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Negotiating Group on Maritime Transport Services

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COMMUNICATION FROM THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES

Response to Questionnaire on Maritime Transport Services

The following communication is circulated at the request of the European Communities and their Member States to members of the Negotiating Group on Maritime Transport Services.

I. Market Structure

Vessels

1. As regards vessels under the national flag of the Member States, national statistics do not distinguish between nationally-owned and foreign-owned vessels. Where possible, data are provided for vessels of 1,000 grt/gt and above, as requested; however, several Member States could only provide data for 100 grt/gt (or 300 grt/gt) and above.

As regards nationally-owned vessels under foreign flags, national statistics are available only in some Member States. For other Member States, existing independent publications provide relevant information by aggregate categories of vessels. In the tables below, information published by the Institute of Shipping Economics and Logistics (ISL: "Shipping Statistics and Market Review", No. 4, April 1994) has been used, complemented as necessary with unpublished data furnished by the Institute. However, this information cannot be officially confirmed and is presented only as indicative, in particular since comparisons with nationally provided data - where these exist - reveal discrepancies, possibly due to different specification of the data.

MEMBER STATE: **AUSTRIA**, End 1994

STRUCTURE OF NATIONALLY-OWNED OR OPERATED FLEET					
National Flag			Foreign Flag ¹		
Type of Vessels ²	Number of Vessels	GT	Type of Vessels	Number of Vessels	DWT
Oil Tanker			Total Tankers	9	273.739
Liquefied Gas Carriers					
Chemical Tankers					
Dry Bulk Carriers			Total Dry Bulk	3	62.463
Combination Carriers					
General Cargo	22	121.500	General Cargo	2	6.988
Container Ships	6	61.000	Container Ships		
Refrigerated Carriers	2	17.500			
Ro-Ro					
Ferries and Passenger			Ferries and Passenger		
Other					
All Merchant Vessels	30	200.000	All Merchant Vessels	14	343.190

¹ Source: ISL. Vessels of 1.000 grt/gt and above, excluding fishing and non-commercial vessels.

² Vessels of 1.000 grt/gt and above, excluding fishing and non-commercial vessels.

MEMBER STATE: **BELGIUM**, 01.07.1994

STRUCTURE OF NATIONALLY-OWNED OR OPERATED FLEET					
National Flag ¹			Foreign Flag ²		
Type of Vessels	Number of Vessels	1000 DWT	Type of Vessels	Number of Vessels	1000 DWT
Oil Tanker	6	13	Total Tankers	43	1.518
Liquified Gas Carriers	1	1			
Chemical Tankers	2	5			
Dry Bulk Carriers	-		Total Dry Bulk	25	2.199
Combination Carriers	-				
General Cargo	4	17	General Cargo		
Container Ships			Container Ships	10	288
Refrigerated Carriers					
Ro-Ro					
Ferries and Passenger	12	13	Ferries and Passenger		
Other			Other	34	251
All Merchant Vessels	25	49	All Merchant Vessels	112	4.256

¹ Source: ISL October 1994. Vessels of 300 grt/gt and above, excluding fishing vessels and non-commercial vessels.

² Source: ISL, April 1994. Vessels of 1.000 grt/gt and above excluding fishing vessels and non-commercial vessels (including register of Luxembourg), for 1 January 1994.

MEMBER STATE: **DENMARK**, 01.01.1994

STRUCTURE OF NATIONALLY-OWNED OR OPERATED FLEET					
National Flag ¹			Foreign Flag ²		
Type of Vessels	Number of Vessels	1000 GT	Type of Vessels	Number of Vessels	1000 DWT
Oil Tanker	38	1.269	Total Tankers	78	2.657
Liquefied Gas Carriers	40	270			
Chemical Tankers	30	73			
Dry Bulk Carriers	14	492	Total Dry Bulk	24	1.538
Combination Carriers	-	-			
General Cargo	265	316	General Cargo	80	568
Container Ships	53	1.752	Container Ships	9	268
Refrigerated Carriers	20	149			
Specialized Cargo	65	70			
Ro-Ro	23	245			
Ferries and Passenger	66	234	Ferries & Pass.	2	3
Other	-	-			
All Merchant Vessels	614	4.870	All Merchant Vessels	193	5.035

¹ Vessels of 100 grt/gt and above, excluding fishing vessels and non-commercial vessels.

² Source: ISL "Shipping Statistics and Market Review", No.4 April 1994 / Vessels of 1.000 grt/gt and above.

MEMBER STATE: **FINLAND**, 01.01.1994

STRUCTURE OF NATIONALLY-OWNED OR OPERATED FLEET				
Type of Vessels ¹	National Flag		Foreign Flag ²	
	Number of Vessels	DWT	Number of Vessels	DWT
Oil Tankers	14	554.568	28	2.376.910
Liquefied Gas Carriers	2	11.330	-	-
Chemical Tankers	6	125.675	-	-
Dry Bulk Carriers	7	114.302	4	148.597
Combination Carriers	-	-	-	-
General Cargo	19	107.669	3	46.362
Container Ships	-	-	-	-
Refrigerated Carriers	-	-	11	81.680
Ro-Ro	30	201.380	9	43.042
Ferries & Passenger ³	19	45.483	15	45.009
Other	9	71.019	3	28.390
<i>All Merchant Vessels</i>	<i>106</i>	<i>1.231.426</i>	<i>73</i>	<i>2.769.550</i>

¹ Vessels of 1.000 grt/gt and above excluding fishing and non-commercial vessels.

² The figures for vessels under foreign flag are estimates

³ The ferries and passenger vessels under national flag amounted to the total of 453.950 grt.
The ferries and passenger vessels under foreign flag amounted to the total of 242.443 grt.

MEMBER STATE: **FRANCE**, 01.01.1994

STRUCTURE OF NATIONALLY-OWNED OR OPERATED FLEET					
National Flag ¹			Foreign Flag ²		
Type of Vessels	Number of Vessels	1000 GT	Type of Vessels	Number of Vessels	1000 DWT
Oil Tanker	52	2.033	Total Tankers	33	2.360
Liquified Gas Carriers	8	156			
Chemical Tankers	3	12			
Dry Bulk Carriers	13	457	Total Dry Bulk	9	689
Combination Carriers					
General Cargo			General Cargo	36	500
Container Ships	31	844	Container Ships	8	222
Refrigerated Carriers	4	10			
Specialized Cargo	3	9			
Ro-Ro	11	18			
Ferries and Passenger	31	330	Ferries and Passenger	10	24
Other	59	70			
All Merchant Vessels	215	3.939	All Merchant Vessels	96	3.795

¹ Vessels of 100 grt/gt and above, excluding fishing and other non-commercial vessels.

² Source: ISL "Shipping Statistics and Market Review", No. 4, April 1994, vessels of 1.000 grt/gt and above.

MEMBER STATE: **GERMANY**, October 1994

STRUCTURE OF NATIONALLY-OWNED OR OPERATED FLEET				
Type of Vessels ¹	National Flag		Foreign Flag	
	Number of Vessels	1000 DWT	Number of Vessels	1000 DWT
Oil Tanker	7	156	7	39
Liquefied Gas Carriers	18	177	9	51
Chemical	24	173	26	192
Dry Bulk Carriers	2	151	-	-
Combination Carriers	-	-	-	-
General Cargo	269	1.152	210	981
Container Ships	188	3.599	85	930
Refrigerated Carriers	12	106	4	35
Specialized Cargo	-	-	-	-
Ro-Ro	20	115	11	105
Ferries & Passenger	38	79	-	-
Other	33	847	18	440
All Merchant Vessels	611	6.554	370	2.580

¹ Vessels of 1.000 grt/gt and above, excluding fishing and other non-commercial vessels.

MEMBER STATE: **GREECE**, End of 1993

STRUCTURE OF NATIONALLY-OWNED OR OPERATED FLEET					
National Flag ¹			Foreign Flag ²		
Type of Vessels	Number of Vessels	1000 GT	Type of Vessels	Number of Vessels	1000 DWT
Oil Tanker	338	13.273	Total Tankers	317	21.856
Liquified Gas Carriers	12	61			
Chemical Tankers	53	611			
Dry Bulk Carriers	425	10.390	Total Dry Bulk	760	31.463
Combination Carriers	31	1.946			
General Cargo	341	1.135	General Cargo	595	6.537
Container Ships	31	540	Container Ships	14	179
Refrigerated Carriers	12	81			
Specialized Cargo	-	-			
Ro-Ro	21	86			
Ferries and Passenger	342	762	Ferries and Passenger	64	175
Other	38	150			
All Merchant Vessels	1.644	29.035	All Merchant Vessels	1.750	60.211

¹ Vessels of 100 gt and above, excluding fishing vessels and non-commercial vessels, in accordance with "World Fleet Statistics" (Lloyds' Register - December 31, 1993).

² Source: ISL "Shipping Statistics and Market Review", No. 4, April 1994. Vessels of 1.000 grt/gt and above.

MEMBER STATE: **IRELAND**, 31.12.1993

STRUCTURE OF NATIONALLY-OWNED OR OPERATED FLEET					
National Flag ¹			Foreign Flag ²		
Type of Vessels	Number of Vessels	GT	Type of Vessels	Number of Vessels	DWT
Oil Tanker	7		Total Tankers	-	-
Liquified Gas Carriers					
Chemical Tankers					
Dry Bulk Carriers			Total Dry Bulk	-	-
Combination Carriers					
General Cargo	56		General Cargo	14	38.254
Container Ships	2		Container Ships		
Refrigerated Carriers					
Ro-Ro					
Ferries and Passenger	13		Ferries and Passenger	1	1.325
Other	4				
All Merchant Vessels	82	190.000	All Merchant Vessels	15	39.579

¹ Vessels of 100 grt/gt and above, excluding fishing vessels and non-commercial vessels.

