



On approval of the Rules for the application of prices (tariffs) for mandatory seaport services

Unofficial translation

Order of the Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated August 1, 2019 no. 602. Registered with the Ministry of Justice of the Republic of Kazakhstan on August 5, 2019 no. 19199.

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In accordance with sub-clause 55-42) of clause 3 of article 4 of the Law of the Republic of Kazakhstan dated January 17, 2002 "On Merchant Shipping" **I HEREBY ORDER:**

1. To approve the attached Rules for the application of prices (tariffs) for mandatory seaport services.

2. The Transport Committee of the Ministry of Industry and Infrastructural Development of the Republic of Kazakhstan in accordance with the procedure, established by the legislation, shall ensure:

1) state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days from the date of state registration of this order, direction in the Kazakh and Russian languages to the Republican State Enterprise on the Right of Economic Management "Institute of Legislation and Legal Information" for official publication and inclusion to the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) placement of this order on the Internet resource of the Ministry of Industry and Infrastructural Development of the Republic of Kazakhstan.

3. Control over execution of this order shall be entrusted to the supervising vice-minister of Industry and Infrastructural Development of the Republic of Kazakhstan.

4. This order shall come into force upon expiry of ten calendar days after the date of its first official publication.

Minister

R. Sklyar

"AGREED"

Ministry of National Economy
of the Republic of Kazakhstan

Approved
by the order of the Minister of Industry and
Infrastructural Development
of the Republic of Kazakhstan
dated August 1, 2019 no. 602

Rules for the application of prices (tariffs) for mandatory seaport services

Chapter 1. General provision

1. These Rules for the application of prices (tariffs) for mandatory seaport services have been developed in accordance with sub-clause 55-42) of clause 3 of article 4 of the Law of the Republic of Kazakhstan dated January 17, 2002 "On Merchant Shipping" and shall determine the procedure for the application of prices (tariffs) for mandatory seaport services.

2. List of mandatory seaport services, was approved by the order of the Minister of Investment and Development of the Republic of Kazakhstan dated January 30, 2015 no. 77 "On approval of the List of mandatory seaport services" (registered with the Register of state registration of regulatory legal acts as no.10906) (hereinafter referred to as the List of mandatory services).

3. Tariffs for compulsory seaport services for tankers shall be regulated by the authorized body, carrying out management in the sphere of natural monopolies.

Footnote. Clause 3 is in the wording of the order of the Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated 01.11.2019 No. 819 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

4. In these Rules, the following definitions shall be used:

authorized body – a central executive body carrying out management in the sphere of merchant shipping, as well as to the extent stipulated by the legislation of the Republic of Kazakhstan, - intersectoral;

risk ratio – additional percentage of the tariffs for seaport services due to the likelihood of an accident and an allowance for additional efforts when servicing an old ship.

Chapter 2. Procedure application of prices (tariffs) for mandatory seaport services

5. The List of mandatory services shall include:

shipboard;

navigation;

for canal passage;

berthing;

anchoring;

mooring;

in the sphere of environmental protection measures;

quarantine.

1) The price (tariff) for shipboard services shall be applied each time a ship enters and leaves the port and shall be set for each gross register ton of the ship.

2) The use of the navigation center services shall be carried out on a paid basis at prices (tariffs) approved by the authorized body in accordance with clause 1 of Article 156 of the Law of the Republic of Kazakhstan dated March 1, 2011 "On State Property".

The procedure for provision of navigation services using the ships traffic control system shall be carried out in accordance with the Rules for navigation and berthing of ships in the seaports of the Republic of Kazakhstan and at approaches to them, approved by the order of the acting Minister for Investments and Development of the Republic of Kazakhstan dated February 24, 2015 No.162 (registered in the Register of state registration of regulatory legal acts No.12193).

The price (tariff) for using the services of the navigation center shall be set per a unit of the ship's gross tonnage specified in the tonnage certificate of the ship and applied for the entry of the ship into the coverage area of the traffic control system and separately for the exit of the ship from the coverage area of the traffic control system.

Calculation of the price (tariff) for the use of navigation center services for the ships that do not have a tonnage certificate shall be made according to the conditional volume of the ship, calculated in cubic meters, by multiplying the three values of the ship - the longest length, the largest width and the largest height of the ship's side specified in the ship's documents, using a coefficient of 0.35.

