.

3.4.7.6.2. In the non-autonomous ports, the concessionnaires are liable to VAT, but this tax is not collected for services treated as services rendered outside France.

The Chambers of Commerce and Industry (and the towns or cities) who are port concessionnaires are not liable to taxes on industrial and commercial profits. They are also exempt from the trade tax which has replaced the business tax. The taxes to which the ports are liable are in fact collected.

3.4.7.6.3. Private port organisations

Companies carrying out activities in the port are subject to the same taxes as those applicable to other French companies.

3.4.7.7. Restraints

3.4.7.7.1. Port Administrations

3.4.7.7.1.1. Activities and investments

3.4.7.7.1.2. " ■

The activities of the autonomous ports are essentially limited, by the law of 29 June 196f>, to works of extension, improvement, renewal and reconstruction, and also to the operation, maintenance and policing of the port and its message and to the administration of its estate. They may be authorized to undertake the establishment and planning of port industrial < reas or to participate in such undertakings.

In the non-autonomous ports the concessionnaires (CCI) may only provide service activités within the framework of port operation. They may not carry out commercial activities of, for example, transport auxiliaries.

3.4.7.7.1.3. Salaries, conditions of work

The wages, terms and conditions of work of staff of the autonomous ports and of the Chambers of Commerce and industry which are concessionnaires in the commercial seaports and fishing ports are freely fixed within the terms of the national collective agreement concluded between UPACCIM (Union of Autonomous Ports and Chambers of Commerce & Industry) and the representative union organizations on 17 July 1947. This agreement was brought up to date by a codicil on 1 July 1975.

3.4.7.7.1.4. Charges and dues

The dues in the autonomous ports are fixed by their boards and confirmed by order of the Ministry responsible for seaports. The boards alone are responsible for fixing the tariffs for use of equipment.

In the non-autonomous ports the tariffs for use of equipment managed by the concessionnaire are fixed by him, and are applicable if the Commissioner of the Republic raises no objection within a specified period : if an objection is raised an appeal may be lodged as a last resort with the Minister of Public Works. As for port dues they are fixed, upon the recommendation of the relevant local authority, by the minister responsible for seaports.

3.4.7.7.1.5. Rents

Charges payable by users to the autonomous port authorities for land leased to them, whether in "State-owned property or in property belonging to the autonomous port, are fixed by a decision of the board.

In the non-autonomous ports the Chambers of Commerce and Industry freely fix the rents for land leased to users where that land has been conceded to them : rents for non-conceded lands are fixed by the State.

3.4.7.7.2. Private port organisations

Businesses undertaking other port activities are free to carry out different activities or functions, to invest in new projects except as regards "pilot stations" and ship brokerage, to fix the wages, terms and conditions of service of their own staff, provided that the regulations in force are observed, but :

- they are controlled by the port authority as regards fixing tariffs for the services which they offer to port users,
- they have no say in the leasing to users of lands administered by the port authority.

CHAPTER 8

3.4.8. EMPLOYMENT

3.4.8.1. Autonomous and non-autonomous ports ("Dockers**")

There is no national collective agreement specifying the conditions of employment of dockers in the ports.

Collective agreements have been reached in some ports based on the local operating conditions. A twice yearly national agreement sets the basic wage for the docker.

Cargo handling operations in the seaports may be carried out only by professional and temporary dockers ("occasionnel") registered at the labour centres located in the ports in accordance with Book IV of the Seaports Code laying down working conditions in the ports.

The dockers are, thus, organised in "pools" in each port and the port employers must engage them for work each day.

Only professional dockers are guaranteed pay for days when they are not employed, up to a maximum of 150 days a year. This cost is borne by the National Wage Guarantee Fund for dockers (CAINAGOD) which was set up by Law No. 47-1746 on 6 September 1947. The Fund's resources are drawn exclusively from contributions paid by the employers. The rate of contribution, currently 16.5 % is fixed jointly by the Ministers responsible for Seaports, Labour and Finance following a proposal from the Fund.

This unemployment of dockers is due partly to the idle time which is characteristic of the job linked to the character of the work and the precise arrangement of each working day.

In order to compensate for the loss of earnings due to the irregular nature of the work, a special employment premium is paid by the employers in accordance with a decree of 5 September 1946. This "irregular working premium" is therefore paid to dockers who are working. It is a flat-rate payment which is not increased to take account of overtime or unsocial hours.

Since its inception in 1946, it has regularly decreased as a proportion of the docker's gross wage, because the trade unions have concentrated more on improving basic wage levels.

3.4.8.2. Other grades of port staff

The staff of the autonomous ports and of the public facilities services of the Chambers of Commerce and Industry which are concessionary authorities in the commercial seaports are, with the exception of certain specifically-enumerated categories (1), subject to the collective agreement signed on 17 July 1947 between UPACCIM and representative union organisations and amended on 1 July 1975.

(1) Mainly port officials seconded to autonomous ports and men enrolled for naval conscription, who are subject to a special agreement.

This agreement defines the conditions of registration, of work, of pay, of leave entitlement, of promotion and dismissal of the staff in question. An annex to this agreement comprises a classification table for the different posts, functions or jobs, a regulation concerning retirement and special provisions for management grades and engineers.

3.4.8.3. Docker Training

The training of dockers is organized by a joint management/worker body on a national scale and it is implemented by joint bodies locally in each port. A compulsory contribution of 1.1 % of the wagebill is required from cargo handling companies in order to finance the training schemes.

3.4.8.4. Canteens

In some ports there are canteens. Usually the port authority provides the land and may be called upon to assist in financing the construction ; a private undertaking operates and maintains the canteen.

CHAPTER 9

3.4.9. STATISTICS

3.4.9.i, STATISTICS PUBLISHED BY THE SEAPORTS

Monthly reports

Generally speaking, all ports publish each month a table showing their activities during the month and the volume of traffic since the beginning of the year :

- in tonnes of goods (a distinction is made between inwards and outwards traffic, oil traffic and other traffic) ;
- in net registered tonnage or on taxable volume ;
- by number of vessels.

Autonomous ports

The autonomous ports publish a bulletin showing :

- T- the total volume of traffic by type with at least the following subdivisions :
 - liquid bulk ;
 - solid bulk ;
 - other goods.
- traffic by type of goods ;
- traffic by main country of origin and destination.

In view of the special nature of their traffic, certain ports also supply more detailed information on :

- containers ;
- passenger traffic ;
- inland waterway traffic.

Other ports

the biggest of these ports - like the autonomous ports - publish detailed statistics on their traffic by type of goods.

The others only supply overall statistics with details of :

- fishing activities ;
- cross-Channel traffic ;
- passenger traffic.

Annual statistics

The major ports (autonomous ports in particular) publish annual brochures containing :

- similar information to that published in the monthly reports;
- comments on the economic and commercial aspects of the traffic ;
- the autonomous ports publish statistics by product and country.

3.4.9.2. STATISTICS PUBLISHED BY THE P.P.N.M. (1)

Monthly

A bulletin showing the activities of all French ports handling more than 100,000 tonnes per year is published each month.

It lists the following information by inwards, outwards and total traffic :

- number of vessels and taxable volume y
- tonnes of goods with details of oil products, dry bulks, containers and national cabotage y
- number of passengers.

Annually

The D.P.N.M. publishes a brochure entitled "trading report on seaports" which contains :

the information contained in the monthly bulletins and for all French seaborne traffic i

- traffic by flag (number of vessels
(net tonnage or taxable volume
(tonnes of goods (oil and others)
(number of passengers

In addition, statistics relating to the following items are given for each port :

- passenger traffic entering and leaving
(international traffic
(French coastal traffic
- traffic by type of cargo
(liquid bulk
(solid bulk
(container
(packages of 15 tonnes and over
- traffic by type of handling
- traffic by following type of goods :
 - the 10 chapters of the NST nomenclature
 - the 191 NST items
 - goods traffic unloaded or loaded by principal country of origin or destination.
- provisioning vessels
(bunkers
(water
(other products
- coastal transport services.

(1) See paragraph 3.4.1. Table Source

3.5.

IRELAND

CHAPTER 1

3.5.1. PREFACE AND PORT TRAFFIC STATISTICS

3.5.1.1. The following ports operate under the terms of the Harbours Act 1946 and handle 92% of the total seaborne traffic of Ireland (1). All the comments made in this summary refer only to ports governed by the Harbours Act.

PORT AUTHORITY	Sea-borne traffic in 1984 in 1000 tonnes		
	TOTAL (2)	of which oil and oil products	approx. % of total Irish sea-borne traffic
DUBLIN	6,580	1,654	32.9
CORK	4,482	2,318	22.4
LIMERICK	2,967	905	14.9
WATERFORD	1,323	106	6.6
DROGHEDA	868	123	4.3
NEW ROSS	765	271	3.8
FOYNES	674	78	3.4
GALWAY	346	202	1.7
DUNDALK	238	18	1.2
ARKLOW	150	39	0.8
TOTAL 10 ports	18,393	5,714	92%
TOTAL Ireland	20,000		

SOURCE : The ports themselves

(1) Approximately 1.4m tonnes (7%) of traffic is handled by Greenore and Arklow Head (both privately owned), Dun Laoghaire (state-owned) and Rosslare (owned jointly by the CIE (Irish national railways) and British Railways). The Harbours Act 1946 does not apply to these ports.

(2) The figures in this column include approx. 2.5 million tons of coastwise trade..

3.5.1.2. BANTRY

The operation of the Bantry oil terminal, which was established in 1968 and which reached a total annual traffic of over 17m. tonnes, ceased following an explosion at the jetty on 7 January 1979.

CHAPTER 2

3.5.2. STRUCTURE

The Irish ports included in this summary were originally established under various private Acts of Parliament but were re-constituted under a general Act, the Harbours Act, 1946. The ports are all independent public bodies exercising certain statutory powers and duties. They are autonomous bodies although, because of their statutory relationship with the Minister for Communications, there are some qualifications to this autonomy (see 3.5.4.1.).

CHAPTER 3

3.5.3. INTERNAL ORGANISATION

3.5.3.1. Each Irish port authority may devise its own internal organisation. There is no standard pattern and much clearly depends upon the size of the port concerned.

3.5.3.2. Each port has a Board. The Boards, which hold office for a period of 5 years, are composed of between 11 and 26 members who are part time and unpaid and are nominated or elected by a number of different interests (Local Authority, Chamber of Commerce, Livestock, Industry, Trade Unions, Shipping, and Minister for Communications). The Chairman is elected annually by and from the members of the Board. The office of Chairman usually rotates and while the term of office is one year, the outgoing Chairman may be re-elected for further terms. The Chairman has no special powers other than that of presiding over Board Meetings.

3.5.3.3. Each of the 4 major ports (Dublin, Cork, Limerick, Waterford) has a General Manager, whose functions are set out broadly in the Harbours Act, 1946. In each of the other listed ports the chief executive officer, under the Act, is the Secretary. The General Manager (or Secretary) may be appointed by the Board from the existing staff of the port authority subject to the approval of the Minister; otherwise the appointment is made through the agency of the State Local Appointments Commission which, by public advertisement, invites application from suitably qualified persons and makes a recommendation to the port authority.

CHAPTER 4

3.5.4. EXTERNAL RELATIONS

3.5.4.1. Each of the port authorities included in this summary has a statutory relationship with the Minister for Communications. The Minister appoints 3 or 4 members to each Board: each port has to submit its annual report and accounts to him; the Minister also appoints an auditor to audit each port's annual accounts. There are certain other powers relating to borrowing, superannuation of officers and employees, the fixing of maximum charges for port services and the duty to ensure that the Board does not neglect its duty. While these powers enable the Minister to act as a Court of Appeal they do not entitle him to intervene in the management functions of the Board, save where the Board would be very seriously negligent in its duties. In such a case the procedure would have to be of a very formal nature.

3.5.4.2. The port authorities are usually subject to local Planning Authority requirements for all structures above ground level.

3.5.4.3. All the port authorities have statutory relationships with other Government departments for such matters as Customs. All the ports also have contact with the Commissioners of Irish Lights who are the lighthouse authority for the entire Irish coast (i.e. Republic and Northern Ireland). The individual ports provide lighthouse and buoyage services inside their own areas but standards are set by the Commissioners who carry out an annual inspection.

3.5.4.4. Apart from the formal relationships set out above the Irish Ports are linked together in a voluntary, non-statutory association - the Irish Port Authorities Association. This body helps co-ordinate any matters of general interest to the Irish Ports. A Committee of Management, elected annually from representatives of members of the various port boards, directs the Association's activities, assisted and advised by the General Managers and other officials of the major ports. The Committee, officers and secretariat all act in a honorary capacity; there is no full-time or paid staff.

3.5.4.5. Although there is a Government Department of Labour there is no national body charged with responsibility for industrial relations and negotiations on wages and conditions of employment; these matters are negotiated between the appropriate bodies representing the employers and workers concerned. However, National Wage Agreements have been negotiated under Government auspices which fix maximum increases payable over a particular period; the parties are free to negotiate within the parameters set out in these agreements. In recent year, the Government has set norms for pay negotiations and, generally, increases average out in or about the norm.

CHAPTER 5

3 . 5 . 5. CHARGES, DUES AND REVENUES

Port dues and charges are fixed by each port authority, subject to the consent of the Minister for Communications, and levied and collected direct by each authority.

3.5.5.1. Tonnage dues are based usually on the net tonnage of vessels or half of the gross tonnage, whichever is the greater; for this purpose, the tonnage of cargo in unmeasured spaces (e.g. deck cargo) of vessels trading outside "Home Trade" limits (i.e. outside Ireland, United Kingdom and also the continent outside Brest/Elbe limits) is taken into account. Certain classes of vessels (mainly non-commercial, naval and pleasure yachts etc.) are usually exempt from tonnage dues.

3.5.5.2. Goods dues are levied on goods shipped, unshipped or transhipped within a port. No dues are charged on passengers in "Harbours Act" ports.

3 . 5 . 5 . 3 . Revenues

The main sources of revenue are the tonnage and goods dues referred to. In Dublin revenue is derived from warehouses operated by the port authority and in practically all the ports income is derived from rent of land leased to port users* Most port authorities have income from dividends on stocks, shares or other investments, purchased from surplus revenue.

Theoretically, revenue is derived from port services supplied by the port authority, e.g; cranes, tugs, wagon haulage etc. However, increases in operating costs in recent years combined with the general trade recession has meant that in most cases they are operating at a loss.

Other minor sources of revenue include penalty charges for goods allowed to remain beyond the permitted period in transit sheds, tolls on rail wagons passing over the port rail systems; licence fees for certain activities by port users; hire of plant, barges etc.

CHAPTER 6

3.5.6. DIVISION OF RESPONSIBILITY AND POWERS

3.5.6.1. Maritime Access

Decisions concerning all items of maritime access in the Irish ports are made by the ports themselves and, with certain isolated exceptions (1) paid for by the ports themselves or, where the installations are private (e.g. certain specialised terminals), jointly by the port authority and the private company.

3.5.6 .2 . The port itself

3.5.6.2.1. Infrastructure

Decisions concerning all items of harbour infrastructure are made by the ports themselves see 3.5.6.1. above.

3.5.6.2.2. Superstructure (including port equipment)

Decisions concerning most items of superstructure in Irish Ports are made by the port authorities themselves and paid for entirely by them. Bonded warehouses elsewhere than Dublin are, however, paid for, operated and maintained by the private sector, as are such specialised buildings as grain silos, coal hoists, etc. Most cargo handling equipment, with the exception of cranes in some ports, is supplied by the private sector.

3.5.6.2.3. Services

3.5.6.2.3.1. Services provided for ships

PILOTAGE, TOWAGE) All matters concerning these activities
DRY DOCKS & SLIPWAYS) are the responsibility of the port
AND BERTH ALLOCATION) authority. In the case of pilotage,

-) the port authorities of the more
) important ports are also the pilotage
) authorities for the relevant pilotage
) districts, operating under the Pilotage
) Act 1913.

SHIP REPAIR, SCALING,) All matters concerning these
CLEANING, SHIP BROKERAGE,) activités are the responsibility of
SHIPPING AGENCIES,) the private sector.
REVICTUALLING, BUNKERAGE)

- (1) a) Central Government may grant financial assistance for specific projects but only in exceptional cases.

- b) A local authority is empowered to assist a Harbour Authority by making a free grant, by making a loan, or by guaranteeing the repayment of a loan raised by the Harbour authority, together with the interest thereon. The local authority is usually that for the area within which the harbour concerned is situated, or is otherwise in a position to benefit from improvements of the harbour.

PROVISION OF WATER - is always by the local authority who set charges to cover their costs.

PROVISION OF ELECTRICITY - is always by other public bodies
AND TELEPHONE (electricity boards, post offices)
who also set charges to cover their costs.

3.5.6.2.3.2. Services provided for goods

Apart from certain warehouse, groupage and forwarding agency activities at Dublin which are carried out by the port authority all the activities concerned with cargo handling are the responsibility of the private sector which pays its own costs and receives all monies due.

3.5.6.2.3.3. Security Services

The general practice in Ireland is that fire-fighting is the responsibility of local authorities but the port authorities may provide specialised "First Aid" fire fighting equipment at their own expense. The harbour police force is, in Dublin, a matter for the port authority whereas elsewhere the state police are responsible. There are no specialised port medical services. The Port Health Service is concerned with quarantine arrangements, etc., and is a branch of the Regional Health Boards. Customs is a branch of central government. Pollution control co-ordination Committees are developing, comprising regional, local and port authorities.

3.5.6.3. Inland transport within the port area

The land transport infrastructure and costs, in the case of railways, are entirely the responsibility of the port authorities as are the roads, in the port area. However, private rail sidings are the responsibility of the companies concerned. Bridges are the responsibility of the local authority. There are no road tunnels. There is only one canal, which is the responsibility of another public body, but which is not used for commercial traffic. Ferries are owned and operated either by the local authority or the private sector. Common user pipelines are jointly financed by the port authority and the private sector, other pipelines are financed solely by the private sector.

3.5.6.4. SUMMARY OF CHAPTER 6

4.5.6.4.1. Maritime Access

Decisions are made and investments paid for by the port authority. The facilities are operated and maintained by the port authorities. The tariffs are fixed by the port authorities but subject to approval from the Minister of Communications. All revenues are paid to the port authorities.

3.5.6.4.2. The Port itself

All decisions concerning harbour infrastructure investment are made by the port authority. They are usually paid for by the port authority or, for certain specialised terminals, jointly by the port authority and the private sector. The facilities are operated and maintained by the port authority (or exceptionally the private sector), their tariffs are subject to approval from the Minister for Communications but all revenues are paid to the operating body.

Items of harbour superstructure are partly the responsibility of the port authority and partly of the private sector. They are paid for, operated and maintained accordingly. Tariffs are fixed by the operator concerned (although the National Prices Commission controls the tariffs of private operators) who also receive all monies.

Services for ships are partly provided by the port authority and partly by the private sector whereas nearly all matters concerned with goods are the responsibility of the private sector. Security services are usually the responsibility of the public sector or the port authority.

3.5.6.4.3. Transport links

Rail and road investment in the Irish ports is the responsibility of the port authorities themselves. Bridges are the responsibility of the local authority. The only canal is the responsibility of the public sector. The local authorities and the private sector share the responsibility for ferries. The port authorities and the private sector share the responsibility for pipelines. Tariffs are determined by the operating bodies who also receive all monies.

CHAPTER 7

3.5.7. SPECIAL FINANCIAL PROBLEMS

3.5.7.1. Annual Accounts

All Irish port authorities are obliged to publish annual accounts. They have to submit these accounts to the Minister for Communications. Under Irish Law all public and limited companies are obliged under Company Law to produce annual accounts. Where cargo-handling companies and/or other companies working in the port are public/limited, this obligation applies to them also.

3.5.7.2 Depreciation

The Irish port authorities have no legal obligation to make specific provision for depreciation. Some of them do make such provision and, when they do, they fix their own rates.

There is no general practice as regards re-evaluation or writing down of assets but port authorities have discretion to re-value or write down assets against revenue or reserves where this is justified by physical or commercial considerations. Usually assets are written off only upon their sale or withdrawal from use for scrapping.

3.5.7.3. Rates of return

There are no specific requirements as to rate of return on projected port investments or on the port authorities' assets as a whole. Port authorities are free to make their own decisions in this area.

3.5.7.4. Loans

The main sources of money borrowed by harbour authorities over the years have been:

3.5.7.4.1. Redeemable stocks

Taking Dublin as an example, three redeemable stocks issued by the port authority many years ago bear interest at 3%, 4% and 5% respectively, reflecting general interest rates at date of stock issue.

3.5.7.4.2. Mortgage loans

Similarly, in the case of five mortgage loans, which were negotiated between 1950 and 1961 for terms ranging from 20 to 40 years and repayable by fixed instalments of principal and interest, the interest rates are from 3.5% to 5%.

3.5-. 7.4.3. Loans from Local Loans Fund

The Local Loans Fund Act, 1935, provided for the setting up of a fund from central government funds to provide long term loans to local authorities and other bodies, for public purposes. Loans of up to 35 year term may be granted in approved cases and at a rate somewhat below current bank rate. However, because of the number of applications for loans, which are met from an annual allocation, it may take several years from date of application to granting of such loan.

3.5.7.4.4. Bank overdraft (short term and term loan)

Bank interest rates are in 3 categories - "A", "AA", and "AAA", as follown (July '85):

	Overdraft or 1 year term loans	1-3 year term loans	3-5 year term loans
"A"	16.00%	16.25%	16.75%
••AA"	14.00%	14.50%	15.00%
'•AAA ^{1*}	12.50%	12.50%	13.00%

•'AAA'* rating is applied to state and semi-state bodies, local authorities, and public bodies generally, including harbour authorities.

"AA" rating applies to commercial propositions which have national economic importance.

"A" is the general public rating.

3 . 5 . 7.5. Provision of facilities

There is no statutory or other obligation to provide particular facilities or services on a non-remunerative basis. However, some services are maintained as part of the general port service although losses are regularly incurred e.g. graving docks. In addition, the Harbours Act, 1946, obliges all harbour authorities to provide and maintain accommodation for Customs Officers and such measuring and weighing equipment as they may require. No facilities or services are provided to the port authoriteis at less than cost. The Act provides also that state and certain non-commercial vessels may use the port without payment of dues.

3.5.7.6. Taxation

3.5.7.6.1. Position of port administrations

3.5.7.6.1.1. National Taxation (central government)

Under the Finance Act 1967, port authorities in the Republic of Ireland have been exempted from tax on revenue

derived from the provision of such facilities and accommodation for vessels, goods and passengers as are ordinarily provided by authorities controlling harbours, situate within the State, in those harbours. As a result port authorities do not pay income tax on any income other than income from investments, against which has been set off the interest which authorities pay on their stocks, loans and overdrafts.

However, the Government Department concerned with taxation has recently held that the exemption referred to does not extend to revenue from certain rents on land leased by the port authorities. This claim has been contested by the port authorities and has not as yet been resolved.

For V.A.T. purposes the activities of the port authorities are zero rated with the exception of certain services performed in the warehousing of goods (mainly connected with carriage and freight charges in and out of the warehouses).

3.5.7.6.1.2. Local Authority taxation (Rates)

Generally, port authorities in Ireland have 100% remission of local authority rates on their own property. Where property is leased by the port authority to the private sector the lessee is liable for the payment of rates to the local authority. In Dublin a remission of 79% of the rate for the time being applies to premises actually occupied by the Port Authority itself. Generally, quays, wharves, piers, etc., are exempt from rates.

3.5.7.6.2c Position of private port organisations

Cargo-handling organisations are generally subject to the same taxation and rating liability as private industry.

3.5.7.7. Restraints

3.5.7.7.1. Port Administrations

3.5.7.7.1.1.) On Activities and Investment 3.5.7.7.1.2.)

Port authorities may be authorised by the statutes that set them up, to carry out tasks other than port operation in the strictest sense e.g. the port of Dublin provides a range of warehousing services including general shipping and forwarding and customs clearance work together with road haulage locally.

The port authorities are free to invest in new projects within the scope of their functions although in certain circumstances the Minister for Communications' consent may be required. For example, reclamation works to provide new port facilities require the approval of the Minister under the Foreshore Act, 1933, where such works infringe on state foreshore; furthermore the Minister must make a Harbour Works Order before any reclamation takes place.

3.5.7.7.1.3. On Salaries, Wages and Conditions of Service

The port authorities are free to negotiate salaries and wages for the majority of their employees but in practice they have regard to the National Wage Agreements and Government norms. These Agreements provide for index adjustments in salaries and wages. Terms and conditions of service are similarly negotiable. An application for increased port charges consequent on increases in wages or salaries over the norms would be unlikely to receive the consent of the Minister.

3.5.7.7.1.4. On Charges, Dues, etc.

Increases in port dues and warehousing charges are effected by Harbour Rates Orders made by the Minister for Communications; service charges are also subject to his consent (craneage, towage, etc.).

3.5.7.7.1.5. On Rentals

Port Authorities are not subject to any controls on rents to be fixed for new leases of land to port users but leases for over 10 years are subject to the consent of the Minister for Communication and the Minister has, from time to time, expressed views on the level of rent proposed for such leases, on the basis that rent for port leases should reflect current market rents.

