

# WORLD TRADE ORGANIZATION

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Negotiating Group on Maritime Transport Services

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## COMMUNICATION FROM TURKEY

### Response to Questionnaire on Maritime Transport Services

#### Revision

The following communication is circulated at the request of Turkey to members of the Negotiating Group on Maritime Transport Services.

#### **I. Market Structure**

##### Vessels

1.

STRUCTURE OF NATIONALLY OWNED OR OPERATED FLEET				
Type of Vessels	Number of Vessels		Deadweight Tonnages	
	National Flag	Foreign Flag	National Flag	Foreign Flag
Oil Tankers	99	-	1,666,577	-
Liquified Gas Carriers	5	-	13,409	-
Chemicals Tankers	26	-	74,733	-
Combination Carriers	8	-	916,893	-
Ore-Bulk Carriers	-	-	-	-
General Cargo	479	-	1,468,784	-
Container Ships	1	-	4,800	-
Refrigerated Carriers	-	-	-	-
Specialized Cargo	-	-	-	-
Ro-Ro	14	-	78,618	-
Ferries and Passengers	45	-	14,681	-
Other	370	-	4,238,495	-
All Vessels	1.047	-	8,515,048	-

Trade

2. 85 per cent of total 54,764,875 tonnes trade of Turkey is carried by sea.
3.
  - a) The total exports of Turkey: 15,871,318 tonnes
  - b) The total imports of Turkey: 38,893,557 tonnes
4.
  - a) The total exports of Turkey carried by national-flag vessels: 47,5 %
  - b) The total exports of Turkey carried by foreign-flag vessels: 52,5 %
  - c) The total imports of Turkey carried by national-flag vessels: 51,8 %
  - d) The total imports of Turkey carried by foreign-flag vessels: 48,2 %
5. Transportations by Turkish Maritime Fleet in Cross-Trade in 1993;

Dry Bulk:	69,452,659	65.89 %
Liquid Bulk:	21,955,868	20.83 %

Organization of Cargo

6. The distribution of external trade carried by sea (type of cargo) 1993

Type of Cargo	Export			Import		
	Total	National-Flag	Foreign-Flag	Total	National-Flag	Foreign-Flag
<b>Dry Bulk</b>						
Grain	1,425,718	624,935	800,783	2,102,055	228,968	1,873,087
Ore	2,200,304	509,555	1,690,749	3,189,603	1,166,551	2,023,052
Coal	66,847	3,634	63,213	7,797,581	3,247,307	4,550,274
Sub-Total	3,692,869	1,138,124	2,554,745	13,089,239	4,642,826	8,446,413
<b>Liquid Bulk</b>						
Crude-Oil	13,195	-	13,195	20,942,556	12,635,763	8,306,793
Petroleum Products	3,071,249	211,478	2,859,771	4,297,393	921,666	3,375,727
Liquefied Gas	116,679	8,329	108,350	1,450,761	18,210	1,432,551
Other Liquids	186,123	107,896	78,277	1,272,288	146,417	1,125,871
Sub-Total	3,387,246	327,703	3,059,543	27,962,998	13,722,056	14,240,942
Industrial products	10,032,268	6,969,817	3,062,451	19,428,000	5,993,612	13,434,388
Agricultural products	353,287	36,405	316,882	440,486	28,345	412,141
<b>Other Cargoes</b>	622,821	157,365	465,456	1,509,337	301,264	1,208,073
<b>TOTAL</b>	11,008,376	7,163,587	3,844,789	21,377,823	6,323,221	15,054,602

7. It depends on quantity of exportation and importation which can be changed year by year.

8. Turkish Cargo Lines is a member of Conturcon Conference on Continent Line and it has 40 per cent share of this Conference.

9. There is no bilateral maritime agreement covering special cargo sharing provisions except one which was signed with Bangladesh and which is never applied.

10.

CONTAINER TRAFFIC (As of the end of November 1994)							
LOADING				UNLOADING			
20'		40'		20'		40'	
EMPTY	FULL	EMPTY	FULL	EMPTY	FULL	EMPTY	FULL
97,018	39,716	68,214	11,974	66,152	50,811	38,078	31,850

11. Turkish shipments are mostly based on the exportation and/or importation of new materials which in particular used in iron and steel plants which are situated in Iskenderun and Ereğli. Therefore there is no multimodal transport for such kind and quantity of cargo.

