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भारत सरकार/Government of India
पत्तन, पोत परिवहन और जलमार्ग मंत्रालय /Ministry of Ports, Shipping and Waterways
(सागरमाला/Sagarmala)

तीसरा तल, पी.टी.आई बिल्डिंग/ 3rd Floor, PTI Building
4, संसद मार्ग / 4, Parliament Street,
नई दिल्ली / New Delhi
दिनांक / Dated: 16th June, 2022


Notice

Subject: Comments / Suggestions on Draft Guidelines for Operationalization of Ro-Ro and Ro-Pax ferry service along the coast of India

The Ministry of Ports, Shipping and Waterways (MoPSW) intends to develop RO-RO/RO-Pax ferry service along the coast of India connecting various Major Ports and non-Major Ports. In this regard, Ministry has formulated draft Guidelines for operationalization of Ro-Ro and Ro-Pax ferry service along the coast of India (guidelines are attached at **Annexure I**).

2. MoPSW solicits comments / feedback from stakeholders/ public in respect of the draft Guidelines latest by 6th July, 2022. The comments/ feedback may be provided as per the format provided in **Annexure II** preferably on the email ID: sagar.mala@gov.in / h.verma@nic.in or in hard copy to: Under Secretary(Sagarmala), Ministry of Ports, Shipping and Waterways, 3rd Floor, PTI building, 4, Parliament Street, New Delhi.

Encl: As above


16/06/2022

(Sanjay Kumar)

Under Secretary to the Government of India

Tel no.: 011-2371471

To,

1. Chairman, NITI Aayog
2. Chairman, All Major Ports
3. Principal Secretary, Ports Department, Coastal States (Gujarat, Maharashtra, Goa, Karnataka, Kerala, Tamil Nadu, Andhra Pradesh, Odisha, West Bengal)
4. Administrators, Union Territories (Daman & Diu, Puducherry, Andaman & Nicobar Islands, Lakshadweep Islands)
5. CEO, State Maritime Boards (Gujarat, Maharashtra, Goa, Karnataka, Kerala, Tamil Nadu, Andhra Pradesh, Odisha, West Bengal)
6. On Ministry of Ports, Shipping and Waterways website for public

Draft Guidelines
for Operationalization of Ro-Ro and Ro-Pax ferry
service along the coast of India

Operationalization of Ro-Ro and Ro-Pax ferry service along the coast of India

Draft Guidelines

Scope

Ministry of Ports, Shipping and Waterways (MoPSW) intends to develop RO-RO/RO-Pax ferry service along the coast of India connecting various major ports and non-major ports.

The RO-RO/RO-Pax terminals would be developed and operated at major ports and non-major ports through private participation and the concession is to be awarded by the Concessioneing Authority (Major Port or State Maritime Boards or other implementing agency) to Concessionaire taking into consideration **Section A** 'Grant of Concession for Terminal Operator for Ro-Pax Vessel' of these guidelines. Guidelines in Section may also be taken into consideration, if the existing terminal is utilized for RO-RO/RO-Pax operation or the Authority is developing the existing terminal and subsequently, Operation and Maintenance contract is to be awarded by Concessioneing Authority to Concessionaire.

Similarly, RO-RO/ RO-Pax ferry service would be operated through private participation between the given O-D pairs and the route license is to be given to Licensee taking into consideration **Section B** 'License Agreement for Operation of Ro-Pax Vessel and Fast Passenger Ferry' of this guideline.

Section A: **Grant of Concession for Terminal Operator for Ro-Ro/ Ro-Pax Vessel**

1. **Identification of project**

Concessioneing Authority needs to identify and determine whether the Terminal for RO-RO / RO-Pax vessel operation can be developed with an existing facility with modification & upgradation or entirely a new facility needs to be developed. Concessioneing Authority may carry out the feasibility study to assess the technical and commercial feasibility of the project, before floating the tender.

The feasibility study carried out by the Concessioneing Authority is for guidance purpose only and Concessionaire may assess the market potential of the RO-RO/ RO-Pax terminal before bidding for the project.

2. **Concession Period**

The Concession may be granted to the Concessionaire for a period of 15 years commencing from the Date of Award of Concession.

3. **Project Clearance**

Concessioneing Authority is to procure the requisite statutory clearances required for the Project that would constitute clearances for Project Site including the clearance from Ministry of Environment, Forest and Climate Change (MoEF&CC) and in principle clearances for the Project. The list of clearances needs to be obtained by the Concessionaire is to be specified by Concessioneing Authority in the Concession Agreement.

4. **Collection of Fees/Tariff by the Concessionaire**

Concessionaire shall have the sole and exclusive right to demand, collect and appropriate Fees/Tariff from the Users for the provision of the Terminal Facilities and Services, as per Fees/Tariff approved by the Concessioneing Authority or such other competent authority under the Applicable Laws.

However, Concessioneing Authority shall notify the ceiling tariff for all types of services that would be provided by the Concessionaire.

5. **Standards**

Concessioneing Authority may provide the Construction Standards, Operations and Maintenance Standards and Safety Standards as the part of the Concession Agreement, which is to be followed by the Concessionaire.