The gross tonnage of barge-towing trains, caravans and other composite floating objects (including rafts) when calculating the volume of the navigation center services shall be determined as the sum of the gross capacities of all elements of the composite floating objects . In the absence of the gross tonnage of floating objects, the calculation shall be made according to the conditional volume of the floating object, calculated in cubic meters, by multiplying the three values - the longest length, the greatest width and the highest height of the floating object specified in the ship's documents or other documents of the floating object using a coefficient of 0.35.

Prices (tariffs) for navigation services of the port of Aktau (use of navigation aids) shall be applied in accordance with the tariffs for regulated services approved by the authorized body in the sphere of natural monopolies.

The price (tariff) for the navigation center services shall not be applied to warships and ships of the Navy of the Armed Forces of the Republic of Kazakhstan and the Border Guard Service of the National Security Committee of the Republic of Kazakhstan, as well as ships involved by state bodies to take measures on prevention and (or) liquidation of natural and man-made emergency situations, participation in measures to increase preparedness for them (exercises, training).

3) The price (tariff) for canal passage shall be applied for each one-way passage of the canal and shall be set for each gross register ton of the ship.

4) The price (tariff) for the use of the berth for cargo operations shall be applied for the berthing of the ship at the berth for cargo and auxiliary (outside cargo) operations and shall be set for each gross register ton of the ship and shall be made from ships staying at the berth (excluding mooring berth).

If the operation is carried out according to the ship-to-ship option, 50% of the berthing dues rate shall be charged.

Ships lagging to another ship, moored at the berth with the bow or stern, shall be charged 50% of the berthing rate.

The price (tariff) for the use of a berth for auxiliary (outside cargo) operations shall be applied for each day of the ship's stay at the berth, shall be set for each gross register ton of the ship for each day of stay at the berth and shall be made from ships staying at the berth (excluding mooring berth).

When calculating prices (tariffs) charged on a daily basis, the time is rounded up to 0.5 days, and time up to 0.5 days is taken as 0.5 days, and time more than 0.5 days - for 1 day.

5) The price (tariff) for anchoring service shall be applied for anchorage of ships in the roadstead and/or at the berth and shall be set for each gross register ton of the ship, regardless of the time of anchorage.

6) The price (tariff) for mooring services shall be applied for the work of the mooring operators on the placement of mooring lines, unmooring and hauling of ships.

Hauling a ship along the berth more than the length of the ship shall be considered as two operations, less than the length of the ship - as one operation.

Re-mooring a ship from berth to berth shall be considered as two operations.

Handling of the mooring lines during mooring and unmooring shall be considered as two operations.

Re-mooring of a ship in the port during the performance of cargo operations shall be allowed once during unloading and loading, and if it is necessary to rearrange it during loading (unloading) due to the specialization of transshipment complexes - one more re-mooring.

All expenses for additional re-mooring, made at the request of the port shall be borne by the port. The price (tariff) for mooring services shall be set for one operation.

7) The price (tariff) for environmental protection measures shall be applied for the work on acceptance from the ship without any restrictions of all types of existing pollution (except ballast water) and shall be set for each day the ship is staying in the port.

8) The price (tariff) for quarantine services related to services to ensure:

provision of a premise for temporary isolation of patients with quarantine infections and persons who may be carriers of infection;

keeping the territory and facilities of the seaport in proper sanitary condition;

preventive extermination of rodents and insects by the forces of sanitary-epidemiological station on transport ships, port facilities, shall be set for one ship entry.

Footnote. Clause 5 as amended by the order of the Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated 01.11.2019 No. 819 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

6. When calling the port of ships assigned to this seaport to carry out extra-cargo operations (replenishment, bunkering, waste disposal or other compulsory necessity) due to staying at sea beyond the autonomous period of operation of the ship, the owner of the seaport (operator of the sea terminal) shall provide discounts on mandatory seaport services on the terms and in the manner determined by them, with the exception of state-regulated services.

7. The owner of the seaport and the navigation center may apply risk factors to the tariffs for mandatory services of the seaport in relation to ships (sub-standard or over twenty years old), including foreign ones, entering the water area of this seaport.

The sizes of risk coefficients shall be established by the owner of the seaport in relation to navigation services by the department of the authorized body implementing the state policy in the field of merchant shipping.

At the same time, the size of the increasing coefficient should not exceed:

for ships over 20 years old and up to 25 years old - 30% of the payment for mandatory services of the seaport;

for ships over 25 years old - 50% of the payment for mandatory services of the seaport.

Footnote. Clause 7 is in the wording of the order of the Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated 01.11.2019 No. 819 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).