² Source: ISL. Vessels of 1.000 grt/gt and above, excluding fishing and non-commercial vessels.

MEMBER STATE: **ITALY**, 31.12.1993

STRUCTURE OF NATIONALLY-OWNED OR OPERATED FLEET				
Type of Vessels ¹	National Flag		Foreign Flag ²	
	Number of Vessels	GT	Number of Vessels	GT
Oil Tanker	234	1.912.072	14	454.980
Liquefied Gas Carriers	51	236.276	3	25.030
Chemical	48	190.582	6	36.270
Dry Bulk Carriers	57	1.771.799	7	219.855
Combination Carriers	3	166.648	1	32.605
General Cargo	83	108.610	1	2.431
Container Ships	19	405.147		
Refrigerated Carriers	4	52.051	6	70.540
Specialized Cargo				
Ro-Ro	64	470.146	3	13.670
Ferries & Passenger	733	1.195.539	10	172.798
Other	688	944.670	1	498
<i>All Merchant Vessels</i>	<i>1.984</i>	<i>7.480.540</i>	<i>52</i>	<i>1.028.496</i>

¹ Vessels of 100 grt/gt and above, excluding fishing vessels and non-commercial vessels.

² Bare-boat charter

MEMBER STATE: **LUXEMBOURG**, 01.07.1994

STRUCTURE OF NATIONALLY-OWNED OR OPERATED FLEET				
Type of Vessels	National Flag ¹		Foreign Flag ²	
	Number of Vessels	1000 DWT	Number of Vessels	DWT
Oil Tanker	12	396		
Liquified Gas Carriers	8	328		
Chemical Tankers				
Dry Bulk Carriers	11	855		
Combination Carriers	1	147		
General Cargo	4	32		
Container Ships	2	77		
Refrigerated Carriers				
Ro-Ro	2	14		
Ferries & Passenger				
Other	2	13		
<i>All Merchant Vessels</i>	<i>42</i>	<i>1.862</i>		

¹ Source: ISL October 1994. Vessels of 300 grt/gt and above, excluding fishing vessels and non-commercial vessels.

² No information is available on the extent of Luxembourg-owned foreign-flagged vessels.

MEMBER STATE: **NETHERLANDS**, End 1993

STRUCTURE OF NATIONALLY-OWNED OR OPERATED FLEET				
Type of Vessels ¹	National Flag		Foreign Flag	
	Number of Vessels	1000 GT	Number of Vessels	1000 GT
Oil Tanker	2	76	24	653
Liquefied Gas Carriers	11	22	8	26
Chemical Tankers	37	555	38	606
Dry Bulk Carriers	-	-	-	-
Combination Carriers	-	-	-	-
General Cargo	250	731	191	1.023
Container Ships	30	896	14	150
Refrigerated Carriers	16	80	63	302
Specialized cargo	6	56	44	315
Ro-Ro	10	108	14	60
Ferries & Passenger	6	136	2	58
Other			2	3
<i>All Merchant Vessels</i>	<i>368</i>	<i>2.655</i>	<i>400</i>	<i>3.196</i>

¹ Vessels of 1.000 grt/gt and above, excluding fishing and non-commercial vessels.

MEMBER STATE: **PORTUGAL**, October 1994

STRUCTURE OF NATIONALLY-OWNED OR OPERATED FLEET					
National Flag ¹			Foreign Flag ²		
Type of Vessels	Number of Vessels	GT	Type of Vessels	Number of Vessels	DWT
Oil Tanker	15	393.479	Total Tankers	3	140.191
Liquified Gas Carriers	2	3.333			
Chemical Tankers	1	2.093			
Dry Bulk Carriers	10	74.520	Total Dry Bulk	3	226.008
Combination Carriers					
General Cargo	27	23.768	General Cargo	6	21.469
Container Ships	11	22.652	Container Ships		
Refrigerated Carriers	1	842			
Ro-Ro	1	377			
Ferries and Passenger	3	1.114	Ferries and Passenger	3	9.653
Other	2	3.353			
All Merchant Vessels	73	525.710	All Merchant Vessels	15	397.321

¹ Source: "Shipowners and ships", Ministry for the Sea, Directorate-General for Ports and Maritime Transport, Lisbon, October 1994. Vessels of 100 gt and above, excluding fishing vessels and non-commercial vessels. Includes Madeira (Madeira is not a separate register and is controlled from Lisbon. Madeira is an archipelago and part of Portugal).

² Source: ISL. Vessels of 1.000 grt/gt and above, excluding fishing and non-commercial vessels, 01.01.1994.

MEMBER STATE: **SPAIN**, End of 1993

STRUCTURE OF NATIONALLY-OWNED OR OPERATED FLEET ¹					
National Flag			Foreign Flag		
Type of Vessels	Number of Vessels	DWT	Type of Vessels	Number of Vessels	DWT
Oil Tanker	26	802.757	Total Tankers		
Liquified Gas Carriers	6	21.377			
Chemical Tankers	14	109.262			
Dry Bulk Carriers	6	82.529	Total Dry Bulk		
Combination Carriers	11	49.195			
General Cargo	31	81.789	General Cargo		
Container Ships	31	165.986	Container Ships		
Refrigerated Carriers	15	33.121			
Specialized Cargo	6	24.241			
Ro-Ro	44	155.987			
Ferries and Passenger	46	42.840	Ferries and Passenger		
Other					
All Merchant Vessels	250	1.583.922	All Merchant Vessels	91	1.493.000

¹ Excluding fishing vessels and non-commercial vessels.

MEMBER STATE: **SWEDEN**, 31.12.1993

STRUCTURE OF NATIONALLY-OWNED OR OPERATED FLEET				
National Flag			Foreign Flag	
Type of Vessels ¹	Number of Vessels	Mio DWT	Number of Vessels	Mio DWT
Oil Tanker	64	1	65	9
Liquified Gas Carriers				
Chemical Tankers				
Dry Bulk Carriers				
Combination Carriers	0	0	10	2
General Cargo	123	1.2	155	3
Container Ships				
Refrigerated Carriers				
Specialized Cargo				
Ro-Ro				
Ferries and Passenger	49	0.5*	40	0.6*
Other				
All Merchant Vessels	236	2.2**	270	14**

* gross tonnage

** without the ferries and passenger vessels

¹ Vessels of 300 grt/gt and above, excluding fishing vessels and non-commercial vessels.

MEMBER STATE: **UNITED KINGDOM**, end 1993

STRUCTURE OF NATIONALLY-OWNED OR OPERATED FLEET				
Type of Vessels ¹	National Flag		Foreign Flag	
	Number of Vessels	1000 DWT	Number of Vessels ²	1000 DWT
Oil Tanker	49	1.727	45	5.948
Liquefied Gas Carriers	2	96	23	390
Chemical	3	19	1	4
Dry Bulk Carriers	12	163	39	2.204
Combination Carriers	0	0	0	0
General Cargo	32	86	50	474
Container Ships	20	853	24	510
Refrigerated Carriers	0	0	12	97
Specialized cargo	7	66	7	38
Ro-Ro ³	54	159	26	106
Ferries & Passenger ⁴	8	47	4	18
Other	-	-	-	-
<i>All Merchant Vessels</i>	<i>187</i>	<i>3.216</i>	<i>231</i>	<i>9.789</i>

¹ Vessels of 1.000 grt/gt, excluding fishing vessels and other non-commercial vessels.

² Including Crown Dependencies (i.e., Isle of Man and Channel Islands) & Dependent Territories (i.e., Bermuda, Cayman Islands, Gibraltar & Hong Kong).

³ Including Ro-Ro/Passenger vessels.

⁴ Excluding Ro-Ro/Passenger vessels.

Trade

Answer to Questions 2 and 3:

International trade of the Member States and the part carried by sea are shown for 1992 in the following Tables, for imports, exports and total, without distinguishing between Intra-Community and Extra-Community trade.

Year: 1992 Imports and Exports by Sea

Country	Imports		Exports		Total	
	mill tonnes	bill ECU	mill tonnes	bill ECU	mill tonnes	bill ECU
Austria	-	-	-	-	-	-
BLEU ¹	65.2	16.0	28.9	13.9	94.1	29.9
Denmark	38.6	15.0	20.5	15.1	59.1	30.1
Finland	30.3		22.6		52.9	
France	172.8	43.6	55.4	39.3	228.2	82.9
Germany	102.6	49.8	38.2	56.2	140.8	106.0
Greece	26.1	9.5	18.5	4.5	44.6	14.0
Ireland	17.3		7.2		24.5	
Italy	177.9	33.7	34.4	24.7	212.3	58.4
Netherl.	174.0	36.4	40.4	18.3	214.4	54.7
Portugal	30.9	7.9	8.6	4.0	39.5	11.9
Spain	121.3	20.5	40.3	17.6	161.6	38.1
Sweden	41.9		30.3		72.2	
UK	174.2	129.2	133.2	108.7	307.4	237.9

Sources: EUROSTAT "External Trade by Mode of Transport, 1992".
 For Ireland: Irish Central Statistical Office.
 For Finland and Sweden: UN Transport Statistics: International goods transport by mode of transport (unloaded and loaded, not including ferry traffic).