The rents payable for lease renewal are subject to general national legislation on this matter.

3.5.7.7.2. Private Port Organisations

3.5.7.7.2.1.) On Activities and Investment

3.5.7.7.2.2.)

The other organisations engaged in port activities are invariably commercial concerns whose powers to engage in different activities and to invest in new projects are governed by the terms of their Memorandum and Articles of Association. Road haulage over distances of more than 24 km. from major centres can only be carried out under special Government licence. Liberalisation of the licencing system is envisaged.

3.5.7.7.2.3. On Salaries, Wages and Conditions of Service

Other organisations are free to negotiate salaries, wages, terms and conditions of service subject to the limits imposed or recommended by National Wage Agreements and to the general statutes relating to conditions of employment.

3.5.7.7.2.4. On Charges, Dues, etc.

Increases in charges by other organisations must be approved by the National Prices Commission, which is a Government agency.

3.5.7.7.2*5. On jRentals

Private organisations may sub-let port land subject to the approval of the port authority.

CHAPTER 8

3.S.8. EMPLOYMENT

3.5.8.1. Portworkers ("dockers")

There are written agreements concerning the pay and working conditions of dockers in Irish ports and these are negotiated between employers' associations or representatives and trade unions representing the dockers.

Dockers in Ireland are not employed by port authorities but by shipping companies or stevedores. Generally, dock labour is recruited on a casual (i.e. day to day) basis. The main exceptions are Dublin and Limerick.

In Dublin, operators of specialised dedicated terminals employ their own dock labour on a permanent basis. In the Continental, deep sea and dry bulk trades the port authority owns the stevedoring company which employs the dock labour. At the time of writing negotiations for a redundancy scheme are under way.

In Limerick, the port authority is joined with private interests in the stevedoring company.

3.5.8.2. Other Grades

There are no written/legal agreements concerning the recruitment of the port authorities' general workers and clerical or technical staff.

3.5.8.3. Canteens

Canteens operate in some ports and usually have to be subsidised by the port authority or the private sector.

CHAPTER 9

3 . 5.9. STATISTICS

3.5.9.1. Statistics of imports and exports are published by most Port Authorities in their annual publications and also by the Government Central Statistics Office in the December issue in each year of the Irish Statistical Bulletin. The Government tables are compiled from questionnaires completed by the Ports, and provide the following information

- total number of arrivals and total NRT of trading and passenger vessels?
- total number of arrivals and total NRT of foreign registered vessels;
- total tonnage of goods received and forwarded for coastal, cross-channel and other foreign trade respectively;
- total number of livestock received and forwarded?
- total unitised traffic, number of units and tonnage of goods received and forwarded, Lo/Lo and Ro/Ro respectively?
- total number of accompanied private cars and buses and number of import/export vehicles respectively on Ro/Ro vessels.

3.5.9.2 The Government Central Statistics Office proposes to publish quarterly details of the net external trade of each Irish Port. This information will be compiled from Customs Returns and will exclude those items not on Customs Tariff (e.g. Weight of packaging, goods in transit, passenger accompanied cars, national coastwise traffic etc.). Countries of origin and destination will be grouped under approximately 12 headings and commodities will be defined at either section or division level of the Standard International Trade Classification. It should be noted that total figures will differ from throughput figures provided by the Port Authorities themselves since the latter include those items not covered by the Customs Tariff. Furthermore, origin and destination of goods are based on a transport definition as shown on the manifest and not on a Customs definition.

5.6.

ITALY

CHAPTER 1

3.6.1. PREFACE AND PORT TRAFFIC STATISTICS

Eighteen Italian ports are covered by the comments made in this chapter. These ports handle approx 84.4 % of the total sea-borne traffic of Italy (national and international).

PORT	Sea-borne traffic 1984 in 1000 tonnes (1) 1		
	TOTAL	of which oil and oil products	approx. % of total Italian sea-borne traffic
<u>Autonomous Ports</u>			
SAVONA	12 437	6 566	3.6
GENOVA	45 238	31 054	13.3
CIVITAVECCHIA	4 773	3 297	1.4
NAPOLI	15 240	6 755	4.5
PALERMO	3 814	776	1.1
VENEZIA	24 830	12 257	7.3
TRIESTE	26 103	20 085	7.7
	<u>132 435</u>	<u>80 790</u>	<u>38.9</u>
	=====	=====	=====
<u>Ports Adminis- tered by "the State</u>			
LA SPEZIA	8 524	1 558	2.5
LIVORNO	13 805	7 587	4.0
CAGLIARI	20 120	17 113	5.9
ANCONA	5 133	3 517	1.5
	<u>47 582</u>	<u>29 775</u>	<u>13.9</u>
	=====	=====	=====
<u>Other important Ports</u>			
PIOMBINO	7 259	861	2.1
MILAZZO	9 588	9 124	2.8
GELA	7 041	5 256	2.1
AUGUSTA	31 292	27 409	9.2
TARANTO	36 609	7 924	10.7
BRINDISI	4 336	1 598	1.3
RAVENNA	11 648	3 885	3.4
	<u>107 773</u>	<u>56 057</u>	<u>31.6</u>
	=====	=====	=====
TOTAL ITALY	341 015	193 069	100

(1) Tonne = 0.9842 tons = 1 000 Kg

CHAPTER 2

3.6,2. STRUCTURE

3»6.2.1. Both categories of Italian port replied to the questionnaire t

- ports administered by the State
- ports administered by autonomous bodies.

3«6.2.2. The "State" ports (e.g. La Spezia, Leghorn, Ancona and Cagliari) are managed directly by the State through its local administrative offices.

3.6.2.3. The ports of Genoa, Trieste, Venice, Naples, Savona, Palermo and Civitavecchia are managed by autonomous public authorities created by special laws which set out their structures, powers and functions.

CHAPTER 3

2.6.3. INTERNAL ORGANISATION

3.6.3.1. "State"

It is not possible to draw up an internal organisation chart of these ports as the various powers are divided between the relevant local administrative offices of the State. Officially, the only specific responsibilities of the Chambers of Commerce regarding ports are to advise on the granting of licences for the carrying out of activities in the port (Decree No. 328 of 15 December 1952) and on measures regarding port-planning schemes and the building of port facilities. In some of the ports administered directly by the State (Leghorn, Cagliari, La Spezia), they play an important part in promoting traffic. In Cagliari, Leghorn, Civitavecchia and Genoa (bonded warehouse) the Chambers of Commerce directly manage some port warehouses. At Leghorn, the Chamber of Commerce also manages a public weighbridge service in the port area.

3.6.3.1.1. As a result of Law No. 494/74, the public utility bodies responsible for the mechanical equipment (quay cranes, mobile cranes, etc) of the harbour offices of La Spezia, Leghorn, Messina and Ancona have been transformed into autonomous authorities for the administration of mechanical equipment and maritime State property.

3.6.3.2. Autonomous ports ■*

3.6.3.2.1. The structure and composition of the administrative bodies responsible for these ports are, in spite of the variety of titles (Consorzio, Ente or Provveditorato), substantially the same for all of them. In fact, in all the autonomous ports, the decision-making powers are divided between three deliberative bodies and one administrative supervisory body (at Genoa and Trieste there is also a technical supervisory body because the autonomous ports also have special responsibility for the building of port facilities). These bodies are :

- the President or "Provveditore", who is given relatively wide powers in accordance with the various acts of establishment, and is appointed by decree of the President of the Republic, after political consultation locally and at the centre. The President (or "Provveditore") is appointed for 5 years and may be re-appointed.

The President is the legal representative of the port and the head of its administration. He is responsible for carrying out the decisions of the collegiate bodies. The acts of establishment give special powers to the President of the Genoa "Consorzio", since he is the representative of the government and as such has power to make regulations concerning :

- movement of ships in the port
- the storage of goods in the port area
- the removal and sale of merchandise and materials abandoned on the wharfs
- access of persons to, or their expulsion from, the port
- the use of the port road network
- working hours in the port.

He also issues regulations regarding the security and policing of the port, the sea approaches and adjacent water areas and all that this entails.

In the event of disturbance, it is his responsibility to restore order, with the assistance, if necessary, of the police or armed forces. If the need arises, he can requisition goods and equipment and make the necessary arrangements to ensure the continuity of the port services;

- a plenary collegiate body (Administrative Assembly or Board) representing, to various extents, a number of other bodies and organisations. This body usually only meets once or twice a year (1) and takes the most important decisions relating to the port (approval of budget estimates and annual accounts, working out the general administrative policy of the port etc.);
- a smaller and more flexible collegiate body (managing committee or managing council ; at Genoa the Committee is divided into two sections, each with different responsibilities) normally made up of those members of the Administrative Assembly who have special technical qualifications. This body is responsible for assisting the President in planning his duties and discussing all the major problems relating to the management and administration of the port ;
- a Board of Auditors responsible for checking the administration and accounts of the port ;
- the Court of Auditors monitors the administration of the ports via a delegated adviser.

3.6.3.2.2. In all seven ports there is a Director-General (or Secretary-General) who supervises the executive services, presides over all important decision-making and co-ordinates the work of the various port services. He attends the meetings of the collegiate bodies and is their Secretary (except at Naples). There is no general rule concerning the appointment of the Director-General (or Secretary General).

3.6.3.2.3. A number of attempts have been made over the last few years to organise the ports in a structured manner. Papers and draft laws have been submitted by members of parliament of different political groups, by port users, by trade union organisations and by the Italian Ports Association (Associazione Porti Italiani). The transport committee of the House is currently examining two draft laws tabled by government dealing with the reform of the port system and the reorganisation of the port authorities.

(1) At Venice and Trieste the Administrative Assembly usually meets monthly.

CHAPTER 4

3.6.4. EXTERNAL RELATIONS

3.6.4.1. In the ports which are directly administered by the State the various port services and activities come under the control of bodies attached to the Ministries concerned by virtue of the provisions of the Navigation Code and other relevant legal provisions.

In the autonomous ports and ports administered by public utility bodies for mechanical equipment many statutory duties are delegated to the port administration and the central government administrations only have a supervisory and checking role. The degree of delegation varies from one port to another depending upon the provisions of the laws which set them up. However, the State has kept control of some matters in all the ports and exercises this control through various peripheral bodies such as the police and fire services (Ministry of the Interior), lighthouses and radar (Ministry of Defence), customs (Ministry of Finance), port health (Ministry of Health) etc.

3.6.4.2. An Association of Italian Ports was created in October 1973 and 28 ports, including the most important, are members. All the autonomous ports are members and the Chambers of Commerce and public utility bodies for mechanical equipment represent the State ports. Ports representing 78 % of Italian port traffic are represented in the Association. The aim of the Association is to study and take up questions of a general nature which concern the ports which are members and to represent members' interests in contacts with public bodies and trade union organisations. In this context, the Italian Ports Association co-ordinates contacts with the trade unions to which its employees belong although the deliberating bodies in each administration and public utility body retain their decision-making autonomy, and takes part in the wage negotiations in respect of employees, of the port authorities and of the public utility bodies for mechanical equipment between the Ministry of the Merchant Marine and the trade union organisations, side by side with those for the dockers, which will be dealt with under 3.6.8.1.

CHAPTER 5

3.6.⁵. CHARGES, DUES AND REVENUES

3.6.5.1. Charges and dues

Port dues and charges in all the Italian ports are fixed and collected by the Customs administration which locally represents the Ministry of Finance, except for the tax on railway trucks which is fixed and collected by the railway administration or by the ports on its behalf.

The following charges are made in the Italian ports %

- anchorage charge : fixed in relation to the net tonnage of the ships (retained by the State),
- " excess anchorage charge for goods on deck : applies to ships transporting goods on deck or on the superstructure (retained by the State),
- additional anchorage charge at Genoa, Naples (1), Trieste, Savona and Venice (retained by the ports),
- fiscal charge on unloading goods from abroad (retained by the State),
- passenger tax : only at Genoa, Naples and Trieste (paid entirely to the port authority at Genoa and Trieste, and 50 % to the port authority at Naples) (1),
- charge on goods unloaded and loaded in the ports of Genoa (2), Venice, Naples, Civitavecchia, Trieste, Savona-Vado, Palermo, Leghorn and Brindisi (paid to the port authorities, the proceeds to be used by the authorities to make up budget deficits up to 31 December 1973, any excess to be used for the construction of new works and port equipment). In accordance with a recent legal provision, two-thirds of the proceeds from this charge in the ports of Leghorn, La Spezia, Ancona, Cagliari and Messina are paid to the local mechanical equipment administration. (See Annex I).
- charge on railway trucks at Genoa and Naples (paid to the port authority in Genoa),
- charge on motor vehicles : only at Genoa (paid to the port authority).

3.6.5.2. Revenues

The main sources of revenue of the autonomous ports and public utility bodies for mechanical equipment are :

- proceeds from the above port charges paid to the port authorities. Most of these must be used for new port works and for improving equipment and existing installations ,*

- (1) The additional anchorage charge and the passenger tax are replaced at Naples by "berthing dues"* as provided for in Article 4 of letter F of the law setting up the autonomous port.
- (2) In order to meet port development and improvement expenses the autonomous authority of the port of Genoa is empowered to add up to 10 % to this charge, subject to the approval of the Treasury and the Ministries of Finance and of the Merchant Marine.

- income from ordinary contributions from the State. These contributions? which vary widely in amount, are lump-sum payments by the State to cover expenses incurred by the port authorities in maintaining port works and in lighting and cleaning the quays and the water areas (not in the case of the public utility bodies for mechanical equipment).
- income from obligatory contributions paid by the communes, the provinces, the regions (at Trieste, Naples and Palermo only) and the Chambers of Commerce concerned with the port (not in the case of the public utility bodies for mechanical equipment).
- income from licences for use of warehouses and uncovered areas in the port,
- income from licences for business activity in the port,
- income from the use of mechanical equipment and warehouses administered directly by the port,
- income from other services provided by the port (cargo-handling services, railway operation services etc.) (not in the case of the public utility bodies for mechanical equipment)

These ordinary sources of income may be supplemented by extraordinary funds made available by the State, in accordance with special Acts for the construction of new works.

CHAPTER 6

3.6.6. DIVISION OF RESPONSIBILITY AND POWERS

3.6.6.1. Maritime Access

3.6.6.1.1. "State" ports

The planning, construction and maintenance of sea and harbour works are under the control of the Civil Engineering Office for "Sei" Works (a local office of the Ministry of Public Works) having authority in the region. Sea protection works are entirely financed by the Ministry of Public Works. The State is responsible for 80 % of the cost of harbour works (quays, jetties etc.) and the remaining 20 % is shared between the communes and the provinces most affected by the port in question.

Lighthouses, harbour lights, radar and other electronic shipping aids are financed, installed and administered by staff directly responsible to the Ministry of Defence, as they are deemed essential for the safety of shipping or for the defence of the State.

3.6.6.1.2. "Autonomous" ports

The Acts establishing these port authorities have given to each of them a certain degree of autonomy in the planning, construction and maintenance of sea, harbour and railway works.

The port of Genoa has the widest autonomy where the authority itself may plan, construct and maintain all sea and harbour works, even if financed by the State. The port only needs to seek approval of the Minister of Public Works for projects costing more than 200 million lire (if tendered for publicly) or of 100 million lire (if subject to private negotiation).

The other autonomous ports may also construct sea and port works, as provided for in their own long-term port plan, if they finance the work themselves subject to technical approval of the projects by the Ministry of Public Works. (In Venice, in this case, the advice of the Main Board of Public Works is not required).

If, on the other hand, the works are financed partly or in full by the State, the Ministry of Public Works may entrust the work to the port authorities of Naples, Palermo, Civitavecchia, Trieste, Savona and Venice under licence. The licence provisions stipulate how the financial resources are to be allocated and how the progress of the work is to be monitored.

The installations for unloading oil are normally built and managed by private companies (except for Genoa, where the oil port was built and is run directly by the Consorzio).

Under Article 110 of the Navigation Code, the Minister of the Merchant Marine may allow certain large establishments (mainly steelworks) based in the ports or certain industrial areas based within the port area a special system of operational autonomy whereby these industries may use their own labour for loading and unloading raw materials and semi-finished products. Generally, the industries help to build and maintain the port installations.

The individual acts establishing the autonomous ports entrust them with the ordinary and extraordinary maintenance of sea and port works but the costs of such maintenance are finally debited to the budget of the Minister of Public Works. The acts which set up the ports of Genoa, Naples (1) and Venice provide that these latter should themselves maintain the sea and port works at their own expense (i.e. without any agreement with the Ministry of Public Works) and that the State should pay an annual contribution, the amount of which has still to be fixed for Naples, whereas the amount for Genoa has been set at the currently totally insufficient level of 100 million lire, while at Venice the amount may vary from year to year but is usually around 20 % of the actual expenditure.

The lighthouses and harbour lights in the autonomous ports, as in the state ports, are the responsibility of the Ministry of Defence. At Genoa the port authority has, at its own initiative and expense, installed and operated the buoys and harbour lights within the port area (except for the Lanterna lighthouse).

3.6.6.2. The Port itself

3.6.6.2.1. Infrastructure

See paras. 3.6.6.1.1. and 3.6.6.1.2.

3.6.6.2.2. Superstructure (including port equipment)

3.6.6.2-2.1. "State"ports

The administration of the warehouses and the fixed quay equipment which belong to the ports' maritime domain, are the responsibility of the Port Commander (Harbourmaster's department) which is a peripheral body of the Ministry of the Merchant Marine and in the ports of La Spezia, Leghorn, Cagliari, Messina (and Milazzo) and Ancona also of the public utility bodies for mechanical equipment. The Port Commander (or the Maritime Director or the Minister of the Merchant Marine depending upon the importance and the length of time) is empowered to grant concessions for the warehouses and grant operating licences for the port operations. In the ports of La Spezia, Leghorn, Cagliari, Messina and Ancona public utility bodies have been set up for mechanical equipment and port warehouses (see Annex I). The different ports have varying systems for administering mobile cranes, straddle carriers, fork-lift trucks and mechanical shovels. The handling of this mobile equipment in all Italian ports is entrusted to workers employed by the port companies (see paragraph 3.6.8.I.).

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- (1) At Naples the port maintains the port works at its own expense while the maintenance of the sea defence works is carried out on the basis of a convention with the Ministry of Public Works which charges the expenditure to its budget

3.6.6.2.2.2. Autonomous ports

The port authorities are responsible for administering the public port domain, including the harbour warehouses, and for collecting the licence fees. Licences for a period of more than 15 years must be approved by the Minister of the Merchant Marine. Harbour warehouses may be directly administered by the port authorities or licensed to private bodies. There are special features in the regulations for the autonomous authorities of Genoa and Venice. At Genoa, in accordance with the act of establishment, licences for less than 5 years can be issued directly by the President, whereas the Committee may issue licences of any duration. (Approval of the Minister of the Merchant Marine is only necessary for licences extending beyond the year 2002, the date when the Consorzio comes to an end). At Venice the port grants such concessions for any length of time and under any kind of condition without approval or decree of the Ministry of Merchant Marine; only rents are fixed by the Ministry of Finance. The port authorities and the public utility bodies for mechanical equipment are entrusted with the management of all fixed mechanical equipment on the quays (cranes, elevators, etc) and they operate them with their own labour force and fix and receive the charges for their use. Mobile cargo-handling equipment (mobile cranes, mechanical shovels, forklift trucks) belong to private bodies (shipowners, port labour companies, various undertakings) or to the port authorities but the port authorities fix the charges and conditions for using them. The equipment is operated by workers from the port labour companies or by the port's own personnel and/or the personnel of the public utility bodies for mechanical equipment.

3.6.6.2.3. Services

3.6.6.2.3.1. Services provided for ships

PILOTAGE ; In all Italian ports, this service is provided by the Associations of Pilots, under the supervision of the Port Commander (Article 88 of the Navigation Code). From the legal point of view, the Associations of Pilots are a completely novel feature of Italian law : in fact their rules include such a mixture of "private** and "public" elements that it is arguable whether they should be included in the private or the public sector. The pilotage service is approved and made obligatory by the Maritime Director who fixes the limits within which it is carried out. The Minister of the Merchant Marine is responsible for approving the relevant standards and charges.

TOWAGE : In all Italian ports, towage services are carried out by licensed private companies. In all the ports except Genoa, Trieste and Venice the port authority decides on the quantity and the nature of the equipment required and fixes the service charges. Local service regulations are approved by the Minister of the Merchant Marine.

BERTH ALLOCATION : In accordance with Article 62 of the Navigation Code the entry, exit, movement, anchoring and berthing of ships are controlled by the Port Commander, except at Genoa and Savona where this task is carried out by the port authorities themselves, using staff from the Harbourmaster's Office.

All other port services (cleaning of quay and water areas, carrying passengers within the port area, providing ships with water, electricity and telephone etc.) are provided by private bodies or by the port authority under the supervision of the Port Commander. Similarly industrial activities relating to the fitting-out and repair of ships (slipways, dry docks, unballasting, degassing, scaling, repairing, painting etc.) are carried out by private undertakings authorised by the Port Commander or the autonomous port authorities by means of operators' licences. Similarly commercial and professional activities (shipping agents, brokers, customs forwarding agents, revictualling, insurance experts etcT) are carried out by private bodies. Shipping agents and customs forwarding agent must be enrolled in speical registers kept by the Harbourmaster and the Customs respectively.

3.6.6.2.3.2. Services provided for goods

A distinction must be made between cargo-handling on board ship and on land. Handling on board ship (loading and unloading) is the responsibility of the carrier - he may employ his own staff directly or may engage a reputable private firm. The responsibility for all handling on land, including warehousing and consignment is assigned as follows : to the port authorities in Venice and Trieste, to a company in Genoa with public and private capital and to private firms in the other ports. At Trieste, the port authority carries out the operations on board ship, in the are and grain installations and on board the ro-ro and container ships. In the container terminal in Genoa, the Terminal Container company is also responsible for handling on board ship.

3.6.6.2.3.3. Security sevices

In all Italian ports, the firefighting service is provided by the fire brigade which is directly responsible to the Ministry of the Interior. Firefighting operations in the port itself are always under the supervision of the Port Commander. At Genoa, the port authority itself provides this supervision. On the other hand, the fire-prevention service is performed by private fire-watching associations, authorised by the Port Commander.

Port and sea police operations are the responsbility of the Harbourmaster (in the port of Genoa the President of the Consorzio). All other police operations come unde the authority of the judicial police (Ministry of the Interior) for the detection and suppression of common crime, or the responsibility of the Revenue Officers (Guardia di Finanza) (Ministry of Finance) for tax offences. In all the Italian ports, medical inspection is controlled by the Marine Health Offices which are responsible to the Ministry of Health. On the other hand, health services are organised by public or private bodies, except at Genoa and Trieste where public health services are organised by the port authorities. In all the Italian ports, pollution control comes under the Harbourmaster, assisted by other public and private institutions. At Genoa, the port authority, and at Venice the employees of the "Magistrato alle acque" (Magistrate for Waters) and the Committee for the Protection of Venice, are responsible.

3.6.6.2.3.4. Other services

The autonomous port authorities are responsible for cleaning and lighting the port area. The Ministry of Public Works refunds the costs as provided for by a special agreement (Treiste, Savona, Palermo and Civitavecchia) or in the form of a specific contribution fixed by law (Naples and Venice) on the basis of an assessment made by the port authority. At Genoa, this is refunded together with the cost of the maintenance of other port facilities.

3.6.6.3. Inland transport within the port area

3.6.6.3.1. "State" ports

As far as the railway network is concerned, all movements of rail wagons are managed by the appropriate regional office of the "Ferrovie dello Stato" (Italian State Railways), which is responsible for meeting the requirements of the port operators. All roads, tunnels and bridges inside the port area are financed and managed by the public works administration. Pipelines are the responsibility of the private sector.

3.6.6.3.2. Autonomous ports

Decisions concerning railways within the port area are made by the port authorities and the work is carried out and financed by the "Ferrovie dello Stato" (State Railways) or by the Civil Engineering Office for Sea Works. Exceptionally, in Genoa and in Venice, the expenses are borne by the port authorities. The railway installations are maintained directly by the State Railways or by the Civil Engineering Office for Sea Works, except at Venice where the port is responsible for track maintenance (where it is fitted flush with quay and road surfaces). At Trieste, the maintenance is carried out by the port on the basis of a programme drawn up jointly with the "Ferrovie dello Stato". The latter repay 75 % of the expenses incurred by the port, with a maximum limit laid down each year. Without prejudice to what is stated above, the administration and operation of railway services in the port area (railway operation services) are entrusted to the port authorities of Genoa, Naples and Savona. In addition, at Trieste the autonomous port authority manages all the port railway installations and acts on behalf of the Railway Authorities as far as all railway operations are concerned. In Venice, Palermo and Civitavecchia, the railway operation services are carried out by the State Railways in close co-operation with the port authorities.

As far as roads within the port area are concerned, their construction and maintenance is the responsibility of the autonomous ports. Links with roads outside the port area are the responsibility of the appropriate communal, provincial or national administration.

The pipelines linking the ports to the refineries in the hinterland are constructed and operated by private companies.

