



THE CABINET OF MINISTERS OF UKRAINE

RESOLUTION

dated October 12, 2000 No. 1544

Kyiv

On Port Fees

As amended by
Resolutions of the Cabinet of Ministers of Ukraine
dated November 29, 2001 No. 1584,
dated March 29, 2002 No. 391,
Order of the Ministry of Transportation of Ukraine
dated September 10, 2002 No. 642

Pursuant to Article 84 of the Code of Merchant Shipping of Ukraine, the Cabinet of Ministers of Ukraine **RESOLVED:**

1. To approve the Regulation on Port Fees (attached).
2. To determine that amounts of port fees established by the Regulation, which is approved pursuant to Section 1 of this Resolution, are highest possible, and a procedure for applying discounts to them shall be determined by the Ministry of Transportation.
- 2¹. To determine that the procedure for taking stock of and using revenues from port fees, other than the administrative charge, shall be approved by the Ministry of Transportation subject to consent by the Ministry of Economy and on Issues of European Integration as well as the Ministry of Finance.

(the Resolution was supplemented with clause 2¹ pursuant to Resolution of the Cabinet of Ministers of Ukraine dated March 3, 2002 No. 391)

3. To recognize the Resolutions of the Cabinet of Ministers of Ukraine specified in the attached list as such that have lost effect.
4. This resolution shall take effect on January 1, 2001.

Prime-Minister of Ukraine

V. YUSHCHENKO

APPROVED BY
Resolution of the Cabinet of Ministers of Ukraine
dated October 12, 2000 No. 1544

Regulation On Port Fees

(Pursuant to Order of the Ministry of Transportation, dated September 10, 2002, No. 642, there has been introduced a 50 percent discount for all types of port fees established by this Regulation up to the end of 2002 for vessels that call at the Pivdenniy oil terminal, which is located at the Yuzhniy sea commercial port, in order to load technological oil into the pipeline. This discount shall not apply to vessels that call at the Pivdenniy oil terminal in order to take a load of oil)

General Part

1. Port fees (ship, canal, lighthouse, berth, anchor, administrative and sanitary) shall be collected at sea port from vessels that belong to specified groups and floating vehicles that navigate under the State Flag of Ukraine and a foreign flag:

freight vessels that call at ports for loading operations and floating vehicles	A group
passenger vessels, including high-speed hydrofoils and ferries that call at ports to perform cargo-and-passenger operations, icebreakers that are neither registered in the port nor leased by it	B group
lighters, tugboats, pushing tugboat, pushers, barges (self-propelled and dumb), river self-propelled vessels, including mixed river-sea-going vessels owned by shipping companies, which are parties to the Bratislava Treaty, that call at ports on the Danube river, as well as river self-propelled vessels that call at other ports for further reloading of cargo on sea vessels and vice versa	C group
dumb vessels (except for barges)	D group
vessels that call at ports due to compelling reasons, for provisions, quarantine needs as well as vessels that are bound to Ukrainian shipyards for repairs	E group
official and military vessels	E group
training, training and practice vessels when performing voyages in accordance with the curricula of educational institutions with at least 50 cadets aboard, school vessels	E group
scientific, research and high-speed hydrofoils that perform regular scheduled coasting passenger voyages (except for pleasure and cruise voyages)	E group
other vessels (vessels of a shipyard, emergency and rescue vessels, underwater and technical, technical, hospital, hydrographic vessels, local harbor vessels, icebreakers that are owned and leased by the port, sports vessels, private yachts, sailing vessels, vessels that are undergoing sea trials, and fishing boats that call at ports without performing any loading operations)	F group

Notes:

1. The term "compelling reasons" shall be understood as a call at the port due to a

threat to the safety of the voyage, if continued, life or health of crew members and passengers.

2. Group C (tugboats and barges), E and F vessels that perform commercial cargo voyages shall belong to the A group.

3. Group E and F vessels that perform commercial cargo and passenger voyages shall belong to the B group

4. The procedure for calculation and collection of fees extends onto subjects of entrepreneurial activities of all types of ownership that perform works and provide services at sea ports at berths of shipyards in Ukraine irrespective of subordination of these ports (docks).

