

FIJI PORTS CORPORATION LTD (TARIFFS) REGULATIONS 2009

In exercise of the powers conferred upon the COMMERCE COMMISSION to regulate and approve the charges in the tariff.

Citation and Commencement

1.-(1) These Regulations may be cited as the Fiji Ports Corporation Ltd of the Fiji Islands (Tariffs) Regulations 2009 and come into force on **1st October, 2009**.

Interpretation

In these Regulations, unless the context otherwise requires-

<u>Terms</u>	<u>Definitions</u>
Berth priority:	Vessels will have priority on berths as shown under "Berth Priorities" below based on a "first in" booking basis.
Break bulk:	Goods carried in a vessel in loose or unitized form, but not in containers.
Bulk:	Goods carried in a vessel in bulk form.
Container:	A Cargo container that meets ISO (International Standards Organization) dimensions; generally 6.1 metres or 12.2 metres in length.
Customs:	Fiji Islands Customs Service (FIRCA).
Day:	A full day or part thereof, beginning at 0800 hrs on Day 1 and ending at 0759 the next day.
Demurrage:	A charge levied on the owner of the cargo and collected from the owner where a container or break bulk cargo remains in the port precinct beyond the free time allowed by the port operator. Charges will include storage and a charge to remove such containers or cargo to a long term storage area or delivery in the cargo owner's transport.
Empty Storage:	The full Cargo Services Charge will apply to empty containers being received at or delivered from the wharf area, and charges will apply from the time the container is received into the terminal and loaded abroad the ship, or discharged from the ship and delivered from the terminal. Empty containers being transhipped directly from one ship to another, or moved around on the same ship, will be charged at a lower rate (less the Wharfage component).
Exemptions:	Marine Service Charge is not payable in respect of Government vessels or Naval vessels of any nationality, except where such vessels are used for commercial purposes. Where the Master of a foreign registered vessel holds a Pilotage Exemption Certificate for a port designated as a compulsory pilotage area, the Marine Service Charge will be adjusted to exclude the pilotage component.
FEU:	Forty foot Equivalent Unit: A container that meets ISO dimensions of 12.2 metres in length.
Ferry Services:	The use of a FPCL owned vessel for the ferrying of personnel to/from the port to/from a vessel within, or close outside, the designated port limits.
Foreign Goods:	Cargo destined for, or originating from, a place outside the Fiji Islands.
Foreign Vessel:	A vessel of foreign registration or a vessel registered in the Fiji Islands that trades to places outside Fiji's economic zone; a vessel registered in the Fiji Islands for which a Coastal Trade License has been issued but which, from time to time, plies to places outside Fiji's 200 mile zone.
Free Time:	Time during which cargo or a container may remain without charge within the port area for loading on an intended vessel or following discharge from a vessel. Free time shall mean three (3) days on a seven day week basis <i>including Saturdays (but EXCLUSIVE of Public Holidays and Sundays)</i> . In respect of imported cargo, the time shall commence at the time of completion of the ship. Free time will end after 72 hours elapsed time (except when a public holiday or Sunday falls within that period). In respect of exports, the time will commence at 0800 hrs three (3) days prior to the intended vessel's expected time of arrival alongside the berth. FPCL reserves the right to vary this period for any reason, but shall give a minimum of three (3) days notice by advertising such change in the commercial sections of Fiji's national daily newspapers.

