



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 № 602. Registered with the Ministry of Justice of the Republic of Kazakhstan on August 5, 2019 № 19199.

Unofficial translation

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 № 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 № 77 "On approval of the List of mandatory seaport services" (registered with the Register of state registration of regulatory legal acts as №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 № 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 at each entry into the port and departure of a ship from the port and shall be set for each gross registered ton of the ship.

2) Use of the services of the navigation center shall be carried out on a paid basis at prices (tariffs) approved by the authorized body in accordance with paragraph 1 of Article 156 of the Law of the Republic of Kazakhstan “On State Property”.

The procedure for the 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 № 162 (registered in the Register of state registration of regulatory legal acts № 12193).

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

The calculation of the price (tariff) for using the services of a navigation center for ships that do not have a tonnage certificate shall be made based on the conventional volume of the ship, calculated in cubic meters, by multiplying three dimensions of the ship - the greatest length, the greatest width and the greatest height of the ship's side, specified in the ship's documents, using a coefficient of 0.35.

The gross tonnage of barge tug trains, caravans and other composite floating objects (including rafts) when calculating the volume of services of the navigation center shall be determined as the sum of the gross tonnage of all elements of the composite floating objects. In the absence of gross tonnage for floating objects, the calculation shall be made according to the conditional volume of the floating object, calculated in cubic meters, by multiplying three values - the greatest length, the greatest width and the greatest 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 at each entry into the port and departure of the ship from the port and shall be set for each gross registered ton of the ship.

The price (tariff) for the services of the navigation center shall not be applied to warships and ships of the Navy of the Armed Forces of the Republic of Kazakhstan and the Border Service of the National Security Committee of the Republic of Kazakhstan, as well as ships attracted by state bodies to take measures on prevention and (or) liquidation of emergency situations of a natural and man-made nature, participation in activities to improve 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 registered ton of the ship.

4) The price (tariff) for the use of the berth for cargo operations shall be applied for the ship's stay at the berth for cargo operations and shall be set for each gross registered ton of the ship and shall be paid from ships moored at the berth (excluding the road berth).

The price (tariff) for the use of the berth for auxiliary (non-cargo) operations shall be applied during the ship's stay at the berth and shall be set for each gross registered ton of the

ship during the stay at the berth and shall be paid from ships moored at the berth (excluding the road berth).

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 registered ton of the vessel.

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

The price (tariff) for mooring services shall be set for one operation.

7) The price (tariff) for environmental protection measures shall be set for each day the vessel stays in the port.

8) The price (tariff) for quarantine services shall be set for one ship entry.

Footnote. Paragraph 5 is in the wording of the order of the Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated 02.06.2023 № 406 (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

6. When ships assigned to a given seaport enter the port to carry out non-cargo operations (replenishment of supplies, bunkering, waste disposal or other forced necessity) due to being at sea beyond the ship's autonomous operation period, the seaport owner (marine terminal operator) shall provide discounts for mandatory seaport services on the terms and in the manner specified by him, with the exception of state-regulated services.

When entering the port, the vessels assigned to the given seaport, engaged in fishing and breeding and (or) maintenance, cultivation of aquaculture objects in the sea and territorial waters of the Republic of Kazakhstan, the seaport owner (the sea terminal operator) shall provide discounts on mandatory services of the seaport on the terms and in the manner determined by it, except for services regulated by the state.

Footnote. Paragraph 6 is in the wording of the order of the Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated 02.06.2023 № 406 (shall be enforced upon expiry of sixty calendar days after the day of its first official publication); as amended by the order of the Minister of Transport of the Republic of Kazakhstan dated 24.09.2024 № 312 (effective ten calendar days after the date of its first official publication).

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 № 819 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

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