6. **Penalties for non-performance**

Pre-specified penalties shall be recovered from the Terminal Operator for failure to meet the prescribed performance standards and outcomes. The performance standards and outcomes to be decided by the Concession Authority based on the site condition and other parameters. Monthly review is to be carried out by the Concession Authority to ensure that performance standards and outcomes are achieved by the Concessionaire.

Section B: **Grant of License for Operation of Ro-Pax Vessel and Fast Passenger Ferry**

1. **Identification of O-D Pair**

For operating RO-RO / RO-Pax ferry service, Licensor needs to identify the Origin – Destination Pair with the approval of Competent Authority. License of the various O-D pairs to be awarded based on the competitive bidding process.

Licensor may carry out the feasibility study to assess the technical and commercial feasibility of the project, before floating the tender.

The feasibility study carried out by the Licensor is for guidance purpose only and the Licensee may assess the market potential of the RO-RO/ RO-Pax route before bidding for the project.

In case, if there are multiple Concessioneing Authorities, all Concessioneing Authorities should finalize the route and formulize it through MoU in agreement so that same route is not awarded.

2. **License period**

License period will be for a period of 10 years commencing from the Date of Award of License

3. **Exclusivity of the routes**

The Licensor shall not provide any additional License for the specific O-D pair either on its own or through any other Person until the earlier of

- a. 7 (seven) years from the Date of Award of License; or
- b. the average monthly total occupancy in the immediately preceding six months period of Ro-Pax Services by the Licensee on the Route reaches a level of 70% (seventy percent) of the Project Capacity ("**Exclusivity Period**").

However, this 'Exclusivity Period' is not applicable during any festival seasons, major events or during any emergency during which the Licensor may award the license for other operators also operate for a maximum period of 30 days.

4. **Right of First Refusal (RoFR)**

- a. RoFR in case of Expiry of License Period

Right of First Refusal (RoFR) is to be provided to the existing operator after the expiry of the license period. Under the RoFR norms, the existing operator will be asked to match the highest Royalty quoted by the bidders in the bidding process only if the existing operator bid is equal or less than 10% of the highest Royalty offered.

b. Right of First Refusal in case of route offered in immediate vicinity of 50 km

Right of first Refusal to be given to existing Licensee in case of bidding of any new route (applicable only in case both Origin and Destination are located within 50 km) which is located within the vicinity of 50 km. Under the RoFR norms, the existing operator will be asked to match the highest Royalty quoted by the bidders in the bidding process only if the existing operator bid is equal or less than 10% of the highest Royalty offered.

For avoidance of doubt, the above norm may not be applicable in case only Origin or Destination is located within 50 km.

5. Slot allocation

In case of multiple operators on the same route, slot allocation during peak hours shall be based on auction for the route. Such allotment of the slot shall be rotational on yearly basis.

6. Vessel Parameters

The Private entities will be allowed to select the vessel configuration as per their experience, in line with the market demand, terminal specification and draft available. Age of the vessel should not be more than 15 years during deployment for operation and vessels more than 25 years shall not be allowed to operate in normal circumstances. However suitable checks as per the norms of Classification Society (IR Class or other Class) and Registration authority / DG Shipping should be done in case the Vessel is older than stipulated age.

Operation and maintenance of the vessel would be governed by the standards to be laid down by Classification society (Class) and Registering authority. The maintenance of the vessels shall be the responsibility of Licensee. For minor repairs, Licensor may provide the berth to Licensee in the existing terminal or a space in proximate area on as is where basis, at sole discretion of Licensor. The Licensee to bring its manpower, tools as required for undertaking the maintenance obligations. The Licensee shall be responsible to undertake the regular survey as specified by Classification Society (IR Class or other Class) and Registration authority / DG Shipping to ensure the sea worthiness of the vessel.

7. Determination of Fare

The private entities shall have a freedom to decide on the fare to be charged from the passengers, truckers etc, however, Licensee shall fix the fare keeping in mind the existing fare in alternative mode of transport to attract more passenger and cargo on waterway/coastal mode.

8. Penalties for non-performance

Pre-specified penalties shall be recovered from the Operator for failure to meet the prescribed performance standards and outcomes. The performance standards and outcomes to be decided by the Licensor based on the site condition and other parameters. Performance parameters may include duration of Journey, time taken in berthing and de-berthing of the vessel, time taken in ingress and egress of the passengers, cargo and trucks, readiness of the vessel for on time departure from the

origination point etc. Monthly review is to be carried out by the Licensor to ensure that performance standards and outcomes are achieved by the Licensee.

9. Implementation of online portal and appointment of nodal officer

An online portal is to be developed by the licensee, for facilitating online ticket booking through website and through mobile application. The portal is to have the option for getting the feedback from the passengers and this passenger feedback needs to be administrated by Licensor and the Concessioning Authority.

A nodal officer needs to be appointed by both the Licensee (Vessel Operator) and the Concessionaire (Terminal Operator) to resolve the passenger grievance. The contact number of the nodal officers is to be displayed in the terminal and also on the ferry.