5. Vessels that call at the Dnipro-Buzskiy sea port shall pay fees set out by this Regulation to the sea state port administration in accordance with the fee calculation conditions.

2. Port fees shall be paid prior to the departure of a vessel from the port and in case of transit through the Kerch-Yenikalskiy canal ("KYC") and the Prorva canal – by means of prepayment or directly at the entrance to the Kerch-Yenikalskiy canal and the Prorva canal, unless stipulated otherwise.

3. Port fees shall be charged on the conditional tonnage of a vessel, which is calculated in cubic meters and is equal to the aggregate of three dimensions (the length of a vessel, width of a vessel and height of a vessel's board) specified in a tonnage certificate (main dimensions) or a substitute document.

For sea vessels that carry freight on the upper deck or have two or more decks, except for twin-deck vessels, the height of a board used to calculate the tonnage of a vessel shall be at least half the width of a vessel.

For B group vessels that have two or more decks the height of a board used to calculate the tonnage of a vessel shall be half the width of a vessel.

The conditional tonnage of barge and towing warehouses, caravans and other floating structures for purposes of charging all types of fees, except for the sanitary fee, shall be equal to the total of tonnages of its separate elements.

To calculate all types of fees, the conditional tonnage of RO-RO, RO-FLOW, OBO, LO-RO vessels, container vessels, cattle-carriers, lighter-aboard ships, and car carriers is used with a 0,7 quotient provided that vessels are used for their designated purposes. The type of a vessel and its designated purpose shall be determined in accordance with its documents.

In case fees are charged on a twenty-four-hour basis, time is rounded to 0,5 of this period. Whereby time less than 0,5 of this period shall be rounded to 0,5 of this period, and 0,5 of this period and more – to a full twenty-four-hour period.

(item 3 is supplemented with paragraph six pursuant to Resolution of the Cabinet of Ministers of Ukraine, dated March 29, 2002, No. 391)

4. Lighter-aboard ships that perform cargo operations with lighters on the external or internal roadstead shall be charged port fees on the basis of tonnage of lighters that are delivered by a lighter-aboard ship when entering the port and taken back when leaving it.

5. Group A cargo vessels that operate on overseas routes, which are established in the manner prescribed, shall be granted a 20 percent discount on the ship fee.

6. Main features of overseas routes shall be as follows:

establishment of mandatory and optional foreign and Ukrainian ports of call;

assignment of types of vessels to operate on the route;

establishment of periodicity for assigned vessels to call at Ukrainian ports;

registration of a route by the State Department of Sea and River Transportation upon the submission of the port (sea port) administration.

7. The port may give a 50 percent discount off all types of port fees to vessels that call at the Yuzhnyi port for loading and unloading general and bulked cargo.

The following discounts shall apply at the Yalta port:

50 percents - off the ship fee for Group A vessels;

20 percents - off all types of port fees for cruise passenger vessels of overseas routes that belong to the B Group (except for those that are performing mixed cargo-passenger voyages).

In the port of Odessa a 10 percent discount shall apply to all types of port fees for cruise passenger vessels of overseas routes that belong to the B Group (except for those that are performing mixed cargo-and-passenger voyages).

8. If a vessel is eligible for discounts on several port fees, there shall apply the discount on the highest basic rate only.

9. Nationality of, and respectively, the status granted to, a vessel for purposes of collection of port fees shall be determined on the basis of a flag flown by the vessel irrespective of its owner and user.

10. Port fees shall be paid in accordance with the Decree of the Cabinet of Ministers of Ukraine "On the System of Currency Regulation and Currency Control", dated February 19, 1993, No. 15.

11. Amounts of port fees collected in the Ukrainian currency shall be subject to a value-added tax as determined by law. Whereby, if a port provides services to coasting vessels, an amount of fees determined pursuant to this Regulation shall be increased by an amount of the value-added tax and in other cases an amount of the value-added tax due to the budget shall be calculated on the basis of an amount of fees charged and paid to the port without such an increase.