3.6.6.4. SUMMARY OF CHAPTER 6

3.6.6.4.1. Maritimes Access

Responsibility for maritime access is the same as for port infrastructure in general (see para. 3.6.6.4.2. below). This is true (with one exception) for lighthouses, buoys, radar and other navigational aids which are financed and operated by the Ministry of Defense. No specific charge is made to port users for any of the facilities mentioned above.

3.6.6.4.2. The port itself

Port infrastructure (including the facilities mentioned above), fixed quay equipment as well as most port superstructure make up the public port area. The State is responsible for its construction and maintenance and the management of land and water areas either directly (in the "state" ports) or through port administrations (the "autonomous" ports) to which have been granted varying degrees of autonomy. Some specialised installations, especially oil terminals and the maritime and port installations of some port-based industries, are usually partly or entirely financed by the private undertakings concerned ("operational autonomy"). Cargo-handling services, storage and delivery are usually carried out by private firms through concession or licence or sometimes directly by the autonomous ports themselves. In some "state" ports the management of the equipment or the warehouses is carried out by public utility bodies for mechanical equipment. Pilotage is in the hands of pilotage guilds while the concession for towage has been given to private companies.

3.6.6.4.3. Transport links

In the "State" ports, communications roads are the responsibility of the Ministry of Public Works and in the "autonomous" ports that of the port administration itself. The extension of these roads beyond the port limits and their connection with the external network is the responsibility of the relevant administration, either State, Province or Commune - rail traffic is the responsibility of the State Railways. However, some "autonomous" ports have special responsibilities in the areas of rail infrastructure and operation within the port area. Pipelines are the responsibility of the private sector.

CHAPTER 7

3.6.7. SPECIAL FINANCIAL PROBLEMS

3.6 . 7.1. Annual accounts

In the 'state^ports there are no annual accounts as all revenue and expenditure of the various local administrative offices are included in the accounts of the ministries of which they form part. In the three state ports covered by this report there are public utility bodies for the administration of mechanical equipment and warehouses (See Annex I). These bodies are public companies and publish their own annual accounts.

The accounts of the autonomous ports are drawn up on the basis of a model in accordance with the requirements laid down by law and by the regulations for the administration of assets and the general accounting procedure of the State.

3.6.7.2. Depreciation

In accordance with the financial regulations which came into force on 1 January 1974» fixed or liquid assets which are used directly by the authority in the course of its activity may be written off when these assets have been acquired by the ports with funds from current account. Depreciation is calculated on the basis of the purchase price of the goods in accordance with the provisions of the above-mentioned regulations.

Annual depreciation amounts are entered in the final accounts and form part of the total in the capital account ; but they are not included in the revenue and expenditure account, which only reflects the financial activities within any one financial year.

3.6.7.3. Rates of return

There are no obligations concerning the rate of return on new investments.

3.6.7.4. Loans

The acts of establishment allow the port authorities to contract loans and to undertake other financing operations under the rules and conditions laid down by their decision-making bodies, with the prior approval of the Treasury, the Ministry of the Merchant Marine and, if necessary, the Ministry of Public Works. The port authorities take advantage of this possibility and use the income from port taxes and harbour charges to pay off the loans. Loans are granted by Statefunded public bodies such as the ICIPU (Istituto per il Credito delle Imprese di Pubblica Utilità - a credit institution for public service undertakings and the Consorzio di Credito per le Opere Pubbliche (Credit Consortium for Public Works), by publicly-owned insurance institutions (Istituto Nazionale delle Assicurazioni), by the Casse di Risparmio (savings banks) and by banks of national importance. Taking the interest rates used in Genoa as an example (although the situation is much the same for other port authorities) the loan debentures issued for a period of 20-30 years during the 1960's were at an interest rate of 5.75-6.75% of their nominal value (i.e. about 7-8% of the net proceeds), while the more recent loans have been at the interest rate of 8.80% (i.e. about 12 % of the net proceeds). The non-debenture loans contracted in

the 1960's were issued at an interest rate of 6-7%. More recently, however, the rate of interest has been tied to the official discount rate increased by a percentage of around 3-4% (the present discount rate is 12%).

In some cases (e.g. Trieste) loans are guaranteed by regional surety. The loans must be used for the construction of new port facilities (except in those cases laid down by Law No. 47 of 28 February 1974 on the clearing of balance sheet deficits up to 31 December 1973).

At present, rates under Law No 230/83 and Law No 20/85 are the same as for long-term State securities (12.5%)

3.6.7.5. Provision of facilities

The autonomous ports are under an obligation to provide (at no cost to the organisations concerned) the railway administration and the Customs with room, offices and all equipment necessary for them to carry out their duties.

3.6.7.6. Taxation

3.6.7.6.1. The ports are liable to corporation tax (1), value added tax (2), stamp tax, registration duties and local income tax.

3.6.7.6.2. Other port undertakings are subject to the same taxation as any other Italian business undertaking (except see Footnote 2).

3.6.7.7. Restraints

3.6.7.7.1. Ports

3.6.7.7.1.1. Autonomous ports

3.6.7.7.1.1.1.) On Activities and Investment

3.6.7.7.1.1.2.)

In carrying out the tasks which are entrusted to them by their separate acts of establishment the autonomous ports may make their own decisions within the following limits :

- legal supervision (by the Prefect) of all decisions made by the deliberative bodies of the port,
- pre-approval from the Ministries of Public Works and of Merchant Shipping as well as the Treasury for the terms and conditions of all loans contracted by the autonomous ports,
- approval by the Ministry of Public Works for the forward plans and the actual working plans for all port works. For matters concerning Genoa please see 3.6.6.1.2.
- government authorisation for all contracts and commitments which extend beyond the legal life of the autonomous port,
- as far as public warehouses, sheds and other port equipment are concerned, the ports are authorised to construct and manage them themselves or to lease them on, concession.

(1) Some port authorities, such as that at Genoa, benefit from a reduction in the rate.

(2) In practice port authorities benefit from exemption from this tax as they are treated like normal exporters.

3.6.7.7.1.1.3. On Salaries, Wages and Conditions of service

The ports have the power to fix the salaries and the status of their personnel with the approval of the relevant supervisory authority.

3.6.7.7.1.1.4. On charges

The ports have the power to fix their own charges for services rendered.

3.6.7.7.1.1.5. On rentals

Under their acts of establishment the ports may fix the rents for all land areas which are let out. The Minister for the Merchant Marine, in agreement with the Minister of Finance, fixes the rents for all concessions for building land. In accordance with the law establishing the port this procedure does not apply in Genoa.

3.6.7.7.1.2. "State" ports

As the "state" ports have no separate legal identity they cannot have specific obligations or powers.

3.6.7.7.2. Private port organisations

All port undertakings must be authorised by the port authority. No undertaking can own land within the port area. As far as working regulations in the port and the use of labour are concerned the undertakings must respect the provisions fixed by the port authority. The charges for dock labour (port labour companies) are fixed by the port authority, taking account of the various general directives of the Ministry for the Merchant Marine. Within these limits, the undertakings are free :

- to practise any activities or functions set out in their terms of reference,
- to carry out new investment,
- to fix the salaries and terms and conditions of service of their personnel.

CHAPTER 8

3.6.8. EMPLOYMENT

3.6.8.1. Dockers

Under the combined provisions of Articles 108 and 110 of the Navigation Code the handling of goods within the port area is restricted to workers on the registers of the port companies. The only exception to this rule (Article 110 of the Navigation Code) relates to those businesses which, by special licence from the relevant ministry, can operate independently and are thus authorised to use their own personnel, even for port work.

Port companies are associations of workers in the form of a private corporate limited liability co-operative society (Article 110 of the Navigation Code) whose purpose is to carry out a public utility service.

The port companies provide such dockworkers as are required by the undertakings which are authorised to carry out loading and unloading.

The companies may also be authorised to carry out such operations themselves.

Companies cannot be created freely at the will of their members. The port authority is responsible for setting them up, merging them or liquidating them.

The dockers are linked to their companies as associates and are thus not subject to any hierarchical discipline (which is restricted to the technical organisation of work).

Port workers' pay, working conditions and status are subject to national three year agreements drawn up by the Ministry for Merchant Shipping with representatives of the workers' trade union organisations.

These agreements are valid for all Italian port workers and, apart from fixing the basic daily pay, fix :

- "deferred charges" (Christmas bonus, 14th month, production bonus, holiday pay) ;
- increase for seniority ?
- the guaranteed fall-back wage (i.e. for days when no work is available) ?
- severance pay.

The value of family allowances is fixed by law.

Unemployed dockworkers are entitled to a daily allowance (guaranteed income) amounting to about 80 % of their basic pay.

This allowance can be granted up to a limit of the number of working days in the month (from which absences for sickness, holidays etc. have been deducted) up to a maximum of 353,600 lire per month per individual.

The guaranteed income fund is made up of a levy added to the charges, at present 17.31 %. The fund (Fondo Assistenza Sociale Lavoratori Portuali) was set up by the Ministry of the Merchant Marine by Law No 26 of 17 February 1981 (the port authorities are not represented).

3.6.8.2. Other grades

The wages, terms and conditions of service of the other grades of people who work in the ports are regulated either by nationally negotiated agreements (where they work for private undertakings) or by separate port agreements (for the staff of the autonomous ports) or by national civil service agreements for staff employed in the Harbourmaster's department, the port railways, the Customs etc.

3.6.8.3. Docker training

In Italy there is a national organisation of port workers (the ENIALP - Ente Nazionale Italiano Lavoratori Portuali) based in Rome, which organises specialized training courses from time to time in various ports (Savona, Naples, etc.)» Other courses are run in Trieste by the port authority and in Venice by the Veneto regional authorities. In Genoa, the local Chamber of Commerce and the autonomous port authority have set up a new school for the vocational training of port workers. The school runs continuous initial and further training courses and has its own premises, books and other teaching equipment. Workers are now required to attend these courses before they are registered.

CHAPTER 9

3.6.9. STATISTICS

Statistics on traffic through Italian ports are compiled by various bodies, namely :

3.6.9.1. ISTAT : the rules under which ISTAT operates stipulate that statistics on ports must be collected by the Customs. Consequently, SITAT compiles its statistics on the basis of data provided by the Customs who in turn get their information from ships' manifests and other data provided by the harbourmaster's office and by the customs forwarding agents.

3.6.9.2. Ministry of the Merchant Marine : the Ministry records statistics on all ships monthly. Data are provided by harbourmasters or by the autonomous ports and are based on two codes (one for goods, one for destination or origin) drawn up by the Ministry itself. Often the Ministry's figures (based on goods actually discharged) differ somewhat from ISTAT's (which are based on manifests).

3.6.9.3. Statistics drawn up by the ports : Generally statistics published in every port refer to goods loaded and discharged, by type of cargo, trade and flag. Some ports also break information down by type of ship, tonnage, liner routes and transit traffic as well as movement of containers and ro-ro ships, and rail, road and passenger movements.

In state-run ports (Leghorn, La Spezia, Cagliari) the harbourmaster's office itself collects statistics. In Leghorn, the information is processed by the Chamber of Commerce and published monthly in "Porto di Livorno".

The autonomous port authorities (Savona, Civitavecchia, Naples, Palermo, Trieste, Venice and Genoa) collect, process and publish statistics themselves : Savona publishes "II porto di Savona" monthly, Civitavecchia has the monthly "Porto di Civitavecchia", Naples publishes a bi-monthly review, "La rivista del porto di Napoli", Palermo publishes a bi-monthly bulletin entitled "Navi e porti" (Ships and Ports), Trieste a monthly gazette "Dati Statistici" (Statistical Information) and Venice the monthly "Porto di Venezia".

Statistics on the port of Genoa are published in a monthly entitled "Porto e aeroporto di Genova" (Genova port and airport), broken down by category of goods, and origin and destination ; the breakdowns (codes) were devised especially for the port of Genoa. The origin and/or destination code includes some 900 ports and groups them according to geopolitical and world-trade criteria. The goods code puts particular emphasis on what types of goods arrive at Genoa and is therefore very detailed for certain types of goods.

The main Italian ports exchange statistics according to a system of goods code agreed upon by them. (There is no official code).

3.6.9.4. Under agreements with the ports of Marseilles and Barcelona on the Co-ordinating Committee of North-western Mediterranean Ports, the autonomous port of Genoa also compiles statistical information based on the EEC transport nomenclature (NSTC), drawn up by the Statistical Office of the European Communities in 1968. As this code only covers goods, the Co-ordinating Committee of North-western Mediterranean Ports has drawn up its own code for places of origin and/or destination, divided into 25 maritime areas.

ANNEX I

ADMINISTRATION OF MECHANICAL EQUIPMENT; PUBLIC UTILITY BODIES FOR MECHANICAL EQUIPMENT

In accordance with Act no.961 of 9 October 1967 (amended by Act no.494 of 10 October 1974) public utility bodies for mechanical equipment and port warehouses were set up in the ports of La Spezia, Leghorn, Cagliari, Ancona and Messina.

These bodies are incorporated public bodies and the law expressly recognizes their financial status; they have their own budgets, however, and are administered by:

- the President, who is appointed by Decree of the Ministry of the Merchant Marine, is the body's legal representative and is responsible for its routine administration;
- the Steering Committee, under the President and made up of officials from the Harbourmaster's Office, the Port Labour Office, the Civil Engineering Office for Sea Works, the Finance Department, the Provincial Labour Office, the State Railways, the Customs and representatives of port users and workers. The Committee decides the body's budget, its plans for new installations, fees for using them and all other important questions;
- the Board of Auditors, made up of three State officials from the Ministry of the Merchant Marine, the Treasury and the Ministry of Public works.

These public utility bodies have the following duties:

- administration of mechanical loading and unloading equipment, warehouses and areas where goods are deposited (although this duty is not carried out at present);
- responsibility for the acquisition, maintenance, conversion and improvement of mechanical equipment and warehouses;
- any other activity directly connected with the performance of the above functions.

In order to carry out their functions, the bodies have an income derived from the the administration of the above property, from the 2/3 of the tax imposed on goods loaded and unloaded (see para.3.6.5.1.) as well as funds obtained by borrowing and other financial operations authorized by the Ministry of the Merchant Marine.

3.7.

NETHERLANDS

CHAPTER 1

3.7.1. PREFACE AND PORT TRAFFIC STATISTICS

Five Dutch ports replied to the questionnaire. These ports handle approx. 91 % of the total sea-borne traffic of the Netherlands (1). All the comments made in this summary refer only to the five ports listed below.

PORT AUTHORITY	sea-borne traffic 1984 in 1000 nett tonnes (2)		
	Total	of which oil and products	approx. % of total Dutch sea-borne traffic
<u>MUNICIPAL PORTS</u>			
ROTTERDAM	243 353	110 297	77,1
AMSTERDAM	25 249	8 623	8,0
<u>STATUTORY PUBLIC BODIES</u>			
DELFIJL	3 079	-	1,0
FLUSHING	6.359	1 883	2,0
TERNEUZEN	8 381	2 173	2,7
TOTAL - 5 ports	286 421	122 976	90,8
TOTAL NETHERLANDS (in gross tonnes)	315 489	125 049	100

Source : Provisional National Ports Council - Edition :
Annual Report 1984

(1) Excluding bunker materials

(2) Tonne = 0,9842 tons = 1000 kg.

CHAPTER 2

3.1.2. STRUCTURE

3.7.2.1. Two different types of Dutch port administration replied to the questionnaire :

- "HAVENBEDRIJF" - the municipally owned ports
- "HAVENSCHAP" - statutory public bodies

3.7.2.2. The administration, maintenance and operation of the municipally owned ports (e.g. Rotterdam and Amsterdam) are entrusted, under municipal regulations, to a separate municipal undertaking - the "Havenbedrijf", which is not an autonomous body.

3.7.2.3. The "Havens chappen *" (e.g. Delfzijl, Flushing and Terneuzen) are statutory public bodies formed by the State, the province and the municipality(ies). The "Havenschappen" were set up by separate acts of parliament and are, within the limits set out in those acts, autonomous public bodies. They administer, maintain and operate the ports with their associated fixed assets and equipment and plan and operate the areas under their jurisdiction.

CHAPTER 3

3.7.3. INTERNAL ORGANISATION

3.7.3.1. There is no standard pattern as regards the internal organisation of the "Havenbedrijven" or the "Havenschappen".

3.7.3.2. Each of the "Havenbedrijven" concerned is administered by the municipality. The day-to-day administration of the municipality is performed by the Board of the Mayor and eight elected aldermen, one of the latter being particularly responsible for the administration of the port and economic affairs. The supreme administration of the municipality is the Municipal Council, members being directly elected for a period of 4 years. The chairman of the Municipal Council is the mayor who is appointed by the Crown for a period of 6 years, which may be extended for further periods of 6 years.

3.7.3.3. The "Havenschappen" have a Governing Board of 7 members plus 2 advisers (Deifzijl) or 9 members plus one adviser (Flushing) or 9 members (Terneuzen), the chairman of which is nominated by and from the members of the Permanent Provincial Committee (i.e. the body responsible for the day-to-day administration of the relevant province) and the deputy chairman by the Minister of Transport and Public Works. All the other members are appointed or nominated by either the State, the Permanent Provincial Committee or the municipality(ies). The members of the Governing Board retire according to a rota.

3.7.3.4. Each port has a chief executive officer (director). This officer is, in the "Havenbedrijven" appointed by the Municipal Council, and employed as an official of the municipality while in the "Havenschappen" the body responsible for the day-to-day administration makes a recommendation, which must be approved by the Minister of Transport and Public Works. The Governing Board then carries out the appointment of the Director, who is employed as a member of the Havenschap's staff.

3.7.3.5. In the case of the "Havenbedrijven" the Municipal Council and in the case of the "Havenschappen" the Governing Board is ultimately responsible for the administration of the port.

3.7.3.6. In the "Havenbedrijven" as well as in the "Havenschappen" there are committees which advise the Board of Mayor and Aldermen or the body responsible for the day-to-day administration respectively.

CHAPTER 4

3.7,4. EXTERNAL RELATIONS

3.7.4.1. In the case of the "Havenbedrijven" one can say that the municipality concerned acts independently - also within its port area - on the basis of Municipal Law. As far as the "Havenschappen*" are concerned the external relations of the port with such other bodies as the State, the province and the municipalities, are conducted formally through the Governing Board,

3.7.4.2. The Dutch seaports are represented in the National Ports Council established by Royal Decree on 27 May 1986. This Council cannot be presided over by a civil servant. The port authorities are members of the Committee, together with representatives of the Government and of private interests (including the trades-unions and employers' associations). The aims of the Committee are to give advice on seaport policy, whether requested or not, to the Government and consultations in order to promote discussion among the port authorities and between the latter and private interests.

The National Ports Council has a number of sub-committees among which is the "Benelux and EEC" sub-committee ; this has the task of helping to prepare and assisting in the development of a Benelux seaports policy as well as helping to stimulate a coherent port policy within the framework of the EEC.

3.7.4.3. * The Dutch seaports are also represented in the "Benelux Seaports Consultative Committee". In article 69 of the Benelux Treaty the signatory countries committed themselves to direct their common policy towards the promotion of the harmonious development of and an active collaboration between their seaports. Within this framework regular consultation takes place between the Dutch and Belgian ministers responsible for port policy and the port authorities of the countries concerned.

3.7.4.4. There is no ports association in the Netherlands.

3.7.4.5. The Rotterdam Port Promotion Council, a non-profit making institution, has set for itself the tasks of making a contribution to preserve existing and to develop new activities in and around the Rotterdam port, as well as increasing co-operation and co-ordination among the members of the Council in joint promotion activities. The Council is financed by the members: the Havenbedrijf, the Rotterdam Port Employers Association and the Rotterdam Chamber of Commerce. Financial contributions are made also by private companies.

CHAPTER 5

3'. 7. 5. CHARGES, DUES AND REVENUES

3.7.5.1. Charges and dues

3.7.5.1.1. Port dues : are due for sea-going ships using the port. The basis for the calculation is s

- gross tonnage (in m3) of the ship
- number of tonnes (1000 kg) of goods unloaded and/or loaded.

These dues are levied by and for the "Havenbedrijf" or "Havenschap". Rates are fixed by the Municipal Council (for the "Havenbedrijf") or the Governing Board (for the "Havenschap").

3.7.5.1.2. Inner harbour dues : are due for inland waterway vessels using the port. The basis for the calculation is ;

- for cargo vessels : cargo-carrying capacity (in tonnes of 1000 kg)
- for other vessels : surface area in m2.

For the levy and for the fixing of tariffs see paragraph

3.7.5.1.1. (Port dues).

3.7.5.1.3. Quay dues : are due for berth occupancy alongside the quay in the port both for sea-going and inland waterway vessels. It is the nature of the bank protection which decides the tariff e.g. 'quay-wall, stone-slope or any other bank protection. The tariff also depends upon the depth of water. The tariff is charged per metre run of the quay or stone-slope etc. per year. In the Eemshaven the quay dues are levied by the "Havenschap" Delfzijl. The basis of the calculation is the same as mentioned above. For the quay dues levied in the port of Delfzijl itself the basis for calculation is the "length overall" of the ship per period of 24 hours. Amsterdam quay dues are not levied by the Havenbedrijf since the costs of quays or bank protections are included in the land rentals or in the long lease charges.

3.7.5.1.4. Pilotage dues

3.7.5.1.4.1. State pilotage dues : are due for the pilotage of sea-going vessels in the maritime access channels. The basis for the calculation is the draught of the ship in decimetres. These dues are levied by and for the Central Government. The tariffs are fixed by the Central Government.

3.7.5.1.4.2. Port pilotage dues in Rotterdam are due for the pilotage of sea-going vessels within the Rotterdam port area. The basis for the calculation is the "length overall" of the ship. These dues are levied by and for the "Havenbedrijf" of Rotterdam. Tariffs are fixed by the Rotterdam Municipal Council.

3.7.5.1.4.3. A merger is planned between the Dutch State pilots and the port pilots in a private corporation on 1 January 1987. The paragraphs above reflect the situation before this merger.

3.7.5.1.5. Wayleaves are due for occupying space below, on or above the horizontal surface area on public quays, alongside public roads etc. within the port area. The basis for the calculation of these dues in the surface area in square metres per period. Flushing and Deifzijl do not levy wayleaves but a wayleaves bill is in preparation in Flushing. For the levy and for the fixing of tariffs see paragraph 3.7.5.1.1. (Port dues).

3.7.5.2. Revenues

3.7.5.2.1. Revenues coming from the above-mentioned dues and charges.

3.7.5.2.2. Revenues coming from land or long lease rentals for land areas.

It is important to distinguish between :

- land areas which are linked to water, provided with a quay or slope ;
- land areas not connected to water.

The basis for the calculation is the surface area in square metres per annum. These revenues are collected by and for the "Havenbedrijf" or "Havenschap". Tariffs are fixed by the Municipal Council ("Havenbedrijf") or by the Governing Board ("Havenschap").

3.7.5.2.3. Revenues coming from rental of public warehouses and from adjoining goods storage areas in Deifzijl and in Amsterdam. The basis for the calculation is the surface area in m2 per annum. These revenues are collected by and for the "Havenschap" in Deifzijl and by the "Havenbedrijf" in Amsterdam.

3.7.5.2.4. Revenues coming from rental of cranes in Deifzijl and Amsterdam. Basis of calculation is the length of use of the cranes. These revenues are collected by and for the "Havenschap" in Deifzijl and the "Havenbedrijf" in Amsterdam.

3.7.5.2.5. Revenues from the maintenance tax collected by the "Havenschap" of Flushing. This tax is levied for the maintenance in good order of the port and all works, equipment and land areas by the "Havenschap" of Flushing. The tax is collected on the basis of the land classification per square metre which means : the surface area of the property, both built-up and non-built up areas, devoted to commercial and industrial operations weighted according to the use made of the port railway tracks and other such surface structures. The aim is to cover the nett maintenance costs - having regard to a certain yield of port dues - by means of standardized levies.

CHAPTER 6

3.7.6. DIVISION OF RESPONSIBILITY AND POWERS

3.7.6.1. Maritime Access

3.7.6.1.1. The State owns the Access Channels (and rivers) and hence all investment decisions are made by the State. In addition the State operates and maintains these channels and pays the costs. The "Havenbedrijf" in Rotterdam and the municipality at Amsterdam contribute one third of the initial cost. In Rotterdam, the "Havenbedrijf" is responsible for the entire initial cost of providing that part of the access channel suitable for ships having a draught exceeding 57'. In the "Havenschappen" the State pays the complete cost of access channels. It is worth noting that the Westerschelde, which forms the maritime access channel for Flushing and Terneuzen (and also Antwerp and Ghent) is administered by the State. River works are paid for by the State. The State is responsible for beacons and buoys on the understanding that the cost of such work is borne for the greater part by Belgium. Maintenance of water depth and the improvement of the Westerschelde by dredging are carried out and paid for by Belgium. As far as the mouth of the Terneuzen-Ghent canal is concerned the agreement is that Belgium pays 80 % and the Netherlands 20 % both for its widening and for all other associated works (this applies to the whole length of the canal in Dutch territory).