¹BLEU = Belgium and Luxembourg.

Country	International Trade: import from World		
	all modes 1000 tonnes 1992	sea 1000 tonnes 1992	% importance of the transport mode
Belgium+ Luxembourg	194 264	65 170	34 %
Denmark	44 356	38 608	87 %
France	291 193	172 828	59 %
Germany	455 736	102 585	23 %
Greece	28 830	26 107	91 %
Ireland ¹	21 841	17 318	79 %
Italy	272 129	177 940	65 %
Netherlands	285 111	174 001	61 %
Portugal	36 388	30 915	85 %
Spain	146 248	121 251	83 %
United Kingdom	191 631	174 159	91 %
EUR 12	1 967 727	1 100 882	56 %
Austria ²	45 692	-	-
Finland ³	39 213	30 254	77 %
Sweden ³	53 116	41 937	79 %

Country	International Trade: export to world		
	all modes 1000 tonnes 1992	sea 1000 tonnes 1992	% importance of the transport mode
Belgium+ Luxembourg	121 507	28 933	24 %
Denmark	28 646	20 515	72 %
France	166 727	55 444	33 %
Germany	215 233	38 210	18 %
Greece	21 152	18 505	87 %
Ireland ¹	10 354	7 237	70 %
Italy	79 980	34 395	43 %
Netherlands	179 465	40 391	23 %
Portugal	13 634	8 605	63 %
Spain	59 197	40 278	68 %
United Kingdom	137 497	133 243	97 %
EUR 12	1 033 392	425 756	41 %
Austria ²	22 638	-	-
Finland ³	24 774	22 617	91 %
Sweden ³	57 115	30 299	53 %

1 Irish Central Statistical Office.

2 Wirtschaftskammer Österreich

3 UN Transport Statistics: International goods transport by modes of transport (unloaded and loaded, not including ferry traffic).

Country	International Trade: import + export from/to world		
	all modes 1000 tonnes 1992	sea 1000 tonnes 1992	% importance of the transport mode
Belgium+ Luxembourg	315 771	94 103	30 %
Denmark	73 002	59 123	81 %
France	457 920	228 272	50 %
Germany	670 969	140 795	21 %
Greece	49 982	44 612	89 %
Ireland ¹	32 195	24 555	76 %
Italy	352 109	212 335	60 %
Netherlands	464 576	214 392	46 %
Portugal	50 022	39 520	79 %
Spain	205 445	161 529	79 %
United Kingdom	329 128	307 402	93 %
EUR 12	2 307 330	1 323 890	57 %
Austria ²	68 330	-	-
Finland ³	63 987	52 871	83 %
Sweden ³	110 231	72 236	66 %

1 Irish Central Statistical Office.

2 Wirtschaftskammer Österreich

3 UN Transport Statistics: International goods transport by modes of transport (unloaded and loaded, not including ferry traffic).

4. The attached Table contains data from the EUROSTAT publication of "TRANSPORT Annual Statistics 1970-1990" and from submissions by a number of Member States.

International goods traffic by flag ('000t)

Year: 1990, except where indicated otherwise

Member State		Total	Own flag	%
Belgium	Unloading	90 643	8 437	9.3
	Loading	50 817	2 711	5.3
	Total	141 460	11 148	7.9
Denmark	Unloading	29 462	4 773	16.2
	Loading	14 681	1 517	10.3
	Total	44 143	6 290	14.2
Finland (1993)	Unloading	32 560	15 911	48.9
	Loading	31 876	9 345	29.3
	Total	64 436	25 256	39.2
France (1992)	Unloading	171 738	12 057	7.0
	Loading	55 831	10 164	18.2
	Total	227 569	22 221	9.8
Germany	Unloading	97 499	11 345	11.6
	Loading	44 304	8 243	18.6
	Total	141 803	19 588	13.8
Greece (1992)	Unloading	37 789	14 423	38.2
	Loading	20 401	5 637	27.8
	Total	58 190	20 060	34.5
Ireland	Unloading	17 940		
	Loading	6 970		
	Total	24 910		est. 20.-

Member State		Total	Own flag	%
Italy (1992)	Imports	177 966	37 729	21.2
	Exports	34 424	6 127	17.8
	Total	212 390	43 856	20.6
Netherlands	Unloading	281 251	6 523	2.3
	Loading	91 839	7 038	7.7
	Total	373 090	13 561	3.6
Portugal	Unloading	28 540	4 011	14.1
	Loading	8 503	472	5.6
	Total	37 043	4 483	12.1
Spain (1991)	Unloading	122 100	30 500	25.0
	Loading	38 800	6 000	15.5
	Total	160 900	36 500	22.7
Sweden	Unloading	54 880		
	Loading	44 810		
	Total	99 090	24 742	24.8
United Kingdom	Unloading	174 192	32 008	18.4
	Loading	126 280	24 814	19.6
	Total	300 472	56 822	18.9

Source: EUROSTAT for Belgium, Denmark, Germany, Netherlands, Portugal, UK (1990)
Submissions by Finland, France, Greece, Ireland, Italy, Spain, Sweden

5. Estimates of the relative importance of cross-trading are provided below for a number of Member States; for their most part, these estimates come from independent unofficial sources.

Generally, however, the data on own-flag participation given in answer to Question 4, combined with the respective size of each country's national-flag fleet, indicate the particular significance of cross-trading.

Member State

<i>Denmark</i>	More than 90% of shipping activity.		
<i>Finland</i> (1991)	5% in freight earnings Unofficial sources indicate roughly 3.5% of total		
<i>France</i> (1992)	Home-trading: 15.7 mt Cross-trading: 26.8 mt (Source: CCAF)	(63% of total)	
<i>Germany</i> (1987)	Home-trading: 22.6 mt Cross-trading: 16.5 mt (Source: Unofficial study)	(42% of total)	
<i>Greece</i>	More than 90% of the national fleet is engaged in cross-trading activities.		
<i>Italy</i> (1991)	Home-trading: 53.7 mt Cross-trading: 139.7 mt (Source: Unofficial study)	(72% of total)	
<i>Spain</i>	Home-trading: 36.5 mt Cross-trading: 16.4 mt (Source: Unofficial study)	(31% of total)	

Organization of Cargo

6. International trade statistics distinguishing between liner, dry bulk and liquid bulk shipping are not available for most Member States.

Statistics on the basis of first digit commodity classification can however be provided and therefore are presented in the following tables separately for (i) petroleum products and (ii) solid mineral fuel and ores, for imports and exports by sea in 1992.

Certain statistics available distinguishing liner/liquid bulk/dry bulk are also provided.

Imports by sea, 1992

	Petroleum products		Solid mineral fuel + Ores		All products	
	1000 t	Mio ECU	1000 t	Mio ECU	1000 t	Mio ECU
Belgium/Lux	17 023	1 884	26 179	1 242	65 171	16 001
Denmark	9 104	1 105	12 411	432	38 609	14 965
Finland	11292	1200	8474	368	30254	10080
France	107 313	12 240	35 422	1 359	172 828	43 604
Germany	42 870	5 115	18 178	1 134	102 585	49 870
Greece	16 135	1 677	1 838	76	26 107	9 485
Italy	108 930	11 007	30 599	1 202	177 941	33 678
Netherlands	75 820	8 145	54 943	1 721	174 002	36 408
Portugal	16 033	1 664	5 103	179	31 081	7 915
Spain	65 140	6 066	28 278	1 358	123 302	20 491
Sweden	25107	2670	4373	190	41937	13980
United Kingdom	57 537	6 153	39 083	2 248	174 159	129 158
TOTAL	515905	55056	252034	10251	10085785	361575

Exports by sea, 1992

	Petroleum products		Solid mineral fuel + Ores		All products	
	1000 t	Mio ECU	1000 t	Mio ECU	1000 t	Mio ECU
Belgium/Lux	11 444	1 366	803	90	28 934	13 944
Denmark	8 432	969	297	41	20 516	15 124
Finland	3682	440	217	26	22617	16389
France	9 499	1 258	573	78	55 444	39 344
Germany	5 554	832	2 130	190	38 211	56 248
Greece	2 929	347	1 207	55	18 505	4 494
Italy	15 271	1 889	136	15	34 396	24 748
Netherlands	13 143	1 481	3 625	426	40 391	18 313
Portugal	3 266	305	763	194	8 696	4 003
Spain	12 193	1 247	2 305	84	39 679	17 574
Sweden	9282	1105	3023	360	30299	21960
United Kingdom	76 742	9 152	4 352	751	133 244	108 685
TOTAL	158	18846	16191	1924	418016	302477

Sources: EUROSTAT, External Trade by Mode of Transport 1992.

For Finland and Sweden: "Transport Statistics for Europe" of United Nations 1994 (not including ferry traffic).

Belgium:

1993, in mt:	Unloading	Loading	Total
Liquid bulk	24.0	9.4	33.4
Dry bulk	43.8	9.5	53.3
Container	9.1	12.5	21.6
Other	19.8	26.6	46.4
TOTAL	96.7	58.0	154.7

Germany:

In 1993, out of 176,9 Miot of goods from German ports to foreign ports, 62,4 Miot was carried by liner shipping (35,3%).

Ireland:

Dry bulk estimated at 40%; Liquid bulk at 30%.