<u>Terms</u>	<u>Definitions</u>
Fumigation:	Excludes labour, water and electricity costs.
Gate In/Gate Out:	Receival and delivery of cargo/containers from/to shipper/consignee Vehicle at the entrance/exit to the port (including empty containers).
Grt/grt:	Gross Registered Tonnes. A measurement of space in a ship, including its cargo carrying space, as set out in its Certificate of Registry and Certificate of Class.
HMC Cargo:	Cargo carried under bond, specifically cargo or containers loaded in a declared port of entry in Fiji, destined for another declared port of entry port in Fiji – ie Suva, Lautoka, Levuka, Malau, Wairiki or Rotuma only.
Hour:	Includes part of an hour.
Incinerator:	Rate excludes labour, meals, transport and any other payments if applicable.
Inter-Island Vessel:	A local vessel used for the purpose of carrying cargo or passengers to destinations within the Fiji Islands.
ISPS Security:	Applicable only when FPCL conducts security rounds of vessels at anchor or
Vessels at anchor:	moorings at the vessel owner's request.
Local Goods:	Goods carried to or from other places within the Fiji Islands.
Local Vessel:	A vessel, whether registered in the Fiji Islands or abroad, in respect of which a Coastal Trading License has been issued under the Marine Act and which trades solely between ports in the Fiji Islands; or an overseas fishing vessel currently licensed to fish in local waters and considered as a local vessel by Customs.
Machinery:	Includes excavators, forklifts, tractors, diggers and earth working equipment.
Naval Vessel:	A vessel of the Republic of the Fiji Islands Military Forces or the armed forces of another country.
Non Compulsory Pilotage:	Where the Master or owner's agent of a vessel requests the services of a pilot for navigation through an area not regulated as a compulsory pilotage area, a charge will apply for the transport of the pilot to the vessel and for the services of the pilot. Such charges are additional to charges levied for services in a compulsory pilotage area, if applicable.
On-carriage:	Cargo carried to its final destination by land under a through Bill of Lading.
Out Port:	A port at which services are provided by FPCL only on an "as needs basis" – specifically Levuka, Malau, Wairiki and Rotuma.
Out Port Pilot:	A pilot provided by FPCL who travels from his home port to board a vessel at an out port or returns to his home port from an outport. Charges for this service include travel, accommodation and any applicable allowances. See "Out Port' above.
Passenger Vessel:	A vessel primarily designed and used for the carriage of passengers.
Pool B Machine Hire:	Where FPCL or PTL hire any additional machinery for extraordinary tasks at the request of a third party.
Pre-arranged Storage:	Storage for cargo or containers outside the allowable free time, by arrangement in advance between the ship's agent or cargo owner and FPCL.
Revenue Tonne:	Measurement of cargo as used by the operator of the import or export vessel in calculating freight normally being one cubic metre or tonne (1000 Kg). To ensure consistency the manifested measurement used to calculate the freight rate will be applied by Fiji Ports.

<u>Terms:</u>	<u>Definitions:</u>
Shifting:	The removal of a vessel in the port or anchorage to some other place in the same port or anchorage, including unberthing or berthing at a wharf or buoys, or unberthing and anchoring or weighing anchor and re-anchoring.
Shift on Board:	Internal re-slow of a vessel's cargo or containers.
Stevedoring Charge:	A charge levied by PTL for the loading/unloading of cargo or containers onto or off a vessel. The charge is inclusive of labour, meals, travel, gear hire, etc.
Storage:	The storing of cargo or containers in prescribed storage areas or buildings within the port area or in off-wharf areas controlled by FPCL.
Storage – Empty Containers:	The chargeable storage period for an empty container stored on FPCL's premises awaiting loading onto a vessel shall be deemed to have ended when that vessel berths at the port in which the container is stored. No further charges will be incurred regardless of the length of period that elapses until the container is loading aboard the vessel.
Space:	Where a person is granted space on FPCL's premises for the purpose of: sorting goods; steam cleaning; fumigation; container cleaning; storing pallets and cargo gear, any other similar function; he shall pay to FPCL charges calculated per rate or part of a week for each square metre of space so granted.
Stuffing/Unstuffing:	Applicable mainly to the loading of containers with fish for export.
TEU:	Twenty foot Equivalent Unit. A container that meets ISO dimensions of 6.1 metres in length.
Tonne:	Includes part of a tonne: When used in reference to cargo, means 1000 litres of bulk liquid cargo; for dry cargo, means 1000 kilograms.
Transshipment:	Goods or containers landed from a foreign port and consigned to another foreign port on a through Bill of Lading which are loaded and re-shipped at the same port without leaving the control of Customs while in a port in the Fiji Islands. Such cargo must be declared to FPCL prior to the inward vessel's arrival. Failure to do so will result in normal import cargo charges being applied.
Wharf Cleaning:	Cleaning of wharf after discharge of wheat, coal, clinker or fertilizer.
Washing:	Includes empty containers inclusive of labour and water charges.
Year:	Includes part of a calendar year.
Note:	Where an existing tariff item/interpretation is not written into this tariff, the existing tariff/interpretation is applicable if captured from the former MPAF or FPCL Tariffs.

