

Swedish Maritime Administration Code of Statutes



SJÖFS 2017:27

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Swedish Maritime Administration regulations on fairway dues:

approved 14 November 2017.

UNOFFICIAL TRANSLATION

In the event of disagreement concerning the interpretation and content of this text, the printed Swedish version shall have priority.

The following is stated¹ by the Swedish Maritime Administration, with the support of Section 9 in the Ordinance (1997:1121) on fairway fees.

Section 1 These regulations shall apply to the calculation of fairway fees for vessels in Sweden which load or unload cargo or leave or pick up passengers. The fairway fees comprise readiness fees, vessel-based fairway fees, and cargo and passenger-based fairway fees.

Readiness fees are calculated based on the vessel's net tonnage. The vessel-based fairway fees are calculated based on the vessel's environmental impact and net tonnage. The cargo-based fairway fees are based on the tonne weight of the cargo, and the passenger-based fairway fees on the number of passengers.

Definitions

Section 2 When applying Section 2 of the Ordinance on Fairway fees (1997:1121) and these regulations, the definitions set out in Sections 3-9 shall apply.

Section 3 The term *cargo* does not include

1. towed cargo whose total volume per trip is less than 100 cubic meters,
2. buses, trucks, train carriages, containers or any other equipment for transport of cargo or passengers, when the vehicle or the equipment is used for its purpose with or without cargo. Pallets, slings, and similar devices for handling cargo are equated with such equipment for transport of cargo,

¹See: Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (Text with EEA relevance).

3. consumables, supplies and equipment for the vessel or for another vessel belonging to the same shipowner, and the packaging of such goods,
4. empty containers belonging to the vessel's operator or owner,
5. baggage or other items that people on board have for personal use, but excluding cars or caravans,
6. cargo that owing to shipwreck, layup, reconstruction or other similar circumstances has been loaded on the same or another vessel for transport to the place of destination, or unloaded due to destruction of the cargo,
7. remains of cargo that have arisen during layup of the vessel or during reconstruction, repairs, cleaning, equipping, investigation or similar measures on the vessel, and
8. ballast water containing oil or water from flushed tanks or other waste incurred through operation of the vessel.

Section 4 *Maritime Single Window* refers to the Swedish national system for reporting formalities of vessels.

Section 5 *goods in transit* refers to cargo loaded onto vessels in Sweden within three months from the date that the cargo was unloaded in Sweden and which underwent no other handling in Sweden than loading, unloading, land transport or storage.

Section 6 *Passenger* refers to each person on board except

1. the captain
2. other crew
3. others on board conducting work on the vessel or other official duty concerning the vessel or operations conducted with the vessel,
4. salvor or salvor's assistants accompanying the vessel after its involvement in an accident at sea,
5. people being brought into harbour after having been rescued at sea, and
6. children under one year old,
7. persons being transported without fee.

Section 7 The definitions of certain vessel types are indicated below and in Section 8.

1. *Working vessels* refers to dredges, pontoon cranes, diving vessels, or other such vessels that are used exclusively for other tasks than transport, and where the task has a direct connection to shipping.
2. *Passenger vessel* refers to a vessel with a passenger vessel certificate

Section 8 *Cruise liner* refers to a passenger vessel that sails according to a previously published itinerary and stops in at least two ports excluding the departure port, and the cruise comprises at least 72 hours in addition to departure and arrival days.

Passengers who have arrived in a Swedish harbour on a cruise liner may go ashore during the layover without the vessel ceasing to be a cruise liner, if all passengers are on-board the vessel when it leaves the harbour.

If a passenger who has embarked or disembarked in a Swedish harbour is a cruise travel sales agent, tour guide, interpreter for the vessel’s passengers or journalist, this will not affect the assessment of the vessel as a cruise liner.

Section 9 *Net tonnage* refers to the net tonnage of the applicable tonnage certificate issued in accordance with the 1969 International Convention on Tonnage Measurement of Ships. If a tonnage certificate cannot be produced, an estimate of the net tonnage must be provided, or measures taken to establish this in accordance with further instructions from the Swedish Maritime Administration. For vessels without a tonnage certificate, the net tonnage is considered to be the equivalent of one tonne displacement multiplied by 0.6.

