

COMMISSION OF THE EUROPEAN COMMUNITIES

REPORT

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

PORT WORKING GROUP

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

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 (3)	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 Developpement des Grands Ports Français, UPACCIM (please see footnote 3) Dublin, Venice, Amsterdam, Rotterdam, British Ports Association.
- (3) Union des Ports Autonomes et des Chambres de Commerce et d'Industrie Maritimes de France.

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 as follows (for practical reasons it was decided, if required, to provide for an alternative deputy also).

CHAIRMAN : Mr. F. VENTRELLA Director in the Transport D.G.
 VICE-CHAIRMAN : Mr. E. VITTORELLI Head of Division in the Transport D.G.

MEMBER STATES	MEMBER	DEPUTY	ALTERNATIVE
BELGIUM	<u>F. SUYKENS</u> Adj. Directeur-Generaal van het Havenbedrijf <u>Antwerpen</u>	<u>C. CHARLIER</u> Directeur Generaal van de Havendienst <u>Gent</u>	<u>N. DECORTE</u> Secretaris van Administratie - Havendienst <u>Gent</u>
DENMARK	<u>E. ANDERSEN</u> General Manager of the Port of Copenhagen Authority	<u>C. VENG</u> Ass. General Manager of the Port of Copenhagen Authority	
FEDERAL REPUBLIC OF GERMANY (1)	<u>H. WESTENDORF</u> Senatsdirektor bei der Behörde für Wirtschaft, Verkehr und Landwirtschaft (BWVL) Freie und Hansestadt <u>Hamburg</u>	<u>U. KAPUST</u> Senatsdirektor beim Senator für Häfen, Schifffahrt und Verkehr, Freie Hansestadt <u>Bremen</u>	1) <u>G. MORITZ</u> Leitender Regierungsdirektor bei der BWVL Freie und Hansestadt <u>Hamburg</u> 2) <u>A. FREYTAG</u> Regierungsdirektor beim Senator für Häfen, Schifffahrt und Verkehr Freie Hansestadt, <u>Bremen</u>

(1) Henceforth referred to as "Germany" in this report

MEMBER STATE	MEMBER	DEPUTY	ALTERNATIVE
FRANCE	<u>L. BETOUS</u> Président de l'Union des Ports Autonomes et de Chambres de Commerce et d'Industrie Maritimes <u>Paris</u>	<u>P. DEBAYLES</u> Directeur du Port Autonome de <u>Bordeaux</u>	
IRELAND	1) <u>D. HEGARTY</u> 2) <u>J. MURPHY</u> 3) <u>R. HAYES</u> General Manager Dublin Port and Docks Board <u>Dublin</u>	1) <u>J. MURPHY</u> 2) <u>D. HEGARTY</u> 3) <u>H. GILLIGAN</u> Secretary Dublin Port and Docks Board <u>Dublin</u>	February-July 1974 August 1974-December 1975 from January 1976
ITALY	<u>G. DAGNINO</u> Presidente del Consorzio Autonomo del Porto di <u>Genova</u>	<u>A. TONIOLO</u> Direttore Generale del Provveditorato al Porto di <u>Venezia</u>	<u>P. de PAOLIS</u> Segretario Generale del Consorzio Autonomo del Porto di <u>Genova</u>
NETHERLANDS (1)	<u>H. DE ROO</u> Hoofd Commercieel- Economische Afdeling van het Gemeentelijk Havenbedrijf <u>Amsterdam</u>	<u>J. DIJKGRAAF</u> Directie-Assistent voor EEC-zaken Havenbedrijf der Gemeente <u>Rotterdam</u>	<u>M.J.J. VAN RIEL</u> Hoofdadministrateur bij het Gemeentelijk Havenbedrijf <u>Amsterdam</u>
GREAT BRITAIN	<u>E.E. POLLOCK</u> Marketing Manager and Economist British Transport Docks Board London	<u>F. N. REECE</u> Head of Corporate Planning, Port of London Authority <u>London</u>	
SECRETARIAT	<u>P.J. POWRIE</u> <u>W.D. BODEWITZ</u> <u>L. MEERWEIN</u>	Principal Assistant Assistant	) in the Transport Direc- torate-General of the) Commission of the) European Communities

(1) Up until his untimely death on 20 October 1976, Dr. J.M.C. Hagenaar, Onder-Director van het Havenbedrijf der Gemeente Rotterdam was the Dutch ports' representative on the Working Group.

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 which 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. Mr. Westendorf (Hamburg) and Dr. Kapust (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".

Messrs. Westendorf (Hamburg) and Dr. Kapust (Bremen) 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.

Mr. Hageenaar (Rotterdam) and Mr. de Roo (Amsterdam) are 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 ports 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 consider that its terms of reference are clear and that, taking those terms of reference into account, the functions studied and the definitions suggested give 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 (1) 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) See map at Annex 4

CHAPTER 6

1.6

LIST OF PORTS REPLYING TO THE QUESTIONNAIRE

PORT	MEMBER STATE	SEA-BORNE TRADE 1975 in 000 tonnes	% of national tonnage covered by the ports replying
Antwerp	Belgium (2)(6)	60.481	98,9
Ghent		14.348	
Ostend		1.264	
Zeebrugge		8.664	
Aalborg	Denmark (3)(7)	2.968	37(1)
Aarhus		3.633	
Esbjerg		3.129	
Fredericia		1.756	
Kalundborg		2.046	
Copenhagen		9.970	
Odense		1.986	
Brake	Germany (4)(7)	4.008	93,9
Bremen		21.030	
Brunsbüttel		5.803	
Cuxhaven		255	
Emden		10.724	
Flensburg		677	
Hamburg		47.482	
Kiel		1.290	
Leer		104	
Lübeck		5.574	
Nordenham		5.286	
Papenburg		248	
Rendsburg	562		
Wilhelmshaven	23.703		
Bayonne	France (5)(7)	1.917	97,4
Bordeaux		11.232	
Boulogne		2.262	
Brest		1.740	
Caen		1.967	
Calais		3.885	
Cherbourg		793	
Dieppe		1.146	
Dunkirk		29.851	
La Nouvelle		1.156	
La Rochelle	3.112		
Le Havre	72.019		
Lorient	1.466		

(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 1975 in 000 tonnes	% of national tonnage covered by the ports replying		
Marseilles		95.782	}		
Nantes/St.Nazaire		12.433			
Rouen		12.832			
Sete		6.272			
Arklow		209	}		
Cork		5.785			
Drogheda		325			
Dublin	Ireland (2)(7)	6.035		92,6	
Galway		333			
Limerick		862			
New Ross		391			
Waterford		938			
Cagliari		20.353		}	
Civitavecchia		4.350			
Genoa		52.514			
La Spezia		11.548	}		
Leghorn	Italy (3)(7)	10.388			58,2 (1)
Naples		16.578			
Palermo		2.562			
Savona		12.635			
Trieste		32.377			
Venice		21.377			
Amsterdam		17.425		}	
Delfzijl	(4)(6)	2.099			
Rotterdam	Netherlands	263.836	93,3		
Terneuzen		4.830			
Vlissingen		3.961			
Bristol (3 ports)		4.496	}		
British Railways Board (7 ports)		5.563			
British Transport Docks Board (19 ports)		77.252			
Clyde		12.085			
Dover	(5)(6)	3.550			
Felixstowe	Great Britain	4.116		69,0 (1)	

(1) The reasons for these low figures are set out on page 1 of the Italian and British national summaries respectively. Please see part III.

(2) Figures provided by the ports themselves.

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

(4) Central Bureau for Statistics (CBS)

(5) National Ports Council Digest and port authorities

(6) Foreign going traffic only

(7) Including national coastwise traffic

PORT	MEMBER STATE	SEA-BORNE TRADE 1975 in 000 tonnes	% of national tonnage covered by the ports replying
Forth (6 ports)		8.392)
London		41.479	
Manchester		14.067	
Mersey (2 ports)		22.543	
Tees (2 ports)		20.051	
Tyne		4.263	
Total tonnage		1.206.418	
% of total Community port traffic		79,4 %	

CHAPTER 7

1.7 Activity of the Working Group

1.7.1 The Working Group has held 12 meetings and the details of its work are set out in the programme of activities at Annex 3. 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 considers that it has done all that was within its possibilities to complete the tasks set it as rapidly as possible. The Group would wish to put on record the cooperation and the goodwill of the Community ports who have taken part in this enquiry.

The reference date for material in the report was fixed as 1 June 1976

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/operation
 - 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.)
please specify if different arrangements are made
 - 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 area
 - 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 area
 - 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 & 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

1. 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 activities 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.

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: it may be possible to provide a detailed break-down under item 3 (iii).
4. Services provided for ships: the word "services" is used here in a narrow sense.
5. Services related to goods: 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.

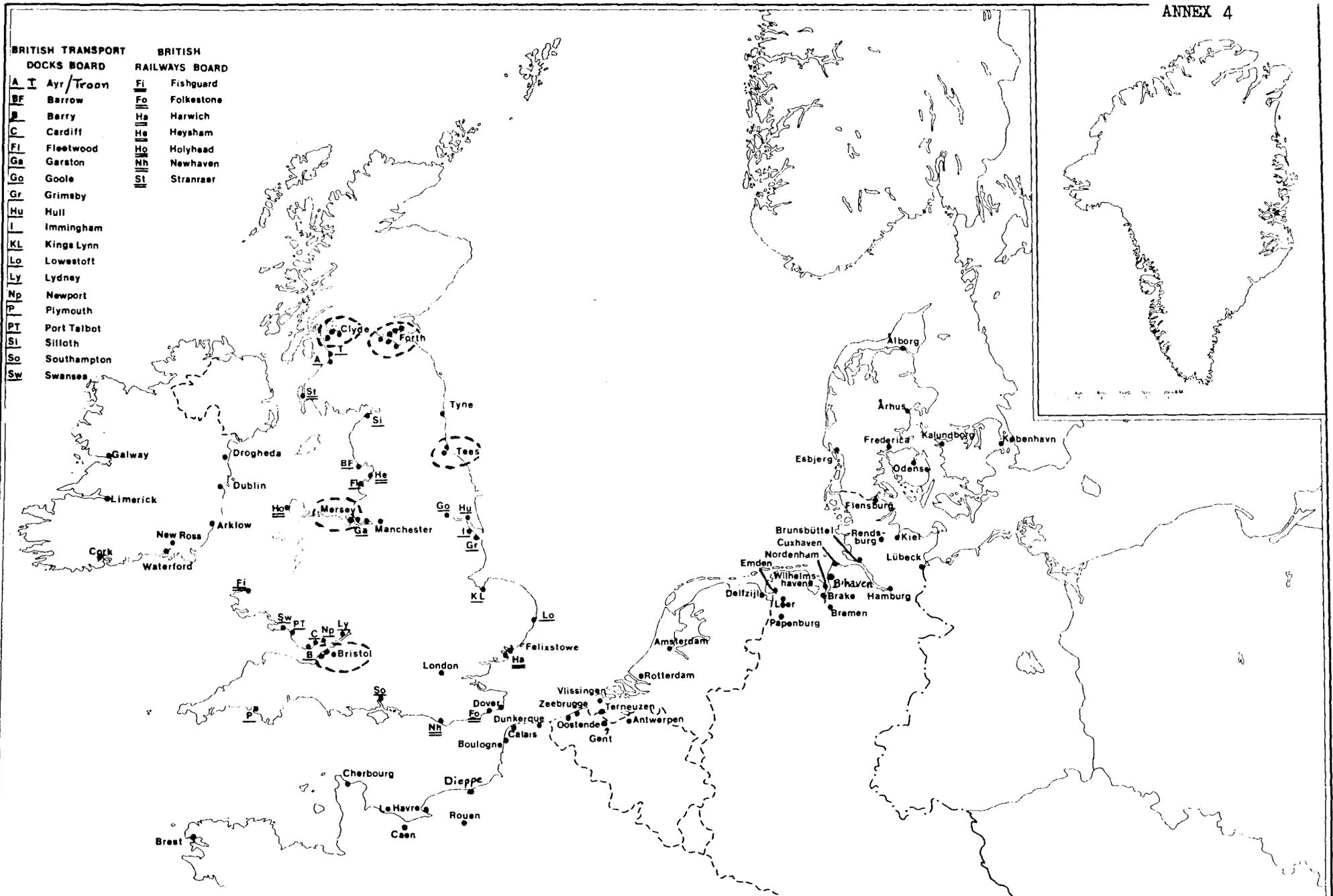
PROGRAMME OF THE MEETINGS AND LIST OF THE PRINCIPAL ACTIVITIES
OF THE PORT WORKING GROUP

