### ERIA TRADE IN SERVICES SECTORAL QUESTIONNAIRE - MARITIME SERVICES - FINAL

The questionnaire covers both maritime shipping and onshore maritime services (eg cargo handling, other port services).

#### **COVERAGE (CPC Codes)**

10.A. Maritime Transport Services	
a. Passenger transportation	7211
b. Freight transportation	7212
c. Rental of vessels with crew	7213
d. Maintenance and repair of vessels	8868**
e. Pushing and towing services	7214
f. Supporting services for maritime transport	745**
10.B Internal Waterways Transport	
a. Passenger transportation	7221
b. Freight transportation	7222
c. Rental of vessels with crew	7223
d. Maintenance and repair of vessels	8868**
e. Pushing and towing services	7224
f. Supporting services for internal waterway transport	745**
10.H. Services Auxiliary to all Modes of Transport	
a. Cargo-handling services	741
b. Storage and warehouse services	742
c. Freight transport agency services	748
d. Other	749

Notes: \*\* The service specified constitutes only a part of the total range of activities covered by the CPC item number.

Port services require the construction, ownership and maintenance of port infrastructure and superstructure. In some countries, ownership and service provision (eg cargo handling) are vested in the same public entity. In other countries, there is private participation in the ownership and/or operation of port superstructure and perhaps infrastructure. Where there is private participation in its operation but not ownership, private firms typically rent port assets through concessions and/or licences. In this questionnaire, the construction/ownership of port superstructure/infrastructure (terminals, cranes) is treated as an additional activity, potentially distinct from its operation.

### INTRODUCTION

sheets.

The questionnaire covers the conditions of *competition* in the sector, notably policy restrictions on entry; restrictions on *ownership*, private and foreign; and *regulation*, including regulations governing shipping conferences and conditions required to carry the national flag.

Note (1):	Please give information for the current year only. Please record actual practice.
<u>Note (2)</u> :	Whenever a question is not applicable, (eg because the particular activity or institution is not allowed), please indicate using 'NA', rather than leaving the cell blank. Please also explain why the question is not applicable.
Note (3):	Where reporting monetary values, please note currency.
Note (4):	If insufficient space is provided, please attach additional information on separate

### SUGGESTED INFORMATION SOURCES

Government department in charge of regulating maritime shipping and/or port services Independent national or regional regulatory body overseeing maritime shipping and/or port services (if different from the above institution)

A domestically-owned shipping company (if necessary)

A foreign-invested shipping company (if necessary)

A domestically-owned or foreign-invested onshore maritime service company (if necessary)

# A. Commercial presence (mode 3) - restrictions on entry

1. Are there policy restrictions to new entry (refer only to commercially-established operators)?							
	1						
					If yes, number		
				Entry by			
			If yes, total	firms with	3		
	Entry by	y any	number of	foreign	participation		
Service	firm		firms allowed				
International shipping	□ No	☐ Yes			☐ Yes		
Cabotage <sup>2</sup>	□ No	☐ Yes			☐ Yes		
Internal waterways	□ No	☐ Yes		□ No	☐ Yes		
Port superstructure	□No	☐ Yes		□ No	☐ Yes		
Cargo handling services	□ No	☐ Yes		□ No	☐ Yes		
Storage and warehousing	□ No	☐ Yes		□ No	□ Yes		
Freight forwarding	□ No	☐ Yes		□ No	□ Yes		
Pilotage, towing and tying	☐ No	☐ Yes		□ No	□ Yes		
Maintenance and repair of	□ No	☐ Yes		□No	□ Yes		
vessels							
2. If entry is restricted, what are the	e reasons	provided	by the governi	ment?			
		, р. от. шош	~, go				
Use the definitions below	to fill in	the table:					
1—To give the incumbent	t(s) time t	o prepare	for competition	n.			
2—To increase governme							
3—Exclusive rights believ					so, please		
specify how many and I	how long	exclusive	rights are prov	, /ided.	•		
	J						
				Reasons			
	1	2	3	Other (d	escribe in brief)		
International shipping							
Cabotage							
Internal waterways							
Port superstructure							
Cargo handling							
Storage and warehousing							
Freight forwarding							
Pilotage, towing and tying							
Maintenance and repair							
	I	1	l				
3. Are foreign maritime companie	s prohibi	ted from es	stablishing in a	a ioint venture v	vith local firms? Are thev		
required to establish in a JV? Are t							
		nibited?	JV requ		Restrictions on JVs		
International shipping	□No	☐ Yes	□ No	☐ Yes			
Cabotage	□No	☐ Yes	□ No	☐ Yes			
Internal waterways	□No	☐ Yes	□ No	☐ Yes			
Port superstructure	□No	☐ Yes	□ No	☐ Yes			
Cargo handling	□No	☐ Yes	□ No	☐ Yes			
Storage and warehousing	□No	☐ Yes	□ No	☐ Yes			
Freight forwarding	□No	☐ Yes	□ No	☐ Yes			
Pilotage, towing and tying	□No	☐ Yes	□ No	☐ Yes			
Maintenance and repair	□No	☐ Yes	□ No	☐ Yes			
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 $<sup>^{\</sup>rm 1}$  This category also includes branches and subsidiaries of foreign suppliers.