Netherlands:

In 1992, about 17% of cargo (tonnage) loaded and unloaded in the Netherlands was carried by liner shipping.

1993, in mt:	Unloading	Loading	Total
Liquid bulk	130.2	24.8	155.0
Dry bulk	105.9	20.7	126.6
Container	26.3	33.0	59.3
Other	14.6	9.9	24.5
TOTAL	277.0	88.5	365.5

Spain:

In 1992: Liner 33.4 m
 Dry bulk 48.5 m
 Liquid bulk 87.9 m
 Total 169.8 m

United Kingdom: Year 1992:

	Value (thousand mn £)	Weight (mn tonnes)
Dry Bulk	6.9	82.2
Liquid Bulk	11.8	137.1
Other Dry Cargo	159.3	91.8
TOTAL	178.1	311.2

7. Reliable estimates of the share of liner shipping which is carried by conferences or consortia seems difficult to obtain.

Such shares vary considerably depending on the trade; as a broad indication, the conference share in trades where shipping lines from Member States are involved is reported generally within the range from 40 to 80% , with 60% representing a seemingly good indication of an average. Overall, the share of conference trade is generally known to have significantly declined over the last two decades.

8. The Code applies to conference shipping between each of the 11 Member States which are Parties and all other Parties, incl. the Member States. It should be noted, however, that the provisions of Article 2 of the Convention concerning rights of participation of national lines in the carriage of conference cargo do not apply in the trades between the Member States and those between them and other OECD countries.

As a consequence, and in view of the relative weight of these trades as well as of those trades where the Convention does not apply, it can be considered, in spite of the paucity of data that would permit to derive an estimate, that the part of conference shipping affected by the provisions of Article 2 is of relatively minor significance in global terms.

9. There are no cargo sharing arrangements in bilateral shipping agreements of the following Member States:

Austria, Denmark, Finland, Greece, Ireland, Netherlands, Sweden, United Kingdom.

In certain trades of the other Member States there are bilateral agreements with cargo sharing provisions, which have to be applied in conformity with the provisions of EC Council Regulation No. 4055/86.

- In those among these trades where the Liner Code applies, bilateral agreements have to conform with this Code and with EC Council Regulation No. 954/86. In a number of trades, however, - in particular those with West and Central African countries - this has not yet been achieved because of difficulties in reaching an understanding with the third countries concerned.
- As regards non-Codist trades, there are two agreements with Brazil and four agreements between Portugal and Angola, Sao Tome y Principe, Hungary and Poland. Whilst figures are not available, the overall volumes of the respective trades are relatively small.

10. Relevant statistics do not seem available in several Member States. From those which could provide estimates, as below, it can be seen that the share of containerized cargo is significant.

The degree of containerization is also known to be significantly higher in certain trades (e.g. the Trans-Atlantic and the Europe-Far East trades) as compared to certain North-South trades.

<i>Belgium</i>	around 32%
<i>Denmark</i>	The overriding majority is containerized.
<i>France</i>	The majority is containerized.
<i>Greece</i>	around 40%.
<i>Italy</i>	around 64%.
<i>Netherlands</i>	In 1992, about 87% of the liner cargo loaded and unloaded in the Netherlands was containerized.

Portugal > 75%

Spain around 50%

United Kingdom 80-90% in most trades.

11. The majority is multimodal transport; the shares vary substantially depending on the trade area. As a broad indication, estimates provide a range from, say, one third to more than two thirds of liner cargo.

Ports and Auxiliary Services

12. Traffic by major ports of Member States is shown in the first series of statistical tables below; the last table provides the share of containerisation for major ports of the Member States.

INTERNATIONAL TRAFFIC BY MAJOR PORTS ('000 t) : 1990[#]

	<i>N of Vessels*</i>	<i>'000 GRT*</i>	<i>Cargo Loaded</i>	<i>Cargo Unloaded</i>
BELGIUM	37,057	133,783	50,817	90,643
Antwerpen	15,749	75,303	39,267	54,661
Gent	3,713	13,585	4,135	17,083
Zeebrugge	10,868	33,922	5,563	14,029

	<i>N of Vessels**</i>	<i>'000 GRT***</i>	<i>Cargo Loaded</i>	<i>Cargo Unloaded</i>
DENMARK	37,324	78,732	15,318	30,296
Copenhagen	4,288	9,465	909	3,589
Arhus	3,114	6,907	1,379	2,894
Alborg	2,183	2,964	496	1,533
Odense	1,381	1,897	192	294
Esbjerg	2,481	3,442	1,077	1,685

Except where otherwise indicated

Source: EUROSTAT, Transport: Annual Statistics 1970-1990 (Table: Traffic by Port)

* For all traffic

** For all traffic; excluding ferry-traffic

*** For all traffic; including ro-ro and ferry links

	N of Vessels*	'000 GRT*	Cargo Loaded	Cargo Unloaded
GERMANY	107,480	219,039	44,304	97,499
Hamburg	12,888	57,152	19,425	36,746
Bremen	9,464	42,081	9,905	17,376
Lübeck	5,861	27,427	5,014	7,110
Kiel	2,451	12,122	890	2,005
Willemshaven	798	7,268	364	15,464
Emden	2,384	2,699	654	954

	N of Vessels*	'000 GRT*	Cargo Loaded	Cargo Unloaded
FRANCE	74,024	1,681,228	74,087	201,356
Bordeaux	1,609	39,509	2,968	3,972
Bastia	2,168	85,100	162	177
Sète	1,203	23,185	901	3,409
Boulogne	18,046	462,707	2,578	2,804
Dieppe	1,639	27,659	986	838
Marseille	8,895	302,156	13,546	72,778
Dunkirk	5,396	149,024	8,586	26,543
Le Havre	7,769	324,899	10,392	41,314
Rouen	3,322	31,797	12,845	8,351

	N of Vessels	'000 GRT	Cargo Export	Cargo Import
FINLAND ¹	28,180	303,994	27,588	31,935
Helsinki	7,062	93,031	3,182	4,435
Turku	2,457	63,742	1,348	1,415
Kotka	2,189	10,372	3,543	1,327
Naantajj	1,076	7,275	822	2,702
Rauma	1,043	4,905	2,468	1,056

* For all traffic

Source: EUROSTAT, Transport: Annual Statistics 1970-1990 (Table: Traffic by Port)
For Finland: Finish Maritime Administration

¹Figures for 1993.

	<i>N of Vessels*</i>	<i>'000 GRT*</i>	<i>Cargo Loaded</i>	<i>Cargo Unloaded</i>
IRELAND	12,521	31,769	6,970	17,944
Cork	2,094	3,993	1,629	3,664
Dublin	3,551	8,986	1,829	4,407
Rosslare	1,533	9,741	452	355
Dun Laogharie	1,215	296	158	103
Limerick	450	2,493	884	4,928

	<i>N of Vessels*</i>	<i>'000 GRT*</i>	<i>Cargo Loaded</i>	<i>Cargo Unloaded</i>
ITALY	350,970	380,204	42,188	228,707
Genova	5,725	38,439	2,100	31,204
Trieste	2,608	17,751	1,151	29,997
Livorno	6,499	23,458	1,985	9,003
Venezia	5,042	16,377	2,269	14,099
Friuli	4,273	19,277	1,446	31,186
Cagliari	1,551	12,560	4,981	13,286
Lazio	12,244	18,919	294	8,364
Napoli	40,933	22,909	1,482	7,338
Augusta	3,521	17,024	5,199	16,337

	<i>N of Vessels*</i>	<i>'000 GRT*</i>	<i>Cargo Loaded</i>	<i>Cargo Unloaded</i>
NETHERLANDS	45,389	235,792	91,839	281,251
Rotterdam	29,849	172,198	64,407	223,285
Amsterdam	4,292	18,166	9,207	21,672

* For all traffic

Source: EUROSTAT, Transport: Annual Statistics 1970-1990 (Table: Traffic by Port)

	<i>N of Vessels*</i>	<i>'000 GRT*</i>	<i>Cargo Loaded</i>	<i>Cargo Unloaded</i>
UNITED KINGDOM	159,000		136,164	183,461
London	10,800		7,205	24,437
Felixstowe	6,600		7,091	8,965
Dover	25,800		5,319	7,455
Folkestone	2,500		262	397
Southampton	4,100		5,706	11,224
Milford Haven	4,000		5,737	9,639
Liverpool	3,100		2,987	11,576
Immingham and Grimsby	5,200		8,712	23,807
Tees and Harlepool	5,300		19,269	13,383
Clyde	1,000		612	4,809

* For all traffic.

