

NATIONAL MARITIME ADMINISTRATION
Economical administrative department

Date Our Reference
1997-12-02 380202-9645074

Your date Your reference

Thomas Ljungström. 011-19 15 58

To
Ship owners, caretakers, harbours,
Customs authorities etc.

Information about new waterway charges with environmental impact from 1.st of January 1998

Government has on the 27. Th of November decided about a new government regulation (SFS 1997:) on waterway charges. Like the information National Maritime Administration has gotten shall governmental regulation look like the attachment to this letter. National Maritime Administration has, based on the governmental regulation, worked out enclosed letter to proclamation with regulations about waterway charges. Proclamation has as target to be announced in agreement with Board of Customs. A Proclamation with regulations about measuring and control of certain environmentally adjusted equipment for vessels etc. is for the time being worked out.

As attachment shall information about new charges be sent. Sending will take place in two batches. Information like in attachment 1-5 is sent with this letter. Information like in attachment 6-8 is sent on Thursday this week.

For information about charges, meaning governmental regulation about waterway charges and proclamation of National Maritime Administration, following persons can be addressed:

Åke Andersson	011-191140
Thomas Ljungström	011-191558
Eva Nilsson	011-191379
Mats Karlsson	011-191266

For information about certification and control according to proclamation of National Maritime Administration with regulations about measurement and control of certain environmentally adjusted equipment for ship is Stefan Lemieszewski, 011-191377 to be addressed.

With best regards,

Åke Andesson

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Attachments:

To be sent 1997-12-02

1. Information about new waterway charges with environmental impact from the 1 St. of January 1998.
2. Governmental regulation on waterway charges
3. Proclamation of National Maritime Administration with regulations about waterway charges
4. Informationbrochure about declaration for waterway charges
5. Information about applications procedure, tehcnical description with conditions to get waterway charges according the environmental impact.

To be sent 1997-12-04

6. Proclamation of National Maritime Administration with regulations about measurement and control of certain environmentally adjusted equipment for ships.
7. Certificate on NO_x-Emissions.
8. Commitment to use only bunkeroil with low sulphur consistence.

NATIONAL MARITIME ADMINISTRATION

Economical administrative department

Date

1997-12-01

Preparation by, Department

Thomas Ljungström. 011-19 15 58

Information about new waterway charges with environmental impact from 1.st of January 1998

In the following general is information about new waterway charges with environmental impact given, that according to decision of the Swedish Parliament come into force from the beginning of next year. The new charges include that today's shipping-and cargo dues will be adjusted to EC-regulations and are replaced with a system divided into two parts, where the ships part at the same time depends on the environmental impact.

The new charges and possibility to reduced waterway charges and refund come into force not depending on ships nationality.

Background

National Maritime Administration, Swedish Ship owners Association and Harbour – and Stevedove Union met in April 1996 a basically agreement to set effective actions into force to reduce air pollution caused by sea transport by reduction of nitrogen- and sulphur emissions. The target of the three parties is that emissions will be reduced with 75 percent by the beginning of year 2000.

To reach this target parties agreed to set economical incentives in form of waterway – and port charges with environmental impact into force. Such charges should in the first place stimulate ferry ship traffic and other frequent sea traffic to Sweden, not depending on flag, to carry out actions for environmental improvement in form of cleaning of emissions via catalytic agent or other actions to reduce sulphur emissions together with increasing usage bunker oil with low sulphur consistence.

With the three parties agreement between National Administration, Swedish Harbour-and Stevedore Union and Swedish Ship owner Association in the background gave National Maritime Administration in a letter on the 28 Th. of May 1996 a proposal for principals to consideration of environmental impact in waterway charges. This question was handled in a budget proposal (1996/1997:1) for the year 1997, where the Swedish Parliament accepted the principal form of the proposal. The decision of the Swedish Parliament consisted that environmental impact will be taken to account within the waterway charges from the first of January 1998 and at the same time adjusted to the regulations from European Union.

There after National Maritime Administration got a task to come up by first of April 1997 with a detailed proposal of considering the environmental impact on governmental waterway charges. Such kind of a proposal was also left to the Government on the first of April 1997. Proposal has there after been handled and discussed in Government and also discussed with representatives of National Maritime Administration, Maritime trade and Swedish Harbours.