Debiting fairway fees

The fairway fees comprise readiness fees, vessel-based fairway fees, and cargo and passenger-based fairway fees.

Readiness fee

Section 10 A readiness fee is charged for the first five calls in one calendar month. For the first and second ports of call in one calendar month, a readiness fee will be charged for each call following the table below.

For the third to fifth calls in one calendar month, a lower fee will be paid. For the third call, 75 per cent of the fee in the table below will be charged. For the fourth call, 50 per cent, and for the fifth call, 25 per cent.

Net tonnage class	Readiness fee, SEK
0-999	780
1,000-1,999	2,970
2,000-2,999	5,830
3,000-5,999	9,290
6,000-9,999	17,060
10,000-14,999	24,790
15,000-29,999	31,750
30,000-59,999	36,410
60,000-99,999	42,630
100,000-	50,360

Environmental classifications when calculating vessel-based fairway fees

Section 11 When calculating a vessel-based fairway fee based on the vessel’s net tonnage, a fee will be charged depending on the vessel’s environmental classification. The environmental classification is based on a total number of points collated following the Clean Shipping Index (CSI). Existing environmental classes requiring a total number of points for the vessel in the different environmental classes are outlined in the table below. For a vessel

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to be placed in environmental categories A-C, the vessel must be verified in accordance with each time regarding verification requirements as per CSI.

Environmental classification	Total points
A	125-150
B	100-124
C	75-99
D	0-74
E	Vessels not linked to CSI

The environmental class held by the vessel at the start of the calendar month will then apply for the remainder of the calendar month.

Calculation of vessel-based fairway fees per environmental class

Section 12 For the first and second ports of call in one calendar month, the vessel-based fairway fee will be charged following the table below.

For the third to fifth calls in one calendar month, a lower fee will be paid. For the third call, 75 per cent of the fee in the table below will be charged. For the fourth call, 50 per cent, and for the fifth call, 25 per cent.

Net tonnage class	Vessel-based fairway fee, SEK			
	Environmental classification			
	A	B	C	D-E
0-999	260	780	2,330	2,590
1,000-1,999	990	2,970	8,900	9,890
2,000-2,999	1,940	5,830	17,480	19,420
3,000-5,999	3,100	9,290	27,860	30,960
6,000-9,999	5,690	17,060	51,170	56,860
10,000-14,999	8,260	24,790	74,380	82,640
15,000-29,999	10,580	31,750	95,250	105,830
30,000-59,999	12,140	36,410	109,230	121,370
60,000-99,999	14,210	42,630	127,880	142,090
100,000-	16,790	50,360	151,080	167,870

In the case of sea transport between Swedish ports, a readiness fee and vessel-based fairway fee is charged at all ports where goods are loaded or passengers taken on board until the five calls subject to payment have been reached per calendar month.

If the fairway fees calculated the vessel have been paid 5 times within a calendar month for one and the same vessel, the fairway fees for the rest of the month are only charged for cargo and passenger-based fairway fees.

Cargo and passenger-based fairway fees

Section 13 For cargo-based fairway fees, the calculation is based on cargo that is loaded or unloaded, pursuant to Section 4 of the Ordinance on Fairway fees (SFS 1997:1121), and is SEK 2.35 per tonne of cargo.

For low-grade cargo in bulk, the fee is SEK 1.18 per tonne of cargo. Low-grade cargo in bulk refers to goods listed in *Appendix 1* to these regulations.

Passenger-based fairway fees are charged at SEK 1.77 per passenger on board upon arrival and departure from the Swedish harbour.

A car or caravan that is taken on board for personal use is charged for a weight of one tonne.

When calculating cargo-based fairway fees, the total weight of the chargeable cargo is rounded up to the nearest whole tonne. If the calculation of dues results in a number with a decimal, the amount charged is rounded off to the nearest whole number in SEK.

Section 14 In assessing whether a cargo shall be considered as loaded or unloaded, the following applies.

1. Cargo shall not be deemed to be loaded if, after loading, it is unloaded from the vessel before it leaves the port or place of loading.