Source: EUROSTAT, Transport: Annual Statistics 1970-1990 (Table: Traffic by Port)

	<i>N of Vessels</i>	<i>'000 GRT</i>	<i>Cargo Loaded</i>	<i>Cargo Unloaded</i>
Greece ¹			20,400	37,789
Piraeus ²	21,405	44,733	2,731	6,980
Thessaloniki ²	3,076	6,811	4,738	9,098
Agii Theodori ¹			2,557	6,228
Elefsina ¹			3,290	7,541
Megara ¹			2	5,814
Volos ¹			1,866	1,083
Chalkida ¹			1,308	1,180
Iraklio ¹			1,970	205
Patra ¹			765	1,011
Isthmia ¹			612	447

¹ Source: Greek Ministry of Mercantile Marine for 1992

² Source: ISL 1993

	<i>N of Vessels</i>	<i>'000 GRT</i>	<i>Cargo Loaded</i>	<i>Cargo Unloaded</i>
Portugal¹				
Leixers	2,742	14,636	3,493	8,642
Lisbon	5,103	36,135	2,267	12,056

	<i>N of Vessels</i>	<i>'000 GRT</i>	<i>Cargo Loaded</i>	<i>Cargo Unloaded</i>
Spain¹	113,308	481,122 *		
Algeciras	14,369	73,892	10,494	14,044
Barcelona	6,378	45,777	5,368	12,662
Bilbao	3,532	22,372	7,219	17,986
Pasajes	1,487	3,064	849	2,888
Tarragona	2,207	21,470	6,815	17,430
Valencia	4,747	32,250	4,894	7,082

* Source : MOPT, Memoria de Actividades Puertas 1990

	<i>N of Vessels</i>	<i>'000 GRT</i>	<i>Cargo Loaded</i>	<i>Cargo Unloaded</i>
Sweden²	421,652	1 218,807 ²		
Gothenburg	11,064	83,397	11,802	14,089
Helsingborg	131,021	123,297	3,817	3,861
Malmo	21,911	32,536	1,782	3,218
Stockholm	17,008	108,822	1,251	3,878

¹ Source: ISL 1993

² Source : Statistik Arsbok 1993 (Swe)

Containerized Port Traffic 1992

Country	Port	General Cargo (1000 t)	Container Cargo (1000 t)	Containerization in %
Belgium	Antwerp	45.293	19.657	43,4
	Zeebrugge	19.167	6.440	33,6
Netherlands	Amsterdam	3.189	558	17,5
	Rotterdam	65.207	34.364	52,7
Germany	Bremen (2)	19.877	12.562	63,2
	Hamburg	30.157	22.497	74,6
France	Le Havre	10.228	6.863	67,1
	Marseille	8.989	3.919	43,6
United Kingdom	Belfast	3.975	1.419	35,7
	Felixstowe	15.806	12.661	80,1
	Liverpool	6.118	2.790	45,6
	London	9.624	4.013	41,7
	Manchester	1.193	997	83,6
	Southampton	2.722	2.254	82,8
	Tees and H.	3.461	834	24,1
Spain	Algeciras	9.163	6.588	71,9
	Barcelona	7.550	5.489	72,7
	Bilbao	4.619	2.134	46,2
	Valencia	6.663	4.018	60,3
Portugal	Leixoes	2.854	1.344	47,1
	Lisbon	3.622	2.300	63,5
Italy	Genoa	6.939	3.275	47,2
	Livorno	7.534	2.780	36,9
	Naples	5.572	1.499	26,9
	Trieste	2.658	1.167	43,9
	Venice	3.097	861	27,8
Greece	Piräus	8.742	4.371	50,0
	Saloniki	2.598	899	34,6
Denmark	Copenhagen	5.160	1.450	28,1
	Arhus	2.263	2.040	90,1
	Esbjerg	1.672	1.406	84,1
Finland	Helsinki	4.966	2.061	41,5
Sweden	Gothenburg	9.117	3.118	34,2
TOTAL		335.858	175.182	52,16

(Source: ISL Shipping Statistics Yearbook)

13. The effective presence of foreign suppliers of such services is often difficult to establish, particularly when the existing liberal regulatory environment does not command any public monitoring and the collection of specific statistics.

Answers received from Member States are as follows:

Belgium

There are no legal restrictions concerning market access; concrete data concerning foreign owned companies are not available.

Denmark

The setting up of fully foreign owned subsidiaries within the service sector including agency services, marketing and sales of maritime transport and related services is made available to all international transport suppliers on non-discriminatory terms and conditions. There are no Danish regulations providing special favours to national companies compared with foreign-owned subsidiaries. We are not familiar with the extent to which foreign suppliers are using this free access to the market, and if they are actually present in Denmark supplying the services mentioned in the questionnaire.

Finland

Container station and depot services:	No
Maritime Agency Services:	Yes
Maritime Freight Forwarding Services:	Yes
Maritime Cargo Handling Services:	Yes
Storage and Warehousing Services:	Yes
Customs Clearance Services:	Yes
Maintenance and repair of vessels:	Yes

France

No difference is made between national and foreign suppliers who can accede under the same conditions to this kind of activities.

Germany

Although there are no legal restrictions concerning market access in general there are only few foreign suppliers present in the auxiliary services market. Concrete data concerning foreign owned companies or participation in German-owned companies is not available because there is no obligation for any sort of registration, permit etc.

Greece

Container station and depot services:	No in the port areas
Maritime Agency Services:	No, except for EC nationals
Maritime Freight Forwarding Services:	Yes
Maritime Cargo Handling Services:	No
Storage and Warehousing Services:	No
Customs Clearance Services:	No, except for EC nationals
Maintenance and repair of vessels:	Yes.

Ireland

Yes. Foreign suppliers are free to establish.

Italy

All suppliers present in the market and providing the listed services are Italian companies (even those with a high percentage of foreign capital).

Netherlands

Foreign suppliers are present in the market in the following auxiliary services:

Container station and depot services
Maritime Agency Services
Maritime Freight Forwarding Services
Maritime Cargo Handling Services
Storage and Warehousing Services

Sweden

Same reply as by Denmark.

United Kingdom

Container station and depot services:	Not known
Maritime Agency Services:	Yes
Maritime Freight Forwarding Services:	Yes
Maritime Cargo Handling Services:	Yes
Storage and Warehousing Services:	Yes
Customs Clearance Services:	Yes
Maintenance and repair of vessels:	Yes

14. The effective presence of foreign suppliers operating in the inland movement by truck, rail or water of international waterborne trade cargoes is difficult to establish, given the generally liberal regulatory environment applicable to such activities, and the related absence of regulatory monitoring and statistics. Remaining restrictions which may affect indirectly or incidentally such operations are to be found essentially in the field of rail transport, where public monopolies exist in the operation of railways infrastructure. But since access to railway infrastructures is being progressively liberalized for intermodal/multimodal operators, this kind of restrictions to the direct operation of a particular mode of transport cannot be considered significant in the context of the question asked. Additionally, a transitory limitation to the supply of trucking services will be maintained until 1997, in the form of a prior authorization required for those trucking services which are confined to the territory of one Member State.

II. Regulatory Structure

General

1. The international maritime transport sector in general lies within the responsibility and the competence of the Ministries of Transport in the EC Member States. Within the European Commission, the Directorate-General VII is responsible for a common transport policy concerning the maritime sector.

More specific information provided for the Member States is as follows:

Austria: Ministry of Public Economy and Transport

Belgium: 1. *Federal authority:*

Ministry of Transport and Infrastructure
Administration of Maritime Affairs and Navigation
Service Gestion de la Navigation

2. *Regional authorities:*

Ministerie van de Vlaamse Gemeenschap - Departement Leefmilieu
en Infrastructuur - Waterwegen en Zeewezen

Ministère de la Région Wallonne - Direction générale des Voies
Hydrauliques

Brussels Hoofdstedelijk Gewest - Havenkapiteindienst

Denmark: Ministry of Business and Industry.
Governmental measures apply horizontally to all sectors including maritime transport. There is no specific regulatory approach which applies to the different types of shipping.

France: Ministry of Equipment, Transport and Tourism.

Finland: The Ministry of Transport and Communications has responsibility for the maritime transport policy in Finland, including ports. Within the Ministry the National Board of Navigation has responsibility for safety measures, ice-breaking, fairways and other more technical issues.

Germany: Federal Ministry of Transport

Greece: The Ministry of Mercantile Marine is responsible for the Greek government policy regarding the national and international maritime transport sector. It has overall responsibility for maritime safety matters, the protection of the marine environment, the enforcement of Port State Control via the Hellenic Coast Guard which falls under the Ministry and inspections of Greek and foreign flag vessels. It also has overall responsibilities for search and rescue.

Ireland: The Department of the Marine has overall responsibility for maritime transport policy (including ports, harbours and shipping). The Department's objective is to deliver the port capacity, facilities and shipping services to support trade and tourism by ensuring the necessary investment, operating climate and organizational structures.

The measures applied can in general be considered specific to the sector.

<i>Italy:</i>	Ministry of Transport & Navigation Directorate General of Traffic and Navigation.
<i>Luxembourg:</i>	Ministry of Transport - Commissariat of Maritime Affairs
<i>Netherlands:</i>	Within the Ministry of Transport, Public Works and Water Management, the Directorate-General of Shipping and Maritime Affairs is responsible for the governmental contribution to the operation of the shipping sector and the inland navigation, as part of Dutch transport policy.
<i>Portugal:</i>	Ministry of the Sea Directorate General of Ports, Navigation and Maritime Transport
<i>Spain:</i>	Department of Public Works, Transport and Environment Secretary General of Transport - Gen. Dir. of Merchant Marine State Society for Maritime Safety and Pollution
<i>Sweden:</i>	Ministry of Transport and Communications and the competent administration is the National Maritime Administration. There are measures specific to the maritime sector as well as measures horizontally applied (cfr. competition law).
<i>United Kingdom:</i>	The Department of Transport is responsible for UK government policy regarding the international maritime transport sector. Shipping Policy Directorate has overall responsibility for shipping matters within the Department of Transport. The Marine Safety Agency, an Executive Agency within the Department of Transport, is responsible for implementation of government strategy for marine safety and prevention of pollution from ships. This includes representing the Department's interests in these areas nationally and internationally and carrying out inspections of UK and foreign ships. The Coastguard Agency, an Executive Agency within the Department of Transport, is responsible, inter alia, for civil maritime search and rescue and response to coastline pollution under UK legislation and international conventions and agreements. Horizontal measures, applying to all industry sectors, are administered by a number of other government departments.

