



Government of Aruba



## DIRECTORATE OF SHIPPING ARUBA

### **Aruba to levy 'anchorage', 'maintenance', 'sts' (lightering) and bunkering dues and fees as of April 1, 2015 *Revised 3 July, 2015***

The Minister of Tourism, Transport, Primary Sector and Culture on behalf of the Government of Aruba (GOA), through the Directorate of Shipping Aruba (DSA) has implemented Articles 35, 38, 39 and 40 of the Haven-en Rede verordening (AB 2012 no. 31) as of April 1, 2015.

Articles 35 and 38 seventh paragraph contains general measures, dictating that fees may be charged in connection with anchorage, maintenance, transshipment and bunkering activities in the Roadstead Areas part of the territorial waters of Aruba.

Transshipment shall mean any cargo not originally manifested for the port of Oranjestad, Barcadera and or San Nicolas, but landed in the Roadstead Area of Aruba and subsequently reshipped to other foreign ports.

The Roadstead Areas (Transshipment and Maintenance Areas) have been designated as such in a National Decree designating ports and roadstead areas, pursuant to Article 32 of Haven-en Rede verordening. (AB 2014 no.7)

#### A. Anchorage dues:

**Ships using the Transshipment or Maintenance Areas for anchorage purposes will need to pay anchorage dues.**

No vessel shall be allowed to anchor and or layup in the Aruba appointed Roadsteads, without prior explicit authorization from the Harbour Master and without a designated Shipping Agent. All vessels must anchor as instructed by the Harbour Master, and must not shift except on the instruction of the Harbour Master (See Harbour Master Policy Aruba 2012 Art. 3 and Art. 4).

To obtain authorization to anchor in the Transshipment Area the amount due is calculated as follows:

1. Fixed amount of Afl. 900 (US\$500) to cover the costs of managing the roadstead.
2. Anchorage dues for the Transshipment Area at Afl. 0,018 (US\$0.01) per deadweight tonnage (DWT) per day for a maximum period of 14 days, whether or not consecutive.
3. For a period longer than 14 days, from day 15 the day rate of Afl. 0,009 (US\$0.005) per DWT will be charged, whether or not consecutive.

Note: Parts 2 and 3 of the rate is calculated on the deadweight tonnage of the ship to a maximum of fifty thousand (50,000) DWT.

Vessels are exempted from the abovementioned dues in the following cases:

- a. If berth is taken (including anchoring) for "ship to ship" transfer (STS) operation, including bunkering;
- b. If awaiting for a berth slot in the port of Oranjestad, Barcadera and or San Nicolas no anchorage charges will be levied from the vessels up to a maximum of three (3) days;
- c. During a STS (lightering) operation in the Transshipment Area no anchorage charges will be levied from the vessels up to a maximum of three (3) days. Only STS (lighting) fees will be levied. Anchorage dues will only be levied for the period when the vessel is not discharging / receiving cargo.

#### B. Repairs / other maintenance

To obtain authorization to anchor in the Maintenance Area for performing repairs or other maintenance work on a vessel, anchorage dues is, notwithstanding Sections A, part 2, per DWT calculated as follows:

- Anchorage dues for the Maintenance Area at Afl. 0,045 (US\$0.025) per deadweight tonnage. The rate is calculated to a maximum of fifty thousand (50,000) DWT.
- An amount of at least Afl. 270 (US\$150) per day is due.

Vessels, other than foreign yachts, are to pay at all times the rate mentioned under A, section 1.

#### C. Maintenance and repairs companies to ships, based in Aruba

Companies, who wish to facilitate / execute repair or maintenance work (such as scamp-cleaning and underwater inspections, etc.) on vessels in the Maintenance Area, must obtain an annual permit at an annual fee of Afl. 18.000,- (US\$10,000).

In addition, the company will be charge an amount of Afl. 1.755,- (US\$975) for processing the application and the issuing of the permit.

D. Aruban Vessels

Vessels and or boats that are registered in Aruba are exempt from the fees referred to in sections A and B.

E. STS Permit

Companies (Service Providers) using the Transshipment Area for facilitating the transfer of objects or substances between vessels referred to in Article 38, first paragraph, of the Haven – en Rede verordening will need to acquire a STS permit. The following fees are payable by the enterprise referred to in Article 3, second paragraph, of the LBham 14-046.

- a. Processing the application and issuing a written authorization: Afl. 1.755,- (US\$975)
- b. Annual fee: Afl. 36.000,- (US\$20,000)

F. STS (lightering) fees

Service Providers facilitating STS (lightering) operations in the Transshipment Area will need to pay a fixed amount of Afl. 900 (US\$500) to cover the costs of managing the roadsteads.