3.7.6.1.2. All matters concerning lighthouses and buoys at sea are the responsibility of the State. The position concerning lighthouses and buoys in the port entrance varies from port to port. In Rotterdam and Amsterdam the State provides two-thirds of the initial cost and operates and maintains the equipment while the "Havenbedrijf" in Rotterdam and the municipality in Amsterdam finance the other third. In Delfzijl and Flushing the "Havenschap" is entirely responsible. In Flushing responsibility, as far as the Westerschelde is concerned, is shared between the Belgian and Dutch States. The present radar system in Rotterdam was financed by the "Havenbedrijf". It is also maintained by the "Havenbedrijf" but it is operated by and for the account of the State (1). In Amsterdam the municipality and at Delfzijl the "Havenschap" has provided one-third of the initial investment, while the other two-thirds of the investment and all the operation and maintenance of the equipment is the responsibility of the State. In the Westerschelde (river) area Belgian and Dutch States are responsible. Within the harbour area of Flushing and Terneuzen the operation and maintenance is the responsibility of the port administration.

3.7.6.1.3. The "Havenbedrijf" provides one-third of the investment cost for exterior breakwaters at Rotterdam, the municipality provides the same proportion at Amsterdam, while the other two-thirds of the investment and all the operation and maintenance in both ports is the responsibility of the State. At Delfzijl, the "Havenschap" operates and maintains the

(1) The investment, operational and maintenance costs of the planned new radar-system at Rotterdam will be two-thirds covered by the State and one-third by the "Havenbedrijf".

exterior breakwaters at Oterdum which were financed by interest-free loans from the State (75 %) province (15 %) and municipality (10 %). At the Eemshaven, however, the construction of the exterior breakwaters was entirely financed by the "Havenschap" of Delfzijl although some subsidies were received from the state and the province.

3.7.6.1.4. The sea-locks at Amsterdam are the responsibility of the State although the municipality provided one-third of the investment cost. At Delfzijl, the operation and the maintenance of the provincial sea-locks are the responsibility and at the cost of the province. The decisions for the initial investment were taken jointly by the province and the State, but the costs were not charged to the "Havenschap". As far as the sea-lock to the Ghent-Terneuzen canal is concerned it should be noted that it has been agreed that Belgium is responsible for 80 % and the Netherlands 20 % of all widening and associated works on that section of the canal lying in Dutch territory. This lock is administered, operated and maintained by the Dutch State at no cost to the "Havenschap".

3.7.6.2. The port itself

3.7.6.2.1. Infrastructure

In general, docks, quays and associated land areas are financed, operated and maintained by the port administrations. The construction of the Eemshaven by the 'Havenschap' of Delfzijl was subsidised by the province and the State. All jetties are privately financed installations but the adjoining depth of water is maintained by the port administrations. Reclamation for port works is entirely the responsibility of the port administrations.

3.7.6.2.2. Superstructure (including port equipment)

Decisions concerning most items of superstructure including specialised terminals in the Dutch ports are made by the private sector, the sole exception being some municipal transit sheds in Amsterdam and some cranes and other cargo-handling equipment which, in Amsterdam, are owned by the municipality and in Delfzijl by the "Havenschap".

3.7.6.2.3. Services

3.7.6.2.3.1. Services provided for ships

PILOTAGE : the State is responsible for pilotage operations in the maritime access channels to all the Dutch ports ; At Rotterdam, the "Havenbedrijf" is responsible for pilotage within the harbour itself. After the merger of the State and port pilots pilotage will be in the hands of a private pilots corporation (see 3.7.5.1.4.3.).

TOWAGE, DRY DOCKS & SLIPWAYS,)	
UNBALLASTING, DEGASSING)	
SHIP REPAIR, SCALING & CLEANING,	)	all matters concerning
SHIPPING AGENCIES,	)	these activities are the
SHIP BROKERAGE, REVICTUALLING,	)	responsibility of private
BUNKERAGE, MOORING & UNMOORING	)	operators.
SHIPS)	

BERTH ALLOCATION : is a matter for the "Havenbedrijf" or the "Havenschap" as far as common-user berths are concerned. Allocation of berths which are associated with rented or leased land areas is the responsibility of the lessee concerned.

PROVISION OF WATER AND ELECTRICITY : is assured by the municipality in the "Havenbedrijf" and by the province in the "Havenschappen".

PROVISION OF TELEPHONES is assured by the Post Office (P.T.T.)

3.7.6.2.3.2. Services provided for goods

All services provided for goods are the responsibility of the private sector*

3.7.6.2.3.3. Security services

Firefighting services on land are generally the responsibility of the municipal fire brigades aided by private services. Firefighting services for the water areas are paid for by the port administration in Rotterdam and Deilfzijl, by the municipality in Amsterdam and Terneuzen. The "Havenschap" Terneuzen, however, pays the municipality a contribution which is determined annually. In Flushing they are paid by both the State and some private salvage companies. The State Water Police is responsible for security on the water areas except in Rotterdam where responsibility is shared by the municipality (on the river) and the "Havenbedrijf" (in the port), and in Amsterdam, where the municipal police is entirely responsible within the city limits. On land security services within the city limits are assured by the municipal police and the State Police in Amsterdam, in Rotterdam by the municipal police, by the municipal and State police in Terneuzen and Flushing, by the municipal and State police and also the "Havenschap" in Deilfzijl, while for that part of the Rotterdam port area which is outside the municipal limits the State Police is responsible. Medical services for their own employees are assured by the municipality in the "Havenbedrijven" and in the "Havenschappen" by these bodies themselves. Medical services for employees of port companies in Rotterdam are provided for by the Regional Services for Occupational Health. Pollution control is, in all ports, the joint responsibility of the State, the province, the municipality and the "Havenbedrijf" or "Havenschap". In Rotterdam the "Rijnmond" public body also shares responsibility.

3.7.6.2.3.4. Other services

Local meteorological services are provided by the State in Rotterdam and Flushing. Any operating losses in Rotterdam are made good by the "Havenbedrijf".

3.7.6.3. Inland transport within the port area

The land transport infrastructure decisions and costs are, in the case of railways a matter for the State Railways although the "Havenschappen" are usually responsible for the initial investment and the maintenance of the port network for which

they receive the so-called "connection charges". Through main roads are the responsibility of the State or province, as are their related tunnels and bridges. In Delfzijl the "Havenschap" bears some of the cost of the maintenance of certain road bridges. Roads within the port area and their related tunnels and bridges are the responsibility either of the "Havenbedrijf" or the "Havenschap" both for initial financing, maintenance and operation. In Rotterdam there are some exceptions to this. The major canals are usually the responsibility of the State. In Rotterdam the entire cost of the initial investment as well as all operational and maintenance costs of the sea-canal (Caland and Beer) are paid by the "Havenbedrijf"; the "Havenbedrijf" paid 50 % of the investment costs for the inland waterway canal (Hartel) and up to January 1982 50% of the costs of operation. From that month the "Havenbedrijf" has borne the entire operational and maintenance cost of the Hartel. In Amsterdam the municipality and the province provided some of the initial finance for the Amsterdam-Rhine Canal. The position concerning locks other than sea-locks varies from port to port. In Rotterdam the "Havenbedrijf" is entirely responsible. In Amsterdam the State is entirely responsible but both the municipality and the province jointly contributed one-third of the initial investment. In Flushing, the locks are financed, operated and maintained by the State and in Delfzijl by the province. Ferries for passengers within the port area are only found in Amsterdam where one is municipal and the other State-owned. Pipelines are everywhere the responsibility of the private sector. The "Havenbedrijven" of Rotterdam and Amsterdam and the "Havenschap" of Terneuzen charge wayleaves to the owners of the pipelines wherever these pipelines are in public port areas. Flushing and Delfzijl do not levy wayleaves but a wayleave bill is in preparation at Flushing.

3*7.6.4. SUMMARY OF CHAPTER 6

3.7.6.4.1. Maritime access

The State is responsible for the maritime access. However, the "Havenbedrijf" in Rotterdam and the municipality in Amsterdam contribute to the financing. In Rotterdam the cost of investment for that part of the maritime access channel suitable for ships having a draught exceeding 57* is paid for by the "Havenbedrijf". As far as the radar system, the lighthouses and buoys in the port entrance are concerned the situation differs from port to port. The investment, operation and maintenance are paid for by the State and/or municipality, the "Havenbedrijven" or the "Havenschappen". The sea locks are the responsibility of the State or province. The initial investment cost for the sea-locks in Amsterdam is paid for partly by the municipality. No specific charges are made for the use of the maritime access, radar, lighthouses, buoys and sea-locks^

3.7.6.4.2. The port itself

As far as port infrastructure is concerned the decisions for initial investment are taken by the municipality in the "Havenbedrijven" and by the Governing Board in the "Havenschappen". The infrastructure is financed by and for the "Havenbedrijven" or the "Havenschappen" and operated and

maintained on a commercial basis by them. The municipality or the "Havenschap" fixes the tariffs for the use of the infrastructure, in certain cases after the approval of the Government. All dues and charges are collected by and for the "Havenbedrijven" and the "Havenschappen". In general the port superstructure is financed, operated and maintained by and for private undertakings. These private undertakings are free to fix their own tariffs but the State might decide that they must be approved in order to control inflation. Such services to ships as towage, repair, dry docks, mooring and unmooring etc. are provided by and for private undertakings. The State provides pilotage on the maritime access channels but pilotage within the port area in Rotterdam is provided by the "Havenbedrijf" (see 3.7.5.1.4.3.). Berth allocation in the public sectors of the ports is undertaken by the "Havenbedrijven" or the "Havenschappen". All services relating to goods are entirely by and for private undertakings. The security services are provided by the "Havenbedrijven", the "Havenschappen" and other public bodies and it should be noted that the firefighting services are backed up by private undertakings.

3.7.6.4.3. Transport links

The N.S. (1) provide the investment for the railway network although in general the "Havenschappen" finance the construction of their port networks. Investment for the trunk road network is, in general, provided by the State or the province. The port road network is financed by the "Havenbedrijven" or the "Havenschappen". The State is in general responsible for the canals (although there are important exceptions in Rotterdam). The situation as far as inland waterway locks goes differs from port to port. Ferries are the responsibility of the public sector and pipelines of the private sector. The operation and maintenance of hinterland connections are usually the responsibility of the organisations which made the initial investment decisions. Railway tariffs are fixed by the State Railways. Usually there are no special charges for the use of roads, canals etc. All dues collected are paid to the operator.

(1) Dutch Railways

CHAPTER 7

3. 7. 7. SPECIAL FINANCIAL PROBLEMS

3.7.7.1. Annual accounts

All the Dutch ports replying to the questionnaire publish separate annual accounts with the exception of Terneuzen where an abstract is included in the annual report. Where private companies operating in the ports have a legal obligation to publish annual accounts it is impossible to isolate their cargo-handling activities from other activities, either functionally or geographically.

3.7.7.2. Depreciation

All Dutch ports depreciate port installations etc. on an historic cost-price basis. The rates for such depreciation are fixed by the municipality in Rotterdam and Amsterdam and by the Governing Board in the "Havenschappen". The rates are usually revised every 5 years. There is no general practice as regards the revaluation or writing down of assets. Normally where assets are financed by loans their book value is required to balance the amount of the loans.

3.7.7.3. Rates of return

3.7.7.3.1. New Investment

In general each individual new port investment must at least cover its cost- at least after the initial period - and the total costs of the port are required to be covered by the total revenue. Each port administration prepares long-term financial forecasts and these are rolled forward annually.

3.7.7.3.2. Overall rates of return

There are no standard requirements as regards rates of return on the total assets of the port authorities.

3.7.7.4. Loans

The "General Fund" (Algemeen Leningfonds) of the municipality of Rotterdam, which obtains its capital on the open capital market, charges the "Havenbedrijf" of Rotterdam a rate of interest each year which represents a weighted average of the interest rates of all the loans from that fund over the year in question. The procedure is the same for the "Havenbedrijf" of Amsterdam while the "Havenschappen" obtain their capital directly from the open capital market.

3.7.7.5. Provision of facilities

In Rotterdam the "Havenbedrijf" is required to pay an amount of money determined each year by the City Council to the municipality for general purposes. There are no obligations to provide any other services or facilities in the Dutch ports.

3.7.7.6. Taxation

3.7.7.6.1. Position of port administrations

As public bodies the ports pay no taxes on profits and are zero rated for V.A.T. In the case of Rotterdam and Amsterdam no local taxation is paid but the "Havenbedrijven" do not share in the revenue from rates levied by the municipality on site users, nor do they share, either directly or indirectly, in the revenue from any State taxation. In the Netherlands a tax called "real estate tax" is levied on :

- (a) those who are actual users of real estate, the so-called "users' share" ;
- (b) those who, by virtue of a real right, have the use of real estate, the so-called "owners' share".

Those who rent land are taxed in the same way as those mentioned under

- (a) above. An owner/user, leaseholder or mortgage owner (rent with building rights) is taxed on the basis of (a) + (b). As far as rented land is concerned the "owners' share" is paid by the "Havenbedrijf" Rotterdam in those cases where it is impossible, under the contract, to pass on the tax to the tenant. This results in an additional charge on the "Havenbedrijf" Rotterdam.

The "Havensschappen" pay full local taxation, including that for waterways, and when they let land to private companies they charge them V.A.T.

3.7.7.6.2. Position of private port organisations

Private , companies operating in the port are subject to the same taxation as private companies elsewhere in the Netherlands.

3.7.7.7. Restraints

3.7.7.7.1. Port administrations

3.7.7.7.1.1.

3.7.7.7.1.2. On activities and investment

The port authorities enjoy no freedom to engage in any activities outside those of construction, operation and maintenance of harbours and their associated industrial areas. In the two "Havenbedrijven" each investment in respect of infrastructure requires the approval of the Municipal Council. In the "Havensschappen" the decisions in this area require the approval of the Governing Board, while supervision is exercised on the basis of budget changes which are subject to Crown approval.

3.7.7.7.1.3. On salaries, wages and conditions of service

In the "Havenbedrijven" the port administration has no freedom to change the municipal regulations as regards wages, salaries and terms and conditions of employment to which their employees are subject. In the "Havenschappen" the Governing Boards are free to make their own regulations but in practice these are very similar to the regulations for State and provincial officials.

3.7.7.7.1.4. On charges, dues etc.

In Rotterdam and Amsterdam all public tariffs require the approval of the Municipal Council. In the "Havenschappen" charges and dues are fixed by the Governing Board. Where the tariffs are of a fiscal nature, State approval is required.

3.7.7.7.1.5. On rentals

Each rental requires the approval of the Municipal Council in the "Havenbedrijven" and the Governing Board in the "Havenschappen".

3.7.7.7.2. Private port organisations

In general other port organisations may act in the same way as other private companies in the Netherlands. They are free to engage in various port activities. They are free to invest in new projects as long as existing legislation is respected. Although these organisations are in principle free to control their own salaries etc. in practice collective labour contracts usually apply. They may fix their own charges for example for cargo-handling. Other port organisations are, in general, not free to sublet rented or long-leased port areas without permission of the municipality in the case of the "Havenbedrijven" or the Governing Board in the case of the "Havenschappen".

CHAPTER 8

3.7.8. EMPLOYMENT

3.7.8.1. Portworkers ("dockers")

The working conditions for dockers in the Dutch ports are laid down in collective agreements concluded between the port employers' organisations and the transport unions.

The dockworkers are employed partly by the port undertakings and partly by the "Stichting Samenwerkende Havenbedrijven (SHB)", which is supported jointly by these undertakings. Such a foundation is to be found in both the port of Amsterdam and the port of Rotterdam.

Both the dockworkers employed by the undertakings and those employed by the SHB's have a regular employment contract of indefinite duration on the basis of fixed weekly wages and fixed annual payments (holiday allowance, spring and Christmas benefits etc.). Dockworkers from the SHB's are assigned to the participating undertakings as the daily workload requires. The undertakings guarantee the SHB the wages of the dockworkers concerned.

Under the provisions of the Unemployment Law the port undertakings can, during a period when there is temporary shortage of work, apply for a reduction in working hours. In this connection, under this Law, some of the dockworkers concerned may receive benefit for this period and the undertaking makes up this amount to the full wage. Under this Unemployment Law, since 1 January 1977, an allowance is also paid to the SHB's. This is based on the extent of unemployment in the port.

An example in case of maximum contribution :

Day wage	100 %
Maximum State contribution	<u>52</u> % (65% of 80%)
Minimum payment from the employers	48 %

In Delfzijl, Terneuzen and Flushing there is no "S.H.B.". The portworkers are exclusively employed by private port undertakings in those ports.

3.7.8.2. Other grades

The employment of own personnel by the "Havenbedrijven" and by the "Havenschappen" is usually subject to the regulations and provisions laid down by the municipality in the case of "Havenbedrijven" and by the Governing Board in the case of the "Havenschappen" in respect of salaries and other working conditions.

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- (1) As from 1 Jan. 1976 the situation is as follows : In case of shortage of work the CAO as well as the Unemployment Law is applicable, as a result of which the workers continue to receive the full amount of their wages.

Other grades of staff, employed by private operators in the port, are usually covered by collective agreements.

3.7.8.3. Docker training

Dockworker training schools are to be found in Rotterdam, Amsterdam and Terneuzen (see Volume II).

3.7.8.4. Canteens

Canteens are available in all the ports ; they are entirely financed by the private sector.

CHAPTER 9

3. 7. 9. STATISTICS

3.7.9.1. Marine navigation

The Central Statistics Office (CBS), a State agency, periodically collects and publishes marine navigation data for each Dutch seaport. These data are based on customs documents and relate to the number of ships arriving and departing, divided by mode of transportation (liner, tanker, tramp trade) and type of ship (including freighters, passenger ships, roll-on/roll-off ships, tankers), with each mode of transportation and type of ship subdivided according to the main flags, the number of loads shipped or discharged, size on the GRT and NRT basis and the origin and destination of the ships.

3. 7 .9.2. The carriage of goods by sea

The CBS periodically collects and publishes data on the international carriage of goods by sea for each Dutch seaport. These data are based on commercial and customs documents and relate to inwards traffic (i.e. imports, entry into a bonded warehouse and transit) and outwards traffic (i.e. exports, withdrawal from a bonded warehouse and transit) of goods according to the NSTR nomenclature and according to countries of origin and destination.

3 .7 .9.3. Other modes of transport

The CBS periodically collects and publishes data on road transport, rail transport, inland navigation and pipelines for each Dutch seaport on the basis of the NSTR nomenclature. In this connection, the following observation is of significance as regards the Dutch seaports .

The unification of the Benelux customs area means that the CBS is no longer in a position to provide statistics about road, rail and inland waterway imports and exports to and from the Belgian-Luxemburg Economic Union. In these circumstances, the CBS has decided to provide data, obtained from non-customs sources, on rail and inland waterway traffic with the BLEU. These data give no more than a limited idea of the course of rail and inland waterway traffic with the BLEU and they do not follow on from the statistical series that were compiled in previous years from customs data. The CBS can no longer provide information about road traffic with the BLEU.

The CBS expects increasing difficulties in compiling statistics as a result of the envisaged reduction of customs formalities between the Member States of the EEC (including the possible abolition of the statistical recording of international traffic on the Rhine at Lobith/Emmerich).

The Dutch seaport authorities are therefore of the opinion that an everdecreasing amount of information about transport and traffic to and from the Dutch seaports may be expected, with all the consequences this will have for the conduct of policy. Great importance should therefore be attached to the encouragement by the EEC Commission of the Governments of the Member States to improve the current state of statistical recording.

■3*7.9.4. Other statistics

The port authorities compile statistics on various port activities for internal use and/or publication.

3.7.9.5. General

The Dutch seaports would like statistics to be drawn up within the EEC according to origin and destination per type of goods and per port for seaports with a common European hinterland (i.e. disregarding national frontiers). The Dutch seaport authorities consider that statistics of this type would be of great importance as they form a basis for more detailed analysis of the route travelled by these goods to and from this hinterland via the various ports. This would reveal the various competitive relationships, and may thus bring more clarity concerning the factors determining competition.

3.8

UNITED KINGDOM

CHAPTER 1

3.8.1. PREFACE AND PORT TRAFFIC STATISTICS

This summary has been prepared by the British representatives to the European Port Working Group and describes mainly the situation in the seaports of Great Britain. The summary is substantially based on the summary produced initially in 1977, using data collected from a Fact Finding Survey of the Community's sea ports. The scope of the current summary has been broadened to take account of the changes that have occurred within the British ports industry. The figures in the table show traffic in 22 ports with more than 3 million tonnes of cargo per annum; together these ports accounted for more than 80 % of total sea-borne trade. It is important to note also, however, that in Britain, in addition to the large ports shown in the table, there are a large number of small and medium sized ports which offer a wide range of port facilities.

Port Area	Foreign and Domestic traffic 1984 in 1000 tonnes			
	Bulk fuel	Other traffic	Total traffic	% of Total
Anglesey	6470	-	6470	1.5
Bristol	1149	2680	3829	0.9
Clyde	5329	5176	10505	2.4
Dover	131	8862	8993	2.0
Felixstowe	191	9120	9311	2.1
Forth	26331	3481	29812	6.7
Grimsby Sc Immingham*	17510	9309	26819	6.0
Harwich**	252	3479	3731	0.8
Hull*	281	3754	4035	0.9
Ipswich	751	3289	4040	0.9
Liverpool	2576	8177	10753	2.4
London	25567	22682	48249	10.8
Manchester	5680	5055	10735	2.4
Medway	7517	4031	11548	2.6
Milford Haven	31792	275	32067	7.2
Orkney	15952	119	16071	3.6
Port Talbot	1914	4733	6647	1.5
Southampton*	22720	4697	27417	6.2
Sullom Voe	59681	11	59692	13.4
Swansea*	4263	1414	5677	1.3
Tees & Hartlepool	19986	12652	32638	7.3
Tyne	2002	2010	4012	0.9
Total above ports	258 045	115 006	373 051	83.7
Total GB trade	280 577	165 049	445 626	100.0

* ABP Ports handled approx 84 million tonnes (18.8% of UK port traffic) in 1984

** Sealink ports handled approx 10 million tonnes (2.2% of UK port traffic) in 1984.

(Associated British Ports (ABP) and Sealink are companies who operate a number of ports in addition to those shown in the table.)

CHAPTER 2

3.8.2. STRUCTURE

3.8.2.1. In general, there are four principal types of corporate body managing British ports.

" Port trusts (eg London, Tyne, Tees, Clyde, Forth, Dover) - Independent public bodies set up by separate Acts of Parliament or statutory orders or schemes and not having a share capital.

- Municipalities (eg Bristol) - District Councils established under the Local Government Acts 1972 in England and Wales. Regional or Islands Councils established under the Local government (Scotland) Act 1973 Scotland;

- Statutory Companies (eg Liverpool, Manchester) - companies established by Local Acts of Parliament.

- Companies Act Companies (eg Sealink, ABP ports) Companies formed under the Companies Act 1948. Associated British Ports (ABP) is a statutory corporate body wholly owned by a Companies Act company, Associated British Port Holding PLC. Felixstowe is statutory company ultimately owned by European Ferries Group PLC.

In addition, the British Waterways Board (BWB), a nationalised industry, is a harbour authority at a number of locations and owns several small ports and ship wharves around the UK.

CHAPTER 3

3.8.3 INTERNAL ORGANIZATION

3.8.3.1. Each British port undertaking may determine its own internal organization. There is no standard pattern and there are no statutory obligations as regards the divisions of responsibility between, for example, maritime and cargo-handling matters. Much depends upon the size of the port, its geographical nature (eg whether one or more "ports" are controlled by the port undertaking) and the scope of its activities (whether it includes conservancy and/or cargo-handling functions).

3.8.3.2. Each port undertaking has a Chairman and a Board. The Chairman may be full-time or part-time - the situation varies from port to port. The Chairman and most members of the Board are, in the case of most major Trust Ports, appointed by the Secretary of State for Transport, in Municipal Ports by the City/Town Council and in Company Ports usually by the shareholders. (1) Appointed members may co-opt executive officers to the Board. Concerning the size of port boards there is currently a considerable variety of practice. Generally speaking board members (other than executive officers who are also on the Board) are selected because of their personal qualifications and experience rather than because they are delegates of any particular body or organization and act on a part-time basis. The length of appointment varies from 2 to 5 years.

3.8.3.3. Each port undertaking has a chief executive who may be termed Managing Director, Director General or General Manager. This officer is selected by the Board and is usually co-opted or appointed to it as a full member.

3.8.3.4. The Chairman has no special powers conferred upon him by statute. His role is to preside over the Board and to act as the point of contact with Government and with outside bodies. The chief executive is always a full-time employee. The main responsibility of the Chief Executive is to control the functioning of his organization within the powers conferred upon him by his Board.

3.8.3.5. Port boards are autonomous bodies entitled to take all necessary decisions for the running of the port. In Municipal Ports the Docks Committee acts in the same way as other committees of the Local Authority concerned (cf Education Committee, Parks Committee) and may take decisions within the limits of the powers conferred upon it by the Local Authority.

(1) Once the Board members are elected they usually, in turn, elect the Chairman.