<sup>&</sup>lt;sup>2</sup> Trade transit of a vessel along the coast (coastal trading), from one port to another within the territorial limits of a single nation.

4. Which of the following legal forms of establishment are allowed for foreign maritime transport companies? (tick all relevant forms)							
	Subsidiaries	Branches	Representative	All			
			offices				
International shipping							
Cabotage							
Internal waterways							
Port superstructure							
Cargo handling							
Storage and warehousing							
Freight forwarding							
Pilotage, towing and tying							
Maintenance and repair of vessels							

## B. Restrictions on cross-border trade (mode 1)

5. Describe restrictions on cross-border supply imposed on foreign shipping companies:						
	Internation	al Shipping	Cabotage			
Restriction	Liner	Tramp <sup>3</sup>	Liner	Tramp <sup>3</sup>		
Application of principle of reciprocity	□ No □ Yes	□ No □ Yes	□ No □ Yes	□ No □ Yes		
Restrictions on the number of foreign suppliers (indicate how many foreign suppliers are allowed)	□ No □ Yes	□ No □ Yes	□ No □ Yes	□ No □ Yes		
Are exemptions from cabotage restrictions available? Please specify.						
Party to UN Liner Code, but Article 2 not applied <sup>4</sup>	□ No □ Yes	□ No □ Yes	□ No □ Yes	□ No □ Yes		
UN Liner Code applied, including Article 2 (provide quota applicable to foreign suppliers)	□ No □ Yes	□ No □ Yes	□ No □ Yes	□ No □ Yes		
Bilateral agreements including cargo- sharing clauses (provide total number and list countries affected)	□ No □ Yes	□ No □ Yes	□ No □ Yes	□ No □ Yes		
Cargo reservation if different from the application of UN Liner Code and bilateral agreements (provide quota applicable to foreign suppliers)	□ No □ Yes	□ No □ Yes	□ No □ Yes	□ No □ Yes		
Selective restrictions imposed by government for retaliatory purposes	□ No □ Yes	□ No □ Yes	□ No □ Yes	□ No □ Yes		
Other (please specify):	□ No □ Yes	□ No □ Yes	□ No □ Yes	□ No □ Yes		

<sup>&</sup>lt;sup>3</sup> As opposed to freight liners, tramp ships trade on the spot market with no fixed schedule or itinerary/ports-of-call(s).

<sup>4</sup> Article 2 gives the governments of trading states the right to specify the amount of conference cargo that can be carried by shipping lines of the state of origin, the state of destination and third-country shipping lines. The most common (though not mandated) ratio is 40/40/20.

		International Shippi	na	Cabotage
To give the incumbent(s competition.	s) time to prepare for	□ No □ Yes	- <del>5</del>	□ No □ Yes
For national security rea	asons.	□ No □ Yes		□ No □ Yes
Other (please specify)				
7. Please fill in the follow of traffic):	ving table with information	n referring to any of th	e top 3 ma	ain international ports (in term
	for ships entering	g services mandatory ng the port (main port	foreign	ss to service discriminatory fo carriers as opposed to
Port service	only)?			ic ones?
Pilotage	□ No □ Yes		□ No	Yes
Towing	□ No □ Yes		□No	Yes
Tug assistance	□ No □ Yes		□ No	Yes
Navigation aids	□ No □ Yes		□ No	Yes
Berthing	□ No □ Yes		□ No	Yes
Waste disposal	□ No □ Yes		□ No	☐ Yes
Anchorage	□ No □ Yes		□ No	☐ Yes
Casting off	□ No □ Yes	3	□ No	☐ Yes
	n domestic ships getting a		□No	☐ Yes
Are there restrictions or	n foreign ships getting acc	cess to ports?	☐ No	☐ Yes
	novement of intra-corpora			
	r nationality requirements ablished foreign maritime			ng categories of personnel
p			er/percen	tage of nationals/residents
Members of the board of	f directors	7		
Executives				
Managers				
Skilled workers				
Unskilled workers				
Other staff (specify):				
	length of short-term visit ong-term stay (in years) o			eg shipping agents). Identify rees.
Short-term	· · · · · · · · · · · · · · · · · · ·	Ĭ		
Long-term				