BERTHING PRIORITIES:

Unless extenuating circumstances dictate otherwise, the following priority shall determine the order in which vessels will be allocated to berths within the ports under the control of FPCL:

- (a) Passenger vessels (being foreign registered passenger cruise ships)
- (b) Container vessels of shipping principals who have entered into a "berthing window" contract with FPCL
- © Roll on/roll off vessels
- (d) Container vessels: roro/lolo vessels and multipurpose vessels
- (e) Other cargo vessels (excluding liquid bulk tankers)
- (f) Liquid bulk tankers
- (g) Vessels of the armed services of Fiji or any other nation
- (h) Research vessels.

- (i) Other vessels.

In deciding the priority of vessels, as above, FPCL shall have regard to the following factors:

- (a) The interests of the safety of the port.
 (b) The need for the safe and fast handling of dangerous substances or hazardous cargoes.
 (c) The efficient operation of the port.
 (d) Any urgent medical attention required by a person aboard a vessel.

Terms

Definitions

ANCHORAGE CHARGE: Previously a charge was levied for all vessels and was applicable for every 30 days (or part hereof) the vessel remained at anchor.

Under the new tariff schedule, vessels anchoring within port limits awaiting a berth for the purposes of loading/discharging cargo or passengers will NOT be liable to this charge. The anchorage charge will apply ONLY vessels using the anchorage as a "layup" refuge; safe haven; landing goods or passengers; taking stores or fresh water while at anchor, waiting to access the slipway or floating dock, etc, without berthing.

PILOT STANDBY CHARGE: No longer applicable.

MOORING: This charge (in addition to standard lines boats charges) was previously levied when vessels lines were placed on buoys or dolphin bollards.

This additional charge will no longer apply – only the standard mooring charge detailed in the schedule above will apply, regardless of the bollard setup.

Explanation of Charges

While all monies collected from port tariffs are consolidated into one account, historically the separate charges are levied for the following purposes:

Port Dues: For the maintenance of in-port navigation infrastructure (beacons, buoys, etc) and to help meet the cost of dredging etc necessary to maintain berth and channel depth.

Pilotage: To cover the costs associated with providing pilot services to visiting vessels, including the cost of a pilot; boat crews; operating expenses of boats, etc.

Mooring: For the provision of boats and manpower required to handle the mooring lines of vessels on arrival and departure. These services are currently contracted in by Fiji Ports and the charge currently levied is expended in full.

Marine Service Charge (MSC): Under the proposed changes, MSC is a combination of the above charges.

Dockage: A charge per gross registered tone (grt) per hour alongside a berth or wharf (a packing fee) used to defray, costs associated with the repair and maintenance of berthing and wharf infrastructure.

Stevedoring: A charge to defray the cost of loading/unloading a vessel – includes labour; use of cranes, plant and machinery necessary to move cargo to and from shipside, etc. Fiji Port's charge in this respect is low by world standards.

Environmental Levy: Collected by Fiji Ports on behalf of the Fiji Islands Marine Safety Administration (FIMSA) to generate a fund for the provision of containment equipment, response and training to react to any incidents of actual or potential threat to the marine environment.

All of the above are levied against the ship owner.