MEETING/ACTIVITIES OF THE WORKING GROUP	PREPARATION AND IMPLEMENTATION OF THE GROUP'S RESOLUTIONS
<p>24 APRIL 1974</p> <p><u>1st meeting</u> arrangement of programme of work: exchange of views on the definitions and the questionnaire</p>	<p>Drawing up and translation of draft questionnaires: translation and circulation of definitions</p>
<p>20/21 JUNE 1974</p> <p><u>2nd meeting</u> drawing up of a draft questionnaire discussion on the definitions</p>	<p>Preparation, translation and circulation of the third draft of the questionnaire to members of the Group: preparation of explanatory notes: preparation of copies of all replies to the questionnaire received from members of the Group</p>
<p>7/8 NOVEMBER 1974</p> <p><u>3rd meeting</u> definition of the term "seaport": agreement of the final version of the questionnaire and explanatory notes: drawing up of the list of ports to which the questionnaire was to be sent</p>	<p>Preparation, translation and circulation of the questionnaire and explanatory notes to 80 port authorities; analysis of the first replies</p>
<p>20/21 FEBRUARY 1975</p> <p><u>4th meeting</u> discussion on the general lines of the Final Report and on the definition of the term "seaport policy"</p>	<p>Translation and circulation to members of the Group of the 76 replies to the questionnaire in English and in French; preparation of a revised draft of the outline of the Final Report: detailed analysis of the British ports' replies; translation and circulation of the definition of "seaport policy"</p>
<p>28/29 OCTOBER 1975</p> <p><u>5th Meeting</u> draft of the general lines of the Final Report: agreement on the definition of the term "seaport policy"</p>	<p>Translation and circulation of the last reply to the questionnaire: preparation of first draft national analyses and summaries and circulation to national coordinators: circulation of agreed national summaries</p>
<p>30/31 MARCH 1976</p> <p><u>6th meeting</u> Discussion and approval of national summaries</p>	<p>Preparation of second draft of national summaries, of chapter on statistics and introduction to the Final Report</p>

MEETING/ACTIVITIES OF THE WORKING GROUP	PREPARATION AND IMPLEMENTATION OF THE GROUP'S RESOLUTIONS
13/14 MAY 1976 <u>7th Meeting</u> Discussion and approval of national summaries	Preparation of second draft of national summaries, of chapter on statistics and introduction to the Final Report
22 JUNE 1976 <u>8th meeting</u> Discussion and approval of general lines of approach of the Final Report	Preparation of final drafts of national summaries and first draft of overall summary in all languages
12/13 OCTOBER 1976 <u>9th meeting</u> Discussion of the Introduction and Overall Summary chapters of the Final Report	Revision of drafts of the Introduction and Overall summary in all languages
23/24 NOVEMBER 1976 <u>10th meeting</u> Further discussion of the Final Report	Revision of drafts of the Introduction and Overall summary in all languages; linguistic revision of all National Summaries
25/26 JANUARY 1977 <u>11th meeting</u> further discussion of the Final Report	Preparation of final drafts of the Introduction and Overall summary in all languages
10/11 MARCH 1977 <u>12th meeting</u> Approval of the Final Report	Preparation of the Plenary Meeting

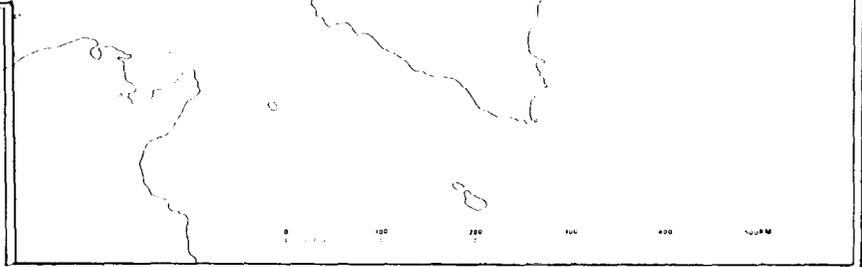
NOTE : In addition to the meetings described above, an "editorial group" composed of representatives of Bremen, Copenhagen, Genoa, Ghent, Hamburg, Marseilles, Rotterdam and the Commission's services met on December 14/15, 1976, January 4/5, and 23/24 February 1977, in order to ensure the closest possible comparison between the texts in the six languages.

BRITISH TRANSPORT DOCKS BOARD		BRITISH RAILWAYS BOARD	
<u>A</u>	Ayr/Troon	<u>Fi</u>	Fishguard
<u>BF</u>	Barrow	<u>Fo</u>	Folkestone
<u>B</u>	Barry	<u>Ha</u>	Harwich
<u>C</u>	Cardiff	<u>He</u>	Heysham
<u>Fl</u>	Fleetwood	<u>Ho</u>	Holyhead
<u>Ga</u>	Garston	<u>Nh</u>	Newhaven
<u>Go</u>	Goole	<u>St</u>	Stranraer
<u>Gr</u>	Grimsby		
<u>Hu</u>	Hull		
<u>I</u>	Immingham		
<u>KL</u>	Kings Lynn		
<u>Lo</u>	Lowestoft		
<u>Ly</u>	Lydney		
<u>Np</u>	Newport		
<u>P</u>	Plymouth		
<u>PT</u>	Port Talbot		
<u>Si</u>	Silloth		
<u>So</u>	Southampton		
<u>Sw</u>	Swansea		





HAVNE SOM BESVAREDE SPØRGESKEMAET
 HÄFEN, DIE DEN FRAGEBOGEN BEANTWORTET HABEN
 PORTS REPLYING TO THE QUESTIONNAIRE
 PORTS QUI ONT REPONDU AU QUESTIONNAIRE
 PORTI CHE HANNO RISPOSTO AL QUESTIONARIO
 HAVENS DIE GEANTWOORD HEBBEN OP DE VRAGENLIJST



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 "fact-finding" are thus based on a representative sample which accounts for approximately 80% of total Community port traffic.

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 has been made to carry out some comparisons at Community level (the "overall summary").

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 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 reservations.

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 (only in Bristol).

In Belgium, the Netherlands and in Germany there are no municipal port administrations with a separate legal status as such. The administration of the ports in Belgium and in Germany always forms an integral part of the public administration which is also responsible for all other questions outside the port itself. In the Netherlands the administration of the municipal ports of Rotterdam and Amsterdam 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 local 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 degree one might include the administration of the port of Zeebrugge in Belgium in this category as it is a kind of company with shareholding participation of the State and the local authorities (and historically of private interests).

In Ireland, the status of the autonomous ports (e.g. Dublin, Cork, Limerick etc.) is set out in a uniform manner 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 etc.) which have a large measure of autonomy but keep some statutory links with central government. They are considered as "public" bodies.

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. They are administered by the British Transport Docks Board, the port authority with the largest share of British sea-borne foreign trade, or by the British Railways Board, responsible to the central government.

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 and Felixstowe 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, 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.

2.2.6 Conclusion

It is a fact that in every member state (with the exception of Great Britain the most important ports are managed or operated locally i.e. 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 already 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 decisions 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 "Havenbedrijf". 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 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

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

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.

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 (1). 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 Zeebrugge in Belgium, the governing board is made up of members nominated partly by the Government and partly by the town of Bruges.

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 in 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 the Environment (2). 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 the Environment (2).

(1) See Volume II

(2) Since September 1976 nominations have been made by the Secretary of State for Transport

British ports managed by limited companies generally have an internal organization 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.

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 Transport Docks Board and the British Railways Board, both of which have a policy-making body made up of a governing board with a chairman. The chairman and the members of the board are nominated by the Secretary of State for the Environment (1). 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.

(1) Since September 1976 nominations have been made by the Secretary of State for Transport

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, port representatives may be constituted as 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 port administration has available an advisory body made up of representatives both of local public and local private interests.

In Italy this advisory body, known as the "Council for Port Work" (Consiglio del 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 Great Britain, the National Ports Council has a special role as an advisory body of para-State character (1). In Denmark, a similar body is to be set up (2).

(1) See note in Volume II

(2) Established on 1 October 1976

In Great Britain the National Dock Labour Board has an important role in the area of dock labour. 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.

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 of the report, 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 either.

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 and Great Britain, and the other member states. In the former, the cost of creating and maintaining maritime access channels, lighting and buoying 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 Zeebrugge) are responsible for lighting and buoying within the port and for the maintenance of sea locks and exterior breakwaters where relevant.

In 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.

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

TABLE 1

M A R I T I M E A C C E S S C H A N N E L S			
Member 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% Federal Government outside port	
	100% relevant territorial authority within the port	100% relevant territorial authority within the port	
FRANCE	80% National Government)	
Autonomous ports	20% Port Authority	) 100% National Government	
Non-autonomous ports	30-50% National Government)	
	Balance Chamber of Commerce)	
IRELAND	100% Port Authority	100% Port Authority	
ITALY	National Government + Port Authority in varying proportions	Varies but in general the National Government pays	
Autonomous ports	80% National Government	100% National Government	
State ports	20% Communes + Provinces		
NETHERLANDS	2/3 National Government)	
"Havenbedrijven"	1/3 "Havenbedrijf" (Rotterdam) or Municipality (Amsterdam)	) 100% National Government	"Havenbedrijf" in Rotterdam responsible for entire initial cost of access channel for ships drawing over 57'
"Havenschappen"	100% National Government)	
GREAT BRITAIN	100% Port Authority	100% Port Authority	

TABLE 2

L I G H T S, B U O Y S A N D N A V I G A T I O N A L A I D S			
Member State	Cost of Investment	Cost of Maintenance	Remarks
BELGIUM	outside port inside port	100% National Government 100% Municipality/Authority	100% National Government 100% Municipality/Authority
DENMARK	outside port inside port	100% National Government 100% Port Authority	100% National Government 100% Port Authority
GERMANY	outside port inside port	100% Federal Government 100% relevant territorial authorities	100% Federal Government 100% relevant territorial authorities
FRANCE	autonomous ports	100% National Government)
	outside port	60-80% National Government)
	inside port	Balance Port Authority)
non-autonomous ports	outside port	100% National Government)
	inside port	30-50% National Government)
		Balance Chamber of Commerce)
IRELAND	outside port	100% Commissioners of Irish Lights (1)	100% Commissioners of Irish Lights
	inside port	100% Port Authority	100% Port Authority
ITALY	outside port inside port	) 100% National Government	) 100% National Government
NETHERLANDS		) 100% National Government outside the port - Position within ports varies from port to port	) 100% National Government
"Havenbedrijven"))
"Havenschappen"))
GREAT BRITAIN	outside port inside port	Mostly Trinity House (2), sometimes Port Authority or similar body 100% Port Authority	Mostly Trinity House, sometimes Port Authority or similar body 100% Port Authority