2. There is no specific overall regulatory system applying to bulk shipping.

The EC and its Member States subscribe to the principle of free and fair competition in international shipping, enshrined in the package of Community Regulations adopted in 1986 (see answer to Question 3). All activities must be based on normal commercial principles of supply and demand, taking into account the specific rules and regulations concerning safety of ships and crew and protection of the marine environment, as well as horizontal EC and national legislation, incl. the applicable competition law.

3. There is no specific overall regulatory system applying to liner shipping. The EC and its Member States subscribe to the principle of free and fair competition in international shipping.

Most Member States are Parties to the UN Convention on a Code of Conduct for Liner Conferences, as applicable in accordance with their instruments of ratification and with EC Council Regulation No. 954/79. (The Convention has so far not been ratified by Greece, Ireland and Luxembourg).

International liner shipping is, further, subject to the following EC Council Regulations¹:

- No 4055/86 of 22 December 1986 applying the principle of freedom to provide services to maritime transport between Member States and between Member States and third countries.
- No 4056/86 of 22 December 1986 laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport (competition rules).
- No 4057/86 of 22 December 1986 on unfair pricing practices in maritime transport.
- No 4058/86 of 22 December 1986 concerning coordinated action to safeguard free access to cargoes in ocean trades.

It is also subject to specific rules and regulations concerning maritime safety of ships and crew and protection of the marine environment, as well as horizontal EC and national legislation.

4. There is no overall regulatory approach concerning multimodal transport. The rules and regulations of the different transport sectors - road, air, internal water etc. - as well as general competition rules are applied. For the road haulage leg of multimodal transport operators are required to obtain authorization, issued by the authorities of the Member States in compliance with EC legislation, for which they need to be based within the EC and, until 1997, when the whole journey is within one Member State, to obtain a cabotage licence.

There are no restrictions in respect of access to transport equipment used for multimodal transport.

5. Arrangements for port management vary among Member States. In many cases management is by a State owned company. The legal status of management companies varies. In some cases there are autonomous State owned companies managed on commercial principles and in others non-profit making public agencies. In some Member States such as the UK there are also privately managed ports. There are no restrictions on service in respect of specific customers. In public ports access to the port facilities and land use is open to private operators generally, on a non-discriminatory basis under transparent procedures. Limited exceptions exist (see answer to Question 8(a)):

Specific information relating to certain Member States is as follows:

Belgium: The ports of Antwerp, Gent and Ostend are managed by the municipal authorities with the financial aid of the Flemish region for basic port infrastructure and port equipment. There is no financial aid for the private sector. The Flemish region and the City of Bruges are shareholders of the MBZ (Port of Zeebrugge).

The control of the operations is executed by the Flemish minister of Public Works. Sea and river pilotage is guaranteed by the Flemish region. Harbour pilotage in the ports of Antwerp and Zeebrugge is run by a private company which has the concession of this activity.

Finland: The ports are owned and managed either by the municipalities or by private industrial companies.

France: In Metropolitan France port administrations are organized in three ways:

- (a) 6 ports are managed by a public establishment of the State (independent/self-governing ports);

¹Published in OJ L 378 of 31 December 1986.

- (b) 17 ports are state ports (ports of national interest);
- (c) the management of the other ports is entrusted to decentralized authorities such as departments and municipalities.

Germany: Port matters are in the competence of the Länder, amended by certain competences of the cities. In public ports the infrastructure is often in public ownership and is made available to users on a non-discriminatory basis. The superstructure is in general private's owned and made available on a commercial basis. In cases where certain port rules apply in addition to general regulations concerning the activities of the companies such rules do not involve any discrimination between users.

Ireland: Commercial ports are managed and operated by the Chief Executives of Harbour Authorities (Public Statutory Bodies). These bodies are under the aegis of the Department of the Marine. Their powers and duties are set out in the Harbours Act, 1946-1976. Harbour Authorities are empowered, with the consent of the Minister of the Marine to lease property.

Private persons are subject to conditions laid down by the relevant Harbour Boards and to national law in relation to the Health and Safety Act.

Netherlands: The administration of the main ports in the Netherlands can be of two types:

- Municipally owned ports (e.g. Rotterdam) are subjected to municipal regulation. From a legal point of view, the Port Authority is represented by a Port Administration.
- Ports administered by a statutory public body formed either by the State, the province and one or more municipalities, or by the province and one or more municipalities. These autonomous bodies administer, maintain and operate the ports and the areas under their jurisdiction.

Port authorities are primarily responsible for the operation and development of the port area. Auxiliary services are supplied by private companies on a commercial basis. Port authorities are responsible for the allocation of scarce resources (such as sites) to commercial operators. Usually, sites are leased from the port authorities by the private operators for a certain period.

Spain: Spanish ports involved in international commercial activities are constitutionally characterized as being "of general interest" and are so allocated under State authority. A unit within the Ministry of Public Works, Transport and Environment with the title "Public State Ports" is responsible for the whole national port system and is in overall control of the different Port Authorities.

Sweden: There is no regulatory approach specifically applied to port management or the undertaking of auxiliary services activities by private persons in port areas. The ports in Sweden are managed and operated by municipalities or by private owners. Auxiliary services are privately supplied on a commercial basis.

UK: Individual Acts of Parliament for each port define its area, allocate responsibility for its maintenance and operation, set out the constitution and terms of operation, and give power to the port authority to create bye laws governing the port area.

As ports authorities are independent bodies, the allocation of scarce resources will be done on a commercial basis.

6. There is no official or general legal definition of "international maritime transport". It is commonly understood to mean the maritime transport services between Member States, between Member States and third countries and between third countries. This generally excludes transport between ports and/or offshore installations of a Member State.

7. As a rule, there is no official or general legal definition of a "national shipping enterprise".

For the Member States Party to the UN Convention on a Code of Conduct for Liner Conferences the definition of a "national shipping line", subject to the reservation made upon ratification of the Convention is applicable for the purposes of the Convention in the trades where it applies.

In Spain, Article 9 of Law 27/1992 on Ports and Merchant Marine provides for the following definition:

"The physical or legal person who, using its own or other vessels, is devoted to the operation of vessels, even when this operation may not be his main activity, done under any means admitted by international usage".

Market Access

- 8.(a) There are no such limitations relating to international maritime transport service suppliers, other than as follows:

Germany: Monopoly in the port of Bremen for transshipment of general cargoes and grain, passenger transport and warehousing activities.

Greece: All port services are provided by public enterprises. Their services are free to the user in a non-discriminatory manner.

Italy: Economic needs test applicable to cargo handling.

- 8.(b) As indicated above (see answers to question II.2 and 3) the Member States of the European Community maintain a policy of free access to the international shipping market, following the adoption of Community-wide liberalisation of shipping services in 1986.

- 8.(c) Not applicable.

- 8.(d) There are no specific provisions in Community Regulations or the legislation of Member States to that effect other than as indicated below. Access for "key personnel" to commercial presence is governed by horizontal commitments already included in the Schedule.

In Italy, access to the regulated profession of ship's agent ("Raccomandatario Marittimo") is subject to a condition of EC nationality (Law no. 135/77, art. 9).

9. No specific measures exist in the EC and/or its Member States to that effect.

10. No, other than as regards limitations in certain Member States related to the right to fly the national flag (see also Question 11).

11. Replies as to minimum conditions of registration in Member States are given below. These conditions have to be applied in conformity with the provisions of the EC Treaty relating to right of establishment and free movement of persons and capital.

Austria Conditions for granting the right to fly the national flag:

- (a) Principal location and full operational control in Austria;
- (b) Majority of directors Austrian or EEA (European Economic Area)-nationals; No quantitative restrictions as referred to in question 8 and no other quantitative limitations.
- (c) Majority (more than 50%) of shareholders Austrian or EEA-nationals.

<u>Belgium</u>	At least 50% of the owners must be of Belgium nationality and reside in Belgium. A company must have its primary establishment in Belgium.
<u>Denmark</u>	Foreign company-owned ships may register in the Danish International Shipping Register provided the foreign company appoints a representative in Denmark and that Danish interests are present as regards non-EU-companies.
<u>Finland</u>	(a) more than 60 % of the vessels must be owned by a Finnish national or a resident enterprise; the latter can be also a foreign-owned enterprise. (b) no (c) no
<u>France</u>	To fly the national flag, vessels must be either 50%-owned by French nationals or owned by companies having their registered office (siège social) in France.
<u>Germany</u>	<p>German flag is obligatory for ships owned by:</p> <ul style="list-style-type: none">- German nationals with German residence,- Companies located in Germany and with German majority in respect of:<ul style="list-style-type: none">* personally liable partners* management and power of representation* rights for vote,- Legal persons with German member of the board or German majority in management,- Joint ownerships of ships; one German joint owner with German residence and German majority with regard to parts of ownership allowed for ships owned by nationals of EC Member States. <p>German flag is allowed for ships owned by:</p> <ul style="list-style-type: none">- Companies established in a EC Member State subject to laws and regulations of an EC Member State,- Joint ownerships of ships with German participation,- Communities of heirs with German participation of minimum 50%, and full German power of representation.
<u>Greece</u>	More than 50% of the ownership must belong to Greek nationals or, in the case of a legal entity, more than 50% of equity must belong to Greek nationals.
<u>Ireland</u>	<p>Qualification to own an Irish-registered ship or a share in a Irish-registered ship is currently confined to Irish citizens, Irish bodies corporate, citizens or bodies corporate of a "reciprocating" State. States currently defined as reciprocating States are the UK and Colonies, Canada, New Zealand and Pakistan.</p> <p>Legislation amending these provisions to permit, inter alia, all E.C. citizens and bodies corporate to own an Irish-registered ship, is currently in preparation.</p> <p>There are no restrictions on citizens or bodies corporate of any nationality incorporating in Ireland and thereby becoming eligible to own an Irish-registered ship.</p> <p>(a) No. (b) No. (c) No.</p>
<u>Italy</u>	Minimum conditions for granting the right to fly the national flag are provided by Article 143, and subsequent modifications of the Italian Code of Navigation.