<u>Terms</u>	<u>Definitions</u>
Wharfage:	A charge based on tonnage or per container from wharf to ship or vice versa. This charge is currently levied 65% against the ship and 35% against the cargo consignee.
ISPS:	International Ship and Port Facilities Security Code. An international required port and ship security standard applicable to all ports accessed by foreign trading vessels.
ISPS Non Compliant Vessels:	Those vessels that do not need or do not meet all the ISPS requirements.
Security Charge ISPS:	A charge levied to provide any extra security required by ISPS Compliant vessels (e.g. passenger vessels) or special security provisions for ISPS Non Compliant vessels using the facilities within a designated ISPS secured area.
ISPS Compliant Vessel at Anchor:	A charge applicable to ISPS Compliant vessels at anchor that request the provision of a waterborne security services.
Cruise Liners:	Foreign registered passenger cruise vessels.
Empty Containers:	20ft or 40ft containers not containing any cargo but which are loaded discharged to/from a vessel or stored in the container terminal.
Timber Packs:	Special packs of timber generally matching the size of 20ft containers in terms of length and breadth (also known as master packs).
Motor Vehicles:	RoRo (Roll on/Roll off) – motor vehicles that are discharged by being driven down a ramp. LoLo (Lift on/Lift Off) – motor vehicles that are lifted from a vessel by crane.
General Cargo:	Any cargo not containerized or in bulk liquid form.
Steel Products:	Any steel products such as pipes, rods, etc, generally used for fabrication or construction work.
Dry Bulk:	Any cargo loaded by conveyor belt (e.g. sugar, woodchips) or discharged using grabs (e.g. cement clinker).
Liquid Bulk:	Petroleum products or bitumen, etc, discharged from tankers.
Local cargo:	Any cargo carried between Fijian ports not subject to Customs control.
HMC:	Her Majesty's Customs a term applied to cargo carried between Fijian ports by sea or by road which is under Customs control.
Prearranged Storage:	Generally applies to cargo in long term storage in Fiji Ports facilities for which application has been made in advance.
Handling Received/Delivery:	A charge levied for the handling of cargo (e.g. on or off trucks) using Fiji Ports equipment when delivered to a port for export or collected from the wharf.
Break bulk Cargo:	Any cargo, other than dry or liquid bulk that is not containerized – includes large machinery (e.g. earthmoving equipment but not motor cars).
Freezer:	A charge levied on any cargo stored in Fiji Ports freezer facility.
Reefer Power Supply:	Power supplied to operate reefer (refrigerated) containers stored in the container terminal.

Terms

Definitions

Fumigation:	A charge levied on any cargo that is ordered by quarantine to be fumigated whilst on Fiji Ports land.
Incinerator:	Fiji Ports provides incinerator facilities for quarantine waste. These facilities are also used by the Ministry of Health for the disposal of hospital waste.
Weighbridge:	A facility for the weighing of trucks etc; provided by a private operator but located on Fiji Ports property.
Washing/Steam Cleaning Containers:	A charge levied for the cleaning of containers by steam cleaning either on the request of owners or on the order of quarantine officials.

THE END

Marine Service Charges

SCHEDULE 1		
Name	Rate	% Increase
<i>Charges Levied on Overseas Ship Owner</i>		
Marine Service Charge (One off payment per Visit)	Formula \$0.22x grt + \$806.25	7.5%
Pilotage/ Berth/Anchorage/ Berth	\$0.1075 per grt + \$397.75	7.5%
Shifting Shift Ship with Pilot	\$0.05375 per grt + \$198.875	7.5%
Shift Ship Without Pilot (Warping)	\$102.12 (Mooring Fee)	7.5%
Optional Sea Pilotage	\$0.115 per grt	Approved New OPTIONAL Service Additional to Harbour Pilotage

Marine Service Charges

SCHEDULE 1		
Name	Rate	%Increase
Outport Pilotage	Included in Marine Service Charge + Travel and Accommodation Cost	7.5%
Within Harbour Limits-included in MSC For Optional Sea Pilotage – \$21.50 per nautical Mile	New provision as Fiji Ports have only Recently Acquired its Own pilot boats	Approved
Dockage	\$1.94 per 100 grt	7.5%
(Container Ships)	(Charged “pegged” Based on agreed Handling rate)	Rate Agreed
Dockage (Cruise Ships)	\$0.0104 per grt	Minus 42%
Environment Levy (per visit)	\$0.04 per grt or \$4.00 per 100grt	No change