2. Cargo shall not be deemed to be unloaded if it is subsequently reloaded on the vessel before it leaves the port or place of loading.

3. Towed cargo shall be deemed to be unloaded only if it has been uncoupled from the towing vessel.

Section 15 If the cargo consists of forestry products and information about the gross weight of the cargo is missing, this may be calculated with the aid of the conversion numbers indicated in *Appendix 2* to these regulations.

If, as regards other cargo, information about the cargo's gross weight is missing or if the given weight information cannot be accepted, the ratio between the volume and the weight of the cargo can be established by the person responsible for declaration by having part of the cargo measured for weight and volume.

Reductions and exemptions from fees

Reduced fees for vessels in regular service to and from the remote zone

Section 16 For vessels in regular service, a 75 per cent reduction will be implemented on the part of the fairway fees based on the vessel-based fairway fees and the readiness fees, provided the following conditions are met:

1. at least two calls per month are made to a Swedish port,

2. the vessel is in regular service to and from the remote zone. Remote zone refers to the area of water that from a shipping perspective lies beyond the area bounded in the north by latitude 71°N, in the west by longitude 32°W, in the south by latitude 30°N and in the east by longitude 42°E,

3. all vessels in regular service shall belong to the minimum net tonnage class 7,

4. the vessel in regular service traffics the entire stretch,
5. a traffic timetable is delivered on a continuous basis to the Swedish Maritime Administration,
6. the cargo loaded on this side of the remote zone and unloaded at a Swedish location does not exceed one-tenth of the vessel's gross tonnage, and
7. cargo loaded on this side of the remote zone and unloaded at a Swedish location may not exceed one-tenth of the vessel's gross tonnage.

The dues paid will be reimbursed after an application in accordance with Section 19.

Fee exemptions for goods in transit

Section 17 Loaded transit cargo is exempted from cargo based fairway fees. The dues paid will be reimbursed after an application in accordance with Section 19. A condition for reimbursement is that fairway fees have been paid for both the loaded and the unloaded cargo.

Reduced fees for cruise liners

Section 18 For a cruise liner, the vessel-based, readiness and passenger based fairway fees is only paid at the first Swedish location during one and the same cruise. Fairway fees calculated on the vessel, passengers and readiness fees are entitled to a 70 per cent fee reduction for a cruise liner if at least 90 per cent of the passengers arriving at a Swedish harbour disembark from the vessel in connection with the end of a cruise and are exchanged for new passengers who embark on the vessel and start a cruise in the same harbour. The reduction applies to both the completed and the started cruise.

The reduction in fees in accordance with the previous paragraph will be reimbursed after application following Section 19.

Application for reductions and exemptions

Section 19 Fee reductions and fee exemptions pursuant to Sections 16–18 are reimbursed after an application for a refund has been received by and granted by the Swedish Maritime Administration.

The application must be filed quarterly and cover three months. It must be submitted to the Swedish Maritime Administration no later than the 15th of the month following a completed quarter, i.e., April, July, October, and January.

One condition for reimbursement is that the documents verifying the right to fee exemption or fee reduction on fairway fees is kept continually available for audit by the Swedish Maritime Administration. If there are any changes to transport arrangements that are eligible for reimbursement, the changes must be notified to the Swedish Maritime Administration as soon as possible.

Furthermore, the following applies

1. for reimbursement pursuant to Sections 16 the application shall contain the following information on each vessel that is engaged in regular liner service:
 - a) the name of the vessel,
 - b) the vessel's gross tonnage,
 - c) the number of port calls,
 - d) cargo that has been loaded and unloaded at locations on this side of the remote zone, and
 - e) paid fairway fees.
2. for reimbursement pursuant to Section 17, the application must also contain information about
 - a) transit cargo unloaded and loaded per port and vessel,
 - b) date of unloading and loading of transit goods, and
 - c) paid fairway fees for loaded transit goods.

Declaration and payment of fairway fee

Registration of fairway declaration

Section 20 A declaration in accordance with Section 6 of the Ordinance concerning fairway fees (SFS 1997:1121) shall be submitted to the Swedish Maritime Administration via Maritime Single Window. The declaration must be submitted no later than one week after the departure of the vessel.