(1) A statutory organisation responsible for all navigational aids around the coast of Ireland other than those for 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 40 other ports and for most lighthouses

TABLE 3

SEA LOCKS AND EXTERIOR BREAKWATERS				
Member State	Cost of Investment	Cost of Maintenance	Remarks	
BELGIUM	Locks Breakwaters	100% } National Government 100% }	100% Municipality/Authority 100% Authority	At Zeebrugge only
DENMARK	Locks Breakwaters	100% } Port Authority 100% }	100% } Port Authority 100% }	Only one small lock at Copenhagen
GERMANY	Locks Breakwaters	} "Länder" and Communes	} "Länder" and Communes	Only one sea-lock at Wilhelmshaven; responsibility of the Federal Government
FRANCE	Locks	} 80% National Government	} 100% National Government	
autonomous ports	Breakwaters	} 20% Port Authority		
non-autonomous ports	Locks	} 30-50% National Government		
Breakwaters	Breakwaters	} Balance Chamber of Commerce		
IRELAND	Locks Breakwaters	100% } Port Authority 100% }	100% } Port Authority	
ITALY	autonomous ports	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% Communes + Provinces	100% National Government	
NETHERLANDS	Locks	2/3 National Government 1/3 Municipal (Amsterdam only)	} 100% National Government	Rotterdam has no sea-locks
"Havenbedrijven"	Breakwaters	2/3 National Government 1/3 Municipal (Amsterdam) or "Havenbedrijf" (Rotterdam)		
"Havenschappen"	Locks Breakwaters	} varies from port to port	} varies from port to port	
GREAT BRITAIN	Locks Breakwaters	100% } Port Authority 100% }	100% } Port Authority	

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, Denmark and Ireland. 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 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 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.

TABLE 4

D O C K S , Q U A Y S , R E C L A I M E D L A N D E T C .			
Member State	Cost of Investment	Cost of Maintenance	Remarks
BELGIUM	60-100% National Government Balance municipality/authority	100% Municipality/Authority	
DENMARK	100% Port Authority	100% Port Authority	
GERMANY	100% "Land" or Commune	100% "Land" or Commune	
FRANCE	Docks, quays etc. 60% National Government, 40% Port Authority	100% Port Authority	
autonomous ports	Reclaimed land - each case treated separately		
non-autonomous ports	30-50% National Government Balance Chamber of Commerce	National Government and Chamber of Commerce in varying proportions	
IRELAND	100% Port Authority	100% Port Authority	
ITALY	National Government and Port Authority in varying proportions	Port 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
autonomous ports	80% National Government 20% Communes + Provinces	100% National Government	
State ports	100% Port Authority	100% Port Authority	
NETHERLANDS	Cost shared by Port Authority, Central Government, Province + Commune	Cost shared by Port Authority, Central Government, Province + Commune	
"Havenbedrijven"	100% Port Authority	100% Port Authority	
"Havenschappen"	100% Port Authority	100% Port Authority	
GREAT BRITAIN	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 and in Ireland, 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 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), 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.

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 and Ireland 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 and in Italy. 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 and the Netherlands all such services are provided by the private sector. The same is true of 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 autonomous ports are responsible and in Genoa a company with public capital. Ship-board operations in Italian ports are usually organised by the shipping companies.

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 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 the port administrations.

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.

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, however, such installations are largely financed by the port authorities themselves and there are some exceptions in Belgian ports.

Internal 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 in 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 while pipelines are almost everywhere the responsibility of the private sector.

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. 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

2.7.4 Rates of return

There are no general rules either for the rate of return required on new investments. Only for the British port authorities are there precise Government imposed regulations.

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. Thus in Great Britain, for government approved investments, the ports may borrow at approximately $1\frac{1}{2}\%$ below the commercial rate. The state owned ports in Denmark may borrow at $4\frac{1}{2}\%$. Other Danish ports, the Dutch "Havenschappen", the French ports and the major Belgian municipalities 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 administrations 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 and the Belgian municipal 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 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 but the tax is not collected when letting areas of port land.

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

(1) As from 1 January 1979 a property tax (rates) will be levied

and in Great Britain any expenditure over £1 million requires ministerial approval and the advice of the National Ports Council. In Denmark, all larger investments are subject to the approval of the Minister of Public Works (1) - 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 to the National Ports Council 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. 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.

(1) Since 1 October 1976 - see footnote to Para. 3.2.4 in Danish National Summary

CHAPTER 8

2.8 Employment

2.8.1 "Dockworkers"

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 (2). In all countries the sickness and accident benefits for dockers are the same as for all other workers.

In Belgium, Denmark, France and Ireland 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 (3) 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 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 are taken to be "permanently employed" even if they are not working every day
 - (2) See footnote to Para. 3.7.8.1 (Dutch national summary)
 - (3) 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

Two kinds of personnel may be distinguished viz. staff grades and manual grades (although the terminology varies from port to port and, indeed, in some member states there is no such division of status). There is no general practice. 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 no agreements at all in the 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 except Ireland. 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 even 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. In addition often the statistics concerning the movement of ships and those concerning the movement of goods are not collected by the same body: while the former are normally part of the job of 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 because in some ports the collection and preparation of the statistics are carried out by different bodies. 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. (However this question was not explicitly asked). One only 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 studied for the new member states (2).

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

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

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 by 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.

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 sea-borne traffic of Belgium. All the comments made in this summary refer only to the four ports listed below.

PORT AUTHORITY	Sea-borne traffic 1975 in 1000 tonnes (1)		
	TOTAL	of which oil and oil products	approx. % of total Belgian sea-borne traffic
<u>MUNICIPAL PORTS</u>			
ANTWERP	60.481	14.720	70,6
GHEENT	14.348	3.683	16,7
OSTEND	1.264	49	1,5
<u>PUBLIC BODY UNDER THE SUPERVISION OF THE MINISTER OF PUBLIC WORKS</u>			
ZEEBRUGGE	8.664	4.964	10,1
TOTAL : 4 ports	84.756	23.416	98,9
TOTAL : Belgium	85.717		

SOURCE : "Nationaal Instituut voor de Statistiek", Brussels.

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

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. They are therefore not autonomous bodies. The port administrations form an integral part of the City Administration. 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 Zeebrugge was established by an agreement between the State, the City of Bruges and the private builders of the port. It has been considered to be a public body since 1954 and is 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 (see Volume II). 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 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 each of these ports, there is clearly no obvious separation between the city administration and the port administration, (see organisation charts in Volume II). For the port of 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 statutory relationship with the National Committee for the Promotion of Port Interests, 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 Overleg", in Ghent "Raadplegingscommissie", which advises the City administration on all 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.

CHAPTER 5

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 the Belgian nett tonnage. In addition a due is collected on the tonnage of goods unloaded and/or loaded at Ghent and Zeebrugge.

At 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 Ghent and 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 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.

CHAPTER 6

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 Zeebrugge and in the new sea locks at Antwerp, Ostend and Zeebrugge. The administration and maintenance of the latter items is assured by the municipality in the municipal ports, by the authority at 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 such port works 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 Zeebrugge. Some jetties, quays, docks, etc. are built by private interests in the ports of Antwerp, Ghent and 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 Zeebrugge and is entirely the responsibility of the municipality at Ostend.

The administration and maintenance of reclaimed areas is assured by the authority in 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 authority, private interests and Belgian State Railways at 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 25 - 30 years and there are still many buildings, cranes and items of general superstructure owned and operated by the municipality. In Zeebrugge, however, the port authority is responsible for approximately 3/4 of the superstructure ; the container cranes in this port belong either to the Belgian State Railways or to an affiliated company of the same. 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 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 Zeebrugge (although it is performed by a private company).

BERTH ALLOCATION : is the responsibility of the municipality or Port Authority (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 (Zeebrugge). At Zeebrugge the State helped finance the installations.

PROVISION OF ELECTRICITY : the municipality or port authority (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 (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 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 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 (Zeebrugge) although the State was responsible for the initial investment in 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 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 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 Zeebrugge). The tariffs are fixed by the municipality (port authority) and approved by the Government. All 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 (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 do not have separate accounts for port activities. Port activities are included under heading F 452 of the municipal accounts, following standard BENELUX rules. Zeebrugge, as a public company, does publish annual accounts. Where private cargo-handling companies are public 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

Depreciation is calculated on the basis of ministerial directives to local authorities (municipal ports) and on the basis of the legal obligations of public companies in Zeebrugge. In the municipal ports the Council administration writes off plant and equipment in respect of the annual statement of Council property. In Zeebrugge depreciation is on an historic cost basis. As far as municipal port bookkeeping is concerned existing loans are amortised on the basis of their effective duration. There is no general practice as regards the revaluation or writing down of assets. In the municipal ports the uniform functional accounting system introduced in the Benelux countries for local authorities operates on the basis of actual expenditure and receipts. Local authorities do not enjoy the advantage of using tax facilities for any depreciation of revalued assets. Company law, which applies in Zeebrugge, allows revaluation to take place where it is commercially justifiable. There is no sinking fund in the municipal ports. In Zeebrugge a sinking fund has been established for the cranes in the outer port.

3.1.7.3. Rates of return

3.1.7.3.1. New Investment

In the municipal ports all expenditure exceeding BF 320,000 must be voted by the City Council and all expenditure exceeding BF 1,500,000 must be approved by the Permanent Deputation of the Provincial Council. In the municipal ports in principle all expenditure exceeding a certain amount (max. 50.000 BF) on supplies and on the execution of works is subject to private or public tender.

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 België". In order to borrow money the port authority (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 België".

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 :
 - (i) 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 Zeebrugge.

CHAPTER 8

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 out 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 for 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 Zeebrugge, financed through the port employers' associations and private firms.

3.1.8.4. Canteens

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

CHAPTER 9

3.1.9. STATISTICS

3.1.9.1. Maritime navigation

The municipal ports (Antwerp, Ghent and Ostend) and the port authority (Zeebrugge) collect the data for the statistics of maritime navigation and publish them monthly and yearly for their own port, according to flag, countries of origin and destination, tonnage classes, etc. Based on the information given by the municipal ports and the port authority the "Nationaal Instituut voor de Statistiek", Brussels, publishes the statistics for all these ports together.

3.1.9.2. Sea-borne traffic

The "Nationaal Instituut 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 - classification), according to the countries of origin or destination and according to the nature of the foreign trade (import, export, bonded storage, transit).

The Ghent municipal port and the port authority of Zeebrugge 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 replied to the questionnaire. These ports handle approx. 37% of the total sea-borne traffic of Denmark. All the comments made in this summary refer only to the seven ports listed below.

PORT AUTHORITY	Sea-borne traffic 1975 in 1000 tonnes (4)		
	TOTAL	of which oil and oil products	approx. % of total Danish seaborne traffic
<u>TRUST PORT :</u>			
COPENHAGEN (1)	9.970	4.978	14,3
<u>STATE OWNED</u>			
ESBJERG (1)	3.129	750	4,5
<u>MUNICIPAL PORTS</u>			
AARHUS (1)	3.633	1.250	5,2
AALBORG (1)	2.968	1.475	4,3
ODENSE (1)	1.986	443	2,8
FREDERICIA (1)	1.756	1.163	2,5
KALUNDBORG (1)	2.046	53	2,9
TOTAL 7 PORTS	25.488	10.112	36,5
TOTAL DENMARK (2)	approx. 69.700(3)	approx. 22.000	

Notes: (1) Source: Own publication

(2) Source: Statistical Department of Denmark

(3) This total figure includes :

- (i) approximately 20 million tons of coastwise trade
- and (ii) approximately 20 million tons handled through private ports attached to refineries, power plants or factories. Three oil refinery ports account for over 13 million tons of the total.