Marine Service Charges

SCHEDULE 1		
Name	Rate	% Increase
Anchorage	\$4.826 per 100 grt per 30 days or part There of (Applicable ONLY to Vessels using the Anchorage as a layup - does NOT apply to - vessels awaiting a - berth, etc)	7.5%
Ferry Services	\$21.50 per nautical Mile	Approved (New charge related to new pilot Boats)
Security Charge (ISPS)		
ISPS Non Compliant Vessels	\$25 per hour	No Change
Cruise Liners	\$110 per hour	No Change
Bulk Vessel/Barge	0 to 2 days \$40 per day 3 to 4 days \$25 per day 5 to 6 days \$10 per day	No change
ISPC Compliant Vessel at Anchor	\$100 per hour (<i>only if requested</i>)	No Change

Stevedoring Handling Charges (Charged to overseas Ships)

SCHEDULE 2			
Name	Rate		% Increase
Full Containers (TEU & FEU)	\$80 per container (All costs INCLUSIVE e.g. meals Travels, gear hire etc)		No Change (Reduction in “extra” charges)
Empty Containers	\$40 per container		No change
Transshipment Containers	\$60 per container		Minus 25%
Wharfage on Transshipment Containers	36.55 per container		7.5 %
Timber or Master Packs	\$73.10 per unit		7.5 %
Dry Bulk	\$5.375 per revenue Tonne		7.5%
Motor Vehicles	RoRo v/l's	\$25 per unit	No change
	LoLo v/l's	\$30 per unit	No change
General Cargo	Standard Lift	\$15.25 per Revenue tonne	7.5 %
		Lift <300 cubic mtr **	\$100 per lift
		Lift > 300 cubic mtr **	\$500 per lift
Steel Products	\$12.90 per revenue tonne		7.5%
Stuff/Unstuff	Per TEU	104.65	Approved
	Per FEU	136.50	Approved

** Examples of oversize lifts are water tanks, large gas cylinders etc.

Stevedoring Handling Charges (Charged to overseas Ships)

Incentive Scheme

<u>Ship Cranes</u>	<u>Shore Cranes</u>	<u>Rate per Movement</u>	<u>Schedule 2</u>
5 to 10	10 to 15	Published Stevedoring Rate	Approved
11 to 13	16 to 20	Published Stevedoring Rate + \$10 per Movement	Approved
14 to 16	21 to 25	Published Stevedoring Rate + \$20 per Movement	Approved
17 to 19	26 to 30	Published Stevedoring Rate + \$30 per Movement	Approved

NOTE 1:

The cost of hiring outside machinery (Pool B) to supplement FPCL forklifts, etc will no longer be charged as invariably the reason for hiring such extra equipment is to replace broken down FPCL machinery. This change is thus incentive for FPCL to improve productive ground machinery reliability is crucial to increasing handling productivity.

NOTE 2:

For vessels with completion of operation fall just pass midnight Saturday, free storage to commence just pass midnight Sunday.

For public holidays that fall on Monday, free storage for vessels cargo with work completion after midnight Saturday to commence immediately after midnight Monday.

Wharfage and Cargo Handling Charges

Schedule 3			
Name	Rate		% Increase
Containers	Full TEU/FEU	\$50	No Change
	Empty TEU/FEU	\$10	
Handling Lift on Lift off	TEU	\$24.75 per lift	No Change
	FEU	\$49.50 per lift	
Break Bulk	\$3.57 per revenue tonne		No change
Dry Bulk	\$1.50 per revenue tonne		No change
Liquid	\$1.50 per revenue tonne		No change
Motor Vehicles	\$3.85 per unit		No change
General Cargo	Wharfage	\$3.40 per tonne	No change
	Handling	(Various Depending on F/L Size – Average \$51.50 per Hour or part Thereof)	
Shift storage (After Free Time)	Containers	\$120	No change
	Break Bulk	\$15 per tonne	No change

Local Vessels

Schedule 4			
Name	Rate		%Increase
Port Dues (Charge PER YEAR)	Inter Island	\$1.075 per grt	7.5 %
	Passenger	\$3.225 per grt	
	Other	\$3.255 per grt	
Fishing	Fishing	\$3.225 per grt	7.5%
Pilotage (if required)	All Vessels	\$500	(Optional)
Dockage (per hour Alongside) (Minimum Charge of \$5.00 applies)	Inter Island	\$0.182 per 100 grt	7.5%
	Passenger Other	\$0.75 per 100 grt	
	Other	\$1.29 per 100 grt	
Fishing	Fishing	\$1.0138 per grt	Approved
Environment Levy (Per year) (All vessels)	\$4.00 per grt		No Change