Ship Fee

12. Group A, B and D vessels shall be charged a ship fee on every call at, and departure from, a port per 1 cubic meter of the vessel's tonnage at the following rates:

(in US dollars)

Port	For foreign-going vessels		For coasting vessels
	regular rate	reduced rate	
Bilgorod-Dnistrovskiy	0,157	0,076	0,0008
Berdyansk	0,308	0,069	0,0008
Dnipro-Buzskiy	0,277	0,085	0,0042
Eupatoria	0,184	0,063	0,0046
Izmail	0,194	0,065	0,0024

Illichyvsk	0,297	0,095	0,0060
Buchta Kamyshova	0,182	0,077	0,0038
Kerch	0,277	0,089	0,0042
Mariupol	0,254	0,087	0,0024
Mizhvodne	0,184	0,063	0,0032
Mykolayv	0,277	0,071	0,0054
Odessa	0,313	0,094	0,0054
Oktyabrskiy	0,277	0,085	0,0042
Ochakiv	0,265	0,081	0,0051
Reni	0,194	0,062	0,0020
Sevastopol	0,182	0,077	0,0042
Skadovsk	0,277	0,085	0,0054
Ust-Dunaysk	0,100	0,086	0,0078
Feodosia	0,187	0,065	0,0042
Kherson	0,194	0,068	0,0028
Chornomorsk	0,184	0,063	0,0032
Yuzhniy	0,383	0,187	0,0144
Yalta	0,331	0,097	0,0090
Berth of CJSC "Mykolayvskiy Potassium Terminal"	0,277	0,071	0,0054
Other ports (berths)	0,182	0,062	0,0043

Note:

Vessels that call at ports to undergo procedures pertaining to the passage though the state border of Ukraine without loading operations shall be exempt from the ship fee.

(item 12 as amended pursuant to Resolution of the Cabinet of Ministers of Ukraine, dated November 29, 2001, No. 1584)

13. Group E and F vessels shall be exempt from the ship fee.

14. Vessels flying the State Flag of Ukraine and vessels flying flags of countries with which Ukraine entered into international agreements on granting the most favorable or national regime to vessels shall be charged the ship fee at a reduced rate.

Ship fee rates for coasting vessels shall apply only to vessels that perform coasting voyages under the State Flag of Ukraine.

If the maximum draft of large-capacity vessels specified in the tonnage certificate exceeds the permissible depth determined for a specific port that leads to an incomplete loading of a vessel, the port may, when calculating an amount of the ship fee, reduce the height of a board by the amount of the unused draft.

15. In the event that A Group vessels consequently call at several Ukrainian ports in a single voyage, a ship fee shall be charged:

if two ports are called – with a 50 percent discount off the basic rate in every port;

if more than two ports are called – with a 50 percent discount at the first port and 75 percent of the basic rate in every subsequent port.

16. Group B vessels shall be charged a ship fee in every port when entering and leaving a port with a 50 percent off the rate only during the first and second voyages that are performed by a vessel during a calendar year. During the next calls at a port in the same calendar year the ship fee shall not be charged on these vessels.

17. Group B vessels shall be charged the ship fee for every call at and departure from the port at the following rates:

In overseas voyage:

40,5 US dollars - for a vessel, tugboat;

20,25 US dollars – for a unit (barge, lighter);

in coasting voyage:

10 US dollars - for a vessel, tugboat;

5 US dollars – for a unit (barge, lighter).

Canal Fee

18. A canal fee shall be charged for every one-way passage through the canal and every passage by a vessel in a one-way transit per 1 cubic meter of the vessel's tonnage at the following rates:

(in US dollars)