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

(4) 1 tonne = 0,9842 tons = 1000 kg.

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 board 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. 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.

3.2.3.5. Apart from the port of Copenhagen, which is virtually an autonomous body, the other Danish ports are subject to a considerable degree of control from the Ministry of Public Works (see para. 3.2.4. below).

CHAPTER 4

3.2.4. EXTERNAL RELATIONS¹⁾

3.2.4.1. Each of the Danish Port Authorities replying to the questionnaire has a statutory relationship with the Minister of Public Works. It is common for all Danish ports that the dues and charges are ultimately fixed by the Minister. Further all reclamation in Danish ports is subject to approval of the Minister of Public Works. In addition to this all investments, including reclamation in the municipal ports, are subject to approval of the Minister. 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. Otherwise the Port of Copenhagen occupies a freer position than the other Danish ports (see paragraph 3.2.4.1.).

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.

1) Attention is drawn to the fact that the Danish Parliament (Folketinget) has passed a new Bill concerning all Danish traffic ports to take effect as from 1 October 1976. Among other things the Bill provides that the Ministry's supervision of the municipal ports is to be modified so that only larger investments etc. are subject to supervision from the Ministry. The supervision takes place through annual approval of the ports' investment plans. Further, a consultative National Ports Council is to be appointed with representation from all parties involved, including from the port-users. According to the Bill the port of Copenhagen will be subject to the same supervision as regards investments as other Danish ports.

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 Customs Dept. and paid over to the Port Authority. In Copenhagen and Aalborg the monies are collected directly by the Port Authority.

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 net tonnage of the ships.
- 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 Access¹

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 (the only exception being the initial investment in lights for the outer Channel at Aalborg, which was provided by the State), radar (where applicable), exterior breakwaters (where applicable) and the only sea lock (at Copenhagen).

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), all reclamation for port works and the specialised terminals at Aalborg and Aarhus, 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, Kalundborg 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 except in Copenhagen and Kalundborg where they are mostly owned and operated by the private sector. 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.

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 port authority. Mooring is privately organised.

¹ See Footnote to 3.2.4. **EXTERNAL RELATIONS** for comments concerning new legislation

DRY DOCKS & 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 &
CLEANING, SHIPPING AGENCIES,
SHIP BROKERAGE, REVICTUALLING,
BUNKERAGE) all matters concerning these facilities
are the responsibility of private
companies.

PROVISION OF WATER - in Fredericia, Kalundborg and Esbjerg, the port authority is responsible, in Aarhus and Aalborg the private sector, in Odense the port authority and the municipality whereas in Copenhagen the initial installation was financed by the port authority but it is operated and maintained privately.

PROVISION OF ELECTRICITY - is by the local public electricity supply bodies. The port authority in Aarhus, Esbjerg, Fredericia and Kalundborg provide 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 Free Port Company 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 Harbourmaster'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 proportion varying from port to port. In the case of roads and related works the port authority is usually entirely responsible although the State and municipality provide some assistance for the initial investment in the roads at Kalundborg, Aalborg and Copenhagen and the State 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 initial investment in Esbjerg was carried out by the port authority and a common user pipeline, financed by the port authority, is being planned in Aarhus.

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 collected by the Customs department and paid over to the port authority. In Copenhagen and Aalborg the monies are collected directly 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 13-14% 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. VAT is not collected when letting areas of port land. Substantial sums of real estate tax (on rented areas, buildings etc.) are paid locally. These amount to 17.6% in 1974 but nearly all this was reclaimed from leaseholders. Reclaimed areas which are not currently in use and areas which are open for public port traffic are not subject to local tax.

3.2.7.6.2. Position of Private Port Organisations

The Freeport Company in 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. Except in Copenhagen, investments are subject to the approval of the Minister of Public Works. In Copenhagen only the reclamation from water areas must be approved by the Minister. (See Footnote to 3.2.4. EXTERNAL RELATIONS).

3.2.7.7.1.3. On Salaries, Wages, Conditions of Service

In Copenhagen, the terms and conditions must be approved by the Minister of Public Works. In the other ports 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 Charges, 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 crantage, 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 bye 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:

- shipping between Denmark and foreign countries by countries of departure and destination
- shipping between Denmark and foreign countries by nationality of the ships
- shipping between Denmark and foreign countries by type of merchandise
- shipping at the individual ports
- goods unloaded and loaded at Danish ports (classified after CTSE¹, condensed)
- shipping at customs districts and ports
- goods carried between Danish ports
- summary of shipping between Danish ports
- passenger - and ferry services at the individual ports.

These statistics are being re-adjusted, which probably, among other things, will result in less detailed specification of the domestic goods turnover.

The statistical material, which has so far been based only on customs documents, will in future be provided in such a way that the ports provide all the information about coastwise trade whilst the customs authorities, in principle, cover the entire foreign trade.

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, Aalborg and Aarhus, 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.

¹Commodity Classification for Transport Statistics in Europe



3.1.

FEDERAL REPUBLIC OF GERMANY¹

CHAPTER 1

3.3.1. PREFACE AND PORT TRAFFIC STATISTICS

The replies to the questionnaire concern fourteen German ports. These ports handle approximately 95 % 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 1975 in 1.000 tonnes ²		
	Total	of which oil and oil products	Percentage of total sea-borne traffic through German ports
BRAKE	4.008	394	3,0
BREMEN/BREMERHAVEN	21.030	3.308	15,6
BRUNSBUTTEL	5.803	5.306	4,3
CUXHAVEN	255	1	0,2
EMDEN	10.724	2.285	7,9
FLENSBURG	677	119	0,5
HAMBURG	47.482	17.272	35,2
KIEL	1.290	226	1,0
LEER	104		0,0
LUBECK	5.574	183	4,1
NORDENHAM	5.286	931	3,9
PAPENBURG	248		0,2
RENSBURG	562	52	0,4
WILHELMSHAVEN	23.703	22.713	17,6
Total 14 ports	126.746	52.790	93,9
Total Germany	134.972	53.096	100

Source : Statistisches Bundesamt, Fachserie

H : Verkehr, Reihe 2 : Seeschifffahrt

¹ In the text the term "Germany" will be used

² 1 tonne = 0,9842 tons = 1000 kg.

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 10 % 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) or, in the case of Emden (2) and Wilhelmshaven, to a local agency of the Federal administration. In Lower Saxony there is an intermediate agency between the "Kreis" and the "Land" administration. When the administration of the "Land" port of Brunsbüttel in Schleswig-Holstein is not the concern of the port company (see 3.3.2.3.) the local office of the Federal navigation authority is charged with the task by the "Land".

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

(2) However, the port construction office of Lower Saxony is responsible for construction projects

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.

3.3.4.2. 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, 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 'Raumgebühr' in Hamburg).;
- demurrage

and, in all ports except Hamburg and Kiel :

- wharfage (known as 'Kaiegebühr', rather than 'Kajegebühr', 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 turnaround 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.

TOWAGE : Private responsibility.

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

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

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

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. The "Land" of Bremen operates a freight and passenger ferry in the fishing port of Bremerhaven. 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 infrastructures 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 3.3.8.4.) 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.

3.3.7.4. 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 organisations

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 sector 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 industry) without the intervention of the public authorities and laid down in a wage agreement. If no wage agreements exist, the salaries and wages are freely negotiated between the employers and 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 ; 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")

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 (e.g. pilots in Hamburg) 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. Docker Training

Private schools for training dockers exist in Bremen, Hamburg and Emden.

3.3.8.4. 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 and painting ships, boiler cleaning, port navigation and towing operations, mooring services

CHAPTER 9

3.3.9. STATISTICS

3.3.9.1. The Federal Statistical Office publishes "Seeschiffahrt" 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 den (10 grössten) deutschen Seehäfen" (goods handled in the ten 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 ;
- lighterage 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.

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

- "Handel und Schiffahrt des Hafens Hamburg" (Commerce and Shipping of the port of Hamburg)
- "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 :

- Brunsbüttel : The "Elbehafen Brunsbüttel GmbH" has collected and published figures for goods handled since 1958,
- 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 : The town of Papenburg is responsible for the port statistics. Monthly statistics are available from the 5th 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 : monthly statistics of the "port administration" are available since 1967.

3.3.9.4. No statistics are available for the private companies.

3.1.

FRANCE

CHAPTER 1

3.4.1. PREFACE AND PORT TRAFFIC STATISTICS

Seventeen French ports replied to the questionnaire. These ports handle approximately 97,4 % 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 1975 in 1.000 tonnes (1)		
	Total	of which oil and oil products	Approx. % of total French port traffic
<u>Autonomous ports</u>			
DUNKIRK	29.851	10.653	11,19
LE HAVRE	72.019	60.056	26,99
ROUEN	12.832	3.289	4,81
NANTES/St-NAZAIRE	12.433	9.126	4,66
BORDEAUX	11.232	8.400	4,21
MARSEILLES	95.782	79.972	35,90
<u>Non-autonomous ports</u>			
BAYONNE	1.917	89	0,72
BOULOGNE S/MER	2.262	70	0,85
BREST	1.740	669	0,65
CAEN	1.967	106	0,74
CALAIS	3.885	70	1,46
CHERBOURG	793	129	0,30
DIEPPE	1.146	0	0,43
LA ROCHELLE	3.112	1.194	1,17
LORIENT	1.466	745	0,55
PORT LA NOUVELLE	1.156	791	0,43
SETE	6.272	4.210	2,35
TOTAL 17 ports	259.865	179.569	97,40
FRANCE TOTAL :	266.808		

Source : Statistics published by the "Direction des Ports Maritimes et des Voies Navigables" at the Ministry of Public Works.
 (1) 1 tonne = 0.9842 tons = 1000 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 eleven non-autonomous ports of national importance have been placed under a different régime by the Decree of 7 April 1924 altered especially by the Decree N° 70-1112 of 3 December 1970. In these ports which are not autonomous all the services which are the responsibility of the Ministry of Public Works are placed under the authority of a director directly responsible to the Minister.

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 part-time President (Chairman). He is elected by the board from among its members. The board is made up of 24 members, of whom half are nominated by decree and the other half chosen by local authorities and by the Chamber of Commerce and Industry of the area in which the autonomous port is situated, the staff representative and the port workers' representative being appointed by an order of the Minister of Public Works (see Volume II). The members of the board are nominated or appointed for six years. They may be re-elected. One-third of the seats become vacant for re-filling every two years, in December, after initially drawing lots. All members are part-time.⁽¹⁾

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 (for details see Volume II), and on proposed port bye-laws.

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

(1) A new text is under preparation, limiting the appointment of board members to three years.

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. However, for certain specific questions such as new infrastructure works, equipment and tariffs the advice of the permanent select Committee of the port must be sought. There are 9 members of this Committee :

- representatives of the chamber of commerce and industry
- representatives of local authorities
- representatives of users, whether the port in question is a commercial port, a fishing port or a marina.

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 1 (corresponding to Article 35 of the seaports code) a public facilities concession or a private facilities licence with an obligation to provide public 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 jurisdiction 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. (see diagram in appendix Volume II). In addition the ports have a formal relationship with the department and the commune, which are both represented on the board. The relationship between the autonomous port and the Chambers of Commerce and Industry is very close, as set out in Decree no. 65-933 of 8 November 1965. In the areas in which the Chambers of Commerce are situated, they nominate 8 of the 24 members of the autonomous port's board.

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 administrations, 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 UPACCIM (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 calls for commercial activities made by vessels are collected by the Customs authorities, one of the services of the Ministry for Economic Affairs and Finance.