CHAPTER 4

3.8.4. EXTERNAL RELATIONS

3.8.4.1. Many port undertakings are Dock Labour Scheme ports and have a relationship with the National Dock Labour Board. This quasi-governmental body, operating under the Dock Workers Employment Scheme 1967, and financed by a levy on all employers of registered dockworkers, exercises joint Employer/Worker control of the registration of dockworkers. Contact with the Secretary of State for Employment is made through the National Dock Labour Board for all matters concerning the employment of registered dockworkers.

3.8.4.2. Apart from the formal relationship set out in para 3.8.4.1. the British ports are linked together in the British Ports Association, a voluntary, non-statutory association which is concerned with all matters of interest to its members. The National Association of Port Employers, a voluntary, non-statutory association, provides the employers' representatives for joint national negotiations on the terms and conditions of employment as they affect dockworkers registered under the Dockworkers Employment Scheme 1967 (see para 3.8.8.1.) in the British port industry.

CHAPTER 5

3.8.5. CHARGES, DUES AND REVENUES

In general, ship passenger and goods dues levied under the Harbours Act 1964 pay for the basic infrastructure of a port (for example, dredging, lighting and buoying within a port area, and for the provision of quays and jetties, port transit sheds and storage areas, also the general land-side infrastructure of a port, for example including the port road system). Other charges, usually required to be reasonable, can be levied for such services as cargo handling. As a necessarily broad generalization, the following are the principal dues/charges levied in Great Britain in relation to port and port-related facilities :

<u>Commonly Used Name of Charge</u>	<u>Levying Body/ Body Receiving Revenues</u>	<u>Coverage</u>
1 Light Dues	Trinity House (in England and Wales), Commissioners of Northern Lights (Scotland), Commissioners of Irish Lights.	Provision of navigational buoys and lights outside port undertaking areas.
2 Pilotage	Pilotage, Authority or other body (which may be the port undertaking) providing pilotage service.	Provision of pilotage services.
3 Towage	Private organisation or port undertaking	Provision of towage facilities.
4 Conservancy	Conservancy authority (which may or may not be a port undertaking.)	Provision and maintenance of access channels, buoys and lights between open sea and docks.

<u>Commonly Used Name of Charge</u>	<u>Levyng Body/ Body Receiving Revenues</u>	<u>Coverage</u>
5 Ship Dues	Harbour authority, generally a port undertaking	Provision of in-dock water area and quay face within port area.
6 Passenger Dues	"	Provision and operation of faci- lities and labour for port passenger traffic.
7 Cranage	Port undertaking or owner of facility	Provision and operation of cranage.
8 Wharfage or Harbour authority Goods Dues		Provision of quay aprons, short-term transit sheds, port roads and railways, fencing and all other onland gene- ral port infra- structure, also se- curity and sundry similar services.
9 Warehousing	Owner of facility	Long-term warehousing
10 Stevedoring, Providing organisation labourage, cargo-handling etc		Cargo-handling

Notes : (1) The levels of specific port, etc, charges are determined by the bodies providing the facilities/services concerned, subject in certain cases to appeal to the Secretary of State for Transport.

(2) Although the charges, dues and revenues listed in the table are distinguishable in principle, commercial practice in some ports has resulted in amalgamation of some charges.

CHAPTER 6

3.8.6. DIVISION OF RESPONSIBILITY AND POWERS

3.8.6.1. Infrastructure and Maritime Access

In Great Britain, it is not the policy of Government to control port (including maritime access) development within the context of a framework of national ports planning? instead, port undertakings formulate their port development policies on the basis of their own assessments of expected financial viability (from the standpoint of their own organisations). The corollary of this is that the costs of all port development have to be met by the port undertakings themselves, ultimately from their revenues from port users. If tidal land is to be reclaimed outside the port limits, this has to be acquired by the port undertaking from the Crown Commissioners (or exceptionally from the local authority). This is true of Access Channels, buoys (the only exceptions being the responsibility of another public body (1)), radar, breakwaters and sea locks. Similarly, decisions concerning the financing of most docks, quays or jetties are made by the port undertakings themselves (the only exceptions being private installations). If a harbour authority wishes to extend operations beyond its existing area it must generally seek parliamentary approval.

3.8.6.2. Superstructure (including port equipment)

Decisions concerning the provision of most items of superstructure in British ports are made by the ports themselves and all costs are met entirely by the ports/port users. This applies, for example to the provision of transit sheds, warehouses, cranes and cargo handling equipment (with certain privately financed exceptions). The pattern as regards the provision of specialised facilities, eg tank storage, is more varied, with (private sector) bodies other than the port undertaking being responsible for a considerable proportion of the investments in most ports, and port undertakings for the rest.

3.8.6.3. Services

3.8.6.3.1. Services provided for ships

BERTH ALLOCATION : This is always the responsibility of the port undertakings.

(1) Trinity House

PILOTAGE : Decisions as to the provision and maintenance of facilities and craft for pilotage services are usually made by pilotage authorities which are self-financing. A principal pilotage authority is the Corporation of Trinity House but in some ports the port undertaking is also the pilotage authority, and in some other ports there is a separate legally independent pilotage authority.

OCEAN TOWAGE, SHIP REPAIR,	) these services are
SCALING AND CLEANING,	) provided by companies
UNBALLASTING, DEGASSING,	) specialising in their
SHIPPING AGENCIES, SHIP	) provision, and are not
BROKERAGE, RE-VICTUALLING,	) normally provided
BUNKERAGE	) by port undertakings

TOWAGE WITHIN THE PORT : The responsibility for towage is fulfilled in some ports by private towage undertakings, by a combination of private towage undertaking and port undertaking (or subsidiary company) in others, and in some instances by the port undertaking.

DRY DOCKS AND SLIPWAYS : Some port undertakings own drydocks/slipways but these are usually either for their own vessels or exceptionally are let to companies other than the port undertakings, i.e. port undertakings do not normally themselves operate dry docks and slipways for general use. Such facilities for general use are usually provided by specialised companies, although there are exceptions where such facilities are made available by port undertakings.

PROVISION OF WATER AND ELECTRICITY : The provision of water and electricity is almost entirely by Port Authorities who set charges to cover their cost.

PROVISION OF TELEPHONES : The provision of telephones is almost entirely the responsibility of British Telecom. Where Port Authorities provide the service, they set charges to cover their costs.

3.8.6.3.2. Services provided for goods

In general, the proportion of cargo handling carried out by British port undertakings (including their subsidiaries) has been increasing. Some 2/3 - 3/4 of all cargo-handling in British ports is now carried out by the port undertakings or their subsidiary companies, which may be wholly or partly owned. Where this is not the case, cargo handling is carried out by companies either providing and using or renting and hiring sheds, equipment etc in such ways as may be agreed.

Generalising for Great Britain as a whole, the carrying out of cargo handling work etc by organisations other than the port undertaking tends to be relatively more important in specialised terminals etc. Regardless of who carries out cargo handling, such activities receive no governmental or other subsidies. Specialist companies, or, in the PLA and the Mersey, both the specialist companies and self-financing subsidiary companies of the port undertaking, provide the services of forwarding agents.

3.8.6.3 .3 . Security services

The general practice in the British ports is that firefighting is the responsibility of local government but the port authorities often provide specialized equipment at their own expense. Many ports have their own police force, financed by themselves out of general port revenue. This force is sometimes supplemented or replaced by the local police and/or private security firms. Medical services are provided by the NDLB (1) in many ports. This service is paid for out of the levy imposed on all employers of registered dockworkers. Supplementary services are provided by some port undertakings (at their own expense) and by local and national medical services (provided by the State). Pollution control is usually covered by local and national bodies with the co-operation of the port undertakings. Customs and Port Health are the responsibility of central government (or, exceptionally, a local authority).

3.8.6.4. Inland transport within the port area

The land transport infrastructure decisions and costs, in the case of railways, (which are not found in all UK ports), are matters for negotiation between British Rail and the port undertaking, with the detailed pattern varying from port to port, the investment usually being made by the port undertaking, with British Rail or the port undertaking bearing the cost of operation and administration (in addition, Manchester retains its own railway system). In the case of roads, tunnels and bridges it is normal for the local authority or national government to be responsible for port communications roads. However, the pattern varies from port to port. In the case of canals and inland waterways, the decisions lie either with the port undertaking or other authoritative bodies such as the British Waterways Board, Boards of Trustees, Regional Water Authorities, and others. The pattern for both goods and passenger ferries varies from port to port but is rarely the responsibility of the port undertaking while pipelines are almost entirely the responsibility of the private sector. Normally a charge is made for wayleaves but this is a matter for commercial negotiation.

(1) National Dock Labour Board

CHAPTER 7

3.8.7. SPECIAL FINANCIAL PROBLEMS

3.8.7.1. Annual accounts

Separate annual accounts are prepared and furnished to the Secretary of State for Transport in respect of all port undertakings under Section 42 of the Harbours Act 1964 and Statutory Harbour Undertakings (Accounts ect) Regulations 1983.

3.8.7.2. Depreciation

While certain guidelines do exist these are not mandatory, and there is no universal obligation to provide for depreciation on any particular basis? however, British port authorities, in common with other commercial undertakings, provide for depreciation on a basis approved by their auditors. At present, depreciation is in fact calculated in a variety of ways, e.g. on a replacement or on an historic cost basis, and with variations both as to asset lives and as to the allocation of depreciation within such lives. However, there is a trend towards shorter asset lives, to take into account technological and economic change as well as physical deterioration? furthermore, there are variations of practice as to whether a particular type of asset shall be depreciated or not e.g. as regards the treatment of dredged channel beds. There is no general practice as regards the revaluation or writing down of assets, but port undertakings have discretion to revalue or write down assets against revenue or reserves where this is justified by physical or commercial considerations.

3.8.7.3. Rates of return

3.8.7.3.1. New Investment

Since May 1984 there has been no requirement for ports to seek government sanction for new investment regardless of size.

3.8.7.3.2. Overall rates of return

There are no standard requirements for port undertakings as regards rates of return on total assets, however defined. Indeed, it would be very difficult to standardize meaningfully rate of return requirements on existing asset valuations.

3.8.7.4. European Regional Development Fund

British port undertakings in certain areas (ie areas of intermediate or development area status) are eligible to apply for assistance under the normal conditions of the European Regional Development Fund.

3.8.7.5. Provision of facilities

With the exception of the obligation to provide facilities for HM Customs, there is no general obligation on port undertakings to provide particular facilities or services on a non-remunerative basis, although some ports are obliged to provide for port health, quarantine and immigration facilities (eg Dover).

Other than in the case of fishery harbours, British port authorities neither receive any facilities or services at less than cost, nor receive any subsidies towards the provision of facilities or services.

3.8.7.6. Taxation

3.8.7.6.1. Position of Port Undertakings

British port undertakings are liable to national and local taxation where it arises, in the same way as other commercial organizations, and in fact substantial amounts of, e.g. local taxes, are paid. Where port undertakings are operated profitably, such profits are subject to corporation tax, and substantial tax payments may be involved. It should, however, be noted that municipal ports - a type of undertaking which is not very common in Great Britain - are exempt from Corporation Tax. Activities of port authorities are subject to Value Added Tax (VAT), but many of the services provided by them are zero rated, although in general port authorities' purchases are subject to the full rates. Local taxation is payable in the form of "rates" to Local Authorities. In Great Britain, "rates" are a form of local real estate tax but, in the case of port undertakings, such rates are based on assessments which are calculated as a percentage of relevant receipts, e.g. revenue receipts other than from cargo-handling, pilotage, certain rentals and investment income. The method of assessment differs from that applied to other activities, but the difference arises solely from an attempt to simplify the calculation, rather than to relieve the financial burden on port authorities.

3.8.7.6.2. Position of Non- Port-Undertaking Organizations

Where cargo-handling or other organizations are separate from the port undertaking, they are in the same taxation position as other private organizations.

3.8.7.7. Charges, dues etc

British ports raise charges and levy dues as described (paragraph 3.8.5) and ship passenger and goods dues levied by harbour authorities are subject to Section 31 of the Harbours Act 1964, which gives port users a right to object to the charges. Such objections are considered by the Secretary of State for Transport, who may, after an inquiry if appropriate, decide to approve the charges or give such other direction as would meet the objection, and their decision or direction is effective for a period not exceeding 12 months from the date

on which it is given. Apart from the position described above with regard to ship, passengers and goods dues# charges made by harbour authorities are generally required to be reasonable, and thus port users may have recourse to the Courts if they consider any such charges are unreasonable.

3.8.7.8. Rentals

British port authorities are as free as any other commercial undertaking as regards the fixing of rents; it should be noted that British port authorities do not receive any assistance that would enable them to charge less than "commercial"* rents.

3.8.7.9. Assistance

In addition to assistance to port undertakings under the European Regional Development Fund (paragraph 3.8.7.4.) some British ports receive assistance from other sources. Modest grants are available from Central Government towards the cost of investment in rail or inland waterways within port areas, usually where traffic is to be switched beneficially to these transport modes. The Government has also assisted the financing of severance schemes for the severance of registered dock workers, as defined in paragraph 3.8.8.1.

CHAPTER 8

3.8.8. EMPLOYMENT

3.8.8.1. Portworkers

There are written agreements in all British ports for all grades of staff. There are, however, differences in detail as set out below. These agreements are negotiated at port or company level, and there is a national agreement which covers certain conditions of work of registered dock workers.

In many major British ports employment in the handling of cargo in, into and out of ships and in transit sheds and certain warehouses is restricted to Registered Dock Workers, as defined under the terms of the "Dock Workers Employment Scheme" (1967) which is administered by joint boards of employer and trade union representatives. These control recruitment, removal from the register and disciplinary questions.

In Felixstowe, Harwich, Milford Haven, Orkney, Sealink ports and many other British ports dockers are permanently employed but are not "Registered Dock Workers". Other port staff fall under a number of different agreements.

The terms and conditions of employment for dockers, both registered and non-registered, are generally dealt with in the individual ports by agreement between the trade unions and employers. However, the National Joint Council for the port Transport Industry determines a few aspects of the conditions of employment applying to Registered Dock Workers.

Registered Dock Workers are employed by registered port employers on permanent or regular terms ie in British ports there is no "pool". Thus, on days of unemployment, the Registered Dock Worker is paid by the employer the rate for the day negotiated in the port. There is no contribution from the State towards the cost of these payments.

3.8.8.1.1. Earnings of Portworkers

In ports where dockers are permanently employed but are not Registered Dock Workers, the earnings of dockers are subject to a wide variety of influence and there are no general guidelines. The earnings of Registered Dock Workers vary appreciably from port to port. In the major ports the principal rates of pay are negotiated locally, including :

- the basic rate
- additional tonnage bonuses where these exist
- piecework rates where these still apply
- overtime rates and conditions
- rates of payment for holidays
- payments during periods of unemployment

Some ports have abandoned piecework or bonus payments and the wage is paid according to time worked. Some have introduced bonus systems of payment related to tonnage handled, while others still operate the traditional piecework system.

There is no nationally negotiated basic rate.

3.8.8.2. Other grades

Other port staff fall under separate agreements in each port, depending upon the number of categories of employee involved. There is no national negotiation for these grades.

3.8.8.3. Docker Training

The National Dock Labour Board provides a training service in respect of dockworkers paid for through a levy on all registered employers. This training is supplemented by many port employers at their own expense.

3.8.8.4. Canteens

Port undertakings operate canteens, often in collaboration with the private sector. In most cases these canteens are run at a loss and the port undertaking and/or specialist company provides a subsidy.

CHAPTER 9

3.8.9. STATISTICS

3.8.8.1. Sources

There are two basic sources of port statistics in the UK :

- the port undertakings themselves and
- Her Majesty's Customs and Excise (referred to below as "Customs").

3.8.9.2. Publication

The publication of statistics is undertaken through :

- the port undertakings themselves (mainly in their Annual Reports);
- port industry bodies (the British Ports Association, the National Association of Port Employers),
- Government (e.g. the Department of Employment, HM Customs and Exercise),
- quasi-govenment bodies (e.g. the National Dock Labour Board).

3.8.9.3. Statistics collected from and by port undertakings

Traffic - Goods

- All pprrt undertakings collect traffic statistics on a regular basis, distinguishing between outwards and inwards traffic, foreign and domestic (cabotage) cargo and by commodity or by commodity group too.
- Many port undertakings also analyse throughput figures in terms of mode (conventional and unitised), shipping line and overseas area of origin and destination.

Traffic - Shipping

Most port undertakings maintain records of vessel arrivals and departures, this information usually indicating the numbers of vessels and tonnage.

Manpower

- Port undertakings together with other port employers collect manpower statistics, which are processed by the National Dock Labour Board and by the National Association of Port Employers to give numbers employed by type and grade.
- Certain port undertakings also maintain records of productivity in terms of tonnage handled in relation to manpower and time.
- Accident statistics are collected by the British Ports Association/National Association of Port Employers from the port undertakings and other port employers.

Plant availability and utilisation

Most port undertakings maintain records of the availability and utilisation of the more important types of plant.

Finance

Port undertakings collect financial statistics necessary for the efficient operation and future planning of their ports, and produce detailed annual accounts as required by law (see 3.8.7.1.)

3.8.9.4. Statistics produced by the British Ports Association "and by the National Association of Port Employers

- Foreign trade statistics both quarterly and annually? analysis shows UK customs port traffic by mode of transport by trading area each quarter. The annual publication extends the analysis to detailed commodity information. (Source s HM Customs & Excise.)
- Manpower and Accident statistics as at 3.8.9.3. above. (Source i port undertakings and other port employers.)

3.8.9.5. Statistics produced by government and jointly by government and the British Ports Association

- Her Majesty's Customs St Excise collect, collate and provide information on tonnages and values of UK international trade, disaggregated by detailed commodity, detailed port, and detailed overseas country.
- Department of Transport and British Ports Association jointly publish foreign and domestic trade statistics broken down by port and broad commodity category. The publication also contains : unit load statistics, international passenger information. Source : port undertakings, Department of Transport, Department of Employment and port undertaking annual accounts.

3.8.9,6. Ad hoc statistical studies undertaken by the ports

- Certain British port undertakings carry out market research studies of traffic flôws.
- Certain port undertakings carry out operational research studies of matters relating to themselves.

3.9.

GREECE

CHAPTER 1

3.9.1.

PREFACE AND PORT TRAFFIC STATISTICS

Fifteen Greek ports are covered by this chapter, Greece not being a Member State at the time that the original questionnaire was distributed. These ports handle 57% of total Greek sea-borne trade.

STATE PORT	<u>TRAFFIC 1984 in tonnes*</u>	
	TOTAL	approx. % Of TOTAL PORT TRAFFIC
PIRAEUS	5.238.048	6
THESSALONIKI	10.648.920	12
PATRA	567.679	1
ALEXANDROUPOLI	589.445	1
VOLOS	7.290.806	8
IGOUMENITSA	269.524	0,4
ELEFSINA	15.836.625	18
LAVRIO	747.070	1
KHALKIDA	2.472.570	3
SIROS	185.570	0,2
RODOS	610.411	1
IRAKLIÖ	1.830.167	2
KAVALA	2.439.450	3
KALAMATA	395.454	0,7
MITILINI	332.045	0,6
TOTAL 15 PORTS	49.462.784	57
TOTAL FOR GREECE :	87.613.109	

Source J Statistics Department of the Ministry for the Merchant Marine.

* Tonne = 1000 kg

N.B. : The above Table shows total traffic in solid and liquid cargoes because the Statistics Department does not keep separate records of traffic in liquid cargoes within Greece.

CHAPTER 2

3.9.2. STRUCTURE

3.9.2.1. State ports

The Organization, operation and administration of the Greek ports, other than Piraeus, Thessaloniki, and Volos is the responsibility of the Port Treasuries, which are autonomous specialist bodies operating as legal persons in public law (NPDD) and exercising delegated State authority.

The Port Treasuries are responsible for seeing that the country's ports operate in such a way as to ensure the smooth execution of work and the development of sea transport.

The Treasuries are governed by the legal arrangements laid down in Royal Decree 14/19 January 1939 (Government Gazette 24/1/1939), with the exception of the Treasury for Iraklio, which is also governed by Emergency Law 2236/1940 (Government Gazette 88/1940), and their overall supervision, organization and operation, together with their administrative control, is the responsibility of the Ministry for the Merchant Marine (Presidential Decree 649/1977).

Direct supervision and control of the Port Treasuries is also undertaken by the local prefectures under the authorizing provisions of the above Royal Decree and subsequent provisions aimed at decentralization of Government Departments.

The Port Treasuries are administered by the Port Committees, which are boards of management/joint bodies containing representatives of Central Government, the Ministry for the Merchant Marine and the Ministry of Finance, local authorities and manufacturing and professional organizations.

in the case of the three largest ports, Piraeus, Thessaloniki and Volos the organization has been entrusted to appropriate bodies which are also supervised by the Ministry for the Merchant Marine.

3.9.2.2. Private ports

Private port installations handle 75% of all goods traffic. The goods moved by these ports are in the main petroleum products, cement or minerals.

Expenditure on construction and maintenance of port works and matters relating to loading and unloading charges are the responsibility of the private companies whose goods are handled there and are regulated by them.

These ports only allow entry to ships with business related to the activities of the relevant private company.

CHAPTER 3

3.9.3. INTERNAL ORGANIZATION

3.9.3.1. Each of the aforementioned ports, with the exception of Piraeus, Thessaloniki and Volos has a Port Treasury administered by a board of management, the Port Committee. When the Port Treasury is in a prefectural capital, the Port Committee has seven members and consists of the heads of the port and customs authorities and representatives of central government (prefect), the local authority, the Chamber of Commerce and Industry, the Labour Centre and the Association of Shipping Agents; when it is outside the prefectural capital it has four members from the first four categories quoted above.

3.9.3.2. Apart from the heads of the port and customs authorities and the prefectural representative, who automatically sit on the Committee, the remaining members are proposed by their elected municipal and administrative councils.

3.9.3.3. The Chairman of the Port Committee is elected from among its members and both that appointment and the composition of the Committee are subject to approval by the local prefect. Each Port Committee has a three-year term of office.

3.9.3.4. As the body responsible for administering the Port Treasury, the Port Committees ensure proper organization and operation of the Treasuries' administrative departments, providing for the necessary clerical and manual staff and equipping the ports with the requisite means and facilities to service ships, goods and passengers. They are responsible for maintenance, improvement and development of the ports, proposing new projects so that the ports can be used to maximum effect. The Committee manage the revenue of the Port Treasuries and their liquid and fixed assets where these exist.

3.9.3.5. The decisions of the Port Committees are submitted for approval to the local prefects, with the exception of those relating to administrative matters (conditions of employment of staff), which are checked for legal validity by the Ministry for the Merchant Marine.

CHAPTER 4

3.9.4. EXTERNAL RELATIONS

3.9.4.1. The Port Treasuries have direct relations with :

1. The Ministry for the Merchant Marine, which generally supervises them and exercises administrative control over them (namely control of the organization and operation of the public law body and supervision of matters relating to personnel, financial management and expenditure on investment) and is also responsible for general planning and assigning priorities in respect of projects for setting up and developing ports.
2. Local prefectoral authorities, which, since responsibilities were transferred to them as part of the decentralization process, are responsible for ensuring that Port Treasury activities are expedient and legal, and have the right of approval, amendment or rejection.

The prefectoral authorities approve the annual income and expenditure budgets of the Port Treasuries. They issue decisions to convene meetings of the Port Committees and ratify decisions on the election of their chairmen.

3. The Ministry of the Environment, Regional Planning and Public Works, to which are submitted for approval those acts of the Port Committees which relate to the planning and implementation of projects concerning ports, and the relevant studies (when not drafted by the Ministry).

3.9.4.2. The Port Treasuries also have relations with :

1. The Ministry attached^ to the Prime Minister, which is jointly responsible for issuing Presidential Decrees concerning Port Treasury organisations, for publishing job notices for general labour staff and for determining numbers of contract staff and their specializations. It is also jointly responsible for matters relating to personnel and for approving the purchase of vehicles, etc.
2. The Ministry of Finance, which is jointly responsible for issuing Presidential Decrees concerning Port Treasury organizations, for arranging meetings of Port Committees and determining members' remuneration, for issuing decisions on the working of overtime by regular employees, for concluding collective bargaining agreements with workers' Unions and associations, and finally for monitoring and controlling their expenditure.

It is also jointly responsible for taking decisions concerning the dues charged by Port Treasuries for the use of harbour space, the use of freight-handling equipment for the water supply facilities provided, etc.

3. The Ministry of Labour, which is jointly responsible for approving decisions concerning the number of dockers needed, the scale of freight-handling charges and the rules on employment, etc. which are the subject of decisions by local Port Freight-handling Management Committees (ERFL). It is also jointly responsible for issuing decisions concerning the dues charged by Port Treasuries for the use of harbour space, the use of freight-handling equipment, use of the water supply facilities provided, etc. on the proposal of the local Port Committees or on the basis of a decision by the local Port Freight-handling Management Committees.