Port	For foreign-going vessels	For coasting vessels
Bilgorod-Dnistrovskiy	0,063	0,0063
Berdyansk	0,106	0,0106
Buchta Kamyshova	0,032	0,0032
Dnipro-Buzskiy	0,027 + 0,18*	0,0026 + 0,0180*
Illichyivsk	0,020	0,0020
Kerch (including the KYC):		
sea commercial port	0,16	0,0170
sea fishing port and all other Kerch-based enterprises that perform loading-unloading operations and service vessels	0,144** + 0,016***	0,0153** + 0,0017***

the KYC (transit)	0,053	0,0062
the KYC for vessels in transit that call at (departure from) the "Kavkaz" port		
buoy No. 1-41	0,044	-
buoy No. 41-51	0,013	-
Mariupol	0,106	0,0106
Mykolayv (maritime)	0,027 + 0,227*	0,0026 + 0,0226*
Berth of the "Okean" Plant	0,221*	0,0221*
Odessa	0,011	0,0010
Oktyabrskiy	0,027 + 0,203*	0,0026 + 0,0202*
Ochakiv	0,027 + 0,027*	0,0027 + 0,0027*
Sevastopol	0,032	0,0032
Skadovsk	0,032	0,0032
Ust-Dunaysk	0,068	0,0068
Kherson (maritime)	0,10 + 0,136*	0,010 + 0,0136*
Yuzhniy	0,074	0,0074
For passage through Prorva canal	0,140	0,0140
Berth of CJSC "Mykolayvskiy Potassium Terminal"	0,027 + 0,208*	0,0026 + 0,0207*

* To be paid directly to the State Enterprise "Delta-Lotsman".

** To be paid to the sea commercial port "Kerch".

*** To be paid to other Kerch-based enterprises that perform loading-unloading operations and service vessels.

- Notes:**
1. The rate designated for the Berth of the "Okean" Plant shall apply only to vessels that pass through the Buzsko-Dniprovsko-estuary canal for performing loading operations at berths of this plant.
 2. For passage through the Buzsko-Dniprovsko-estuary canal and the Kherson sea canal without calling at sea ports (berths) a canal fee shall be paid by vessels at the specified rates to the respective state enterprise "Delta-Lotsman" and sea commercial ports of Mykolayv and Kherson in amounts set for the ports of Mykolayv (maritime) and Kherson (maritime).
 3. For vessels that, according to the tonnage certificate with a full load, has a draft of not more than 4,5 meters, a canal fee rate shall apply with a 0,38 coefficient, except for the

port of Bilgorod-Dnistrovsk, the Prorva canal, and the access canal to the port of the “Azovstal” Factory.

4. For vessels that pass through the access canal to the port of the “Azovstal” Factory, the canal fee rate shall apply with a 0,5 quotient.

(item 18 as amended pursuant to Resolution of the Cabinet of Ministers of Ukraine, dated November 29, 2001, No. 1584)

19. Group B vessels shall be charged the canal fee in every port when entering and leaving the port with a 50 percent off the rate only in the first and second voyages that are performed by a vessel in a calendar year. During the next calls in the same calendar year these vessels shall be exempt from the canal fee.

20. Group C, E, F vessels as well as Group D vessels (except for barges) that pass through the Prorva canal shall be exempt from the canal fee.

Lighthouse Fee

21. Group A and B vessels shall be charged a lighthouse fee for every call at the port (factory) or for every passage in transit, except for the passage through the Kerch-Yenikalskiy canal in transit at the following rates:

0,029 US dollar per 1 cubic meter of a vessel’s tonnage – on foreign-going vessels;

0,0029 US dollar per 1 cubic meter of a vessel’s tonnage – on coasting vessels.

The lighthouse fee shall be paid fully to the State Institution "Derzhhydrographia".