The Law of 28 December 1967 provides for the following port dues to be levied on trading vessels :

- a due on the net tonnage of the vessel, levied at rates which differ from port to port for the benefit of the local authorities or those public bodies helping to finance port investments ;
- sometimes, a berthing charge levied for the benefit of the local authorities or those public bodies helping to finance port investments ;
- a due on goods unloaded, loaded or transhipped, and levied at rates which differ from port to port for the benefit of the local authorities or those public bodies helping to finance port investments ;
- a tax on passengers disembarked, embarked or transhipped, and levied at a standard rate in all French ports ; 75 % of the revenue goes to the local authorities or those public bodies helping to finance port investments and the remaining 25 % to the State.
- a French registration and navigation due, paid annually by the owner of a ship sailing under the French flag ;
- a port entry charge, paid under the same conditions as the previous due, by the owner of any foreign commercial or pleasure vessel ;

These latter two dues are collected by the Customs authorities on behalf of the Treasury (i.e. the State) and no part of them is paid over to the ports.

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 bears the cost of maintaining and operating sea locks, maintaining access channels, dredging outer harbours and providing protection against the sea. In the same way it bears the cost of the dredging machines necessary for this work. The ownership of and conditions for using these machines are laid down by decree in the Council of State. Expenditure on these operations is fixed each year by the Ministry of Public Works and the Ministry of Finance.

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 permanent select committee of the port. 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. 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 %.

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.

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

BERTH ALLOCATION is carried out by the Harbourmaster's department

UNBALLASTING/DEGASSING SERVICES : carried out by a private undertaking in Le Havre, an oil company and the autonomous port authority at Nantes/St-Nazaire and financed in equal proportions by the State and the Chamber of Commerce and then taken over by the port authority at Marseilles.

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 Boulogne, Brest and Calais, the private sector at Dieppe, the State at Bayonne and Cherbourg, and the State together with the Chamber of Commerce 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 looks after the initial investment while the private sector operates and maintains the service - 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 (for details please see Volume II).

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 services 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 ports 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 area 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 and bodies with a mixed economy which are of national interest.

In the non-autonomous ports, there is no balance sheet. The expenditure of the State is 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 July 1973 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

The autonomous French ports operate jointly on the capital market, in accordance with instructions from the Ministry for Economic Affairs and Finance. The loans which they float are aimed mainly at the private sector, as they are authorized to borrow only a very small proportion of their needs from public funds. The loans made to the autonomous French ports in 1975 were subject to a rate of 10.30 % for loans from public funds and 10.90 % for those from the private sector - the latter being the rate applying on the French capital market at that time. The rate for loans from the FDES (1) was 9.75 % - but the loans were small corresponding generally to the ports' share in infrastructure operations financed with help from the State.

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 fire-fighting, 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 ;

(1) Economic and Social Development Fund

- 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. VAT is at present not recoverable on monies paid to the State by the concessionnaires as their share in the financing of property for which they do not have the concession (e.g. jetties, quays).

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 1965, to works of extension, improvement, renewal and reconstruction, and also to the operation, maintenance and policing of the port and its messuage and to the administration of its estate. They may be authorized to undertake the establishment and planning of port industrial areas or to participate in such undertakings.

In the non-autonomous ports the concessionnaires (CCI) may only provide service activities 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 concessionaire are fixed by him, and are applicable if the Prefect of the Department 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 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 12 %, is fixed jointly by the Ministers responsible for Seaports, Labour and Finance following a proposal from the Fund.

In addition to the docker's unemployment, there is idle time due to the nature of the job and the precise arrangement of each day's work.

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 % 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

3.4.9.1. 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 ;
- by number of vessels.

Autonomous ports

The autonomous ports publish a bulletin showing :

- 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 (Dunkirk) ;
- passenger traffic (Marseilles and Le Havre) ;
- inland waterway traffic (Le Havre and Nantes/St-Nazaire).

Other ports

The biggest of these ports - like the autonomous ports - publish detailed statistics on their traffic by type of goods (e.g. Sète).

The others only supply overall statistics with details of :

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

3.5.

IRELAND

CHAPTER 1

3.5.1. PREFACE AND PORT TRAFFIC STATISTICS

3.5.1.1. Eight Irish ports replied to the questionnaire. These eight ports handle 92.6% of the total seaborne traffic of Ireland.⁽¹⁾ All the comments made in this summary refer only to the eight ports listed below.

PORT AUTHORITY	Traffic 1975 in 000 tons ⁽⁴⁾		
	TOTAL ⁽²⁾	of which oil and oil products	approx. % of total Irish sea-borne traffic
DUBLIN	5,940	2,362	37.6
CORK	5,694	4,470	36.0
LIMERICK	848	689	5.4
WATERFORD	923	316	5.8
DROGHEDA	320	89	2.0
GALWAY	328	126	2.1
NEW ROSS	385	117	2.4
ARKLOW	206	53	1.3
TOTAL 8 ports	14,644	8,222	92.6
TOTAL Ireland	15,800 ⁽³⁾		

SOURCE : The ports themselves

(1) Much of the rest of the Irish ports' traffic is handled by Greenore (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. Rosslare and Dun Laoghaire have rapidly developing commercial traffic, especially Ro-ro services.

(2) The figures in this column include approx. 3.5 million tons of coastwise trade.

(3) This figure does not include 17.7 million tons through the Bantry Bay oil terminal (see 3.5.1.2. concerning Bantry).

(4) Ton = 1.016 kg.

3.5.1.2. BANTRY

Heretofore, there has been no harbour authority for Bantry Bay although a Bill is at present before the Dail (Parliament) which will provide for setting up of a harbour authority for Bantry Bay, to be constituted and administered under the Harbours Act 1946. This is the main Act under which most Irish ports operate, including the 8 ports which have replied to this questionnaire.

The Bantry oil terminal, which is owned and operated by Gulf Oil Corporation, was established in 1968 under an agreement with the Irish Government. The terminal and jetties were constructed by the company which also made its own arrangements for berthing, discharging and loading tankers; it also provided its own towage and fire control etc. services. No payment was made by Gulf Oil for the concessions it received, but it is to be expected that the new port authority will levy port dues to finance the necessary controls required to be established over navigation, oil pollution etc.

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 Transport and Power, 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 (see Volume II). 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 Transport and Power). 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 Transport and Power. 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.

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 Transport & Power, 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 transshipped within a port. No dues are charged on passengers in Irish ports. In addition to port dues levied and collected by the port authority, dues are levied by the Municipal Corporation in Dublin at a small fixed sum per ship. These "City Dues", originally known as "Anchorage and Slippage" are, as a matter of convenience, collected by the port authority and paid over to the Municipal Corporation.

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.

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 (electricity AND TELEPHONE 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 is largely a matter for the port authorities themselves; regional anti-pollution 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 financed solely by the private sector.

3.5.6.4. SUMMARY OF CHAPTER 6

3.5.6.4.1. 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 for Transport & Power. 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 Transport & Power 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 receives 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 (N.B. no charges for tunnels, bridges and pipelines).

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 Transport and Power. 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 (at present 12%) 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. Dublin has not so far applied for a loan under this scheme, although most other ports have been granted such loans.

3.5.7.4.4. Bank overdraft (short term and term loan)

Bank interest rates are in 3 categories - "A", "AA" and "AAA", as follows:-

	Overdraft or 1 year term loans	1-3 year term loans	3-5 year term loans
"A"	12.75%	13.50%	14.25%
"AA"	10.75%	11.25%	11.75%
"AAA"	10.00%	10.50%	11.00%

"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 authorities 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 Act of Parliament in 1960, 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 of this enactment the port authorities have not paid any income tax since 1960 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 and this matter is at present the subject of High Court litigation. 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.

3.5.7.6.2. 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. On Activities and Investment

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 Transport and Power's 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. 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 level of the National Wages Agreements 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 Transport and Power; service charges are also subject to his consent (cranage, 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 Transport and Power 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

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 Dublin can only be carried out under special Government licence and at present no new licences are being issued.

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 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 Rentals

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

CHAPTER 8

3.5.8. 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, Limerick and Waterford.

In Dublin, following a decasualisation scheme introduced in 1972, the number of dockers engaged in Continental and deepsea traffic was reduced from over 2,000 to 550. Those retained in the 'pool' are required to attend daily for work and if not employed they are paid a "fall back" allowance for that day. Due to current trade recession, dockers now attend for two weeks in three, on a rotational system: they receive no "fall back" allowance for the third week but are entitled to State welfare benefit. The Association of Dublin Stevedores operate an annual budget, including administration, "fall back" and other indirect costs. This budget is met by contributions from each member stevedoring company in proportion to its throughput. Shipping companies engaged in cross-channel (U.K.) traffic introduced a similar system for their docker employees in 1965 but the volume and regularity of their services enables full-time employment to be given to their regular staff of dockers.

Recently in Limerick and Waterford, new companies were formed to take over the employment of dockers on the basis of a decasualisation scheme similar to that in Dublin.

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 maintained by port authorities have usually been a "spin-off" from the classification procedures required for the purpose of assessing port dues. Due to the increasing use of flat rates per unit for containers, commodity statistics are more and more restricted to broad classifications of goods usually under Brussels Tariff headings or S.I.T.C. (1) classification.

3.5.9.2. Statistics of vessels usually comprise:-

- total register tonnage of vessels using a port during each year;
- total numbers and registered tonnage of vessels from specified geographical zones;
- total numbers and registered tonnage of vessels classified under type of cargo.

The Government Central Statistics Bureau produces trade statistics relating to the country as a whole and figures for specific ports are not available. Statistics are compiled showing imports/exports according to Official Import List descriptions, and principal countries of origin/destination. Shipping statistics are not available from the Bureau.

(1) S.I.T.C. = Standard International Trade Classification.



3.6.

ITALY

CHAPTER 1

3.6.1. PREFACE AND PORT TRAFFIC STATISTICS

Ten Italian ports replied to the questionnaire. These ports handle approx. 58.2% of the total sea-borne traffic of Italy. All the comments made in the summary refer only to the ten ports listed below.

PORT	Sea-borne traffic 1975 in 1000 tonnes (5)		
	TOTAL	of which oil and oil products	approx. % of total Italian sea-borne traffic
<u>AUTONOMOUS PORTS</u>			
GENOA	52.514	36.053	16.6
SAVONA	12.635	8.492	4.0
TRIESTE	32.377	28.108	10.2
VENICE	21.377	12.229	6.7
NAPLES	16.573	6.981	5.2
PALERMO	2.562	728	0.8
CIVITAVECCHIA	4.350	3.200	1.4
<u>PORTS ADMINISTERED BY THE STATE</u>			
LEGHORN	10.388	6.352	3.3
CAGLIARI	20.353(1)	17.531(1)	6.4
LA SPEZIA	11.548	7.356	3.6
TOTAL 10 Ports:	184.677 ⁽¹⁾ ₍₂₎	127.030(1)	58.2(4)
TOTAL ITALY:	317.000 ⁽¹⁾ ₍₃₎		

Source: National Institute for Statistics (ISTAT) and port authorities

- (1) Approximate figures.
- (2) Of which approx. 140.033.000 tons is international traffic and approx. 44.544.000 tons national traffic.
- (3) Of which approx. 218.000.000 tons is international traffic and approx. 99.000.000 tons national traffic.
- (4) The other 41.8% consists mainly of oil and raw ores in other ports. By way of example, 9.3% of this traffic passes through the oil port of Augusta and 7.7% as ore through Taranto.
- (5) Tonne = 0,9842 tons = 1000 kg.

