

Offshore Wind & The History of Cabotage Law



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OFFSHORE WIND COMMITTEE

FALL 2020 MEETING

What is Cabotage?

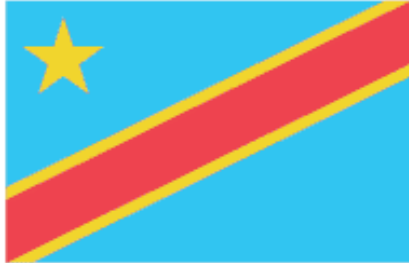
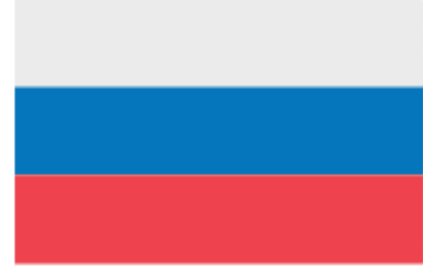
- Cabotage laws cover a wide range of trades, services, and activities, carriage of goods and passengers being most common
- Principle of reserving a nation's maritime and shipping trades, services, and activities for its citizens
- Constantly evolving
- Widespread amongst the world's maritime nations

Cabotage Objectives

- Maintain national security
- Promote fair competition
- Develop human capacity
- Create jobs
- Promote ship ownership
- Increase safety and security of ships in port
- Enhance marine environmental protection
- Preserve maritime knowledge and technology



Cabotage Exists Across All Political, Economical and Legal Systems





80% of world's coastlines of UN maritime states have cabotage laws

91

91 UN member states
have cabotage laws



80% of world's coastlines
have cabotage laws

International Cabotage

- No single legal definition
- Each tailored to meet national interests of individual states
- "Cabotage" is not always mentioned in national laws

British Cabotage History

- British Navigation Acts
- Disagreement with North American colonies
- American Revolution

United States Cabotage History

- First Congress' second law
- Second Congress
- 1804, after the ratification of Louisiana Purchase
- 1812, before and after War of 1812
- 1813: unlawful to employ foreign seamen unless deficiency of US seamen
- 1817: fishing vessels
- 1819: coasting trade law amended

United States Cabotage History cont'd

- 1825: enrollments and licenses
- 1830: tonnage duties abolished
- 1848: yachts permitted to operate between U.S. ports without making entry
- 1886: foreign vessels transporting passengers between U.S. ports
- 1898 statute
- Shipping Act of 1916
- Merchant Marine Act of 1920 (aka the Jones Act)

Introduction to Merchant Marine Act of 1920

- Transportation of goods and people between 2 ports in the U.S., generally restricted to U.S.-flagged, U.S.-crewed, U.S.-built, and U.S.-owned vessels
- "It is necessary for the national defence and the development of the domestic and foreign commerce of the United States that the United States have a merchant marine..."

Cabotage Laws in Offshore Wind Industry

- Each offshore wind farm structure considered a separate point
- Koff Rulings
- Vessel equipment