(item 21 supplemented with a paragraph pursuant to the resolution of the Cabinet of Ministers of Ukraine dated March 29, 2002, No. 391)

22. Group C, D, E, and F vessels shall be exempt from the lighthouse fee.

Berthage

23. A berthage shall be collected from vessels that are moored at berth.

24. To Group A, B, and C vessels (tugboats), Group D, E, and F vessels (sports vessels, private yachts, sailing vessels and fishing-boats that call at ports without loading operations) the following rates shall apply:

(in US dollars)

Purpose of anchorage	For foreign-going vessels	For coasting vessels
Loading operations that are performed with the use of the port’s labor and means (cubic meter per call of a vessel)	0,022	0,0022
Other cases as well as for tugboats, sports vessels, private yachts, sailing vessels and fishing-boats that call at ports without loading operations (cubic meters per twenty-four-hour period)	0,0072	0,00072

Note: Group F vessels (except for sports vessels, private yachts, sailing vessels and fishing-boats that call at ports without loading operations) shall be exempt from the berthage.

25. Group C vessels (except for tugboats) shall be charged for the berthage every loaded or unloaded ton of cargo at the following rates:

0,12 US dollar - on foreign-going vessels;

0,012 US dollar - on coasting vessels.

The berthage shall be paid for every operation. In the event that an operation is performed at an unequipped shore or "from vessel to vessel, a 50 percent discount shall apply to the berthage rate.

26. Vessels that are located broadside with respect to another vessel, which is moored at the berth, or moored at berth foreside or aftside shall pay a 50 percent of the berthage rate.

27. Group A and B vessels shall be charged the berthage for demurrage at the cargo (passenger) berth for reasons that depend on the vessel or its owner as of the completion of loading and fastening of cargo per 1 cubic meter of the vessel's tonnage at the following rates:

0,0104 US dollar per hour - on foreign-going vessels;

0,00104 US dollar per hour - on coasting vessels.

28. For anchorage or completion of servicing of a vessel at the captain's (ship-owner's) request. The port must provide the vessel with an unoccupied berth or place for anchorage on the roadstead.

Anchor Fee

29. Group A and B vessels shall be charged an anchor fee for anchorage on the internal roadstead of the sea port for more than 12 hours at the twenty-four-hour rates per 1 cubic meter of the vessel's tonnage for time when the vessel was actually anchored:

0,0027 US dollar - on foreign-going vessels;

0,00027 US dollar - on coasting vessels.

30. Group C, D, and F vessels (sports vessels, private yachts, sailing vessels and fishing-boats that call at ports without loading operations) shall be charged an anchor fee for 30 days of anchorage on the internal roadstead at the following rates:

18 US dollars - on foreign-going vessels;

1,8 US dollars - on coasting vessels;

For every next day of anchorage on the internal roadstead in addition to the specified term, the anchor fee shall be collected from every vessel at the following rates:

2 US dollars - on foreign-going vessels;

1 US dollar - on coasting vessels.

31. Group E and F vessels (except for sports vessels, private yachts, sailing vessels and fishing-boats that call at ports without loading operations) shall be exempt from the anchorage fee.

Administrative Fee

32. Group A, B, C, and D vessels shall be charged an administrative fee every time they call at a port at the following rates:

0,014 US dollar per 1 cubic meter of the vessel's tonnage - on foreign-going vessels;

0,0014 US dollar per 1 cubic meter of the vessel's tonnage - on coasting vessels.

Vessels that call at sea ports to undergo procedures pertaining to the passage though the state border of Ukraine without loading operations shall be exempt from the administrative fee.

Group A, B, C, and D vessels that consequently call at several Ukrainian ports in a single voyage to perform loading operations shall pay the administrative fee only at the first port of call.

Discounts on port fees established by ports and agreed to by ship-owners shall not extend onto the administrative fee.

33. Group E and F vessels shall be exempt from the administrative fee.

34. Funds received by ports as administrative fees shall be used as determined by law.

Sanitary Fee

35. The collection of a sanitary fee shall provide for:

mandatory acceptance by the port of all kinds of pollutants (except for ballast waters) for the duration of anchorage at the port as well as performance with the use of labor and at their expense of operations related to the acceptance of wastes (delivery and cleaning of floating crafts, provision of containers and other receptacles for collection of garbage, reloading operations, hosing, unhosing, etc.);

mandatory discharge by a vessel of all available pollutants to prevent their discharge into sea. The discharge of pollutants shall be confirmed by an official receipt issued by the port.

