



IMPLEMENTING REGULATION No.003/2019/COM/UEMOA

SETTING THE AMOUNTS AND THE PROCEDURES FOR THE COLLECTION AND ALLOCATION OF THE FEE LEVIED ON COMMUNITY AND FOREIGN SHIPPING LINES WHICH OPERATE AN INTERNATIONAL TRANSPORT SERVICE

**THE COMMISSION OF THE WEST AFRICA ECONOMIC
& MONETARY UNION (WAEMU),**

- Having regard to** the Treaty of the West Africa Economic & Monetary Union (amended);
- Having regard to** Additional Protocol No. II relating to the sectoral policies of the WAEMU;
- Having regard to** Regulation No. 02/2002/CM/UEMOA of 23 May 2002 on anti-competitive practices within the WAEMU;
- Having regard to** Regulation No. 03/2002/CM/UEMOA of 23 May 2002 on antitrust procedures within the WAEMU;
- Having regard to** Regulation No. 04/2002/CM/UEMOA of 23 May 2002 on State aid within the WAEMU and the procedures for applying Article 88 (c) of the Treaty;
- Having regard to** Regulation No. 02/2008/CM/UEMOA of 28 March 2008 on maritime transport within the WAEMU;
- Having regard to** Directive No. 04/2008/CM/UEMOA of 28 March 2008 relating to the establishment of a harmonised institutional framework for the maritime subsector within the WAEMU;
- Aware** of the importance of maritime transport services to the economic development of the States in the Union;
- Aware** of the impact of the development of maritime transport services on living costs for the populations;
- In a bid to** establish the development fund for the maritime subsector as soon as possible;

ADOPTS THE IMPLEMENTING REGULATION WHOSE CONTENT IS AS FOLLOWS:

Article 1: Subject:

In application of the provisions of Regulation No. 02/2008/CM/UEMOA of 28 March 2008 concerning maritime transport within the UEMOA, this Implementing Regulation aims to establish the amounts and the practicalities for collecting and allocating the fee levied on community and foreign shipping lines which operate an international transport service.

Article 2: Fee amount

In accordance with the goods manifest, the fee amounts due in the Union port where the commercial operations are carried out, is fixed as follows:

- CFAF 1,000 per tonne of goods for import;
- CFAF 800 per tonne of goods for export.

Each State shall determine those goods which are exempt from the traffic rights fee.

Goods under transshipment or in transit are not liable for the fee charged by the coastal States.

Article 3: Payor of the fee

The fee must be paid, through the consignee, by any Community or foreign shipping line conducting operations as referred to in Article 1 hereabove, in the framework of an international transport service.

Under no circumstances may the shipowner pass the fee for the enjoyment of traffic rights through the State onto the goods.

Article 4: Collection of the fee

The fee is collected by the Maritime Authority of the coastal State or the landlocked State or by any other organisation so designated by the State through which the goods pass. In the case of States without a sea coast, the coastal State shall provide to the landlocked State all facilities required for such collection.

The shipowner must settle the relevant invoice through its consignee within a period of thirty (30) days from the date of the ship's arrival and departure.

Article 5: Penalties

Any non-payment of the fee within the prescribed time period shall incur a penalty of 1% for each day of the delay.

If, thirty (30) days after the due date, the consignee has not settled the invoice, their certification will be suspended across all States of the Union after issuance of a formal notice by the Maritime Authority.

A copy of the suspension is sent to the Commission and to the other member States. All the Maritime and Port authorities of the Union are required to cooperate to ensure the effectiveness of this measure.

Article 6: Distribution of the fee

The fee is intended to fund the development of the maritime subsector and goes into the national fund and a regional fund as provided for by Article 15, paragraph 2 of Regulation No. 02/2008/CM/UEMOA of 28 March 2008 on maritime transport within the WAEMU.

The allocation key is [90/10] i.e. ninety percent (90%) for the National Fund and ten percent (10%) for the Regional Fund.

Article 7: National Fund

The National Fund must be exclusively used for the development of the maritime, inland waterway and lagoon transport subsector. It is managed by the competent Maritime Authority or by any other organisation created for this purpose, in a special account to be used in particular for the financing of:

- expenditure relating to investing in, equipping and operating the Maritime Authority;
- contributions by the State involved towards certain subregional and international maritime organisations;
- support for the development of the maritime, inland waterway and lagoon transport subsector.

The WAEMU Commission shall report annually on the use of the member States' National Funds.

Article 8: Regional Fund to develop the maritime subsector

The competent Maritime Authority shall pay its quota of the allocation key set out in Article 6 of this Implementing Regulation to the Commission, on an annual basis.

The Regional Fund for the development of the maritime subsector in the Union is managed by the WAEMU Commission and must be deployed to finance the Community programme for the maritime subsector.

Article 9: Entry into Force

This Implementing Regulation enters into force from the date it is signed and will be published in the Official Bulletin of the Union.

[Stamp and signature]

Signed in Ouagadougou, 4th March 2019

On behalf of the Commission

The President

[Stamp: Abdallah Boureima]