### D. Ownership

Maximum Maximum	
Existing private equity private equity	ıitv
operators permitted (%) New entrants permitted	
International shipping	<i>,</i> ,,
Cabotage	
Internal waterways	
Port superstructure	
Cargo handling	
Storage and warehousing	
Freight forwarding	
Pilotage, towing and tying ☐ No ☐ Yes ☐ No ☐ Yes	
Maintenance and repair of ☐ No ☐ Yes ☐ No ☐ Yes	
vessels	
11. Is foreign ownership in the provision of services through commercial establishment allowed?	
Maximum   Maximum	
Existing foreign equity foreign equ	iitv
operators permitted (%) New entrants permitted	
International shipping	,70)
Cabotage	
Internal waterways	
Port superstructure	
Cargo handling	
Storage and warehousing	
Freight forwarding	
Pilotage, towing and tying ☐ No ☐ Yes ☐ No ☐ Yes	
Maintenance and repair of ☐ No ☐ Yes ☐ No ☐ Yes	
vessels	
12. Please fill in the table below, for the 5 most important international maritime ports with respect to the amount of traffic.	
Port Port Authority Port type <sup>5</sup>	
□ Public □ Private □ Landlord □ Tool □ Service □ Other	
□ Public □ Private □ Landlord □ Tool □ Service □ Other	
□ Public □ Private □ Landlord □ Tool □ Service □ Other	
□ Public □ Private □ Landlord □ Tool □ Service □ Other	

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<sup>&</sup>lt;sup>5</sup> In the case of landlord ports, the port authority typically owns and manages infrastructure, private firms are able to own superstructure, and provide port services as well as rent port assets by concessions or licenses. In the case of tool ports, port authority owns infrastructure and super structure, private firms provide services by renting port assets through concessions and licenses. In the case of service ports, the port authority owns assets and supplies services by directly hiring employees.

# **E** Regulation

13. Characteristics of the sector regulator		
Institutional status of sector regulator	For carriers	For ports
Name of regulator	Torcamers	1 or ports
When was the regulator established?		
Is the regulator institutionally independent of the	□ No □ Yes	□ No □ Yes
Ministry?6		2110 2103
Is the regulator institutionally independent of the	□ No □ Yes	□ No □ Yes
operating entity (shipping company, port operator)?		
operatory.		
14. What are the conditions that a vessel or fleet me	ust fulfill in order to fly the na	tional flag <sup>7</sup> (if a national
merchant fleet does not exist or an "open registry"	8 system is in place, please sp	ecify). Please tick all that
apply.		
Commondal processes required?	İ	
Commercial presence required?  At least 50% equity participation must be domestic?	2	□ No □ Yes □ No □ Yes
At least 50% of crew required to be domestic?		□ No □ Yes
Other (please state):		LINO LI FES
Other (please state).		
National merchant fleet does not exist?		□ No □ Yes
Open registry system in place?	□ No □ Yes	
Open registry system in place:		110 1103
Do exporters or importers receive concessional trea	atment of any sort if they	□ No □ Yes
use national flagged vessels?		
33		
15. Regulation of carrier agreements		
Do agreements between transport carriers (such as	conferences <sup>9</sup> ) benefit from	□ No □ Yes
exemptions to competition law?		
If yes, what types of carrier agreements benefit from		
What types of conference agreements are allowed?		EN. EV.
Open?	□ No □ Yes	
Closed?	□ No □ Yes	
Both open and closed?	□ No □ Yes	
Are tariffs established by carrier agreements require	□ No □ Yes	
Open registry system in place?  Does the government enforce tariffs agreed upon w	□ No □ Yes □ No □ Yes	
Is fare discounting allowed?	□ No □ Yes	
	ctivities?	□ No □ Yes
Does the regulatory agency monitor conferences' a	LINO LITES	

they constitute a factor of stability and a source of technical progress and services to customers.