CHAPTER 2

3.6.2. STRUCTURE

3.6.2.1. Both categories of Italian port replied to the questionnaire :-

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

3.6.2.2. The "State" ports (e.g. La Spezia, Leghorn 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

3.6.3. INTERNAL ORGANISATION

3.6.3.1. "State" ports

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 and Leghorn, and too in Civitavecchia and Genoa (bonded warehouse) the Chambers of Commerce also directly manage some port warehouses. At Leghorn, the Chamber of Commerce also manages a public weighbridge service in the port area.

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 there is also a technical supervisory body because the Consorzio also has 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 4 years (5 at Naples) 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 (see Volume II). 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.

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 the 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 (see Volume II). In the autonomous ports 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 18 ports, including the most important, are members. All the autonomous ports are members and the Chambers of Commerce represent the State ports. 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 is proposing to coordinate contacts with the trade unions to which its employees belong although the deliberating bodies in each administration will retain their decision-making autonomy. In 1975 wage negotiations in respect of Port Authority employees took place almost exclusively 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 represent 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 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.
- 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,
- 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.).

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 Sea 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. 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, 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 3.6.8.1.).

(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 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.

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 (where the port itself does it) the Port Commander authorises the service, 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 etc.) are carried out by private bodies. Shipping agents and customs forwarding agents must be enrolled in special 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 public company (1) in Genoa and to private firms in the other ports. At Trieste, the port authority carries out the operations on board ship, in the bulk grain installations and on board the ro-ro and container ships. In the container terminal in Genoa, the company (1) is also responsible for handling on board ship.

3.6.6.2.3.3. Security services

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 responsibility of the Harbourmaster (in the port of Genoa the President of the Consorzio). All other police operations come under 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.

(1) SEPORT

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 (Trieste, 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. Maritime 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 Defence. 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 in principle drawn up 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. A new model of annual accounts is under study.

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 State-funded 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).

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,

- (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.

- 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.

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 90% 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 475,000 lire per month per individual.

The guaranteed income fund is made up of a levy added to the charges, at present 31.03%. The fund (Fondo Assistenza Sociale Lavoratori Portuali) was set up by the Ministry of the Merchant Marine by Law no. 161 of 22 March 1967, and is administered by a committee chaired by the Minister

of the Merchant Marine and made up of three officials from the Ministry of Labour and Social Security, three representatives of the port users and eight representatives of the port workers (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, ISTAT 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" (Leghorn Port News).

The autonomous port authorities (Savona, Civitavecchia, Naples, Palermo, Trieste, Venice and Genoa) collect, process and publish statistics themselves: Savona publishes "Il 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" (Genoa 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.

This classification will presumably be adopted by the UAPNA (Union of North African Port Authorities) in the future after talks between the Committee and the UAPNA ports.

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 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. 93% 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 1975 in 1000 nett tonnes(2)		
	TOTAL	of which oil and oil products	approx. % of total Dutch sea-borne traffic
<u>MUNICIPAL PORTS</u>			
ROTTERDAM	263.836	165.440	84,3
AMSTERDAM	17.425	4.214	5,6
<u>STATUTORY PUBLIC BODIES</u>			
DELFZIJL	2.099	10	0,7
FLUSHING	3.961	1.843	1,3
TERNEUZEN	4.830	1.404	1,5
TOTAL - 5 ports	292.151	172.911	93,3
TOTAL NETHERLANDS (in gross tonnes)	313.018	173.253	100

Source : Netherlands Central Office for Statistics - Edition: International Port Traffic Jan-Dec 1975

(1) Excluding 10,574,000 tonnes of bunker materials

(2) Tonne = 0,9842 tons = 1000 kg.

CHAPTER 2

3.7.2. 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 "Havenschappen" (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 (Delfzijl) or 9 members plus one adviser (Flushing) or 9 members (Terneuzen) (see Volume II), 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 "Advisory Seaports Committee", set up in 1968, by the Minister of Transport and Public Works at that time. This Committee 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. An example of the kind of advice requested of the Committee is that concerning the possible construction of an outer harbour for Amsterdam at IJmuiden. An example of unsolicited advice is that the Commission gave to the Government on the so-called UNCTAD Code of Conduct for Liner Conferences issue.

The "Advisory Seaports Committee" 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 Foundation for Port Interests in Rotterdam, a non-profit making institution, has set for itself the task of promoting relations between the Port of Rotterdam (the private sector of the port) and the port users (shippers etc.). This foundation is financed by its own members and from donations i.e. from the private sector. The "Havenbedrijf" of Rotterdam also contributes.

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 :

- 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. Quay dues are not levied in Amsterdam (the costs of bank protection are included in the land rentals or in the long lease charges). For the levy and for the fixing of tariffs see paragraph 3.7.5.1.1.

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.

3.7.5.1.5. 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 is the surface area in square metres per period. Flushing and Delfzijl 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 Delfzijl 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 Delfzijl and by the "Havenbedrijf" in Amsterdam.

3.7.5.2.4. Revenues coming from rental of cranes in Delfzijl and Amsterdam. Basis of calculation is the length of use of the cranes. These revenues are collected by and for the "Havenschap" in Delfzijl 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 the "Havenschap" is entirely responsible while in Flushing responsibility 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 State¹⁾. 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 Flushing, the State is entirely responsible.

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 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.

(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".

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 and warehouses 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.

TOWAGE, DRY DOCKS & SLIPWAYS,	}	all matters concerning these activities are the responsibility of private operators.
UNBALLASTING, DEGASSING		
SHIP REPAIR, SCALING & CLEANING,		
SHIPPING AGENCIES,		
SHIP BROKERAGE, REVICTUALLING,		
BUNKERAGE, MOORING & UNMOORING 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 "Havenbedrijven" 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 Delfzijl, by the municipality in Amsterdam and Terneuzen and by both the State and some private salvage companies in Flushing. 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 Delfzijl, 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. Private undertakings provide medical services for their own personnel. 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, Amsterdam and Flushing. Any operating losses in Rotterdam and Amsterdam 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. Exceptionally the Benelux Tunnel in Rotterdam is at present the responsibility of a limited company, financed by tolls. In Delfzijl the "Havenschap" bears some of the cost of the maintenance of certain road bridges (see Volume II). 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 (see Volume II). 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-canals (Caland and Beer) are paid by the "Havenbedrijf"; the "Havenbedrijf" pays 50 % of these costs for the inland waterway canal (Hartel) (see Volume II). In Amsterdam the municipality and the province provided some of the initial finance for the Amsterdam-Rhine Canal (see Volume II). The position concerning locks other than sea-locks varies from port to port. In Rotterdam the "Havenbedrijf" is entirely responsible with the exception of the Hartel Canal, including locks, for which the State contributes 50 % of the cost. 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". Berth allocation in the public sectors of the ports is undertaken by the "Havenbedrijven" or the "Havenschappen". All services relating to goods are entirely provided 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 Loan 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 6.75 million guilders per annum 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. Attention is drawn to the fact that in the Netherlands a tax called "real estate tax" will be levied, at the latest by 1 January 1979. In Rotterdam this tax has been applied already. The 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 message 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 (for 1975 about 4.3 million guilders).

The "Havenschappen" 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 "Havenschappen" 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. Certain investments may be controlled by the State in the western part of the Netherlands in order to avoid congestion and encouraged elsewhere in the country as part of the overall Government dispersal policy. Although these organisations are in principle free to control their own salaries etc. in practice collective labour contracts usually apply. Although they may fix their own charges for cargo-handling etc. the State may, in practice, intervene to control inflation. 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.

In Rotterdam and Amsterdam, the majority of the portworkers (about 12.000 out of 14.000 in Rotterdam) are regularly employed by the port employers (stevedoring companies etc.). If there is no work temporarily for these portworkers they nevertheless receive their full wages in conformity with the collective working agreement (CAO). These wages are paid by the port employers themselves for all their own regular employees.

The rest of the portworkers (in Rotterdam: about 2.000) are regularly employed by the "Stichting Samenwerkende Havenbedrijven" in Rotterdam and in Amsterdam [SHB: a joint organisation of port undertakings (stevedoring companies and the like) in Rotterdam and in Amsterdam]. These portworkers form a "pool" of employees for allocation at the request of the port undertakings. Whenever there is a temporary shortage of work, full wages are also paid in conformity with the CAO by both SHB's who receive a contribution from the State towards the full cost of the wages paid. This contribution depends upon the extent of temporary lack of dock work. A maximum of 65% of 80% of the daily wage plus social charges is paid to both SHB's by the State. (1)

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 "pool". 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.

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.

(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.

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 ever-decreasing 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.

GREAT BRITAIN

CHAPTER 1

3.8.1. PREFACE AND PORT TRAFFIC STATISTICS

Twelve British port undertakings replied to the questionnaire. These 12 undertakings are responsible for 48 ports which handle nearly 69% of total British sea-borne trade (1). All the comments made in this summary refer only to the 12 port undertakings listed below.

PORT UNDERTAKING (12)	PORTS (48)	TRAFFIC 1975 in 1000 tonnes (2)			
		Total	of which oil and oil pro- ducts	approx. of total British traffic	% Passenger traffic in millions (foreign going only)
<u>NATIONALISED PORTS</u>					
BRITISH RAILWAYS BOARD PORTS (BRB)	HARWICH (PARKESTON QUAY) HEYSHAM, HOLYHEAD, FISHGUARD, FOLKESTONE, NEWHAVEN, STRANRAER	5,563	304	1.7	4.2
BRITISH TRANSPORT DOCKS BOARD PORTS (BTDB)	AYR, TROON, SILLOTH, BARROW, FLEETWOOD, GARSTON, SWANSEA, PORT TALBOT, BARRY, CARDIFF, NEWPORT, LYDNEY, PLYMOUTH, SOUTHAMPTON, LOWESTOFT, KING'S LYNN, GRIMSBY, IMMINGHAM, GOOLE, HULL	77,252	41,277	24.5	1.9
<u>TRUST PORTS</u>					
PORT OF LONDON AUTHORITY (PLA)	LONDON incl. TILBURY	41,479	22,544	13.1	0.1
PORT OF TYNE AUTHO- RITY (TYNE)	NEWCASTLE	4,263	1,287	1.3	0.1
TEES & HARTLEPOOL PORT AUTHORITY (TEES)	MIDDLESBROUGH, HARTLEPOOL	20,051	11,249	6.3	-
CLYDE PORT AUTHO- RITY (CLYDE)	GLASGOW, GREENOCK, ARDROSSAN	12,085	7,054	3.8	-
FORTH PORTS AUTHO- RITY (FORTH)	LEITH, GRANGEMOUTH, GRANTON, KIRKCALDY, BURNTISLAND, METHIL	8,392	4,570	2.7	-
DOVER HARBOUR BOARD (DOVER)	DOVER	3,550	114	1.1	6.8

(1) It should be mentioned that the port of Milford Haven - a specialised oil port handling 44,772,000 tonnes in 1975 was alone responsible for 14% of British port traffic.

(2) Tonne = 1000 kg = 0.9842 tons.

PORT UNDERTAKING (12)	PORTS (48)	TRAFFIC 1975 in 1000 tonnes (2)			
		Total	of which oil and oil pro- ducts	approx. of total British traffic	% Passenger traffic in millions (foreign going only)
<u>MUNICIPAL PORT</u> PORT OF BRISTOL AUTHORITY (BRISTOL)	BRISTOL, AVONMOUTH, PORTISHEAD	4,496	1,589	1.4	-
<u>STATUTORY PRIVATE PORTS</u>					
MERSEY DOCKS & HAR- BOUR COMPANY (MDHC)	LIVERPOOL, BIRKENHEAD	22,543	12,984	7.1	0.4
MANCHESTER SHIP CANAL CO (MANCHESTER)	MANCHESTER incl. ELLESMERE PORT	14,067	9,517	4.5	-
FELIXSTOWE DOCK & RAILWAY COMPANY (FELIXSTOWE)	FELIXSTOWE	4,116	277	1.3	0.3
TOTAL	48 ports	217,857	112,766	69	13.8
TOTAL GREAT BRITAIN		315,898	185,712	-	15.7

Source: Annual Digest of Port Statistics (National Ports Council),
British Transport Docks Board and British Railways Board.