If Maritime Single Window is not accessible for technical reasons and it is not possible to report via the portal, the declaration shall be made in accordance with the reserve procedures as published on the Swedish Maritime Administration website, www.sjofartsverket.se.

Payment of fairway fees with credit

Section 21 If the vessel operator or owner of the vessel, or the authorised representative of either, has signed an agreement with the Swedish Maritime Administration on credit for paying fairway fees under Section 22, the vessel may depart without the dues being paid.

Application for credit for payment of fairway fees

Section 22 An application for credit of fairway fees must be made on a form drawn up by the Swedish Maritime Administration, which is available on the Administration's website at www.sjofartsverket.se. The term credit agreement means, "Agreement on credit and certificate for electronic reporting of fairway declarations".

The conditions for obtaining credit are that the applicant has a Swedish organisation registration number or a VAT number, and the Swedish Maritime Administration judges the applicant to be creditworthy.

Registration of fairway declaration and payment of fairway fees without credit

Section 23 Those who do not have credit shall submit a fairway declaration to the Swedish Maritime Administration via Maritime Single Window, but pay the dues to the Swedish Maritime Administration's bank account, PlusGiro account or BankGiro account before the vessel departs from a Swedish harbour. The Swedish Maritime Administration will respond e-mail as soon as possible with information about the fairway fees to be paid. In this case, the dues shall be charged to the vessel's operator, the operator's agent or, ultimately, the owner of the vessel.

Payment of fairway fees must be substantiated by sending the receipt by e-mail to kundstod@sjofartsverket.se.

Periodic declarations

Section 24

For vessels in regular service according to a timetable given to the Swedish Maritime Administration beforehand, the Administration can allow declarations to be submitted periodically if the vessel's operator, owner or representative has credit agreement for the payment of fairway fees. The length of the period is a maximum of one calendar month and the declaration must be submitted to the Swedish Maritime Administration via Maritime Single Window no later than ten days after the end of the period covered by the declaration.

If permission has been granted for declarations to be submitted periodically, the vessel may depart without hindrance notwithstanding unpaid fairway fees.

Other provisions

Section 25 The owner of the vessel, or the person who reported the vessel for measurement, is responsible for payment of the costs for measures that need to be taken to establish the vessel's gross tonnage pursuant to Section 9.

These regulations will enter into force on 1 January 2018 when the Swedish Maritime Administration regulations on fairway fees (SJÖFS 2016:2), the Swedish Maritime Administration regulations (SJÖFS 2014:10) on conditions for environmentally differentiated fairway fees; will cease to be valid.

The Nitrogen Oxide Reduction Certificate valid at the time of these regulations coming into force will continue to be valid until the end of the validity stated on the certificate.

On behalf of the Swedish Maritime Administration

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Appendix 1

Cargo that is attributable to the statistical numbers below according to the Combined Nomenclature of the European Community shall be considered as low-value cargo in accordance with Section 13 of these regulations. The criteria for the definition of low-value cargo for import and export are:

- The cargo must be imported or exported in amounts greater than 20,000 tonnes at KN8 level.
- The NST cargo group to which the goods belong will have been transported at sea to a volume exceeding 1,000,000 tonnes.
- The cargo must have a value below SEK 1,200 per tonne.

KN8	Import	Export	KN8	Import	Export
03026180		X	25210000	X	X
10019099	X	X	25221000	X	X
10030090		X	25231000	X	X
10040000		X	25232900	X	X
25010031	X		25309098	X	X
25010051	X		26011100		X
25010099	X		26011200		X
25030010	X		27011900	X	
25051000	X	X	27030000	X	X
25059000	X	X	27040019		X
25062000	X		27040090		X
25081000	X		27131100	X	
25090000	X		28061000	X	X
25161100		X	28070000		X
25171010	X	X	28070010		X
25171020	X		28111980	X	
25171080	X	X	28211000		X
25172000		X	28273100	X	
25174100	X		28273920		X
25174900	X	X	28331100		X
25181000	X	X	28332980	X	
25182000	X		28365000	X	
25201000	X		31026000	X	
25202010	X		31052000	X	