At least 50% must be owned by Italian citizens, the Italian public sector or Italian private companies.

Exemptions may be allowed by the competent Minister if a foreigner has lived in Italy for more than 5 years or a company has its primary establishment in Italy.

The ships must be crewed 100% with EC nationals.

EC nationals (persons or companies) are equal to Italian nationals.

Luxembourg

Ships registered in the Luxembourg International Shipregister must be more than 50% owned by EC-nationals or EC-companies with an office in a Member State.

The vessel must be managed from Luxembourg.

Netherlands

The vessel must be at least 2/3 owned by persons or companies of EC-nationality or of one of the countries party to the EEA (European Economic Area) agreement; the above-mentioned persons or companies must practise their business by means of an establishment in the Netherlands and operate the vessel from the Netherlands; management of the above-mentioned establishment must be in the hands of persons of EC-nationality or of one of the countries party to the EEA agreement.

A vessel which does not meet the above-mentioned conditions regarding ownership can be granted the right to fly the national flag via bareboat registration.

Portugal

Registration of a ship in Portugal must be by residents (national register), and the ship must comply with technical requirements such as safety and environmental standards fixed by national rules (in accordance with IMO Conventions and EC Regulations). The registry does not involve quantitative requirements.

Spain

Article 76 of Law 27/1992 on Ports and Merchant Marine provides that natural persons and corporations domiciled in Spain or in countries of the European Economic Community shall have the right to register and flag civilian vessels, provided that corporations domiciled in countries of the European Community designate a representative in Spain.

Sweden

A ship is entitled to fly the Swedish flag if it is more than half-owned by a Swedish national or a Swedish legal entity; the Swedish national maritime administration may grant the right to fly the Swedish flag to other ships whose operation is essentially under Swedish control and whose owner has his permanent residence in Sweden.

United Kingdom

Any UK, Commonwealth or EC national established in the UK or any company incorporated in the UK, Commonwealth or the EC, may register a ship on the UK register. This includes companies with a parent company not incorporated in the UK, Commonwealth or EC.

(a) No. (b) No. (c) No.

National Treatment

12. A summary of the present position in the Member States is that:

1. Port auxiliary services provided on a commercial basis are not generally subsidized. Public port services organised in the form of a monopoly or subjected to a public service obligation may be granted compensatory measures or aids according to their non-commercial situation. In any case there are no discriminatory fees, taxes or levies.
2. International shipping services are generally exempted from VAT. However, Member States currently retain the right to waive this exemption for certain specific services (often provided by foreign operators if their country of origin does not exempt Member States operators on a reciprocal basis).
3. Some Member States grant directly or indirectly public aids to shipping companies established in their territories, to the operation of vessels registered in and flying the flag of these Member States. Such support schemes are generally meant to compensate for the additional costs associated with the conditions attached to ship registration. Such public aids, which are not currently subjected to multilateral disciplines, must however be in conformity with the provisions of the Treaty of Rome (Articles 92 and 93).

Access to and Use of Port Facilities

13. All services are available in the Member States of the EC on a non-discriminatory basis to all users. The non-availability of some of these services in smaller ports depends on a non-justification in a commercial and technical sense.

14.

Austria	Not relevant.
Belgium	In certain cases for ships carrying hazardous and noxious substances pilotage services are mandatory.
Denmark	Mandatory pilotage in certain Danish ports.
Finland	Pilotage: the use is mandatory with the exception of pilotage in the port area which is not mandatory. Towing and tug assistance : only in special circumstances. Garbage collecting and ballast disposal : solid waste mandatory, problem waste special fee.
France	Pilotage, berthing and in some cases towing and tug services are obligatory.
Germany	In general pilotage, towing and tug services are mandatory. Also certain navigation aids (VTS) are mandatory for certain ships. Under certain conditions ships can apply for exemptions.
Greece	Pilotage is mandatory. Also towing and tug assistance services are mandatory for ships over 1.000 grt (entrance and exit from ports, berthing and anchorage).
Ireland	Pilotage is compulsory.

Italy	Pilotage; Towing (but only in some ports and for ships carrying dangerous goods); Garbage collection and ballast waste disposal.
Luxembourg	Not relevant.
Netherlands	The use of the aforementioned services is sometimes mandatory, based on national/local safety regulations. The rules vary according to ship type, size of the ship, type of cargo (e.g. dangerous goods), etc. and apply to all ships, regardless of their nationality.
Portugal	Pilotage.
Sweden	Pilotage is mandatory depending on the size of the ship and the cargo.
Spain	Pilotage is mandatory, with several exceptions.
United Kingdom	On safety grounds some vessels at some ports may be required to use some of the services such as Pilotage, towing and tug assistance and Anchorage, berth and berthing services. Vessels which fail port state control inspection may be required to make use of emergency repair facilities.

15. All listed services are available on a non-discriminatory basis, except for anchorage services in Italy; see answer to 23.

16. No.

17. No, except for anchorage in Italy; see answer to 23.

18. No. Terminal facilities are used according to availability and technical considerations on a non-discriminatory basis; conditions have to be agreed on a competitive basis.

19. Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Netherlands, Spain, Sweden:
No.

Finland: No, with the exception of the private ports owned by industrial companies.

In the UK, ports themselves can impose, through their local byelaws, requirements inter alia for the conduct of vessels in port; reporting by captains for navigational purposes; payments of dues, etc, though such byelaws normally must be confirmed by the Government before they come into effect.

Most-favoured-nation treatment

Answer to Questions 20 and 21:

The EC and its Member States follow a policy of free and fair competition in international shipping. They have nevertheless accepted the UN Convention on a Code of Conduct for Liner Conferences, in a manner that safeguards the conditions of competition among EC and other OECD country lines, so as to accord a preferential treatment to national lines of developing countries (see also the answer to Question 22 below).

The exception to this general policy is a number of bilateral agreements between certain Member States and third countries which contain cargo-sharing arrangements, as indicated in two Tables attached, relating respectively to trades where the Liner Code applies (in accordance with the instruments of ratification of the 11 Member States which are Parties) and those where it does not. Most of these agreements are with West African countries and former state-trading countries. Any cargo rights of nationals of the Member States under such agreements are subject to the provisions of EC Council Regulations Nos. 4055/86* and 954/79 (see answer to Question 22).

BILATERAL AGREEMENTS WITH CARGO-SHARING ARRANGEMENTS
IN NON-CODIST TRADES*

MEMBER STATE	THIRD COUNTRY	SHARES
GERMANY	Brazil	Equal rights to participate in the transport of cargo
PORTUGAL	West African countries:	
	Angola	Equal access to cargo
	Sao Tome y Principe	Equal shares of cargo
	Hungary	Equal access to cargo
	Poland	Equal access to cargo
	Brazil	Equal access to cargo; excludes minerals, oil and derived fuels

* Applicable in conformity with EC Council Regulation no. 4055/86, so as to provide free and non-discriminatory access to all Community shipowners.

**BILATERAL AGREEMENTS WITH CARGO-SHARING ARRANGEMENTS
IN CODIST TRADES***

MEMBER STATE	THIRD COUNTRY	SHARES
BELGIUM & LUXEMBOURG (Note: Luxembourg is not a Party to the Liner Code)	West African countries: Cote d'Ivoire Senegal Mali Togo Zaire Malaysia	40-40-20 all cargo 40-40-20 liner cargo 40-40-20 liner cargo Equal shares liner; each to have min. 40% of global traffic, max. 20% for 3rd country lines 40-40-20 all cargo Equitable sharing bilateral trade and liner; 3rd country lines have rights as per Liner Code
GERMANY	West African country: Cote d'Ivoire	40-40-20 all cargo
FRANCE	Tunisia	40-40-20 liner cargo
ITALY	West African countries: Senegal Cote d'Ivoire Morocco	40-40-20 liner cargo 40-40-20 all cargo 40-40-20 liner, min. 40% each Party's ships
PORTUGAL	West African countries: Senegal Cape Verde Bulgaria Romania USSR** Yugoslavia	Equitable participation in transport of all trade. Equal access to all cargo; up to 20% may be carried by 3rd country ships Equal rights in the carriage of cargo without affecting rights of participation of 3rd country ships Equal access in the carriage of cargo without affecting rights of participation of 3rd country ships Equal share of cargo Equal rights in the share of cargo
SPAIN	West African countries: Cameroon Congo Cote d'Ivoire Equatorial Guinea Senegal Gabon Tunisia Morocco USSR**	40-40-20 liner, including wine in bulk and timber Equal shares liner cargo, incl. worked timber, sawn timber and logwood, max 20% to 3rd lines 40-40-20 all cargo Harmonise activities so that the transport is effected in ships of the Parties Harmonize activities & commercial policies to make optimum use of capacity and get fair share of shipping Equal liner, incl. timber, lumber, log-wood; at least 40% of total cargo 40-40-20 liner passengers and goods; max 20% to 3rd country ships; 40-40-20 all cargo, min.40% each Party's ships Equal shares of liner cargoes

* Applicable subject to EC Council Regulation no. 4055/86, in conformity with the UN Convention on a Code of Conduct for Liner Conferences and EC Council Regulation no. 954/79.