(2) Tonne = 1000 kg = 0.9842 tons

CHAPTER 2

3.8.2. STRUCTURE

3.8.2.1. Four principal types of British Port Authority replied to the questionnaire :

- Nationalised
- Trust Ports
- Municipally Owned
- Statutory private ports.

3.8.2.2. Nationalised Ports (e.g. those owned and controlled by the British Transport Docks Board and the British Railways Board (1)). These nationalised industries were set up as autonomous public corporations by the Transport Act of 1962. They are directly responsible to the Secretary of State for the Environment (2) who appoints their Chairmen and other members of their boards.

3.8.2.3. Trust Ports (e.g. London, Tyne, Tees, Clyde, Forth, Dover) are statutory independent public bodies set up by separate Acts of Parliament. They have a statutory relationship with the Secretary of State for the Environment who approves certain appointments e.g. their Chairmen and Board Members (see Para. 3.8.3.2.).

3.8.2.4. Municipal Ports (e.g. Bristol) were generally set up by Acts of Parliament, as public bodies, directly responsible to an elected local authority (city, town or regional government body) which nominates their board of management. They are not usually autonomous bodies.

3.8.2.5. Statutory private ports (e.g. Mersey, Manchester, Felixstowe) are port undertakings set up by an Act of Parliament; they are owned by their shareholders and are legally autonomous.

(1) Shipping and International Services Division.

(2) In this text all references to the Secretary of State for the Environment should, from October 1976, be to the Secretary of State for Transport.

CHAPTER 3

3.8.3. INTERNAL ORGANISATION

3.8.3.1. Each British port undertaking may determine its own internal organisation (see Volume II). 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 (i.e. whether one or more "ports" are controlled by the port authority) 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. In the case of the municipal port of Bristol the 'Board' is, in fact, the Docks Committee of the municipality, and a municipal councillor acts as Chairman. The Chairman may be full-time or part-time - the situation varies from port to port. The Chairman and members of the Board are, in the case of the Trust Ports and the Nationalised Ports, nominated by the Secretary of State for the Environment, in Municipal Ports by the City/Town Council and in Company Ports usually by the shareholders (1). Although the National Ports Council has made detailed recommendations concerning the size of port boards and the method of nomination etc. there is currently a considerable variety of practice. Numbers vary from 6 to over 20 (see Volume II). Generally speaking board members (other than executive officers who are also on the Board) are selected because of their personal qualities rather than because they are delegates of any particular body or organisation 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 officer 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. In some cases (2) his selection may have to be approved by the Secretary of State for the Environment.

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 officer is always a full-time employee. The main responsibility of the Chief Executive is to control the functioning of his organisation within the powers conferred upon him by his Board.

3.8.3.5. Apart from the external controls detailed in Para. 3.8.4.1., 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 (c.f. 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.

(2) See Para. 3.8.4.1.

CHAPTER 4

3.8.4. EXTERNAL RELATIONS

3.8.4.1. Each of the port undertakings replying to the questionnaire has a statutory relationship with the Secretary of State for the Environment. In most cases (except Felixstowe, Tees, Bristol and Manchester) it is the Secretary of State who appoints the Chairman of the Board and who either nominates or approves the nomination of the other members of the Board. Under the Harbours Act, 1964, as amended, port investment in all ports (other than in fishery harbours) costing over £1 million, regardless of the ownership or structure of the port concerned, or the source of finance, whether external or internal, or whether the initiative is taken by the port undertaking or by private bodies for port facilities for their own use, requires the sanction of the Secretary of State. (For further details please see Para. 3.8.7.3.1.).

3.8.4.2. All port undertakings replying to the questionnaire also have a statutory relationship with the National Ports Council (1). This quasi-governmental body, set up under the Harbours Act, 1964, and financed by the British ports, advises the Secretary of State on all relevant port matters including those mentioned in Para. 3.8.4.1. In order to achieve its task it maintains contact either on an official level or through a number of committees with the port authorities direct or through the British Ports Association (see Para. 3.8.4.5.).

3.8.4.3. All port undertakings replying to the questionnaire (except BRB ports, Dover and Felixstowe) have a statutory 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.

3.8.4.4. All port undertakings have statutory relationships with other Government departments for such matters as Customs, Port Health and Pollution Control. All port undertakings, in common with other bodies, also have statutory relationships with landplanning authorities.

3.8.4.5. Apart from the formal relationship set out in Paras. 3.8.4.1.-3.8.4.4. 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. Many port authorities have contact with Trinity House (2) which is a principal pilotage authority in Great Britain. (See Volume II). Other informal links are set out in the table in Volume II.

(1) For details of the powers of the National Ports Council see Volume II.

(2) Trinity House is responsible for the pilotage in the Thames estuary and in 40 other ports and for most lighthouses.

CHAPTER 5

3.8.5. CHARGES, DUES AND REVENUES

In Great Britain port revenues are derived from a wide range of variously termed port dues and charges. There are variations as to whether separate charges are or are not made for the use of specific port facilities and services (such as for the use of access channels from the open sea in contrast to the water areas within the jurisdiction of the port administration concerned); there are also variations as to the bodies levying such charges, these variations relating to differences as to who provides different services. One general principle can, however, be enunciated: all port and port-related facilities and services by whomsoever provided are intended to be paid for by revenues received from charges levied on users. As a necessarily broad generalisation, 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	Provision of navigational buoys and lights outside port undertaking areas.
2. Pilotage	Trinity House or other body providing pilotage services	Provision of pilotage services.
3. Towage	Private organisation or port undertaking	Provision of towage facilities.
4. Conservancy Dues/ Conservancy Charges (if any)	Conservancy authority (which may or may not be a port undertaking)	Provision and maintenance of access channels between open sea and docks.
5. Dock Charges/Ship Dues	Port undertaking or owner of facility	Provision of in-dock water area and quay face within port area.
6. Passenger Dues/ Passenger Charges	"	Provision and operation of facilities and labour for port passenger traffic.
7. Cranage	"	Provision and operation of cranage.
8. Wharfage	"	Provision of quay aprons, short-term transit sheds, port roads and railways, fencing and all other on-land general port infrastructure, also policing and sundry similar services.

<u>Commonly Used Name of Charge</u>	<u>Levying Body/Body Receiving Revenues</u>	<u>Coverage</u>
9. Warehousing	Port undertaking or owner of facility	Long-term warehousing
10. Stevedoring, labourage, cargo-handling etc.	Providing organisation	Cargo-handling
11. Rent	Port undertaking or owner of facility	Payment for leased land.

Note: The levels of specific port, etc., charges are determined by the bodies providing the facilities/services concerned, subject in certain cases (ship dues and wharfage) to appeal to the National Ports Council.

CHAPTER 6

3.8.6. DIVISION OF RESPONSIBILITY AND POWERS

3.8.6.1. Maritime Access

Decisions concerning all items of maritime access in British ports are made by the port undertakings themselves (subject to Government approval if costing over £1 M). All such items are paid for entirely by the ports themselves. If tidal land is to be reclaimed outside the port limits, this has to be purchased by the port authority from the Crown Commissioners. Reclamation costs also fall against port undertakings. This is true of Access Channels, buoys (the only exceptions being the responsibility of another public body (1), (see Volume II), radar, breakwaters and sea locks.

3.8.6.2. The port itself

3.8.6.2.1. Infrastructure

Decisions concerning the financing of most docks, quays or jetties (the only exceptions being private installations - see Volume II) reclamation for port works and most specialised terminals (with the exception of some privately owned and financed installations - see Volume II) are made in the same way as for maritime access works (see para. 3.8.6.1. above).

3.8.6.2.2. Superstructure (including port equipment)

Decisions concerning most items of superstructure in British ports are made by the ports themselves (subject to Government approval if a single project costs over £1 M) and paid for entirely by the ports themselves. This is true of sheds and warehouses (with certain privately financed exceptions see Volume II)(2), cranes and other cargo-handling equipment (again with some privately financed exceptions see Volume II). The pattern for specialised buildings is more varied with the private sector being responsible for a considerable proportion of the investments in most ports, the port authority for the rest.

3.8.6.2.3. Services

3.8.6.2.3.1. Services provided for ships

BERTH ALLOCATION : always the responsibility of the port undertakings.

PILOTAGE : decisions are usually made by pilotage authorities which are self-financing. A principal pilotage authority is the Corporation of Trinity House (a private guild) 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.

(1) Trinity House

(2) See para. 3.8.6.2.1.

OCEAN TOWAGE, SHIP REPAIR,)
SCALING AND CLEANING,)
UNBALLASTING, DEGASSING,)
SHIPPING AGENCIES, SHIP)
BROKERAGE, RE-VICTUALLING,)
BUNKERAGE)

all matters concerning these activities are the responsibility of private companies - investment, tariffs, their own budgets etc.

TOWAGE WITHIN THE PORT (DOCKS): is the responsibility of the private sector only in the Mersey, Tyne, Clyde and Bristol; of a subsidiary of the port authority in Manchester and elsewhere of the port authority and the private sector.

DRY DOCKS AND SLIPWAYS : Some port authorities own dry docks/slipways but these are usually either for their own vessels or exceptionally are let to private interests i.e. the port authorities do not themselves operate dry docks and slipways for general use. Dry docks for general use are the responsibility of the private sector under the same conditions as ship repair etc. above, with the exception of those at BRB and BTDB ports, the Mersey and Bristol (see Volume II).

PROVISION OF WATER AND ELECTRICITY : is almost entirely by Port Authorities who set charges to cover their costs.

PROVISION OF TELEPHONES : is almost entirely the responsibility of the Post Office. Where Port Authorities provide the service they set charges to cover their costs.

3.8.6.2.3.2. Services provided for goods

In general British port undertakings account for an increasing proportion of cargo-handling. Some $\frac{2}{3}$ - $\frac{3}{4}$ of all cargo-handling in British ports is now carried out by the port authorities or their subsidiary companies, which may be wholly or partly owned. The remainder of the cargo-handling is carried out either by private companies using their own equipment, sheds etc. or by private companies who may rent or hire items of equipment from the port authorities, or by private companies operating at specialised terminals. In all cases the cargo-handling organisations pay all their own costs and receive all monies due. There is no subsidy from other sources. The private sector, or, in BRB ports, the PLA, the Mersey and Manchester, both the private sector and self-financing subsidiary companies of the port authority, provide the services of forwarding agents.

3.8.6.2.3.3. Security services

The general practice in the British ports is that firefighting is the responsibility of local government but the port authorities often provide specialised equipment at their own expense. The ports replying to the questionnaire (with the exception of the Tyne and the Clyde) have their own police force, financed by themselves out of general port revenue. This force is sometimes supplemented by the local police and 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 authorities (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.

