

WORLD TRADE ORGANIZATION

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S/NGMTS/W/2/Add.28

14 June 1995

(95-1585)

Negotiating Group on Maritime Transport Services

Original: English

COMMUNICATION FROM THE REPUBLIC OF SLOVENIA

Response to Questionnaire on Maritime Transport Services

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

I. Market structure

Vessels

1. Splošna Plovba Portorož is the source of data on the structure of vessels. The vessels are operated or cooperated by Splošna Plovba. The ships are 100 per cent owned by Genshipping Corporation of Liberia, which is 100 per cent owned by Splošna Plovba. The ships that are cooperated are partly owned by Splošna Plovba and partly by foreign shippers.

Structure of Nationally-Owned or Operated Fleet				
Type of vessels	No. of vessels		Deadweight tonnage	
	National flag	Foreign flag	National flag	Foreign flag
Oil tankers				
Liquified gas carriers				
Chemical tankers				
Combination carriers		3		97,575
Ore/Bulk carriers		8		300,163
General cargo		5		92,435
Container ships				
Refrigerated carriers				
Specialized cargo (timber)		2		34,825
Ro-Ro				
Ferries and passenger ships				
Other vessels				
All vessels		18		524,998

Source: Splošna Plovba Portorož.

Trade

2. The share of total Slovenian international trade carried by sea is 13.5 per cent in quantity and 4 per cent in value terms.

3. Breakdown (volume) of the total international seaborne trade making up export, import and transit:

Export/import	2,320,840 tons
Transit	3,022,839 tons
TOTAL	5,343,679 tons

4. The fleet has no ships sailing under the national flag. Vessels sailing under foreign flags which are partly owned and operated by the domestic company carried a total of 3,389,982 tons of cargo in 1994. The principal routes of these ships are between foreign ports.

Route free	2,311,064 tons
Adriatic - Mediterranean - West Africa Line	572,545 tons
India - Far East - Singapore - India Line	407,118 tons
West Coast of North America -Mediterranean - Adriatic Line	99,255 tons
TOTAL	3,389,982 tons

Source: Splošna Plovba Portorož.

5. See under 4.

Organization of cargo

6. Liners account for 31 per cent, bulk vessels for 45 per cent, and tankers for 24 per cent of the total international trade.

7. No data available.

8. No data available.

9. No data available.

10. Containerized liner cargo represent 19 per cent (i.e. 1,015,400 tons).

11. An approximate estimate of the share of cargo carried by means of multimodal transport arrangements is 10-15 per cent.

Source: Port of Koper.

Ports and auxiliary services

12. The total national port traffic that is traffic handled at Slovenia's main port of Koper, is as follows:

General cargoes	619,582 tons - 12%
Container terminal	1,027,668 tons - 19%
Bulk cargo	2,409,052 tons - 45%
Liquid cargo	1,287,377 tons - 24%
TOTAL	5,343,679 tons
Total number of containers in TEU	61,175

Source: Port of Koper.

13. Separate Container Station and Depot Services, Maritime Cargo Handling Services, Storage and Warehousing Services in the Port of Koper are not possible due to specificity of the Port's organization (No Authorities).

Customs clearance can only be carried out by a juridical person established in the Republic of Slovenia.

Source: Law on Custom Services, Law on Ports.

14. No.

Note: In accordance with Article 37 of the Law on Road Transport, a carrier is required to obtain a permit for inland truck transport from the competent authorities. Railway transport is conducted exclusively by Slovenian Railways. There is no cargo shipping by river.

II. Regulatory structure

General

1. The principal national body in charge of international seaborne transport is the Ministry of Transport and Communications. In addition to the Ministry, certain powers are conferred to the Ministry of Economic Relations and Development, the Ministry of Economic Affairs and the Ministry of Finance.