Cargo Service Charges (Local)

Schedule 5			
Name	Rate		% Increase
Containers (Local)	Full TEU	\$18.275 per unit	7.5%
	Full FEU	\$27.41 per unit	7.5%
	Empty TEU	\$4.56 per unit	7.5%
	Empty FEU	\$6.9875 per unit	7.5%
	HMC TEU	\$4.568 per unit	7.5%
	HMC FEU	\$6.9875	7.5%
Inter Port Barge Transfer	Inter Port Barge Transfer	\$15.00 per TEU	Approved (Special Rate for New Service)
		\$25.00 per FEU	
Break Bulk (Local)	\$0.5375 per revenue tonne		7.5%
Bulk (Local)	\$0.5375 per revenue tonne		7.5%
Liquid (Local)	\$0.5375 per revenue tonne		7.5%
HMC	\$0.16125 per revenue tonne		7.5%

Demurrage / Storage

Schedule 6			
Name	Rate		% Increase
Full Container (TEU and FEU)	Day 1 to 3	Free	7.5%
	Day 4 to 7	\$32.25 per day	
	Day 8 to 14	\$64.50 per day	
	>14 Days	\$96.75 per day	
Empty Containers (TEU/FEU)	Day 1 to 3	Free	Approved
	>4 Days	\$6 per day	
Break Bulk (per revenue tonne)	Day 1 to 3	Free	7.5 %
	Day 4 to 7	\$3.25 per revenue tonne per day	
	Day 8 to 14	\$6.45 per revenue tonner per day	
	>14 Days	\$9.675 per revenue tonne per day	
Pre-arranged Storage	Containers (per TEU/FEU) per week	\$64.5 per TEU/FEU per week	7.5%
	Break Bulk (per tonne)	\$2.418 per revenue tonne per week	
Transshipment Cargo (Containers) (After free time)	1 to 21 Days	Free	7.5%
	>21 Days	\$64.50 per TEU/FEU per week or part thereof	
Transshipment Cargo (Break Bulk)	1 to 21 Days	Free	7.5%
	>21 Days	\$2.418 per revenue tonne per week or part thereof	
Containers	\$120.00 per TEU/FEU		Approved
Break Bulk	\$20.00 per revenue tonne		Approved

NOTE:

A FREE PERIOD of (18) hrs is granted to HMC cargo land-bridged under bond to another port in the Fiji Islands.

Ancillary Charges

Schedule 7			
Name	Rate		%Increase
Freezer	\$1.50 per m ² per day		7.5%
Cooler	\$1.07 per m ² per day		7.5%
Fumigation	Container	\$64.50 per day	7.5%
	Break Bulk	\$2.50 per day	Approved
Incinerator	\$32.25 per burn hour		7.5%
Refer Monitoring	\$80 per plug per day (incl travel time; meals; provision of plug and lead, etc)		Approved
Washing/Steam Cleaning Containers	\$50 per Container		Approved per Container
Hopper Storage	\$600 per hopper per year		No Change
Water	At domestic tariff		No Change
Water Connection	Per Service	\$20.00+ overtime if applicable	Approved
Water Blaster	Per Hour	\$20.00	Approved
Electricity	Supply	At Domestic Tariff	Approved
	Single Phase Connection	\$12.00	
	Three Phase Connection	\$20.00	
Gangway	Per Day	\$400.00	Approved
Storage Space	Per Sq M per week or part thereof	\$2.25	Approved
Meal Allowance		As per Term and Conditions of Employment	Approved
Transport Allowance	Per Trip	\$20.00	Approved

Note:

MACHINERY HIRE

Non Stevedoring	Price on Application	No Change
-----------------	----------------------	-----------

EQUIPMENT HIRE

Non Stevedoring	Price on Application	No Change
-----------------	----------------------	-----------

Made at Suva this 29th day of September 2009

W. BAULEKA
Actg Chief Executive Officer
Fiji Ports Corporation Ltd of the Fiji Islands