The new waterway charges

The new on regulations of European Union adjusted waterway charges with environmental impact, that after the decision of the Swedish Parliament will come into force from the first of January 1998, are based on two charges, that will replace lighthouse and cargo charges of today. One part is based on the bearing capacity of the ship corresponding to today's lighthouse charge. The second part is based on the quantity of goods loaded or unloaded on the ship corresponding to today's cargo charges that are carried according to variations of cargo. The part of charges depending on the vessel is based on the environmental impact in a way that the sulphur emissions and nitro-oxide emissions of the ship are taken into consideration.

The level of waterway charges do not seen as a whole include any general increase of costs for maritime in Swedish Harbours. There is a certain new division between foreign and domestic see traffic based on adjustments on the regulations from European Union and further on a new division to be seen between ships that take actions for environmental improvement and get rebate on the charges and ships with higher emissions level that have to pay more.

Vessels with bearing capacity of less than 400 together with vessels in local or regional personal – or cargo traffic, under public means or inside only one county make an exception in the waterway charges policy.

The cargo based part of charges

The cargo based part of the charges will be 3,60 Skr pro tonnage of cargo and is carried in international sea traffic for loaded or unloaded cargo and in domestic traffic for cargo that is loaded and delivered into another Swedish harbour. Hereby there is an exception for traffic in Göteborg / Brofjorden area and to Vänern including all harbours in between.

Waterway charges based on classification as low value goods will further on not be changed and are 80 Swedish öre pro tonnage. This lower rate will be carried as well from import as from export of goods. The classification of goods into goods with low value has on the mean time been strongly limited from the side of criteria and classification for low value, big quantities on a yearly basis and transport in bulk. The sort goods, which from The first of January will be charged with 80 Skö pro tonnage, are listed in the proclamation.

Export from coal and mineraloil products, which are released from charges today, will be fully charged according to their classification in the future.

Vessels according to regulation after 7§ about shipping charges of National Maritime Administration for regular see traffic, that are today completely released from cargo charges, will be charged fully according the cargo classification.

The right of recovery ship owners have today terminates. That means that ship owner or the one who in owner's place on the first hand is responsible for the ship is also responsible for payment of waterway charges. For not paid charges is in the second hand ship owner responsible. Waterway charges will so seen as a whole be part of see transport costs if nothing else is agreed between the parties in the freight parties.

The part of charges based on the vessel

The part of waterway charges that are based on the bearing capacity of the vessel will as before be carried at the maximum 12 times pro calendar year for cargo ships and 18 times pro calendar year for ferry ships or rail ships. Charges for ships with cargo like mineral oil product in bulk, according to number 2709 or 2710 in the customs tax regulations of European Union, are generally 30 Skö higher than for other carriers of the same type.

From domestic traffic and under certain conditions from charges released regular traffic the charges will be carried beginning first of January 1998. This means that a vessel pays charges at maximum 12 time's aquivivalent to 18 times pro calendar year for domestic and foreign trips together.

So called cruising ships that are released from ship based charges will from the first of January 1998 be released from lighthouse charges under same conditions as today.

Environmental impact on the waterway charges

The environmental impact on the waterway charges means that the part of the charges that is based on the vessel will be classified according to the level of emissions of nitrogenoxid and sulphur.

With emissions level of nitrogenoxyd around 12 gram / kWh or more will the NOX-related part of charge for tank ship with mineral oil product cargo as bulk be 4,40 Skr and for other vessels 4,10 Skr pro unit calculated from brutto. With lower emission levels charges are rebated so that a vessel with emissions level at the maximum 2 gram NOx/kWh is charged 2,80 Skr aquivalent 2,50 Skr. Other levels of emissions are charged according to a linear scale. Emission levels are published in the §§ 6 and 7, proclamation of National Maritime Administration with regulations about waterway charges.

To reduce the effects of adjustments according to European Union and environmental impact for regular traffic and tank ship traffic a maximum charge has been set to the part of the charges based on the vessel. Depending on the emissions level maximal charge has been set for tank ships between 100 000 Skr and 160 000 Skr and for cargo ships between 60 000 and 100 000 Skr pro trip according to proclamation of National Maritime Administration.