3.8.6.3. Inland transport within the port area

The land transport infrastructure decisions and costs, in the case of railways, (which are not found in all U.K. ports), are a matter for negotiation between the BRB and the port undertaking, with the detailed pattern varying from port to port, the investment usually being made by the port authority, with BRB or the port authority bearing the cost of operation and administration. In the case of roads, tunnels and bridges it is normal for the local authority or national government to be responsible for trunk roads and works while the port authority is responsible for port communications roads. However, the pattern varies from port to port. In the case of canals (which are found in few British ports) all decisions are either a matter for the port authority or another public body (BWB) (2). The pattern for both goods and passenger ferries varies from port to port but is rarely the responsibility of the port authority 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

(2) British Waterways Board

3.8.6.4. SUMMARY OF CHAPTER 6

3.8.6.4.1. Maritime Access

Decisions are made and investments paid for by the port undertaking (1) (but N.B. £1 million limit). The facilities are operated and maintained by the port undertakings. The tariffs are fixed by the port undertakings who receive all the revenues thereof.

3.8.6.4.2. The port itself

All decisions concerning harbour infrastructure investment are made by the port undertakings or exceptionally a private body (but N.B. £1 million limit). They are paid for by the port undertakings (or exceptionally a private body) and the facilities are operated and maintained by the body making the investment. Tariffs are fixed by the operator who receives all the revenues thereof. Items of harbour superstructure are mainly the responsibility of the port undertaking although there are certain privately financed and operated exceptions. Tariffs are fixed by the operator who receives all the revenues thereof. Services for ships are partly financed by the port authority and partly by the private sector. Services for goods are increasingly provided by the port undertakings although approx. a quarter of all cargo-handling is carried out by the private sector. Security services are usually the responsibility of the public sector or the port undertaking.

3.8.6.4.3. Transport links

Rail investment is usually a joint decision of the port undertaking and the British Railways Board but paid for by the port. Main roads are the responsibility of the public sector but port roads are usually entirely financed by the port undertaking.

Canals are the responsibility either of the port undertakings or the British Waterways Board and paid for accordingly; ferries are the responsibility either of the local government or private companies and paid for accordingly; pipelines are usually the responsibility of private companies and paid for accordingly. The transport facilities are usually operated and maintained by the bodies making the investment decisions. These bodies usually determine the tariff and receive the revenues thereof.

(1) With the exception of most lighthouses

CHAPTER 7

3.8.7. SPECIAL FINANCIAL PROBLEMS

3.8.7.1. Annual accounts

Separate annual accounts are published in respect of all the port undertakings replying to the questionnaire, all of which have to submit accounts to the Secretary of State for the Environment. In general British public and limited companies are obliged under Company law, to produce annual accounts. Where cargo-handling companies are public/limited this obligation applies to them also. However, these companies are not obliged to publish separate accounts for the various ports in which they exercise cargo-handling activities. Separate accounts are published, under Company Law, for each of the other port activities, where these activities are the responsibility of a public company. Under British law it is not obligatory for private companies to publish annual accounts.

3.8.7.2. Depreciation

While the National Ports Council has made certain recommendations, 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 technical 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

Under the Harbours Act, 1964, as amended, port investment (other than in fishery harbours) costing over £1 million regardless of the ownership or structure of the port authority concerned or the source of finance, whether external or internal, requires the sanction of the Secretary of State for the Environment. Such sanction will not normally be given unless the projects concerned yield a rate of return specified by Government from time to time and which varies according to the degree of risk. Insofar as port authorities wish to carry out projects costing less than £1 million, they are free to fix their own rate of return requirements, subject of course to any requirements of their lenders where appropriate.

3.8.7.3.2. Overall rates of return

There are no standard requirements for port authorities as regards rates of return on their total assets, however defined. Indeed, it would be very difficult to standardise rate of return requirements on existing asset valuations. The ports have agreed on general financial objectives which are put forward in a recent advisory memorandum published by the National Ports Council.

3.8.7.3.3. Basis of calculation

Rates of return on new investment have to be calculated on an incremental D.C.F. (1) basis.

3.8.7.4. Loans

Port authorities normally borrow from the Government at the relevant rate at the time concerned, which is approximately 1.5% below the commercial rate for prime borrowers. Other port undertakings borrow at ordinary commercial rates.

3.8.7.5. Provision of facilities

With the exception of the obligation to provide facilities for H.M. Customs, there is no general obligation on port undertakings to provide particular facilities or services on a non-remunerative basis.

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 administrations

British port undertakings are liable to national or local taxation where it arises, in the same way as other commercial organisations, and in fact substantial amounts of, e.g. local taxes are paid. Impending government legislation (not specific to the ports) will make port undertakings liable to taxation in relation to land sold for non-port development. 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.

(1) Discounted Cash Flow

3.8.7.6.2. Position of Private Port Organisations

Where cargo-handling or other organisations are separate from the port authority, they are in the same taxation position as other private organisations.

3.8.7.7. Restraints

3.8.7.7.1. Port administrations

3.8.7.7.1.1. On activities and investment

3.8.7.7.1.2.

The main powers of British port authorities are set out in the basic legislation of each authority. In theory the authorities may carry out any activities within the relevant acts of Parliament. There are, however, three acts which provide possible restraints :

- the Harbours Act, 1964, which concerns, inter alia, new investment (see para. 3.8.7.3.1. above) port charges, harbour reorganisation schemes and the National Ports Council,
- the Docks and Harbours Act, 1966, which concerns, in particular, the licensing of employers of Registered Dock Workers and the provision of welfare facilities, and
- the Harbours (Loans) Act, 1972, which concerns, in particular, the provision of special loans to port authorities in financial difficulty. These loans have to be repaid and they are made by the Government, at a rate above that of the market for public sector loans.

3.8.7.7.1.3. On salaries, wages, conditions of service

Other than in the case of Registered Dock Workers, (see para. 3.8.8.1. below) port authorities and other port employers usually have the same freedom and are subject to the same restraints as other employers as regards wages and salaries and terms and conditions of employment.

3.8.7.7.1.4. On charges, dues etc.

British port authority charges 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 National Ports Council 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. Under the Harbours Act, 1964, charges other than dues on ships, goods and passengers shall be such as may be reasonable, and thus port users may have recourse to the Courts if they consider any such charges are unreasonable. Further, under Section 32 of the same Act, the Minister has power in certain circumstances to revise the dues of a port authority even though there is no objection from a port user. In practice, this power has not been exercised.

3.8.7.7.1.5. On 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.

3.8.7.7.2. Private port organisations

In general other port organisations may act in the same way as other private British companies. The sole exception is that for new investment, they are limited by the Harbours Act in the same way as port authorities.

CHAPTER 8

3.8.8. EMPLOYMENT

3.8.8.1. Portworkers (Registered Dock Workers)

There are written agreements, either negotiated nationally or locally (or both) in all British ports for all grades of staff. There are, however, differences in detail as set out below.

Three of the ports answering the questionnaire do not at the moment employ Registered Dock Workers :

In the BRB ports both "dockers" and other port staff are railway employees;

In Dover and Felixstowe dockers are permanently employed but are not "Registered Dock Workers". Other port staff fall under a number of different agreements.

In all the other 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", which is administered by joint boards of employer and trade union representatives. These control recruitment, redundancy and disciplinary questions.

All questions of dockworkers' pay, hours, holidays etc. are dealt with nationally by the National Joint Council for the Port Transport Industry. This Council agrees the basic terms but local Port Joint Committees may make supplementary local agreements.

Registered Dock Workers, with only rare exceptions, are employed on permanent or regular terms i.e. in British ports there is no "pool". Thus, on days of unemployment, the Registered Dock Worker is paid by his employer the basic rate for the day negotiated in the port. In those smaller ports which do not settle basic rates locally the employer pays the national minimum guaranteed payment.

There is no contribution from the State towards the cost of these payments.

3.8.8.1.1. Earnings of dockworkers

The earnings of Registered Dock Workers and the analysis of those earnings varies 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 basic 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 national negotiated basic rate. The only rate of pay settled at national level is a guaranteed daily fallback.

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 e.g. 4 separate agreements in the Tees, 19 separate agreements in Manchester.

3.8.8.3. Docker Training

At the ports replying to the questionnaire there are 7 dockworker training schools provided by the NDLB and paid for through a levy on employers. In many ports training is supplemented by the port authority at their own expense.

3.8.8.4. Canteens

Port authorities operate canteens, often in collaboration with the private sector. Usually these canteens are run at a loss and the port authority and/or private sector has to provide a subsidy.

CHAPTER 9

3.8.9. STATISTICS

3.8.9.1. Sources

There are two sources of port statistics in the U.K. :

- the port authorities 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 authorities themselves (mainly in their Annual Reports);
- port industry bodies (the British Ports Association, the National Association of Port Employers);
- Government or quasi-governmental bodies (e.g. Customs, the National Ports Council, the National Dock Labour Board, the Department of Trade, the Department of the Environment, the Department of Employment);
- news media.

3.8.9.3. Statistics collected from and by port authorities

- Traffic - Goods

- All port authorities collect traffic statistics on a regular basis, distinguishing between outwards and inwards traffic, foreign and coastwise (cabotage) cargo and by commodity or by commodity group.
- Many port authorities also analyse throughput figures in terms of mode (conventional and unitised), shipping line and overseas area of origin and destination.

- Traffic - Shipping

Most port authorities maintain records of vessel arrivals and departures, this information usually indicating the numbers of vessels and tonnage.

- Manpower

- Port authorities 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 authorities 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 authorities and other port employers.

- Plant availability and utilisation

Most port authorities maintain records of the availability and utilisation of the more important types of plant.

- Finance

Port authorities collect financial statistics necessary for the efficient operation and future planning of their ports.

3.8.9.4. Statistics produced by the British Ports Association and by the National Association of Port Employers

- Foreign trade statistics in fine commodity detail of the traffics handled by every customs port area in the United Kingdom of Great Britain and Northern Ireland and the Channel Islands, indicating both tonnage and value in all cases, and also overseas areas of cargo origin and destination. Source: H.M. Customs and Excise, as at para. 3.8.9.5. below.
- Manpower and Accident statistics as at para. 3.8.9.3. above. Source: port authorities and other port employers.

3.8.9.5. Statistics produced by government and quasi-governmental bodies

- Her Majesty's Customs and Excise collate and publish on demand from their own source material tonnages and values of all imports and exports in U.K. international trade, broken down by very fine detail by commodities, by overseas countries of origin or destination, and by U.K. customs port areas.
- Coastwise and foreign trade statistics, broken down in relation to broad commodity groups passing through selected ports; also analysis of unit load movements. Published by the National Ports Council. Source: port authorities.
- Foreign trade statistics broken down by broad commodity categories, showing tonnages and values, overseas countries of origin/destination or overseas trade areas. Published by the National Ports Council. Source: H.M. Customs and Excise, as above.
- Details of Passenger Traffic Movement. Source: Department of Trade. Published by the Central Statistical Office and the National Ports Council.
- Manpower: Employees in the industry by type, number of employers, stoppages of work by port and duration. Source: Department of Employment. Published by the Department of Employment and the National Ports Council.
- Port Finance: capital employed, revenues, expenditures and net surpluses/deficits of twenty British port authorities. Source: port authorities' financial accounts. Published by the National Ports Council.

3.8.9.6. Collection of statistics by bodies other than port authorities but operating within port areas

Information is not available on the collection of statistics by bodies other than port authorities operating within port areas, apart from the information detailed incidentally above.

3.8.9.7. Ad Hoc statistical studies undertaken by the ports

- Certain British port authorities undertake market research studies of traffic flows.
- Certain port authorities undertake operational research studies of matters relating to themselves.
- Through the British Ports Association, the British ports industry has taken part in a joint project with shippers, transport providers, forwarders and other bodies (including the National Ports Council) to ascertain the requirements of users of foreign trade statistics and how far in the light of such requirements there was scope for improvement in the statistics concerned. Discussions were held with Customs, and have led to specific improvements having been implemented.

3.8.9.8. Further Statistical, etc., information desired by British port authorities

British port authorities would welcome the availability of additional origin and destination traffic flow information.

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