#### Ports and Auxiliary Services

12. The major ports which have international importance of Turkey are Aliaga, Iskenderun, Istanbul, Izmir, Izmit, Mersin, Nemrut, Samsun and Karadeniz Ereğlisi.

HANDLING SITUATION ON TURKISH MARITIME ORGANIZATION (TDI) PORTS (TON)			
Ports	1992	1993	1994 (for 9 months)
Hopa	67,718	64,589	8,144
Trabzon	104,443	171,823	80,418
Giresun	38,798	91,134	86,272
Tekirdag	1,673,758	1,257,919	1,274,697
Antalya	364,272	324,369	404,275
Izmir (Dikili & Güllük)	769,252	865,649	555,245
Istanbul	Closed to the cargo traffics		131,744
Total	3,018,241	2,775,483	2,540,795

Goods exported and imported at TDI ports in the last three years:

Ports	1992		1993		1994	
	Export (Tons)	Import (Tons)	Export (Tons)	Import (Tons)	Export (Tons)	Import (Tons)
Hopa	49,751	17,967	12,237	52,352	60,000	8,080
Trabzon	8,554	95,889	10,915	160,908	17,661	62,757
Antalya	232,390	131,882	193,843	130,526	274,695	129,580
Giresun	26,788	12,010	49,691	41,443	36,612	49,760
Tekirdag	1,265,062	408,696	693,847	564,072	923,081	351,616
Total	1,582,245	666,444	960,533	949,301	1,312,049	601,793

13. Foreign Agencies dealing with cargo and passenger transportation are listed as follows:

1. RECA Handels GmbH und REISE AGENTHUR/Stuttgart - GERMANY
2. ANADOLU - Actief Reizen/Rotterdam - HOLLAND
3. MEDTRANS/Piraeus - GREECE
4. BASSANI S.P.A/Venise - ITALY
5. SUNGUEST Holiday Ltd./London - ENGLAND
6. RECA Handels GmbH/Basel - SWITZERLAND
7. ÖSTERREICHISCHES Verkehrsbüro/Wien - AUSTRIA
8. WORMS Services Maritimes/Marseille - FRANCE
9. TRANSCOMA/Barcelona - SPAIN
10. ALLOLOUF/Halifa - ISRAEL

Container Station and Depot Services:	Yes
Maritime Agency Services:	Yes
Maritime Freight Forwarding Services:	No
Maritime Cargo Handling Services:	Yes
Storage and Warehousing Services:	Yes
Customs Clearance Services:	No
Maintenance and Repair of Vessels:	Yes

14. Loading and unloading operations at Tekirdag, Dikili and Güllük ports, are provided by private companies in accordance with the contracts made between the port authorities and companies.

## **II. Regulatory Structure**

### **General**

1. The following Authorities may regulate matters concerning the maritime transport sectors:
  - a) Undersecretariat for Maritime Affairs
  - b) Ministry of Foreign Affairs
  - c) Turkish Maritime Organization
  - d) D.B.Turkish Cargo Lines
  - e) General Directorate of Turkish State Railways
  - f) Chamber of Shipping
2. Commercial laws and regulations are applied to bulk (dry and liquid) shipping.
3. Commercial laws and regulations are applied to liner shipping.
4. Commercial laws and regulations are applied to multimodal transport.
5. Port services at Hopa, Rize, Trabzon, Giresun, Ordu, Sinop, Istanbul, Tekirdag, Canakkale, Dikili, Cesme, Kusadasi, Güllük, Marmaris, Antalya, Alanya ports are provided by Turkish Maritime Organizations which is a public entity, and also General Directorate of State Railways (TCDD).

Loading and unloading operations at Tekirdag, Dikili and Güllük ports are provided by private companies in accordance with the contracts made between the port authorities and companies.

6. The definition of international maritime transport is the transportation of persons and/or goods by sea from any Turkish port to any foreign country or vice versa. Cabotage is excluded.
7. The expression "national shipping enterprise" is defined as an enterprise which has ownership of ships or engages in the management of ships and transport by sea.

### **Market Access**

8.
  - a)-c) According to the Cabotage Law numbered 815 all merchant maritime transport and passenger services, pilotage and all other port services can only be done by Turkish Flag Ships.
  - d) Undersecretariat for Maritime Affairs of the Prime Ministry has passed a decision which permits the employment of foreign service suppliers at Turkish ships, except those used in cabotage shipping, due to the insufficient number of seamen available to the Turkish Merchant Maritime fleet in Turkey. This decision allows employment of foreigners up to 40 per cent of each ship's crew. However, this permission does not cover masters of ships.
9. No.
- 10 & 11. Yes. According to the Article 823 of the Turkish Merchant Law coded 6762, only ships owned by Turkish people are considered as Turkish ships.