** Agreements signed by the EC and its Member States with countries of the former USSR (incl. the Russian Federation and Ukraine) disapply the cargo-sharing provision in the bilateral agreement with the USSR.

22. EC Council Regulation No. 954/79 dissapplies the cargo sharing provisions of Article 2 of the Code in conference trades between EC Member States and, on a reciprocal basis, between EC Member States and other OECD countries. It also makes subject to redistribution, among the conference lines of the Member States and of other OECD countries offering reciprocity, the shares of the national lines of the Member State concerned; the Member States have accordingly ratified the Code with a reservation to this effect.

The cargo sharing provisions of Article 2 of the Liner Code serve as a basis for arrangements between the shipping lines concerned. The governments do not intervene in these arrangements.

23. No, except in Italy where lower amounts are charged for anchorage to Italian ships and, on a basis of reciprocity, to nearly all foreign ships.

24. No.

25. EC Council Regulation No. 4058/86, specific to the sector, applies "when action by a third country or by its agents restricts or threatens to restrict free access by shipping companies of Member States or by ships registered in a Member State in accordance with its legislation to the transport of:

- liner cargoes in Code trades, except where such action is taken in accordance with the United Nations Convention on a Code of Conduct for Liner Conferences;
- liner cargoes in non-Code trades;
- bulk cargoes and any other cargo on tramp services;
- passengers;
- persons or goods to or between offshore installations."

Requests to the Commission relating to measures under the regulation can be made only by a Member State.

Counter-measures may be:

"directed at the shipping company or companies of the third countries concerned or at the shipping company or companies of other countries which benefit from the action taken by the countries concerned, whether operating as a home-trader or as a cross-trader in Community trades.

Those counter-measures may consist, separately or in combination, of:

- (i) the imposition of an obligation to obtain a permit to load, carry or discharge cargoes; such a permit may be subject to conditions or obligations;
- (ii) the imposition of a quota;
- (iii) the imposition of taxes or duties. "

Specification of the counter-measures, as appropriate in any particular case, is foreseen in Article 5 of the Regulation.

Related national legislation exists in a number of Member States, as follows:

Belgium: The note to comply legislation and the law for the protection of the Belgian merchant marine.

Denmark: Act no. 239 of 14th of April 1989 on Measures against Differential Treatment within International Shipping.

Finland: The Act on Measures for the Protection of Finnish Shipping Trade (142/1987) and from 1 January 1995 the Council Regulation 4058/86.

- France: The law of 29 December 1983 permits to public authorities to take mandatory measures in case the maritime and commercial interests of France are threatened.
- Germany: Retaliatory measures are possible to take action against anticompetitive practices of foreign states. There are restrictions for the conclusion of freight contracts for the transport of general cargo in cases where German residents acting on their own behalf or as deputies, agents or the like and residents of certain foreign states are involved. In addition the charter of ships flying foreign flags are subject to a permit in cases where German residents and residents of certain foreign states are involved.
- Italy: Law no. 69/1987: the competent Minister, upon advice of an ad hoc Commission, can prohibit or restrict the participation to maritime transport to and from Italian ports originated by the national economy system for shipping companies belonging to countries limiting the fair competition of international maritime trades.
Article 6 of Law no. 82/1963 relating to "revision of maritime taxes and dues" provides for measures to cancel the benefits granted for payment of maritime taxes and dues against countries performing flag discrimination.
- Netherlands: Dutch legislation enables the government to take counter-measures. These measures are specific to the maritime transport services sector.
- Spain: Article 82 of Law 27/1992 on Ports and Merchant Marine provides that "when there exists a serious threat to the principles of open competition or free trade or to the principles on which international shipping is based and which affects Spanish ships, the Government may adopt any measures and provisions necessary to protect Spanish interests in the dispute". "Where the provisions of Community laws and regulations or international agreements signed by Spain are concerned, the Government may restrict all or part of certain traffic to Spanish or Community merchant ships if the national Economy or Defense so require".
- Sweden: Sweden has an Act on Measures to protect Swedish Maritime Transport, promulgated 14 March 1985.

26. See answers to Question 25.

Government Procurement

27. The Community and its Member States do not apply the concept of government cargoes. As far as public procurement of services is concerned, they will be bound by their commitments negotiated under the Government Procurement Agreement, which do not however cover maritime transport at this stage.

A further discipline relating to the public procurement of Maritime Transport Services will be subject to further consideration according to Article XIII of the General Agreement of Trade in Services.

28. See answer to Question 27 above.

Competition Law

29. There is no sectoral exemption of maritime transport from EC antitrust law. The relevant provisions of the Treaty, i.e. Articles 85 and 86, are fully applicable to maritime transport.

There is a block exemption from the prohibition of agreements, decisions and concerted practices restricting or distorting competition for liner conferences in EC Council Regulation No. 4056/86. The conferences exempted by this Regulation must, however, always meet the four general exemption conditions provided for by Art. 85(3) of the Treaty, i. e.:

- contribution to improving the production or distribution of goods or to promoting technical or economic progress
- allowing consumers a fair share of the resulting benefit
- indispensability of imposed restrictions to achieve benefit
- no possibility of eliminating competition in respect of a substantial part of the services in question.

The same principle will apply to the consortia block exemption regulation which will be issued by the European Commission.

29.(b) There is no specific legal instrument dealing with the application of EC competition rules to multimodal transport including a maritime leg. The general EC competition rules, as referred to above, are applicable.

29.(c) As stated under (a) above, Article 86 of the Treaty, which forbids the abuse of a dominant position, is fully applicable to maritime transport.

29.(d) Shippers' councils are not regulated by EC law. However, agreements between transport users and conferences concerning the use of scheduled maritime transport services are exempted from the cartel prohibition by Council Regulation No. 4056/86.

Shipping Conferences

30. There are no such measures under EC law. A conference agreement is an agreement between commercial parties and the admission of new members may be subject to approval of existing members.

In trades where the UN Convention on a Code of Conduct for Liner Conferences applies, EC Council Regulation No. 954/79 concerning the ratification by Member States of, or their accession to the Convention is applicable.

There are no written rules on notice periods and penalty payments concerning the withdrawal from a conference. However, the Commission has requested in a particular case to allow member lines to withdraw with a notice period of six months. The conference had originally required a notice period of one year, which seemed overly restrictive.

31. The EC system does not provide for systematic agreement filing. Conferences which fulfill the exemption requirements of Regulation No. 4056/86, do not have to file. Conferences which provide for agreements not covered by Regulation No. 4056/86, will have to file their agreements for an individual exemption. This exemption is only granted, if the agreement in question fulfills the four conditions of Art. 85(3) mentioned above (see answer to question 29(a)). The exemption will be withdrawn, if an agreement ceases to fulfill the four conditions of Art. 85(3).

The Commission may thus refuse an application for individual exemption and forbid agreements, if they do not meet the exemption conditions of Art. 85(3).

If conferences originally exempted by the block exemption regulation nevertheless are not subject to actual or potential competition, the Commission may withdraw the block exemption.

- 32. Tariffs are likewise not filed under EC law.
- 33. Conferences are not required, under Community law, to allow independent rate action.
- 34.(a) Loyalty arrangements are allowed by Regulation No. 4056/86 under certain conditions. Generally speaking, loyalty arrangements shall provide safeguards making explicit the rights of transport users and conference members. Each conference shall offer shippers either an immediate rebate system or a deferred rebate system.

Under the immediate rebate system the parties are entitled to terminate the loyalty arrangement at any time without penalty and subject in general to a period of notice of not more than six months. Under the deferred rebate system neither the loyalty period on the basis of which the rebate is calculated nor the subsequent loyalty period required before payment of the rebate may exceed, as a rule, six months.

- 34.(b) There are no specific legal provisions dealing with agreements between conferences and outsiders. Such agreements are not covered by Regulation No. 4056/86 and would therefore have to be assessed on a case-by-case basis according to Art. 85, 86 of the Treaty.
- 34.(c) Service contracts as a special type of loyalty arrangements fall under the provisions of Regulation No. 4056/86. The Regulation acknowledges any system which is lawful. Service contracts are allowed as long as they provide safeguards concerning the rights of transport users and conference members.

Shipper/Carrier Relations

Answer to Questions 35 and 36:

Shipper/carrier relations are purely commercial without governmental involvement. The relations are organized on the basis of rules such as the CENSA/ESC-Code, the Liner Code Convention or other voluntary arrangements that may be appropriate.

Regulation No. 4056/86 foresees, as an obligation attaching to the exemption of conferences, the duty of consultations for the purpose of seeking solutions on general issues of principle between transport users on the one hand and conferences on the other concerning rates, conditions and quality of scheduled maritime transport services.

These consultations shall take place whenever either conferences or shippers' councils request them.

The consultations are entirely a matter for the parties and the EC Commission has no part in them. However, parties have to notify to the Commission arbitration awards and recommendations made by conciliators.