Additionally to the above mentioned charges that are related to NOx-emissions according §§ 6 and 7, there is another division based on the sulphur in the bunker oil used by the vessel. If sulphur consistence is more than 0,5 weight percent for passenger ferry boat or and rail ferry boat or over 1,0 weight percent for other vessels there is an additional charge 0.90 Skr after §8 of proclamation pro unit from brutto bearing capacity.

To stimulate installation of catalytic equipment for NOx reduction, that give the highest cleanings level, is National Maritime Administration going to give refund on carried charges under a period of five years. Refund is given for the for refund based cost of investment and can reach 40 % of investment cost for catalytic equipment that are installed before year 2000 and 30 % is the installation takes place later. Refund levels and the principals for refund are given in §9 of proclamation.

Principals for acceptance of installed cleaning equipment together with control actions are published in the attachment to according proclamation.

Reporting and charging

As a basic for charging of the new waterway charges the ship owner or his deputy has to leave a declaration for waterway charges to customs office like the formular attached. Notice that also domestic traffic has to leave announcements that are required for charging waterway charges.

NATIONAL MARITIME ADMINISTRATION

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1997-12-01

When the representative of the ship owner or ship owner leaves waterway declaration for waterway charges he makes himself responsible for the whole waterway charge. In the case the one in charge gives a Swedish trade register number with the declaration a credit will be given. This includes that National Maritime Administration sends an invoice with payment term's 30 days net. In other cases the charge has to be paid to customs office before the ship leaves. When applied National Maritime Administration can allow for applicants in regular sea traffic to Sweden periodical declarations for ships according to the timetable attached to the application. The periodical declarations must be handed in pro vessel and calendar month.

Declaration forms are free of charge and can be ordered at the head office of National Maritime Administration in Norrköping. Call central phones 011-191000 and ask for "Waterway Group" or send a fax to 011-130516. How to fill in the forms is written in the added brochure.

Proclamation of National Maritime Administration

With regulations about waterway charges

Decided on the 1997.

National Maritime Administration regulates according to 9 § Government Regulation (1997:00) about waterway charges and after discussions with Board of Customs following.

1 § Waterway charges will be calculated from the bearing capacity of the vessel, produced cargo and out put of polluted emissions. Basic for the calculation of waterway charges is published 6 – 14 §§.

Definitions

2 § Applied to 2 § of Government Regulation (1997:00) about waterway charges following will come into force.

1. The classification a cruiser ship stands for a ship, which sails after beforehand published plan. The plan includes on one hand that the route includes additionally to the departure harbour at least two other harbours and on the other hand that additionally to take off and return sails at least four full days (24 hour). Passenger, who has travelled with a cruising ship to a Swedish harbour, may under the time cruising ship is staying in the harbour go abroad from the ship, without ship loosing it's cruising ship status, if all the passengers are following on the ship when it leaves the harbour. If a passenger, who is brought or picked up from a Swedish harbour, is a travelling agent for cruises, tour guide, interpreter or journalist it does not effect the status of ship being classified as cruising ship. A vessel which fulfils all requirements mentioned in this paragraph will be classified as a cruising ship even if it leaves or takes passengers on board in Swedish harbours, if they are on a combination of cruise by boat and have a paid flight arrangement from or to Sweden.

2. Göteborg-Väner area consists of one harbour or of one loading place which is located in Swedish sea region and is limited in the North of 58 23' latitude and in the South of 57 34' together with a harbour or a loading place which is located in Göta river, Trollhätte canal or Väner

3. As working vessels are such vehicles as dredger, sailing cranes, "DYKERI vessels" and others to be seen , which are exclusively are used for other purposes than transport but where the purpose is directly connected to navigation.

3 § Following items are not seen as cargo

1. Tugged cargo with together counted volume less than 100 cubic meters pro trip.
2. Busses, trucks, railway wagons, containers or pieces used for organisation of cargo, if pieces with or without cargo is used for this purpose. To such kind of pieces of cargo belong also loading platforms, hangers and other obstacles to handle cargo.
3. Equipment, provisions and other supplies for vessel or another vessel belonging to the same ship owner together with package for such units.
4. Luggage or other belongings of persons on board have for their private use exclusive cars and caravans.
5. Cargo that has been taken on board because of vessels crash, reparation or renovation or for other such kind of occasions on the particular or any other vessel to be forwarded to destination or been left on board because of cargo being damaged.
6. Rests of cargo that have been found while reparation, renovation, cleaning, preparing, inspecting or by other such actions on the vessel, and
7. Other oil consisting liquid cargo- or cleaning liquids or other rests that are caused by using the vessel.