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KN8	Import	Export
38040010		X
38249098	X	
38251000	X	
39159080	X	
44011000	X	X
44012100	X	X
44012200	X	X
44013020	X	X
44013040	X	
44013080	X	
44013100	X	X
44013980	X	
44013990	X	
44032011	X	X
44032019	X	X
44032031	X	X
44032039	X	X
44032091	X	
44039290	X	
44039959	X	
44039995	X	
68101910		X
68109190	X	X

Appendix 2

Conversions for forestry products

Group	Goods	Conversion	kg per volume unit
<i>Stripped pulp wood, winter</i>			
1.	Fir	920 kg/m ³ f pb 1020 kg/m ³ f ub 590 kg/m ³ t	
2.	Spruce	860 kg/m ³ f pb 990 kg/m ³ f ub 550 kg/m ³ t	
3.	Birch	910 kg/m ³ f pb 1070 kg/m ³ f ub 510 kg/m ³ t	
4.	Aspen	765 kg/m ³ f pb	
5.	Beech	1050 kg/m ³ f pb 580 kg/m ³ t	
6.	Oak	1000 kg/m ³ f pb	
<i>Stripped pulp wood, summer</i>			
7.	Fir	800 kg/m ³ f pb 880 kg/m ³ f ub 510 kg/m ³ t	
8.	Spruce	720 kg/m ³ f pb 840 kg/m ³ f ub 460 kg/m ³ t	
9.	Birch	870 kg/m ³ f pb 1010 kg/m ³ f ub 490 kg/m ³ t	
<i>Fresh timber</i>			
10.	Sawed timber – fir	1150 kg/m ³ to 910 kg/m ³ f ub 810 kg/m ³ f pb	
11.	– spruce	1100 kg/m ³ to 850 kg/m ³ f ub 760 kg/m ³ f pb	
12.	– birch	1250 kg/m ³ to 1020 kg/m ³ f ub 880 kg/m ³ f pb	
13.	– beech	1060 kg/m ³ f ub 1000 kg/m ³ f pb	
14.	– oak	1150 kg/m ³ f ub 1000 kg/m ³ f pb	
15.	Cellulose chips from fir or spruce	325 kg/m ³ to	

Group	Goods	Conversion	kg per volume unit
16.	Residual cuttings from fir or spruce, – uncompressed	150 kg/m ³ t	
17.	– compressed	300 kg/m ³ t	
18.	– fuel chips	340 kg/m ³ to	
19.	– coarse crush	300 kg/m ³ to	
20.	Stumps of fir or spruce –unpacked	200 kg/m ³ to	
21.	– packaged	270 kg/m ³ to	
22.	Wood items from fir	275 kg/m ³ t or spruce	

Forest-dried timber

23.	Sawed timber – fir	1025 kg/m ³ to 805 kg/m ³ f ub 715 kg/m ³ f pb	
24.	– spruce	1000 kg/m ³ to 765 kg/m ³ f ub 690 kg/m ³ f pb	
25.	Cellulose chips from fir or spruce (calibration dry)	200 kg/m ³ to	
26.	Residual cuttings from fir or spruce – uncompressed	110 kg/m ³ t	
27.	– compressed	215 kg/m ³ t	
28.	– fuel chips	240 kg/m ³ to	
29.	– coarse crush	215 kg/m ³ to	

Processed forest products

30.	Sawn softwood goods	550 kg/m ³	
31.	Planed softwood products	450 kg/m ³	
32.	Particle board	650 kg/m ³	
33.	Fuel briquettes	190 kg/m ³ to	
34.	Fuel pellets	215 kg/m ³ to	

Volume units

m ³ f pb	cubic metres fixed measurement on bark
m ³ f ub	cubic metres fixed measurement under bark
m ³ to	cubic metres top measured under bark
m ³ t	cubic metres tipped measurement
m ³ s	cubic metres stacked measurement

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Remarks

Forest-dry wood involves 2-3 months drying during the May – October period. Summer refers to the period between 15 May and 15 September. Winter refers to the period between 16 September and 14 May.