36. Group A vessels shall be charged the sanitary fee per 1 cubic meter of the vessel's tonnage or a self-propelled part of the compound floating structure at the following rates:

(in US dollars)

Port	On foreign-going vessels		On coasting vessels	
	anchorage of up to 10 twenty-four-hour periods	anchorage from 10 to 30 twenty-four-hour periods	anchorage of up to 10 twenty-four-hour periods	anchorage from 10 to 30 twenty-four-hour periods
Bilgorod-Dnistrovskiy	0,014	0,023	0,0014	0,0023
Berdyansk	0,022	0,040	0,0022	0,0040
Dnipro-Buzskiy	0,010	0,016	0,0010	0,0016
Illichyvs'k	0,014	0,023	0,0014	0,0023
Mariupol	0,022	0,040	0,0022	0,0040
Mykolayv (maritime)	0,014	0,023	0,0014	0,0023

Odessa	0,014	0,023	0,0014	0,0023
Sevastopol (maritime commercial, fishing)	0,027	0,040	0,0027	0,0049
Feodosia	0,027	0,038	0,0027	0,0038
Kherson (maritime)	0,014	0,023	0,0014	0,0023
Yuzhniy	0,014	0,023	0,0014	0,0023
Yalta	0,022	0,040	0,0022	0,0040

Notes:

1. Group B, C, D, E and F shall be exempt from the sanitary fee.
2. the sanitary fee shall not be charged at ports that do not have facilities to store all wastes.

37. Vessels that are equipped with environmentally protective equipment for complete utilization of all types of vessel's wastes and pollutants, and have an international certificate on prevention of sea pollution with oil, sewage, and certificate of prevention of pollution with (environmentally pure) garbage, shall be granted a 50 percent discount off the sanitary fee.

38. In the event that the sanitary fee is not collected, payments for contamination shall be governed by the Ministry of Transportation.

APPROVED BY
Resolution of the Cabinet of Ministers of Ukraine
Dated October 12, 2000, No. 1544

THE LIST of Resolutions of the Cabinet of Ministers of Ukraine that became ineffective

1. Resolution of the Cabinet of Ministers of Ukraine, dated April 18, 1996, No. 442 "On Approval of the Regulation on Port Fees" (ZP of Ukraine, 1996, No. 10, p. 302).
2. Resolution of the Cabinet of Ministers of Ukraine, dated September 8, 1997 No. 989 "On Introduction of Amendments to the Regulation on Port Fees approved by Resolution of the Cabinet of Ministers of Ukraine, dated April 18, 1996, No. 442" (The Official Bulletin of Ukraine, 1997, issue 37, p. 14).
3. Resolution of the Cabinet of Ministers of Ukraine, dated December 8, 1997 No. 1364 "On Amending the Regulation on Port Fees" (The Official Bulletin of Ukraine, 1997 p., issue 50, p. 90).
4. Resolution of the Cabinet of Ministers of Ukraine, dated June 10, 1998, No. 847 "On Introduction of Amendments to Resolutions of the Cabinet of Ministers of Ukraine on Issues of Port Fees" (The Official Bulletin of Ukraine, 1998 p., No. 23, p. 846).
5. Resolution of the Cabinet of Ministers of Ukraine, dated March 24, 1999, No. 445 "On Introduction of Amendments and Additions to the Regulation On Port Fees" (The Official Bulletin of Ukraine, 1999 p., No. 12, p. 481).

6. Resolution of the Cabinet of Ministers of Ukraine, dated October 19, 1999, No. 1929 "On Amending the Regulation on Port Fees" (The Official Bulletin of Ukraine, 1999, No. 42, p. 2104).

7. Resolution of the Cabinet of Ministers of Ukraine, dated April 25, 2000 No. 700 " On Introduction of Amendments and Additions to the Regulation On Port Fees" (The Official Bulletin of Ukraine, 2000 p., No. 17, p. 716).