3.9.4.3. Lastly the Port Treasuries have ad hoc relations with the Ministry for Economic Affairs, on matters concerning the approval of purchases of port equipment etc., with the Ministry of Defence on matters concerning the allocation of space in the land area belonging to the Port Treasuries and permission to use foreshore areas etc.; with the Ministry of Culture and Science and the Ministry for Regional Planning, which are jointly responsible for matters concerning approval of work on ports and the like; and with the Ministry for Industry to obtain approval for facilities for storing and moving flammable and dangerous substances etc.

3.9.4.4. At local level, relations are maintained with local government, the Chamber of Commerce and Industry, the local trade union centre, the Association of Shipping Agents, and the Port and Customs Authority. These are the bodies whose representatives, amongst other things, attend meetings of the administrative Councils of the Treasuries' Port Committees.

CHAPTER 5

3.9.5. CHARGES, DUES AND REVENUES

3.9.5.1. The revenues of Greek ports come either from various taxes and dues, imposed mainly on ships but also on passengers and ship embarkation vehicles, or from warehouse rents, the leasing of premises in the land area covered by the Port Treasury the use of loading and unloading equipment, etc., or from port charges or taxes on imported goods, petroleum handled, etc.

3.9.5.2. In greater detail, the main sources of revenue of Greece's Port treasuries are as follows :

1. Dues on entry into port, coming alongside and mooring of ships (Presidential Decree 134/1982). These are calculated on the basis of the total tonnage of the ship and are assessed and paid over by the port authorities to the local Port Treasury.
2. Taxes on the laying-up of ships (within the sea area covered by the Port Treasuries. These are assessed by the port authorities and paid over to the Port Treasuries.
3. Taxes on the laying-up of ships ("outside the sea area covered by the Port Treasuries)(Law 995/1979). These are assessed by the port authorities and collected by the State Treasury as public revenue. Half of the above taxes are allocated by joint decision of the Minister for Internal Affairs and the Minister for the Merchant Marine to the Port Treasuries and to coastal towns and communes to meet expenditure on cleaning up the beaches. The above taxes amount to two-thirds of the corresponding taxes referred to under (2) above.
4. Port-use dues on the tickets of ships' passengers (Decree-Law 3878/1958). These consist of a surcharge on the price of passengers' tickets imposed by joint decision of the Minister for Finance and the Minister for the Merchant Marine on behalf of the local Port Treasury for the execution and maintenance of port works in the region covered by the treasury.
5. Tax on use of the quays by ship embarkation vehicles (Decree-Law 44/1973).

6. Tax on a special reciprocal contribution by foreign-registered ships and small craft (Law 438/1976).
7. Dues from leasing of the sea-shore and coastal area for use by both domestic and foreign companies dealing in liquid fuels and from leasing space in the land area covered by the Port Treasury (Law 2344/1940 and Decree-Law 2942/1954).
8. Dues from renting of sheds, warehouses, etc., use of loading and unloading equipment and transport of cargoes within the port area, docks, etc.
9. Revenue from fixed assets, donations and legacies.

3.9.5.3. In addition to the above revenue, which is collected direct by the Port Treasuries, the Ministry for the Merchant Marine also allocates the Treasuries' income from the following :

10. Taxes on petroleum products imported from abroad and processed by domestic refineries for internal consumption (Decree-Law 357/69).
11. A uniform tax on tobacco (Royal Decree 14/19. 1. 1939).
12. Tax on imported goods (Emergency Law 843/1948).

3.9.5.4. In addition to the above sources of revenue for the Port Treasuries, the following taxes and dues are paid over to the State or individuals :

3.9.5.4.1. Light Dues (Presidential Decree 519/76).

These are imposed on all Greek ships (and similar foreign registered vessels) of more than 500 net registered tonnes (NRT). They are assessed by the port authority, paid to the customs authority and then paid over to the Ministry of Financial Affairs. They constitute public revenue, and reciprocal taxes, and are made available for upkeep of the Greek Lighthouse system.

3.9.5.4.2. Pilotage dues (Presidential Decree 304/84).

These are calculated on a scale based on the net tonnage of the ships, the day and time of sailing in, etc. They are assessed and collected by the pilot stations based at the local port authorities and constitute revenue for the Pilotage Service Fund.

3.9.5.4.3. Cargo-handling dues

These are payable on the basis of cargo-handling rates based on decisions by the Committees on the Regulation of Cargo-handling at Ports (ERFL) which exist in respect of all Port Treasuries other than Iraklio, where they are drawn up on the basis of decisions by the Port Committee, following abolition of the ERFL. They are submitted for scrutiny to the local prefect and subject to final approval by the Minister of Labour and the Minister for the Merchant Marine who publish a joint decision. The money is paid over to the dockers and port workers concerned.

3.9.5.4.4. Porterage, boatage and towage charges

These are fixed on the basis of "Special Port Regulations", drawn up by the port authorities? they vary from one port to another and are approved by the local prefects. They are paid over to the appropriate individual workers.

CHAPTER 6

3.9.6« DIVISION OF RESPONSIBILITY AND POWERS

3.9.6.1. Maritime Access

In Greece work to design and construct access channels to serve ships is financed by the State (public investment programme). The Ministry of Public Works has responsibility. The local port authorities are responsible for overall management and operation of the channels. Maintenance is the responsibility of the Technical Departments within the prefectures, while financing is provided by the local Prefectural Funds. There is a major channel at the port of Igoumenitsa. Provision of lighting equipment for lighthouses and expenditure on construction of the lighthouses bases of support within the port area are the responsibility of the Port Treasury, although part of the expenditure may be covered from the local Prefectural Fund. Management, operation and installation of the lighting equipment throughout Greece is carried out by the Lighthouse Service attached to the Navy. The supply, installation, operation and maintenance of beacons are also the responsibility of the Lighthouse Service (private individuals are often involved at the supply stage because of urgent signalling of a sea risk) while simple beacons within the port area are provided by the Port Treasury (and private individuals as above). The bodies responsible for supply, anchorage and operation of buoys are the Navy and the Port Treasury or individuals depending on the Services to be provided. There are no radar installations in the Greek ports.

3.9.6.2. The port itself

3.9.6.2.1. Infrastructure

Investment in and the construction of breakwaters, jetties and wharves is carried out by the State (public investment programme, Prefectural funds). Their administration and operation is the responsibility of the Port Treasuries, while maintenance comes under the Ministry of Public Works, the prefectures or the Port Treasuries.

3.9.6.2.2. Superstructure (including port equipment)

The construction of sheds and warehouses is financed from the public investment programme, Prefectural Funds and Port Treasuries. Their operation and maintenance is the responsibility of the local Port Treasuries. Sheds and warehouses are also leased to private bodies for their own use, in which case these bodies are responsible for maintenance. Specialised buildings for the storage of special cargoes (grain, etc.) are, for the most part, leased by the Port Treasuries to cooperative organizations which are responsible for their operation and maintenance. Such buildings

exist at the ports of Alexandroupoli, Iraklio and Patra. Cranes and other cargo-handling equipment are mainly provided by the State under the public investment programme. A small part of the cost of equipment is borne by the Prefectoral Funds or comes from the revenue of the Port Treasuries which are responsible for operation and maintenance. There are also a few cranes which belong to private individuals and are used for port work with the permission of the Port Treasury on the basis of payment of 10 % of their gross revenue.

3.9.6.2.3. Services

3.1.6.2.3.1. Services provided for ships

PILOTAGE : Pilotage at the ports of Piraeus, Thessaloniki, Volos, Kavala, Patra, Iraklio, Siros, Lavrio, Khalkida, Kerkira (Corfu), Rodos (Rhodes), Kalamata and Antikira-Itea, which all have pilotage stations in the buildings of the port authority concerned, is carried out by pilots belonging to the Pilotage Service which comes under the Ministry for the Merchant Marine. Pilots are recruited through an examination set by the Ministry. At minor ports, pilotage is carried out by private pilots under the local provisions of the Port Regulations issued by the port authorities.

TOWAGE : Towage services are provided by private bodies.

BERTHING AND ANCHORAGE : The port authority is responsible for anchorage and berthing under the local provisions of the Port Regulations.

DRY DOCKS : At the ports of Piraeus and Thessaloniki dry docks are the responsibility of the local Port Organizations while at the other ports concerned (Siros and Elefsina) they are the responsibility of public companies.

PROVISION OF WATER, ELECTRICITY AND TELEPHONE : Water is provided by means of special harbour connections under the supervision of the Port Treasuries, electricity is supplied using special sockets and a telephone link exists along the harbour quays.

UNBALLASTING, DEGASSING, CLEANING AND REPAIR, SHIPPING AGEN AGENCIES, BROKERAGE FUELLING AND VICTUALING : All matters relating to these activities are the responsibility of private bodies.

3.9.6.2.3.2. Services relating to goods

Cargo-handling ship to shore and vice-versa, transportation to warehouses, etc., are carried out by the port cargo-handling associations using the ship's own resources and the port's mechanical equipment.

3.9.6.2.3.3. Security services

Firefighting is the responsibility of the local Fire Service station covering the area where the port is located. Policing is the responsibility of the Port Corps, which is made up of military personnel and comes under the authority of the Ministry for the Merchant Marine. There is no medical service exclusively for the ports. In the event of an incident involving ship's crew, port dockers, etc., the local first Aid Centre assumes responsibility. Customs is a State department under the authority of the Ministry of Financial Affairs which customs clearance is undertaken by individuals belonging to corresponding clearance agencies* Pollution control in general is the responsibility of the Ministry for the Merchant Marine, which acts to prevent and remove pollution through its decentralized departments (port authorities). State Depollution Centres are operated for this purpose by specialist personnel and equipped with suitable de-rpollution vessels, responsibility for ensuring non-pollution of the port land and sea areas lies with the Port Funds.

3.9.6.3. Inland transport within the port area

The existing rail network within the port area, both at national and port level, is the responsibility of the OSE (Greek Railways Organization) with regard to its Construction operation and maintenance. Roads within the ports' land areas are mainly found along the quays and their construction is funded by the Port Treasury itself and, where this is not sufficient, by the Prefectoral Funds. Construction of bridges and tunnels which form part to the trunk road system and those reserved for port traffic is financed by the State. Their maintenance is mainly the responsibility of the Ministry of Public Works and the local prefectures. There are no canal links and no locks in the Greek ports.

CHAPTER 7

3.9.7 . SPECIAL FINANCIAL PROBLEMS

3.9.7.1. Annual accounts (budgets)

All the country's Port Treasuries are required to publish annual accounts (budgets), balance sheets and reports.

The Port Treasuries' annual budget shows estimated revenue and expenditure for the financial year concerned and is normally drawn up and submitted to the local prefect for approval one month before the start of the new financial year.

After approval of each item of expenditure in the annual budget, a check is carried out by the services of the Audit Board within the local prefecture.

The check on administrative data, keeping of accounts for the Port Funds and monitoring of management and accounting procedures are the responsibility of the Ministry of Financial Affairs. No port activities are entrusted to private companies or organizations at Greek State ports because they are under the authority of the Port Treasuries and, consequently, no other budgets are published.

3.9.1. 2. Depreciation

There is no legal requirement for the Port Treasuries to provide for depreciation on any investment in their annual budgets. In the rare case where depreciation is shown it is calculated on the basis of replacement cost.

3.9.1. 3. Rates of return

Calculation of rates of return on capital for projected new expenditure by ports (facilities, equipment, etc.) is not compulsory.

3.9.7.4. Loans

The Port Treasuries' main sources of loans are :

1. the Ministry of the Environment, Regional Planning and Public Works. The loans come from resources under the Public investment programme and are interest-free. There is no time-limit on repayment and an annual return equal to 20% of the annual sum allocated by the Ministry for the Merchant Marine to the Port Treasuries is added? this sum comes from revenue under Article 4 of Emergency Law 843/1948 (imposition of a charge on the value of imported goods).

2. The Prefectoral Funds.

Loans are financed above-mentioned public allocated to the local interest-free.

from resources under the investment programme which are Prefectoral Funds and are also

3. Deposits and Loans Fund.

Loans are granted on the basis of interest and are repayable within an agreed period.

3.9.7.5. Provision of facilities and services to ships (exemptions from payment)

the following categories of ship and small craft are legally exempt from payment of taxes and duties on the port facilities and services.

1. Putting into port# coming alongside, mooring.

- craft of less than 5 gross registered tonnes (GRT)
- launches, barges and tugs (operating permanently in the port)
- military craft in general and their auxiliary vessels
- vessels putting in for repair of holes and docking
- vessels putting in solely for water, to change or supplement their crew or to land a corpse

2. Light dues.

- military craft and their auxiliary vessels of whatever nationality
- State and requisitioned vessels of the Greek Oceanographic Institute and Hydrobiological Station
- yachts of whatever nationality
- Greek vessels and similar foreign-registered vessels of less than 500 NRT
- Greek passenger vessels operating within Greece, or having itineraries extending to Italy and Cyprus

3. Pilotage dues.

- military craft and their auxiliary vessels of whatever nationality
- yachts of less than 500 GRT of whatever nationality
- passenger, freight and mixed car-ferries operating on coastal routes (including those whose routes extend to foreign ports) I
- Greek passenger vessels making regular tourist trips between Greek ports or extending to foreign ports
- Cypriot-registered vessels

3.9.7.6. Taxation

The revenue of the Port Treasuries is not subject to tax and it is required to be deposited interest-free in the Greek central bank (Bank of Greece).

3.9.7.7. Restraints

The administrators of the Port Treasuries may not invest in projects to develop their ports, etc., control the wages, terms and conditions of service of their staff, control the charges and dues payable for services rendered or the rents charged for lease of port areas to users without a decision by the competent Ministries and administrative bodies (see Chapter 4). Nor may they undertake different activities (setting-up of shipping companies or agencies, travel agencies, etc.) from those which they have been specifically authorized to operate.

CHAPTER 8

3.9.8. EMPLOYMENT

3.9.8.1. Port dockers

Regulations on dockwork and port cargo-handling matters in general are governed by Codified Law 5167/32 which, at present, constitutes the basic law on the above.

Article 1 of this Law states : "With regard to the loading and - unloading of goods at the States' various ports, it is forbidden to employ workers not authorized to exercise the profession of docker". "Dockers" means "those persons who, on the basis of a salary, daily wage or piece-work remuneration, are hired by loading contractors or agencies or by a freight agent to carry out loading and unloading of goods or other items ship to shore and vice-versa".

Dockers at Greek ports other than Piraeus and Thessaloniki are divided into permanent, and relief workers. Permanent worker⁴ are those authorized as part of the pre-determined number of workers required at a port and issued with a personal dockers⁴ card. If there are not enough permanent workers to carry out the loading and unloading, recruitment of relief workers is permitted and these are granted temporary authorization to work as relief dockers.

Port dockwork has two aspects - labour and invoicing. Both of these are governed by committees set up in each port where there is a Port Treasury, known as Committees for the Regulation of Cargo-handling at Ports (ERFL); an exception is the port of Iraklio where this function is performed by the Port Committee on the basis of proposals by the local executive committee. The committees are subject to the authority of the Ministry of Labour of which they form decentralized departments, and they are also supervised by the local prefectures which issue the decisions on their formation (Emergency Law 2236/1940, Government Gazette 88/1940).

The ERFLs have five members, consisting of the port labour inspector and representatives of shipping agencies, the Chamber of Commerce and Industry and the port dockers. They are responsible for the following :

- drafting and publication of work regulations
- price-setting for cargo-handling operations and use of equipment
- determination of the appropriate number of portworkers, maintenance of their records and issuing them with authorization to exercise their profession
- granting of lump-sum compensation to portworkers made redundant
- administration and handling of the dockers' compensation fund (KAF), etc.

At the port of Iraklio responsibility for the above lies with the Iraklio Port Committee, which acts on proposals from the local executive committee.

Decisions by the ERFL concerning publication of work regulations, setting of rates for cargo-handling operations and determination of the number of portworkers require the approval of the Ministry of Labour and the Ministry for the Merchant Marine, whereas decisions on the granting or withdrawal of authorization to work as a port docker require the approval of the local prefect.

3.9.8.2. Clerical and other staff

The clerical staff of the Port Treasuries (administrative, financial, technical) are covered by the provisions of the Clerical Workers' Code while staff employed under private law contracts whether indefinitely or for a fixed period are covered by the provisions which apply to this category of staff working for legal persons in public law? this latter category of staff is responsible for operation and maintenance of mechanical and other equipment belonging to the Treasuries, cleaning and tidying of the areas under their jurisdiction and execution and maintenance of port projects. A 1983 survey put the total number of workers at ports administered by the Port Treasuries at about 2500, of whom some 500 are the Treasuries' clerical staff. The remaining 2000 are manual workers and dockers as outlined above. 60% of the above employees work at the ports of Volos, Patra, Iraklio and Kavala and these ports also employ the major proportion of the 500 permanent clerical and other staff.

3.9.8.3. Docker training

The Ministry of Labour has responsibility for the training of dockworkers and it regularly organizes seminars at which the participants are given theoretical and practical training on the latest machinery and the ports' mechanical and electrical equipment in general.

3.9.8.4. Canteens

There are permanent and mobile canteens to cater for portworkers.

CHAPTER 9

3.9.9. STATISTICS

Statistics on port traffic in Greece are collated by the port authorities under the responsibility of the Ministry for the Merchant Marine.

These statistics are sent each month to the Ministry's Statistics Department where they are broken down with a view to production of annual statistical tables of various kinds on maritime traffic.

The tables are published in the Bulletin of Shipping Statistics issued each year by the National Statistical Service (ESYE), of which the Ministry's Statistics Department forms a part.

The statistical tables contain a port-by-port record of Greek and foreign passengers embarking and disembarking, loading and unloading of domestic and foreign cargo and ships entering and leaving ports by category, registration and country of origin and destination.



3.10.

PORTUGAL

CHAPTER 1

3.10.1 Preface and Port Traffic Statistics

The ports listed below are all commercial ports in mainland Portugal; they handle virtually all sea-borne traffic. In addition to these ports there are exclusively fishing ports (with facilities for pleasure craft). The comments made in this summary refer solely to commercial ports in mainland Portugal.

Sea-borne traffic in 1984 in 1000 tonnes(2)

Commercial ports (1)	Total	of which oil and oil products	approx. % of total Portuguese traffic
Lisbon	12256	4454	33.6%
Leixoes	8413	4440	23.1%
Sines	12129	12129	33.3%
Setubal	1743	116	4.8%
Aveiro	615	40	1.7%
Figueira da Foz	412	-	1.1%
Viana do Castelo	234	-	0.6%
Portimao	337	-	0.9%
Faro	324	94	0.9%
Total - nine ports	36463	21273	100.0%
Total - mainland Portugal	36463	21273	100.0%

Source; National Statistical Institute

(1) Coastwise trade is included in the figures for the individual ports

(2) 1 tonne = 0.9842 tons = 1000 kg

CHAPTER 2

3.10.2. Structure

3.10.2.1. In Portugal seaports are the property of the State which has sole responsibility for their operation although, in some cases, certain specific services are carried out by private bodies under licence. In terms of their management there are two main categories of ports : autonomous and non-autonomous ports. A further distinction must, however, be made in respect of autonomous ports between two types of port authorities : port administrations and autonomous port boards »

The replies to the questionnaire refer solely to autonomous ports all of which are commercial ports.

3.10.2.2. The three main ports fall in the category of port administrations. These are Lisbon, Leixoes and Sines. Port administrations have administrative and financial autonomy and legal personality, are directly responsible to the Minister for Public Works and Transport and are subject to economic and financial control by the State. These ports are administered by administrative councils appointed by the Minister and enjoy a reasonable degree of functional independence. In recent years their sources of financing have been self-financing and bank loans.

The General Administration of the Port of Lisbon was set up by Royal Decree of 18 February 1907 and is now governed by Decree law N°36976 of 20 July 1948 and supplementary laws. The Administration of the Ports of Douro and Leixoes was set up by Decree law N°36977 of 20 July 1948, Which has been amended several times by various legal documents. The Administration of the Port of Sines was created by Decree Law N°508/77 of 14 December 1977 which set up a committee to manage the port and draw up a draft statute.

3.10.2.3. Autonomous boards are regional bodies with administrative and financial autonomy and legal personality; they administer the other commercial ports on behalf of the Government and under the guidance and supervision of the Directorate-General for Ports. Although they enjoy financial independence they are financed by the State budget which funds virtually all their investments and, where necessary, their operating deficits.

3.10.2.4. Non-autonomous ports are operated directly by the Directorate-General for Ports which is responsible to the Minister for Public Works and Transport. They are usually small fishing and pleasure ports.

CHAPTER 3

3.10.3. Internal organisation

3.10.3.1. Port Administrations

3.10.3.1.1. The administrative council and executive officers are responsible for the administration and management of each port. The administrative council is composed of chairman, executive and non executive members. It is responsible for supervising all aspects of port administration - port operation, investment, personnel management, fixing certain tariffs, proposing others in its capacity as a higher authority, etc - within its jurisdiction. The administrative council is currently composed of a chairman, three executive members and two non executive members in the case of the Port of Lisbon, of three executive members in Leixoes and a chairman and two executive members in Sines. All members are appointed by the Minister for a period of three years and their appointment is renewable.

3.10.3.1.2. In addition to his duties on the administrative council the chairman is responsible, at the executive level for the work of all port services; he represents the port administration in legal proceedings and vis-à-vis other bodies and deals with matters which may be the exclusive responsibility of the administrative council but are of such a nature or of such urgency that they cannot await the council's deliberations but which must, however, be submitted to the council at its next meeting. The executive members are responsible for supervising and coordinating the work of the port services and for the duties they are given by the administrative council, proposing measures, action or whatever they consider necessary for the proper functioning of the port services to the administrative council and for authorising expenditure within their capacity, etc. The non executive members also sit on the administrative council and examine and report on the cases put before them by the chairman or council.

3.10.3.1.3. As regards expenditure and revenue, the administrative council, chairman and executive members are empowered to authorise expenditure laid down by law and other expenditure committed by the Minister.

Above a certain limit expenditure authorisations become the responsibility of the Minister or the Council of Ministers. Annual investment plans have to be approved by the Minister for Public Works and Transport and the Minister of Finance and Planning. The council is empowered to fix and propose charges, the majority of which have to be approved by the Minister or the Council of Ministers (by means of a decree law). Operating surpluses are kept by the port administration to cover the cost of investment plans which rarely receive funding from the State budget. The technical committee and consultative board are advisory bodies to the administrative council.

3.10.3.1.4. The technical committee is composed of the directors of the various departments of the Port administration and is chaired by one of the executive members of the administrative council. Its main function is to ensure application of uniform criteria and general coordination of services.

3.10.3.1.5. The consultative board is required to give its opinion on port matters on which the Government or the administrative council consult it and to consider proposals submitted by any of its members on the development or improvement of port services. It is composed of representatives of local authorities within the port's area of jurisdiction, the port captain, the director of the local customs service, representatives of users and trade unions and of other government departments which might have a part to play in solving various problems such as those relating to hydrology, roads, town planning and transport.

3.10.3.2. Autonomous port boards

3.10.3.2.1. The administrative and management bodies of autonomous port boards are the board, administrative committee and the port director. The boards are composed of ex-officio members (chief port engineer; port captain, head of the customs delegation, representative of the Ministry of Public Works and engineers from the Directorate for Hydrology and Roads) and appointed members (representatives of local authorities concerned, commercial, industrial, agricultural and maritime interests, regional shipping and fishing and representatives of land taxpayers).

The administrative committee is composed of a chairman and two members : chief port engineer and port captain. The chief port engineer is the board's chief executive officer and is appointed by the Minister for Public Works and Transport from civil engineers on the autonomous boards' staff or from among qualified civil engineers.

3.10.3.2.2. The boards are required to meet twice a year. They are responsible for adopting budgets, auditing revenue and expenditure accounts and giving their opinion on investment and organisational plans.

3.10.3.2.3. It is the responsibility of the administrative committees to supervise port administration and implementation of all the Government's decisions, in particular to ensure investment plans are drawn up and to submit them to the Government for its approval via the Directorate-General for Ports, to submit proposals regarding rate fixing to higher authorities, to submit loan plans to the board, to submit revenue and expenditure accounts to the board and to forward them to the Audit Court with a copy to the Directorate-General for Ports, to award contracts within its financial jurisdiction, etc.

3.10.3.2.4. It is the responsibility of the chief port engineer and the chief executive officer to organise, coordinate and manage all internal and external (administrative, technical and operational) services, to award contracts and to authorise expenditure within their capacity.

3.10.3.2.5. As regards revenue and expenditure, the administrative council and chief port engineer are empowered to authorise expenditure within the limits laid down by law. Revenue accruing from the commercial operation of ports is collected directly by the boards to cover their operating costs. Annual revenue and expenditure budgets are approved by the Government once the board and Directorate-General for Ports have given a favourable opinion.

3.10.3.3. Non-autonomous ports

These are small fishing ports which are not sufficiently large to be administered by autonomous boards or their location is such that they cannot be assigned to a particular autonomous board.