2. No regulatory measures are applied to seaborne transport of bulk cargo, except with regard to safety.

3. There are no special regulatory measures.

4. No regulatory measures are applied to multimodal transport.

5. Law on Ports defines a port as a commercial company. The Port of Koper is in the process of being privatized.

6. The relevant statutory and non-statutory regulations do not define international maritime transport. The Law on Maritime and Inland Shipping gives the following definitions of "international voyage": "An international voyage is a journey by ship or boat from any Slovenian port to a foreign port or vice versa."

7. There is no definition of "national shipping enterprise" in the relevant statutes and regulations. An enterprise is regarded as a national one if it is registered in the Slovene Court Register for the performance of certain activities, regardless of ownership structure.

Market access

8.(a) No.

(b) No.

(c) There are no restrictions.

(d)(i)(ii) The only special restriction applied to the employment of foreign natural persons in the maritime transport services sector is given in the Law on Maritime and Inland Shipping, which specifies that the captain of a national vessel (i.e. vessel sailing under the national flag) shall be a citizen of Slovenia. There are no other limitations governing this sector, apart from the general restrictions applying to the employment of aliens.

The Law on aliens specifies that a foreigner may be employed in Slovenia only after acquiring a work permit. The conditions for obtaining a work permit are a valid passport and confirmation that the alien will be employed by a domestic company. The Law on Commercial Companies specifies that the director or the agent of a commercial company shall be a citizen of the Republic of Slovenia. If the management consists of several directors, the majority must be citizens of the Republic of Slovenia.

A foreigner may be a member of the managerial staff (as a director), however only where the management is a collective with a majority of members who are citizens of the Republic of Slovenia, or where the agent is a national. If the management consists of one person, or a company is run by an individual, Slovene citizenship of the sole director is mandatory.

9.(a) See under 13.

(b) See under 13.

10. No.

11. A vessel which has acquired Slovenian national treatment has the right and obligation to fly the flag of the merchant navy of the Republic of Slovenia. A vessel acquires Slovenian national treatment upon its entry in the Slovenian register of vessels or upon the issuing of a temporary shipping permit.

(a) No.

(b) No.

(c) No.

National treatment

12.(a) No.

(b) No.

Access to and use of port facilities

13. All listed port facilities are available to the user.

14. Pilotage is mandatory for all ships above 500 GRT. The competent authorities may determine mandatory tugging assistance by issuing a decree under the Law on Harbours.

15. All services listed above are available on a non-discriminatory basis.

16. There are no discriminatory measures limiting access to maritime ports. Access is granted under the same conditions as apply to domestic servicing companies. (In the light of the sanctions against the so-called Federal Republic of Yugoslavia, vessels owned or operated by FRY citizens are subject to the provisions of UN SC Resolution 724).

17. No.

18. There are no measures mandating the use of terminal facilities.

19. No.

Most-favoured-nation treatment

20. There are no measures providing for any form of cargo-sharing with partner countries.

21. See under 20.

22. See under 20.

23. No.

24. No.

25. No.

26. No.

Government procurement

27. No.

28. No.

Competition law

29. There are no specific laws and regulations concerning restrictions of competition in the maritime sector. This sector is covered with the provisions of the Law on the Protection of Competition. The Law prohibits restrictions of competition as are cartel agreements and abuses of a dominant position. The Competition Protection Bureau is the authorized institution to perform the competition protection.

Source: Law on the Protection of Competition.

- (a) There are no special regulations; the same as under 29.
- (b) There are no special regulations; the same as under 29.
- (c) There are no special regulations.
- (d) There are no special regulations.

Shipping conferences

30. Shipping conferences are not a practice in Slovenian maritime commerce. No maritime entity of the Republic of Slovenia takes part in them.

31. See under 30.

32. See under 30.

33. See under 30.

34.(a), (b), (c) See under 30.

Shipper/carrier relations

35. Relations between shippers and carriers are governed by mutual agreements.

36. Appropriate conditions regarding negotiations on freight rates and consultations on matters of mutual interest are a matter of mutual agreement between the two partners. Disputes are, where possible, settled by arbitration under the auspices of the Chamber of Commerce or by courts.