4 § As passenger ship is a ship with certificate for passenger ship classified.

As passenger will not be seen

1. Sailor on the way home like 22 chapter 2 § navigation law (1994:1009)
2. Shipwreck
3. Somebody who is transported without charge or with charge which is not bigger than the cost caused by the trip for ship owner or
4. Somebody who is left to harbour because of illness or death.

Government regulation about waterway charges

from the 27 Th. of November 1997

Government regulates following.

Applications area

1 § Waterway charges will be paid for vessels loading or unloading cargo or passengers in Sweden..

2 § Free from waterway charges are

1. Vessels with bearing capacity (brutto) less than 400.
2. Cruising ships
3. Vessels that are used for tugging, repairing or rescue under such trips
4. Borer- and dwelling platforms or other such vessels on the sea,
5. Vessels in a local or regional passenger-or cargo traffic, that are driven by public means or in only one county,
6. Vessels that transport cargo between harbours in Göteborg-Väner area and,
7. Vessels for working on the sea

Reason for waterway charges

3 § In this regulation of waterway charges is the bearing capacity of vessel, cargo and emission of pollution taken into consideration.

4 § For vessels in international sea traffic liability for payment is caused in the place where the vessel first brings cargo or passengers, for the part of the charges that are based on the bearing capacity of the vessel. For the part of charges, which are based on the cargo, liability of payment is caused in the place where cargo is loaded or unloaded.

Waterway charges in domestic traffic are caused and will be paid in the place from which cargo or passengers are brought.

6 § To lead the regulation of waterway charges shall shipping company or ship owner hand in a declaration with information about the vessel and cargo due to payment of charges.
If necessary information is not given to calculate the waterway charges, can waterway charges be set after special reason.

7 § The owner of the vessel or shipping company is responsible for payment of the waterway charges.
The one who as a representative leaves the declaration mentioned in 6 § commits himself to the responsibility of the payment of waterway charges.

8 § National Maritime Administration can, in case of a special reason, decide that the waterway charges will be set and paid in another way than regulated in § 5.
National Maritime Administration can lower the charges or give a charge freedom from waterway charges, in a case where it is according the economical interest of National Maritime Administration or there is another special reason for it. The setting of lower charges or giving freedom of charges may not be given in such a case where it dangers the competition or to give a certain company or production such a advantage in handling with goods or situation that it influences the service sector in European Union.

9 § National Maritime Administration may publish further regulations to set waterway charges and has also rights to able the controlling of polluted emissions in a way that charges can be calculated.

Penalty fine, responsibility and lament

10 § The one who is not leaving declaration after 6 § can be told to fulfil his duty under fine penalty from National Maritime Administration.
Fine can be set as a sum which according to the economical situation and other circumstances will have the wished influence. Fine may not be smaller than 2000 Skr but also not bigger than 10 000 Skr.

11 § The one who on purpose or carelessness does not fulfil his duty to make the declaration after 6 § or is giving misleading information in a declaration will be judged to penalty, in case it can not be shown that the action is not caused by the guilty. In such cases nobody can be called responsible.
The one who is not being made responsible according to this paragraph gets handling, which is described in the following.

12 § The decision of National Maritime administration about the sum and collection of waterway charges together with decision about penalties can be brought to general administrative court.
Discretionary power remains with the petitioner to claim to Administrative Court.

This government regulation will come into force first of January 1998.

SFS

Following government regulations are removed

1. Governmental regulation about (1997:1118) lighthouse charges
2. Governmental regulation about (1977:1119) waterway unit charges
3. Governmental regulation about (1978:13) about waterway unit charges in certain cases

The removed governmental regulations are further on valid in questions about lighthouse charges and waterway unit charges that are based on the time before new ones come into force.

On behalf of the government

INES UUSMANN

Åsa Kastman Heuman
(Ministry of Transport and Communications)