CHAPTER 4

3.10.4. External relations

3.10.4.1. Each port administrative body has its own relationship with the Minister. The administrations have a direct relationship via their administrative councils and, in particular, through their chairmen submitting matters outside their jurisdiction for consultation. The autonomous port boards consult indirectly through the Directorate-General for Ports. This dependent relationship with the Minister is primarily in the following areas: budgets, investment programmes, personnel matters, authorisation of expenditure outside the port authorities' legal capacity and approval of charges. As regards investment programmes, there is also a dependent relationship with the Minister of Finance and Planning.

3.10.4.2. The port charges levied by both the administrations and autonomous boards are laid down in a schedule of charges approved by decree law.

3.10.4.3. There are three types of amendments which are made to the schedules of charges. Amendments which are not usually connected with labour and equipment are authorised by the Government in the form of a legal document initiated by the Minister for Public Works and Transport. Amendments to other charges are made by decision of the administrative council to the port administrations. In the case of the autonomous boards some of these other charges are amended by the board and others by decision of the Director-General for Ports.

3.10.4.4. Public work contracts for port activities and their conditions are authorised by the Council of Ministers. Concessions for the private use of land and buildings are authorised by the Minister. The renting of land and the level of rent require the authorisation of the administrative councils or administrative committees.

CHAPTER 5

3.10.5. Charges, dues and revenues

3.10.5.1. In all Portuguese ports dues are collected directly by the port authorities except for the charge levied for the use of the port of Leixoes which is collected by the customs service which hands it on to the administration of the ports of Douro and Leixoes.

Each administration has its own schedule of charges although there is a single schedule for the autonomous boards. There is a similar tariff structure in all the ports. The dues payable by ships and for goods are mainly:

- (a) port entry and anchorage charge on all vessels which enter and anchor in port waters calculated according to their gross registered tonnage (GRT) and length of stay. A distinction is made between cargo, passenger and fishing vessels and some reductions are made in special cases;
- (b) charge for berthing at quays, jetties or floating docks based on the vessel's length and berthing time;
- (c) charge for use of port (port charge) levied on all goods loaded, unloaded or transhipped. This charge is based on the weight or volume and type of goods. However, in the port of Leixoes it is calculated on an ad valorem basis;
- (d) handling charge levied on goods. This charge is calculated according to the tonnage of goods which enter the area of jurisdiction of the port authority. It does not apply to the autonomous boards and in Lisbon it is levied solely on imported goods.
- (e) a dual tax called the tonnage and maritime trade tax, collected by the customs as revenue for the State budget. It is paid by shipowners and is levied on the gross registered tonnage (GRT) and tonnage of goods unloaded.

3.10.5.2. Ports' main sources of revenue are port, berthing and anchorage charges and, in the ports of Lisbon and Leixoes, a handling charge. In addition to this revenue the most significant sources are receipts from storage (on land and in warehouses), the rental of cranes, floating lifting equipment and tugs and the supply of water and electricity.

In the ports of Lisbon and Leixoes, revenue accruing from the use (rental) of land and warehouses and the lease of installations and services accounts for a major proportion of overall revenue and is rislig (particularly rental of land and warehouses). In ports administered by the autonomous boards some revenue may come from a percentage levied on taxes paid by taxpayers in the region in which the port is located.

3.10.5.3. In the industrial port of Sines three main charges are levied:

- (a) a charge levied on ships according to their GRT to cover all costs involved in ship handling, in particular that of tugs, launches and workers jinvolved in berthing operations;
- (b) a charge for use of the port levied on crude oil entering the port;
- (c) a charge levied on the movement of goods calculated according to the tonnage handled in terminals at Sines which are run by the port administration.

3.10.5.4. Stevedoring companies who carry out stevedoring, handling and tallying have their own schedule of charges but are subject to the maximum rates approved by the Minister for Public Works and Transport.

CHAPTER 6

3.10.6. Division of responsibility and powers

3.10.6.1. Maritime access

All decisions concerning port maritime, access infrastructure are taken jointly by the port administrations or autonomous port boards and the State through the Minister for Public Works and Transport. The State provides all initial investment but the administrations and autonomous boards are responsible for the cost of maintaining access channels, external breakwaters, locks, etc. The Navy is responsible for the installation and maintenance of lighthouses and buoys. The port administrations are responsible for the installation, maintenance and operation of radar in ports where it is used.

3.10.6.2. The port itself

3.10.6.2.1. Infrastructure

There are no specific laws or rules governing responsibility for investment in the construction of docks, quays, piers or special terminals. The State usually steps in when the administration or autonomous board cannot finance such construction. However, in practice investments by the autonomous port boards and non-autonomous ports are wholly financed by the State whereas investment of this type by the port administrations (excluding the port of Sines) is financed by the administrations themselves and, in some exceptional cases, with the support of the State. In the port of Sines the State provides 100% financing through the local government for the Sines area.

In some cases, special terminal infrastructures are built directly by companies under licence. This is the case with grain silos, jetties for chemicals, etc.

3.10.6.2.2. Superstructure (including port equipment)

Sheds, warehouses and cranes are wholly financed by the port administrations and partly by the autonomous port boards, although there are no precise rules on the actual proportion of state financing.

3.10.6.2.3. Services

3.10.6.2.3.1. Services provided for ships

PILOTAGE: Following the adoption and entry into force of current legislation (Decree Law N°360/78) the former local corporations and sections of pilots were dissolved and a public institute (National Institute of Port Pilots) was set up. This has administrative and financial autonomy and its own budget and is responsible to the Minister for Public Works and Transport.

This body (INPP) has sole responsibility for the public maritime and river pilotage service which must be used by all national or foreign vessels in ports with pilotage services. In addition to its central services it also has pilotage departments which replaced the former pilot corporations or sections at regional level.

STEVEDORING, TALLYING, HANDLING, SHIP REPAIR, SCALING AND
LEANING, SHIP BROKERAGE, REVICTUALLING, BUNKERAGE,
UNBALLASTING/DEGASSING SERVICES:

All these services are performed by private companies and the maximum charges for stevedoring, tallying and handling are fixed by the Minister. In the port of Sines, however, unballasting/degassing are carried out by the port authority.

BERTHING: The administrations and boards are responsible for this service.

TOWAGE: The towage service is provided by (some) port authorities or private companies.

PROVISION OF WATER AND ELECTRICITY:

Under the terms of Decree Law N°32842 of 1943 the provision of water and electricity for land-based installations, ships and vessels is the sole responsibility of the port administrations. In practice, however, drinking water is also supplied by private companies.

PROVISION OF TELEPHONES:

This service is provided by the port authorities on request by ships.

3.10.6.2.3.2. Services provided for goods

In all Portuguese ports cargo handling is carried out by licensed companies (port operators) which, whatever their status (public, private or mixed), operate as private companies. Port operators handle goods on board ships or load and unload them on and off ships. They use port equipment (and some of their own equipment) and some of their own staff although the majority come from a dockers' pool. Port operators also operate at special terminals (excluding fuel and grain terminals) and at port depots and warehouses. They are technically responsible to the port administrations and their charges are subject to statutory maximum rates.

3.10.6.2.3.3. Security services

With the exception of the port of Sines, which has its own fire service, other ports use local fire services. The port authorities are required by law to ensure port security by using their own police force or the public (national) police force. There is no common practice in the provision of medical services. They are provided by the public sector through the delegation of the Directorate-General for Health which normally exists in each port. Pollution control is covered by the Navy through its delegations in each port. Each of these delegations is headed by the port captain who, in addition to other duties, is responsible to some extent for supervision of maritime safety.

3.10.6.3. Inland transport within the port area

Railway tracks are built and maintained by the port administrations although, in some cases, there are small sections operated under licence or specialised terminals for private use. They may be financed by the port authorities or the State or jointly. There are no precise rules governing the breakdown of funding. Two charges are levied for their use: one for the use of the rail network based on the tonnage carried and the other for the laying up of wagons which are not in use. The main road network within the port is also built and maintained by the port administrations and financed in the same way as the railway. Since these ports usually have unrestricted access no charges are levied for the use of the road network. Oil pipelines (excluding private terminals) are built and maintained by the port authorities and financed in the same way as the other facilities.

CHAPTER 7

3.10.7. Special financial problems

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3.10.7.1. Annual accounts

All ports present their accounts each year to the Audit Court. These must be submitted in accordance with the requirements governing public accounts i.e. revenue and expenditure accounts relating to the annual implementation of each port's budget, improvement fund and, if applicable, contingency fund. A monthly statement must also be drawn up. The revenue and expenditure accounts must be accompanied by a number of documents relating to balance sheets, etc.

Although the revenue and expenditure accounts are the accounting documents which must be submitted for auditing, the port administration also draws up an operating account, profit and loss account and balance sheet according to company accounting practice. They also draw up a (rough) analytic account. All these documents form the annual accounts for each port.

3.10.7.2. Depreciation

No provision is made for depreciation on the expenditure side in ports' revenue and expenditure accounts. If the accounts do not balance no adjustment is made to the assets. However, the port administrations do provide for depreciation in their company accounts; this is calculated on a linear basis according to the percentages laid down by law for commercial and industrial undertakings. Even in these cases, however, there is rarely any adjustment to immobilised assets. However, special items are entered each year in the expenditure budget of the administrations and autonomous boards, these are:

- (a) the port's improvement fund: an amount of not less than 5% of ordinary revenue;
- (b) the port's contingency fund: an amount of not less than 1.5% of ordinary revenue.

Revenue under (a) and the balance of the revenue and expenditure account and other receipts go into the port's improvement fund to finance the renewal of port equipment and the amortisation fund for loans contracted. The revenue in the contingency fund is used to cover self-insurance risks.

3.10.7.3. Rate of return

There are no specific obligations. However, as a general rule, the port administrations operate the port on an economic basis, i.e. they ensure that operating revenue covers operating expenditure and a profit is produced which can be used to finance renewal and expansion investment. Even the autonomous boards have endeavoured to ensure a trading balance relying on the State to finance virtually all their investment.

3.10.7.4. Loans

Autonomous ports usually borrow from banks or the Public Treasury at average rates to finance some of their investment. These loans have to be authorised by the Minister for Public Works and Transport.

3.10.7.5. Provision of facilities

Ports are required to provide the customs authorities with shelter, offices and other installations.

The following are exempted from the anchorage charge : national or foreign warships, state owned vessels (excluding those owned by public companies), hospital and scientific ships, launches and tugs operating in the port, ships already berthed, ships which enter the port solely to bring in bunkers and stores and other cases which vary from one port to another, according to the respective schedules of charges. Reductions in anchorage charges are also granted, although these vary from port to port, to: ships belonging to regular lines after a minimum number of voyages to the port in the same calendar year, vessels registered in that particular port, ships which enter the port solely to take orders, for repairs, descaling, degassing or to complete their construction, etc. Reductions in berthing charges are granted in various cases: ships tied up with other vessels moored at the quay, ships which berth solely for repairs, bunkers or stores, national ships trading between the mainland and the Azores and Madeira, excursion or pleasure craft, etc.

3.10.7.6. Taxation

3.10.7.6.1. Position of port administrations

With a number of exceptions, port authorities are, like other public departments, exempted from tax.

3.10.7.6.2. Position of private port organisations

Companies which operate in the port area are subject to tax in the same way as all other companies.

3.10.7.7. Restraints

3.10.7.7.1. Port administrations

3.10.7.7.1.1.-3.10.7.7.1.2. On activities and investment

The port authorities solely are responsible - and only within their area of jurisdiction - for the economic operation of the port. They may not carry out other activities such as those performed by port Operators, forwarding agents, shipping agents, etc. They require Government authorisation to carry out or take part in such operations.

3.10.7.7.1.3. On salaries, wages, conditions of service

Ports are not empowered to fix the salaries and wages or the conditions of employment of their staff. Salaries are fixed, as for all public departments, by the Government and conditions of employment and any amendments to them are also drawn up by the Government.

3.10.7.7.1.4. On charges, dues, etc

Ports are empowered to fix and review charges for actual services rendered or for the use of land and buildings by port users. Rates and charges for the performance of public services under licence are fixed by the Government in a decree law as are anchorage, berthing and port utilisation charges.

3.10.7.7.2. On private port organisations

Firms which carry out activities in the port require the prior authorisation of the port authority before they set up business in the port area once other legal formalities have been completed. Once they have set up business in the port, they also require the prior authorisation of the port authority before they can develop their activities if this involves extending installations or a change in their activities. Public contracts for port activities are awarded by the Government and the rates are approved by the port authority. The rates charged by port operators are subject to the maximum rates of charge approved by the Minister for Maritime Affairs.

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3.10.7.7.1. Port administrations

3.10.7.7.1.1.-3.10.7.7.1.2. On activities and investment

The port authorities solely are responsible - and only within their area of jurisdiction - for the economic operation of the port. They may not carry out other activities such as those performed by port operators, forwarding agents, shipping agents, etc. They require Government authorisation to carry out or take part in such operations.

3.10.7.7.1.3. On salaries, wages, conditions of service

Ports are not empowered to fix the salaries and wages or the conditions of employment of their staff. Salaries are fixed, as for all public departments, by the Government and conditions of employment and any amendments to them are also drawn up by the Government.

3.10.7.7.1.4. On charges, dues, etc

Ports are empowered to fix and review charges for actual services rendered or for the use of land and buildings by port users. Rates and charges for the performance of public services under licence are fixed by the Government in a decree law as are anchorage, berthing and port utilisation charges.

3.10.7.7.2. On private port organisations

Firms which carry out activities in the port require the prior authorisation Of the port authority before they set up business in the port area once other legal formalities have been completed. Once they have set up business in the port, they also require the prior authorisation of the port authority before they can develop their activities if this involves extending installations or a change in their activities. Public contracts for port activities are awarded by the Government and the rates are approved by the port authority. The rates charged by port operators are subject to the maximum rates of charge approved by the Minister for Maritime Affairs.

CHAPTER 8

3.10.8. Employment

3.10.8.1. Portworkers (dockers)

The legal conditions of employment for portwork are laid down by law (Decree Law N°282-A/84 of 20 August 1984). Under the terms of this Decree Law, in Portuguese ports, activities relating to the loading and unloading of commercial vessels and the handling of goods arriving or departing by ship in warehouses and storage areas within the areas under public maritime control or areas under the jurisdiction of port administrations or autonomous port boards may be carried out solely by portworkers who hold a "carteira profissional" and are registered.

Some activities may, however, be effected without using portworkers. These are expressly defined in this Decree Law and include operations involving military vessels or military equipment, supply of bunkers and bulk lubricants, loading, unloading and transshipment of bulk liquids, fuels and oil products, loading and unloading of chemicals with properties which necessitate special rules on safety measures, etc.

Registered portworkers are workers registered with the portwork coordinating centres (in Lisbon, Leixoes and Setubal), joint management organisations (in other ports) or with the port authorities (where there are no coordinating centres or joint management organisations).

These bodies are administered by representatives of the government, employers' and trade union organisations (in the case of the coordinating centres) or solely by the latter (in the case of the joint management organisations). They are administratively dependent on and are controlled by the Institute for Portwork which itself is administered by a representative of the Ministry for Public Works and Transport, a trade union representative and a representative of the port operators.

Workers registered with the coordinating centres and joint management organisations form the docker pool for each port. These pools are determined by the Minister according to the volume of traffic, existing port equipment and number and constitution of technical teams.

Port operators may employ permanent staff from the docker pool with whom they conclude individual work contracts. Any other workers needed are obtained from the pool. Pool workers have a guaranteed salary equivalent to 75% of the basic monthly salary laid down by collective agreement for each category.

A salary Guarantee Fund was set up for this purpose. This is administered directly by the Institute for Portwork and is financed by charges levied on the direct payments made by operators for dockers obtained from the coordinating centres and joint management organisations. If the salary Guarantee Fund is in deficit, the shortfall is covered by the Unemployment Fund or other State departments without having to be subsequently reimbursed.

Salaries are fixed by collective bargaining between the trade unions and port operators. Once the salary scale is fixed, the coordinating centres and joint management organisations calculate the rates charged to operators seeking workers from the pool according to the basic average salary for the period each docker works multiplied by a factor to cover social costs, surplus staff, administrative costs of personnel management, etc.

Dockers have also succeeded through collective bargaining in obtaining monetary compensation in the form of revenue from the Reform Compensation Fund from levies on door-to-door containers, handling of bulk products, etc.

3.10.8.2. As has already been pointed out, workers employed by port administrations and autonomous port boards are public sector employees and their salaries are fixed unilaterally by the Government and not by collective bargaining.

3.10.8.3. Docker training

Docker training is the responsibility of the Institute for Portwork which is required to provide, directly or in conjunction with trade union organisations, port operators and any national or foreign bodies with vocational training schemes for portworkers.

In practice the port administrations and autonomous port boards provide training for their staff themselves or in conjunction with each other.

3.10.8.4. Canteens

Port administrations and autonomous boards have canteens for their own staff. These are run by the port authority itself or by a contractor. Dockers do not normally have their own canteens but do receive a subsidy. The port authorities normally provide the coordinating centres and joint management organisations with facilities for medical centres, social centers, etc for dockers' use. Port operators, however, normally have canteens for their permanent staff although they are not required to do so.

CHAPTER 9

3.10.9. Statistics

3.10.9.1. Statistics published by ports

3.10.9.1.1. Monthly reports

Generally speaking, virtually all ports draw up monthly or quarterly reports in the form of a comparison with the same period of the previous year. These reports are normally not widely circulated being intended more as a management instrument.

In ports run by the administrations this information is dealt with in more detail in the following cases:

- (a) general handling of ships, goods and passengers
- (b) maritime cargo handled
- (c) general handling of containers
- (d) budgetary situation
- (e) analytic account data. -

3.10.9.2. Annual statistics

All ports include a statistical annex in their annual report and accounts. This varies in detail but contains headings of major interest on port activity: ships entering the port, type of goods handled, passengers embarking and disembarking, handling of cargo and passengers according to port of embarkation and destination, passengers and inland waterway goods carried by, etc.

3.10.9.2. Statistics published by other bodies

3.10.9.2.1. Monthly

The National Statistical Institute publishes a monthly statistical bulletin which includes statistics on commercial vessels entering ports, the general handling of containers in the ports of Lisbon and Leixoes, the handling of goods declared by the ports of Lisbon, Leixoes and Sines according to the flag under which the ship flies.

3.10.9.2.2. Annual

The National Statistical Institute publishes tables on registered commercial vessels and port trade. Another publication of the same Institute, "Statistics on Transport and Communications", includes a chapter on sea and inland waterway transport. This contains annual data on vessels registered according to various criteria; lighthouses, ports, a breakdown of staff, equipment, revenue and expenditure, commercial vessels entering the port according to type, tankers entering the ports of Lisbon and Leixoes, special Ro-Ro traffic in Lisbon, passengers, handling of containers and goods.

SPAIN

3.11,

CHAPTER 1

3.H.1 PREFACE AND PORT TRAFFIC STATISTICS

Twenty seven Spanish ports are covered by this chapter, Spain not being a Member State at the time that the original questionnaire was distributed.

Port Authority	Seaborne traffic in 1984 in tonnes		
	total	Liquid bulk	Approximate % of total Spanish traffic
<u>PUBLIC ENTERPRISES</u> (Named: Autonomous ports)	.		»
BARCELONA	18 192 792	5 448 478	8,71
BILBAO	23 633 383	13 599 390	11,31
HUELVA	9 521 863	4 725 061	4,56
VALENCIA	8 632 503	1 587 039	4,13
<u>PUBLIC AUTONOMOUS BODIES</u> (Named: Juntas de Puerto)			
ALGECIRAS-LA LINEA	18 385 316	13 479 918	8.80
ALICANTE	2 496 951	738 354	1,19
ALMERIA	5 840 780	220 261	2,79
AVILES	4 326 922	238 496	2,07
BAHIA DE CADIZ	4 322 588	1 972 552	2,07
CARTAGENA	11 110 290	9 018 532	5,32
CASTELLON	7 100 167	6 039 629	3,40
CEUTA	2 201> 500	1 664 888	1,05
EL FERROL	1 216 565	32 440	0,58
GIJON	10 909 183	1 245 588	5,22
LA CORUNA	8 009 412	6 231 884	3,83
LA LUZ Y LAS PALMAS	5 262 069	2 214 326	2,52
MALAGA	6 662 034	5 625 470	3,19
MELILLA	334 832	31 747	0,16
PALMA DE MALLORCA	2 875 469	696 846	1,38
PASAJES	4 361 529	950 396	2,09
PONTEVEDRA	352 464	17 694	0,17
SANTA CRUZ DE TENERIFE	12 080 574	9 668 555	5,78
SANTANDER	3 355 633	986 419	1,61
SEVILLA	3 279 752	746 414	1,57
TARRAGONA	21 296 571	16 041 989	10,19
VIGO	2 037 614	711 250	0,97
VILLAGARCIA DE AROSA	342 809	33 250	0,16
C.A.G.P.*	10 803 034	1 270 414	5,17
TOTAL	208 944 599	105 078 737	100,00

*) C.A.G.P. = Comision Administrativa de Grupos de Puertos
(Port Group Administrative Committee).

The statistics set out above refer to all Spanish ports administered by the central government i.e.

(i) 4 autonomous ports (Public enterprises): Barcelona, Bilbao, Huelva and Valencia;

(ii) 23 autonomous port authorities (Public autonomous bodies);

(iii) 1 autonomous committee which administers minor ports under central government authority.

CHAPTER 2

3.11.2. STRUCTURE

3.11.2.1. Under the Spanish Constitution the central government administers all ports classified as of general interest and, more broadly, all ports engaged in commercial activities. It is left to the autonomous regional governments to administer ports of refuge, leisure ports (marinas) and fishing ports.

3.11.2.2. The ports administered by the central government are managed by a number of bodies and autonomous organizations, each a separate legal entity with its own budget personality different from the State as follows :

- i
- (i) 4 Public enterprises called "autonomous ports"?
- (ii) 23 Public autonomous bodies called "Juntas de Puertos" (Public Port Agencies)
- (iii) 1 autonomous central committee, the Comision Administrativa de Grupos de Puertos (CAGP, Port Group Administrative Committee) which manages 15 minor ports.

They are all under the Ministry for Public Works and Urban Planning, which keeps in touch with them through the Directorate-General for Ports and Coasts.

3.11.2.3. The rules for managing the four autonomous ports (Huelva, Barcelona, Bilbao and Valencia) are set out in the autonomy statutes granted to each of these ports under Title II of Law 27/68 introducing this method of management and defining its basic features. These ports are public enterprises whose activities are subject to private law. They are legal entities with budget and personality separate from the state. They are not subject to the law on autonomous state entities nor to the state contracts system. Instead, their management methods have been tailored to private law, just like a commercial business. They do not require prior central government approval for expenditure on matters within their responsibility. However, they are under an obligation to audit their accounts annually.

Each is governed by a Board of Directors. The Chairman is appointed by Royal Government Decree on a proposal from the Minister for Public Works and Urban Planning. The Council includes representatives of all the key sectors of the economy with an interest in the port and of the central government departments directly concerned. The number of members and the rules for appointing them are set out in the relevant autonomy statutes. Title II of Law 27/68 and the implementing Regulation approved by Royal Decree 1350/70 govern how the authority works.

3.11.2.4. The 23 autonomous port authorities named Juntas de Puertos are public autonomous bodies, public law entities created by law and with their own legal personality and budget separate from the state. However, they are subject to the law on autonomous state entities and to the law on state contracts. They require prior approval from a Controller of the Ministry of Economic Affairs and Finance for any expenditure.

Each is governed by a Board, whose Charman is appointed . by Royal Government Decree on a proposal from the Ministry for Public Works and; Urban Planning. The Board includes representatives of all central government departments directly concerned with the port, local government and all sectors of the economy active at the port.

3.11.2.4. The Comision Administrativa de Grupos de Puertos (CAGP, Port Group Administrative Committee) is an autonomous central body which, since the trahsfer of powers to the autonomous regions, has been responsible for managing 15 minor ports. Before devolution it ran over 200 ports. Its working procedures are governed by Law 27/68 and Royal Decree 1958/78. The Committee is an autonomous body subject to the law on autonomous state entities. It is a public law entity established by law and with its own legal personality and budget seperate from the state.

The Committee is subject to the law on state contracts and requires prior approval from a Controller of the Ministry of Finance before it can take administrative measures. It is governed by a Committee chaired by the Director-General for Ports and Coasts and comprising representatives of the central government departments with a direct interest in the minor ports.

There are plans to abolish this Committee in the near future and, to ask nearby port authorities to take over management of the ports concerned.

CHAPTER 3

3 .11 . 3. INTERNAL ORGANIZATION

3 .11. 3.1. Autonomous Ports (Public enterprises: Barcelona, Bilbao, Valencia and Huelva)

3.4.3.1.1. Each autonomous port is governed by Board with a full-time Chairman appointed by the government on a proposal from the Minister for Public Works and Urban Planning.

The Board consists of :

- Chairman
- Harbour Master
- General Port Manager
- Secretary
- Members called for by the statutes, on condition that not more than half may be representatives of central government departments with a direct interest in the port concerned. The rest must be chosen from representatives of the key sectors of the economy concerned with traffic at the port.
- Generally, the Board has 20 or so members as follows:
 - Three representatives of the autonomous regional government
 - Two representatives of the town councils
 - Two central government representatives, one a government lawyer (legal adviser), the other the customs chief officer.
 - Seven representatives of businesses using the port, appointed by the Chamber of Commerce and ship-users ; ship-owners ; dockers' and customs agents' associations
 - Two workers' representatives, one for the port authority staff, the other a docker.