However, in compliance with the fulfilment of the following requirements, the ships are accepted as Turkish ships.

- The majority of the administrative body of the ships which are owned by legal entities, have to be of Turkish nationality.
- For the ships which are owned by merchant companies or agencies, governing or representing authorities' majority have to be Turkish nationality. In accordance with the company agreement, Turkish partners have to have voting majority. In the joint stock company and share capital mixed liability company, share certificates have to be written to the name and assigning of the share has to be made in accordance with the permission of the Board of Directors of the company.

For the ships which are owned by equipped shares, these shares are registered in the Turkish Ship Register, half of the shares has to belong to the Turkish people and Master of the Ship has to be Turkish as well.

#### National Treatment

12. Within the new tariff system of Turkish ports which entered into force on 1 July 1995 and is based on the principle of non-discrimination between the Turkish and foreign flags as well as principle of establishing special port tariffs for each port and availability of having discount on port dues and charges in conformity with the frequency of calling the same port in a given period of time.

There is no preferential treatment in general for the shipping sector.

#### Access to and Use of Port Facilities

13. Pilotage, towing and tug assistance, provisioning, fuelling and watering, garbage collecting and ballast waste disposal, navigation aids, shore-based operational services essential to ship operations, including communications, water and electrical supplies, emergency repair facilities, anchorage, berth and berthing services are provided at TDI and TCDD ports.

14. Loading and unloading operations at Tekirdag, Dikili and Güllük ports are provided by private companies in accordance with the contracts made between the port authorities and companies.

15. All services - i.e. access to ports, pilotage, towing and tug assistance, provisioning, fuelling and watering, navigation aids - are available to the user at port without any discriminatory or preferential treatment.

16. All TDI and TCDD ports are opened to foreign-flag vessels.

17. There are no discriminatory measures between national and foreign vessels with respect to the access and use of port and harbour facilities.

NATIONAL-FLAG PASSENGER VESSELS AND FERRIES OF TDI			
Type of vessels	Name of Vessels	Deadweight Ton	Gross Ton
Passenger	Akdeniz	3,536	8,809
Passenger	Mavi Marmara	524	4,142
Passenger	Ayvalik	632	1,926
Passenger	Avsa	209	1,901
Passenger	Uludag	209	1,901
Ferries	Ankara	1,790	10,520
Ferries	Samsun	1,788	10,583
Ferries	Iskenderun	1,788	10,583
Ferries	Truva	650	3,422
Ferries	Tekirdag	963	3,213
Ferries	Bandirma	963	3,213
Ferries	Bozcaada	420	1,905
All Vessels	12	13,471	62,118

18. There is no discrimination between national and foreign flag vessels with respect to the access and use of port facilities.

19. No, there are not any measures imposed by non-government entities in Turkey.

#### Most-Favoured-Nation Treatment

20. Although there are some most-favoured-nation clauses existing in some bilateral maritime and/or trade and navigation agreements which were signed in the early years of the Republic, Turkey is in a position to select and/or eliminate such clauses via diplomatic channels and/or negotiations with the relevant countries.

21. There is no current application of such clauses.

23 & 24. None.

25. There are no known counter-measures in force or imposed or applied for the Turkish shipping sector.

26. None.



Government Procurement

27. There are no measures relating to access to non-commercial cargoes. The term of non-commercial cargoes includes military and/or strategic supply goods and etc.

28. No.

Competition Law

29. A new law named "Protection of Competition" was adopted in December 1994 covering all aspects of protection of competition between all the sectors and related services.

- a) However, there is no relationship between such laws and regulations and the regulation on multimodal transport services. In Turkey, commercial laws are applied to such kind of transport services.
- b) Commercial laws are applied in this field.
- c) None.
- d) There is no relationship between such laws and regulations and the regulation of shippers' councils. Commercial laws are applied.

Shipping Conferences

30. Conturcon is a Conference which International Companies are member of this conference. All companies can participate in this conference.

31-34. There is no such kind of laws and regulations which are applied to liner conferences. In general, we are complying with the European Union regulations and rules.

Shipper/Carrier Relations

35. The relations between shippers and carriers are administered according to the free market conditions.

36. This is done under the free market conditions.