<sup>&</sup>lt;sup>6</sup> 'Institutionally independent' means that the regulator is not part of the ministry and is not linked to the operating entity (national carriers/port authorities)

<sup>&</sup>lt;sup>7</sup> 'Flagged' fleets are where countries exercise effective State control.

<sup>&</sup>lt;sup>8</sup> 'Open registries' are where countries do not exercise effective 'flag' or State control over fleets.
<sup>9</sup> Shipping 'Conferences' are integrated cartels fixing prices and frequencies, that are open to new entrants on US routes and closed in the rest of the world. They often enjoy anti-trust immunity and benefit from block exemption from competition authorities on the basis that it is thought by some that

16. Regulation of port services (	please answer	for any of the	op 3 internatio	onal ports)				
Are terminal handling costs regulated by government? □ No □ Yes								
Are terminal handling costs non-	□ No □ Yes							
Are terminals restricted in the ac		n undertake (e	g only contain					
operations)?								
Are private ports prohibited from	handling gene	eral cargo? <sup>10</sup>		□ No □ Yes				
Are private ports able to handle of	general cargo c	on payment of	a fee?	□ No □ Yes				
17. What licence conditions mus	t nous domoctic	ontropto fulfil	10					
17. What licence conditions mus	t new domestic	entrants runn	l f					
	Payment of I	icense fee						
	(indicate am	ount in local						
	currency)		Other (descr	ibe in brief)				
International shipping								
Cabotage								
Internal waterways								
Port superstructure								
Cargo handling								
Storage and Warehousing								
Freight forwarding								
Pilotage, towing and tying								
Maintenance and repair of								
vessels								
10 D. H. P	<u> </u>			and the different countries and the second distance of the second di				
				ocally differ from those above (tick he national flag in order to provide				
cabotage services, or if they have				The Hational Hag in order to provide				
cabotage services, or it tries have	e restrictions o	in type or cargo	Jes.					
	Foreign	Conditions	Conditions					
	providers	same	differ	Describe difference				
	not							
	allowed							
International shipping								
Cabotage								
Internal waterways								
Port superstructure								
Cargo handling								
Storage and Warehousing								
Freight forwarding								
Pilotage, towing and tying								
I Malakana ara ara da ara ala ar								
Maintenance and repair of vessels								

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<sup>10</sup> Private ports are typically built and operated for a special purpose, eg to service a mining operation.

19. Do the licence conditions for foreign cross-border providers differ from those above (tick whichever							
applies)? For example, please note if foreign providers must fly the national flag in order to provide cabotage services, or if they have restrictions on type of cargoes.							
Solvides, of it they have restricted	ns on type or	ourgoes.					
	Foreign	Conditions	Conditions				
	providers	same	differ	Describe difference			
	not						
	allowed						
International shipping							
Cabotage							
Internal waterways							
20. Does the provision of shipping	g services by o	domestic or fo	reign providers	s require the appointment of a			
domestic shipping agent?							
	Domestic pro	oviders	Foreign prov	viders .			
International shipping	□ No □ Ye		□ No □ Y				
Cabotage	□ No □ Ye		□No □Y				
Internal waterways	□ No □ Ye	es	□No □Y	es			
If yes, briefly describe the							
conditions the agent must							
fulfill.							
21. Restrictions on the transportation of non-commercial (eg government, defence) cargoes. Tick whichever							
applies.							
No private abinarias comice compliar con como non compansial consecs?							
No private shipping service supplier can carry non-commercial cargoes?       □ Yes       □ No         Only national flagged suppliers can carry non-commercial cargoes?       □ Yes       □ No							
Only national flagged suppliers can carry non-commercial cargoes?			LI YES LI NO				
Other restrictions on commercial shipping companies carrying non- commercial cargoes? Please describe							
		nies carrying n	on-commercia	ıl □Yes □No			
No restrictions on commercial shipping companies carrying non-commercial cargoes?							
<b>3</b>				l .			
22. Does the government subsidi	se domestic s	hipping compa	anies?				
□ No □ Yes If yes, please indicate the shipping company.							
		111 3	, ,				
23. Has the government covered operational losses of shipping companies in the past ten years?							
				e past ten years.			

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