Terms of office

- Automatic members : as long as the members remain in their post.
- Elected members : four years, after which they may be re-elected.

Both the General Port Manager and the Secretary are government officials of the appropriate grade, appointed by the Minister for Public Works and Urban Planning. The Board may delegate part of its responsibilities to Sub-Committees, either temporarily or permanently.

3 .11.3.1.2. The Board is responsible, for :

- administering and representing the port ;
- concluding whatever contracts are needed for its purposes ;
- organizing port services and demarcating the tasks of each agency ;
- laying down technical and economic rules of procedure ;

- giving economic approval for the investments included in the programmes and plans approved;
- putting forward proposals for any financing plans and loans felt necessary;
- setting port service charges, within the limits and policy set by the government;
- granting, concessions and fixing dues for occupancy of public areas of the port, in line with the criteria laid down by law.

3.11.3.1.3. The Chairman is responsible for:

- top management and monitoring of all services provided at the autonomous port;
- representing and signing on behalf of the port;
- drafting the agenda for and chairing Board meetings and checking that that agreements reached are recorded and implemented.

3.11.3.1.4. The General Port Manager is responsible for :

- Technical management of the port services area and exploitation thereof ;
- Preparation of studies, drafting of proposals for the Council and reporting on concessions granted by the administration ;
- Monitoring implementation of the police and services regulations and imposing the corresponding penalties ;
- Implementation of the rules on tariff application

3.11.3.2. Public Autonomous Bodies called Juntas de Puertos (Public" Port Agencies)

3.11.3.2.1 The 23 ports managed by a Junta de Puerto are governed by a Board with a full-time Chairman appointed by the government on a proposal from the Minister for Public Works and Urban Planning.

The Board consists of :

- Chairman;
- Vice-chairman;
- Harbour Master;
- Mayor;
- The President of the local government of the province or island;
- Two members appointed by the Chambers of Commerce;
- Four members representing associations for industries active at the port;
- Two members appointed by the port workers;
- One State lawyer (legal adviser);
- The customs chief officer;
- General port manager;
- Secretary.

Terms of office

- Automatic members : as long as they remain in their post
- Elected members : four ; years, after which they may be re-elected.

The General Port Manager, Secretary, Heads of department and administrative staff are all government civil servants of the appropriate category and grade y the senior grades are appointed freely by the Minister for Public Works and Urban Planning.

Each port board appoints an Executive Committee consisting of:

- Chairman
- Vice-Chairman
- Harbour Master
- Customs official
- Mayor
- Three Members nominated by the Board
- General port manager
- Secretary.

3.4.3.2.2. Each Port Board is responsible for :

1. proposing :

- budgets and financing plans for approval by the Ministry for Public Works and Urban Planning and the Ministry for Economic Affairs and Finance with a view to inclusion in the general state budget annually approved by Parliament y
- tariffs for port services, subject to the rules and margins laid down by the Ministry for Public Works and Urban Planning, which must also approve the tariffs ;
- concessions or 'authorizations to occupy public areas of the port, to provide public services or to exercise activities in the port area ;
- to raise loans or sell assets, subject to the approval of the Ministry for Public Works and Urban Planning and of the Ministry for Economic Affairs and Finance y
- to approve investment and construction plans y
- to give technical approval for projects worth over 50 million pesetas, which must also be approved by the Ministry for Public Works and Urban Planning y
- to give economic approval to investment projects worth over 50 million pesetas but not more than 1000 million pesetas, which must be approved by the Ministry for Public Works and Urban Planning y projects involving higher sums must be authorized by the Spanish Council of Ministers y

- to approve the police regulations and internal rules of procedure, which must be adopted by the Ministry for Public Works and Urban Planning ?
- to draw detailed lists of posts (i.e. workers and officials) and of staff requirements.

2. approving s

- new registrations of shippers, agents and fish wholesalers so that they can exercise their activities at the ports ;
- the technical and economic sides of projects worth not more than 50 million pesetas ;

3. organizing the services provided and managing the port authority (organising tying-up and casting off, loading and unloading, warehousing and carriage of cargo, and passenger and vehicle movements),*
4. carrying out policing duties, in line with the regulations adopted and imposing the corresponding penalties ;
5. collecting tariffs and dues ;
6. recruiting and dismissing workers ;
7. delegating any powers seen fit to the Executive Committee, Chairman or General Manager

3.11.3.2.3. The Chairman and General Port Manager have the same responsibilities as the Chairmen and General Port Managers of the so called Autonomous Ports (see above).

3.11.3.2.4. The Secretary of the Board is responsible for :

- (i) acting as secretary at meetings of the Board and of the Executive Committees ;
- \ (ii) administration and bookkeeping for the port authority.

3.11.3.2.5 The Controller delegated by the general central government court of auditors is responsible for :

- the functions specified in the law on autonomous state entities, including approval of economic operations of any kind..

3.11.3.3. Comision Administrativa de Grupos de Puertos
(CAGP), Port "Group Administrative Committee "

3.11.3.3.1. Ports subject to central government control but with no body or entity of their own to manage them are managed by the Port Group Administrative Committee, which is governed by a General Committee plus an Executive Committee chaired by the Director-General for Ports and Coasts.

The CAGP Executive Committee comprises :

- Chairman : Director-General for Ports and Coasts
- Vice-Chairman : Deputy Director-General for Ports and Coasts
- The general manager of the Port Group Administrative Committee
- One representative of the Ministry for Public Works and Urban Planning
- One representative of the Directorate-General for Merchant Shipping in the Ministry for Transport, Tourism and Communications.
- One representative from the Secretariat-General for Fisheries in the Ministry for Agriculture and Fisheries?
- One representative of the Navy Command in the Ministry of Defence ?
- One government lawyer, the Head of the Legal Service of the Ministry for Public Works and Urban Planning ?
- The government controller delegated by the Ministry of Economic Affairs and Finance?
- The Committee Secretary ?
- Two subcommittee chairmen

3.11.3.3.2. The Committee and each of its sub-committees performs the same functions as the Port Boards at the ports which it manages.

3.11.3.3.3. There are plans to abolish the Committee in the near future and to ask port authorities closer at hand to take over management of the minor ports currently managed by it.

CHAPTER 4

3.11.4. EXTERNAL RELATIONS

3.11.4.1. Autonomous ports .(Public Enterprises)

3.11.4.1.1. The Ministry for Public Works and Urban Planning maintains close ties with these entities, via the Directorate-General for Ports and Coasts. It acts like a holding company responsible for all state ports. It is responsible for ;

- discharging the central government's responsibilities vis-à-vis these entities ;
- proposing the Chairman for government appointment;
- appointing the general port manager and secretary ;
- producing statutory reports on the financing plans, loans, transfer of goods and disposal of assets no longer required.
- implementing government port tariff policy and laying down the upper and lower limits within which the autonomous port may set its tariffs ;
- formulating the criteria for government port policy and co-ordinating the measures taken by the port authorities and port entities to implement this policy.
- laying down technical standards for port construction work and port services and giving technical approval to investment plans and projects exceeding 200 million pesetas;
- conducting technical inspections on sites and services ;
- monitoring management of the autonomous port.

3.11.4.1.2. The Ministry for Economic Affairs and Finance is responsible for ;

- submitting to the government the proposed financing plans, loans and accounts, together with the opinion of the Ministry for Public Works and Urban Planning ;
- checking that the financing plan is implemented properly ;
- authorizing the transfer and disposal of goods.

3.11.4.1.3. Managers and the various sub-committees or representatives on the Board of the autonomous ports are directly responsible for co-ordination with all other ministries or branches of the central government.

3.11.4.1.4. The central government is responsible for:

- top-level inspection and monitoring of the ports;
- appointing the Chairman;
- approving financing plans and investment programmes;
- authorizing loans;
- approving each year's annual report, balance and accounts ;
- laying down tariff policy on the organization and co-ordination of transport services.

3.11.4.2. Juntas de Puertos - (Port Public Agencies) and
CAGP Port Group Administrative Committee

3.11.4.2.1. The Ministry for Public Works and Urban Planning is responsible for :

- putting forward nominations for Chairman to the government ;
- appointing the general port manager, secretary, technical staff and financial administrators ;
- reporting on the budgets and financing plans for approval by the Ministry for Economic Affairs and Finance with a view to inclusion in the general State budget annually approved by Parliament ;
- approving the port tariffs charged by the Committee ;
- granting concessions or authorizations to occupy public areas of the port, to provide public services or to exercise activities in the port area ;
- approving investment and construction plans ;
- reporting on loan raising and sales of port assets ;
- giving technical and economic approval for investment projects worth over 50 million pesetas and reporting on projects worth over 1 000 million pesetas, which must receive government approval ;
- approving the police regulations and internal rules of procedure ;
- approving detailed lists of posts (i.e. workers and officials) and staff requirements.

3.11.4.2.2. The Ministry for Economic Affairs and Finance is responsible for :

- Prior controlling of economic measures by the central government's court of auditors ;
- Approval of budgets and submission of budgets to Parliament;
- approval of loans and of changes of use of port assets ;

3.11.4.2.3. The management of the port authority and its various management committees and their representatives on the port authority are directly responsible for co-ordination with all other ministries or branches of central government.

3.11.4.2.4. The central government is responsible for :

- appointing the Chairman ;
- giving economic approval for investments exceeding 1 000 million pesetas.

CHAPTER 5

3.11.. 5. CHARGES, DUES AND REVENUES

3.11.5.1 Port tariffs collected by the port authority

The port tariffs are applied in line with the rules for implementation set out in the implementing regulations approved by the Ministry for Public Works and Urban Planning.

1. General charges

- G-1 Port entry and stays : These charges are based on vessel gross register tonnage (GRT), length of stay at the port and the type of shipping.
- G-2 Mooring charge : The mooring charge is based on maximum vessel length, length of wharf occupied and on time spent at the moorings.
- G-3 Goods and passenger charges. The goods charge is based on goods weight and category (decided by the type and intrinsic value of the cargo). The passenger charge depends on the number of passengers, the type of passage and, in both cases, the type of shipping.
- G-4 Fresh fish : This charge is based on the auction or first-sale value of the catch. It includes charges G-1, G-2 and G-3.
- G-5 Pleasure trips : This charge is based on the surface area obtained from the product of total vessel length by maximum beam and on the length of stay at anchor or moorings.

2. Special charges

- E-1 Cranage : This charge is based on the length of time for which the crane is provided.
- E-2 Warehousing and premises : This charge is based on the surface area occupied and duration of use or, alternatively, on the weight and duration of use.
- E-3 Supplies : The supply charge is based on the number of units supplied.
- E-4 Miscellaneous services : The miscellaneous services charge is based on the number of units of service provided in each specific case. Before services subject to this charge are performed, the customer has to accept the estimate.

3. Charges for concessions and authorizations

Occupancy charge : 6 % of the value of the land occupied.
Industrial use charge ; charge depending on the type of activity or benefit expected.

3.11.5.2. Other port charges collected by other institutions or undertakings

- Pilotage : pilotage charges are collected by the pilotage services at each port, on the basis of vessel GRT and the type of shipping.
- Tying-up : charged by specialized mooring undertakings or co-operatives on the basis of vessel GRT.
- Towage : charge imposed by private towage undertakings authorized to operate at the port, on the basis of vessel GRT and of the power of the tugs employed.
- Stowing and unstowing : charges levied by private stevedorage undertakings authorized to operate at the port, based on the tonnage loaded or unloaded and on the category of cargo. Maximum tariffs have been set. * lower rates are negotiated with the undertakings.
- Shippers : usually levy a percentage on the fees, as the shipowner's representatives.
- Customs agents : also charge a lump sum for customs clearance, in the form of a percentage of the value of all operations subcontracted to them, while the customs authorities at each port levy the duties laid down by Spanish tax legislation.

CHAPTER 6

3.11.6. DIVISION OF RESPONSIBILITY AND POWERS

The division of responsibility and powers on matters concerning the port is the same for the autonomous ports* the Juntas de Puertos and the Port Group Administrative Committee alike. However, the autonomous ports enjoy greater decentralization from the Ministry for Public Works and Urban Planning and less bureaucratic day-to-day management. All investment plans must be approved by the Directorate-General for Ports and Coasts in the Ministry for Public Works and Urban Planning, which must also approve all major investment projects. Similarly, the Directorate-General for Ports and Coasts ; appraises the budgets of each port authority and checks that they fit in with the management and investment targets set before endorsing applications for grants from the general state budget. However the medium-term objective is to dispense with State grants altogether.

3.11.6.1. Maritime access

Investment and upkeep are paid for by the port authority, although if necessary the State sometimes pays investment grants to help implement the approved investment plans. Generally, ports needing dredging have their own equipment for the task. A department of the Directorate-General for Ports and Coasts is responsible for signalling, including planning and investment in lights and radio or electrical signals. The port authority is responsible for upkeep and use of lighting at the port.

3.11.6.2. The port itself

3.11.6.2.1 Infrastructure

Jetties, quays and public moorings are constructed and funded by the port authority.

In addition, private moorings have been constructed for industries with enough traffic entering or leaving the port to make the investment worthwhile. These private moorings qualify for a reduction on charge G-1 and are exempt from charge G-2. The owner of the mooring is liable to the corresponding concession fees.

There are no investments funded jointly by the port authority and by private individuals at Spanish ports

3.11.6.2.2 Superstructure (including port equipment)

Paving, lighting, water and energy supply networks, and port authority administrative buildings are all built by the port authority itself which also pays for investments in sheds, warehouses and cranes of all sorts for public use. Private sources usually pay for investments in silos, tanks, special purpose warehouses and cargo-handling equipment. Quayside cargo-moving equipment is also usually privately owned.

3.11.6.2.3. Services

3.11.6.2.3.1. Services provided for ships

PILOTAGE : Each port has its own pilots' association responsible for providing pilotage services in return for the appropriate fee.

They have office space at the ports and watchtowers or observation points commanding a view of the entire port. These are either supplied under concession from the port authority or are made available by the Directorate-General for Merchant Shipping.

TOWAGE : Private firms charging the tariffs and working to the rules approved by the Directorate-General for Merchant Shipping provide this service.

MOORAGE : Tying-up and casting-off is usually performed by small private firms or co-operatives authorized by, and charging the tariffs approved by, the port authority. /

SHIP REPAIRS : Ship repairs are carried out by small firms with concessions to operate dry-dock facilities.

Some ports have their own dry docks, but these are normally operated by private firms.

BERTH ALLOCATION : Berths are allocated by the port authority. Authorization to berth, however, is given by the Harbour Master. The pilot services assist. This applies even to private berths.

RAMPS : Most roll-on/roll-off ramps and passenger gangplanks for direct access from the vessel to the passenger terminal belong to the port authority.

VESSEL-CLEANING : Usually private firms under contract to the shippers are responsible for cleaning the vessel.

SHIPPERS AND SHIPPING AGENCIES : These are private firms representing the shipowner and registered with the port authority, with whom they lodge guarantees.

REVICTUALLING : Food, drink and other such provisions are supplied by private firms authorized by the port authority and under contract to the shippers.

BUNKERAGE : Fuel is supplied by private firms with fuel storage tanks, networks and pumps and, in some cases, fuel barges. Permanent installations at the port must be subject to a concession from the port authority. Special charges are made for this service.

UNBALLASTING AND DEGASSING : All refineries and oil-load!rig' facilities must be equipped with unballasting facilities and ballast processing units. There are public and private undertakings. All ship repair yards above a certain size are equipped with degassing facilities to maintain tanker repair safety. Commercial ports are now setting up services to collect bilge water and effluent contaminated by oil or petrochemical residues, as required by the Marpol Convention.

These services will operate under the responsibility of private firms specially authorized by the port authority, which will set the fees.

PROVISION OF WATER : The port authority provides water at the appropriate price per cubic metre.

PROVISION OF ELECTRICITY : This too is the responsibility of the port authority, which charges the appropriate price per kWh. Some port authorities supply electricity to concession holders at the port in return for the appropriate tariff.

PROVISION OF TELEPHONES : Ports do not usually have boat telephone connections* However, the PTT administrations have installed callboxes on commercial quaysides.

3.11.6.2.3.2. Services provided for goods

1. Stevedorage (stowing and unstowing) loading and unloading, delivery and acceptance
Quayside goods-handling services are left to private stevedorage undertakings authorized to operate in the port by the port authority. The maximum rates chargeable are set by the port authority. These undertakings must employ stevedores registered as such by the Port Workers' Organization, an autonomous agency attached to the Ministry for Employment and Social Security. This agency is responsible for keeping the register up to date.
2. Customs agents
Customs agents are responsible for obtaining custom clearance for goods from the customs and port authorities. They will also perform other cargo services like those provided by freight forwarders. They are private undertakings authorized by the customs administration, with whom they also lodge guarantees.
3. Freight forwarders
Freight forwarders are private undertakings which assume responsibility for all, or at least part, of the transport service.

3.11.6.2.3.3. Security services

The port authority must have enough hydrants to allow the local fire brigade to connect their equipment properly. Tugs too must be fitted with water/foam cannon. Each port authority has its own security forces with vehicles and staff of their own. They are equivalent to State security guards. For tax and theft prevention reasons, ports are almost entirely sealed off. The port authority and State Security forces are responsible for keeping a watch on ports. Owners or other people responsible for cargo can employ supplementary security guards if they see fit. The State security forces are responsible for checking passenger identification documents and completing customs formalities.

All Spanish ports have a first-aid station. Some even have an ambulance permanently stationed there, the cost being shared between the port authority and the Port Workers' Organization, which keeps the dockers' register.

The harbour-master is responsible for preventing marine pollution. Companies owning oil terminals, must fit anti-contamination equipment such as booms, detergents, dispersants, etc. Some port authorities have special craft to collect floating solids.

3.11.6.3. Inland transport, within the port area

The port authority is responsible for investment in, and maintenance of roads and railways within the port area, with the exception of standard railway maintenance. Generally, the rolling stock remains the property of the railways themselves, apart from a few engines.

Outside the port area the Directorate-General for Roads in the Ministry for Public Works and Urban Planning and the public railway undertakings (RENFE and FEVE) are responsible for the access roads and track. Usually investments in conveyor belts or pipelines are paid for by the concession holders responsible for the goods carried. The port authority pays for bridges or tunnels inside the port area and used solely by traffic within the port. There is virtually no inland waterway network in Spain, apart from the 80 km dredged Guadalquivir canal and the associated lock providing access to the port of Sevilla. The Sevilla port authority pays the investment and maintenance costs for both these. Private firms charging highly reduced fares are responsible for ferry services within the port area.

CHAPTER 7

3.11.7. SPECIAL FINANCIAL PROBLEMS

3.11.7.1. Annual accounts

All port administrations in Spain, whether autonomous ports, port authorities or the Port Group Administrative Committee, publish their balance sheet, profit-and-loss account and financial statement once a year.

The Directorate-General for Ports and Coasts collates a consolidated balance sheet, profit-and-loss account and financial statement for all Spanish ports.

Similarly, every year each port administration draws up its budgets for inclusion in the general state budget.

No other port organisation whether public or private is required to keep or publish separate accounts for its port activities.

3.11.7.2. Depreciation

All port administrations are under an obligation to allow for depreciation of fixed assets in their accounts, following the specific rules laid down by the Directorate-General for Ports and Coasts. They are based on historic costs brought up to date.

No allowance is made for devaluation. Assets are revalued each year in line with the general inflation rate.

3.11.7.3. Rates of return

The overall target for all Spanish ports is a net rate of return of 6 % on the discounted value of the port's net assets. In 1984, the net rate of return achieved was only 2.58 %. The 6 % target should be attained by 1990. Each port is set its own management target, based on its economic position and traffic volume.

3.11.7.4. Loans

No interest accrues on grants from the State budget, which are non-repayable. Ports are allowed to contract debts with public or private banks, subject to authorization by the Spanish Council of Ministers. On rare occasions, they enter the capital market to cover their peak financing requirements.

3.11.7.5. Provision of facilities

No charge can be made for general services, such as entry, tying-up and anchorage, for vessels belonging to the State, to the Spanish Navy or to the navy of other countries which have signed reciprocal arrangements with Spain on this matter.

Military hardware and goods for use and consumption by the vessel or crew are exempted from goods charge G-3.

3.11.7.6. Taxation

Ports are exempt from national or local taxes. However, they are liable to VAT on all their acquisitions and on the construction work which they carry out. They must deduct the amounts required, by law, for their wage-earning staff and for VAT on port services subject to the tax, ready for payment to the Ministry for Finance,

3.11.7.7. Restraints

3.11.7.7.1 Port administration

3.11.7.7.1.1. On activities and investment

The activities and powers of the autonomous ports and of the port authorities are defined in the Law of 20 June 1968, the Regulation implementing Title I of the above-mentioned Law and the statutes approved by Royal Decree for each of the autonomous ports.

Generally, these powers are confined physically to the port area. They are restricted to management and organization of port services, policing of the quayside and services area and, generally, to anything needed to allow a smooth flow of traffic and profitable productive exploitation of the port. These powers are conferred without prejudice to those bestowed on other central government agencies. There are virtually no restrictions on investments by port authorities inside the port area, provided they are related directly or indirectly to activities at the port. Likewise, occasionally investments related to port traffic or port activities are made outside the port area, for example in access roads, etc.

3.11.7.7.1.2. On pay and working conditions

The civil servants working for the port authorities are governed by the general rules laid down for the Civil Service by the Office of the President of the Government. The blue collar workforce is subject to a collective agreement annually renegotiated with the most representative trade unions. This agreement is concluded by the State and negotiated by the Directorate-General for Ports and Coasts in the Ministry for Public Works and Urban Planning. Representatives of various ports join in the talks. The agreement applies to all ports administered by the central government or by the autonomous regional governments which have adopted the agreement of their own free will. The port authorities are left a certain margin for negotiation to adapt the general agreement to local conditions at a later stage and to allocate productivity bonuses, subject to the gross total set in the State agreement.

Dockers negotiate their collective agreements with the private firms, both for the permanent workforce and for dockers employed on a day-to-day basis. The only limit on the negotiations is set by the maximum tariffs set for each operation by the port authority.

3.11.7.7.1.3. Charges for services

Port service charges are set by the port authority, in the case of the autonomous ports, within the margins set by the Ministry for Public Works and Urban Planning and after the opinions of the Ministry for Transport and of the Ministry for Economic Affairs and Finance have been heard. The port boards propose port service charges within these margins to the Ministry for Public Works and Urban Planning, which gives final approval.

3.11.7.7.1.4. On dues

The annual dues for occupying public areas of the port are 6 % of the value of the land, based on the value of nearby industrial land. The rates for exercising industrial activities are calculated from a sum fixed by the autonomous ports or by the Ministry for Public Works and Urban Planning, on a proposal from the port boards.

3.11.7.7.2 Private port organizations

Undertakings providing port services are subject to the general Spanish legislation on businesses, plus two further forms of supervision by the port authority :

- authorization to exercise the activity, including the obligation to pay the corresponding dues and to observe the maximum charges and other conditions laid down for the service provided ;
- undertakings permanently occupying room at a Spanish port must apply for the appropriate concession, which will specify the occupancy charge payable.

CHAPTER 8

3.11.8. EMPLOYMENT

3.11.8.1. Port workers ('dockers'*)

Dock work at Spanish ports is delegated to private Undertakings licensed in advance by the port authority, which sets the maximum charges for stowing, unstowing, loading and unloading.

These undertakings are statutorily required to take on dockers registered with the Port Workers' Organization, an autonomous state agency working under the Ministry of Labour and responsible for keeping the register and ensuring that the collective fulfills its social obligations. To achieve this, it receives sufficient funds from the dock undertakings to monitor compliance with the social security obligations applicable to registered dock workers, as well as the organization's own management expenditure.

Such undertakings can take on dock workers either permanently or temporarily, by enlistment for the day in question on the basis of a rota system administered by the Port Workers' Organization.

Casual workers receive unemployment benefit equal to the minimum guaranteed daily wage for each day that they are out of work. Working conditions and wages are negotiated in the form of collective agreements concluded port by port between the majority trade unions and the dock undertakings or associations. Far-reaching changes to the entire system are being considered.

3.11.8.2. Other grades

Details of the treatment for other grades are set out in Chapter 7, Section 3.4.7.7.1.3.

3.11.8.3. Docker training

The Port Workers' Organization is responsible for docker training, which must be paid for from the contributions levied from the undertakings. The port authorities provide cranes for training purposes.

3.11.8.4. Canteens

The port authority issues concessions for private firms to provide canteen services in the port area. Sometimes the canteen is built by the undertaking itself. In other cases, it is by the port authority. It all depends on the precise arrangements set out in the concession.

CHAPTER 9

3.11.9. STATISTICS

3.11.9.1. Statistics published by the port authorities

Each port publishes standardized statistics once a year. Once a month traffic forecasts are made for the main traffic links and sent to the Directorate-General for Port and Coasts for processing. Most ports have computerized data bases which can reshuffle the statistics within certain limits.

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