Furthermore, vessels using the Transshipment Area for STS (lightering) operations **a flat fee of Afl. 0,054 (US\$0.03)** for all oil-related products will be levied per transferred barrel during an operation.

STS (lightering) dues will be levied only from the vessels (agent) which carry out the discharge operation.

STS (lightering) dues will not be levied from vessels engaged roadstead discharge for reducing the draft to enable its entry into the Oranjestad, Barcadera and or San Nicolas ports.

G. Bunkering fees

Bunkering is the process of supplying fuels to ships for their own use, with Aruba aiming to be an important bunkering port in the region. DSA will consider issuing new Bunkering Licenses (Bunker Supplier) to bona fide companies that will benefit the Aruban bunkering industry as a whole.

Companies facilitating bunkering operations in the Transshipment Area will need to pay a fixed amount of US\$500 per bunkering operation to cover the costs of managing the roadsteads. Furthermore, vessels using the Transshipment Area for bunkering operations **a flat fee of Afl. 0,45 (US\$0.25)** will be levied per transferred Metric Ton (MT) during a bunkering operation. Bunkering dues will be levied only from the vessel which carries out the discharge operation (Bunker Supplier).

To obtain a permit to conduct bunkering activities in the Transshipment Area the amount due is calculated as follows.

- a. Processing the application and issuing a written authorization: Afl. 1.755,- (US\$975)
- b. Annual registration fee: Afl. 36.000,- (US\$20,000)

Please Note:

Special supervision for environmental monitoring by DSA and other GOA officials for anchorage, maintenance, STS (lightering) and bunkering operation will be put in place. When supervision by DSA officials is implemented, additional posts of officers will have to be created with their own separate transport arrangements for shore to ship and ship to ship transportation during the period of anchorage and lightering, maintenance and or bunkering operation. This cost is already incorporated in the anchorage and maintenance fees and in the flat fee for lighterage and bunkering operations.

The GOA proposed rate of Afl. 0,054 (US\$0.03) per transferred barrel for transshipment operations and Afl. 0,45 (US\$0.25) per transferred MT for bunkering operations is to meet the costs incurred by other government departments in allowing such operations to take place. Anchorage, maintenance, STS (lightering) and bunkering operations involves the utilization of the Harbour Master and his office, DSA officials and other government services in relation to monitoring and control of movement of vessels, to ensure the safe and unhindered passage of vessels through the waters of the Transshipment Area and the Maintenance Area as well as preserving the marine environment in relation to monitoring pollution by oil and other harmful substances and the minimization of accidental discharge of such substances by ships in the waters of Aruba.

In recent years, a large number of STS (lightering) operations have been carried out while vessels are (at anchor) in the Transshipment Area, and this has continued to be an increasing trend. STS operations have proven advantageous to the facilitators as it made the vessel's call less expensive because these vessels do not incur mandatory port charges, which are incurred when STS (lightering) operations are conducted (cross-dock) inside a port.

The vessels carry the cargo, for which sea freight is charged from Port to Port. The cargoes are often being discharged on free out basis. It is presumed that said STS (lightering) charges are part of the sea freight; hence if cargo owners intend to transfer the cargo in the Transshipment Area, it is being undertaken for the vessel, shippers and or the beneficiary of the cargo. The coastal state (Aruba) has no control over the transshipment cargo. The STS facilitators and or the shippers may do all the operations. But, the vessels (agents / facilitators) have to ask for the permission to conduct the operation in Aruba waters. So, the vessel must also pay!

It is to be recognized that anchorages inside the roadsteads are generally meant for vessels to wait. Cargo operation is expected to be carried out at the harbor berths. For some reason, if STS (lightering) or bunkering takes place, the ports stands to lose revenue since anchorage fees are far too less than normal berth hire charges. Irrespective of certain compelling reasons like draft restriction, etc. for carrying out STS (lightering) or bunkering operations, the fact cannot be ignored that a vessel while carrying out STS (lightering) and or bunkering operations carries out a commercial activity. Consequently, the STS and or bunkering facilitators also have to pay a rate as prescribed for normal idling and or waiting (anchorage).

STS (lightering) dues are not levied from vessels engaged roadstead discharge for reducing the draft to enable its entry into the Oranjestad, Barcadera and or San Nicolas docks / piers. This means, this charge is levied only in the cases of such STS (lightering) operation of cargo meant for other ports or bunkering operations. It will be unreasonable to expect GOA continue to allow free of charge its facilities (Aruban Waters) to be used by vessels bringing cargo for other ports.