

The Swiss Rhine Ports as an institution

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For most of the twentieth century, the ports were run separately by the two half-cantons. Basel-Stadt administered Kleinhüningen and the St. Johann port through its Rhine Navigation Directorate, while Basel-Landschaft managed the ports at Birsfelden and Au through its own port authority. The separation reflected the partition of the canton in 1833 and produced duplicate administrations on a stretch of river only a few kilometres long. Proposals to merge them were discussed for decades before the two parliaments adopted a joint solution.¹

Since 1 January 2008, the ports have been operated by the Swiss Rhine Ports (*Schweizerische Rheinhäfen*, SRH), an autonomous institution under public law established by an intercantonal treaty between Basel-Stadt and Basel-Landschaft.² The institution has its own legal personality, a board of directors appointed by the two cantons and a management based in Basel. The cantons own the port land and have transferred its management to the institution, which leases plots to private operators of terminals, tank farms and warehouses under building rights or lease agreements. The Swiss Rhine Ports follow the landlord port model that prevails in the large seaports of Northern Europe: the public body provides the infrastructure, plans the development of the port and supervises navigation, while private companies carry out the handling and storage of goods.

The landlord model has legal consequences that matter to investors and operators. The building rights granted on port land run for long periods, often several decades, and carry conditions on the use of the land, on the volumes to be handled by water and on the payment of fees. When a lease expires or a plot is needed for another purpose, the negotiations between the port authority and the operator raise questions of compensation for the buildings erected on the land and of the reversion of installations. Several of the disputes that accompanied the restructuring of the port in the last two decades concerned exactly such questions.³

The institution also exercises public functions. It acts as the authority for navigation on the Swiss stretch of the Rhine between Rheinfelden and Basel, issues certain permits, enforces the Rhine police regulations in the port area and represents Switzerland in technical bodies. The federal government remains responsible for the international relations concerning the Rhine and for the federal legislation on navigation, while the Swiss Maritime Navigation Office, a federal authority responsible for ships under the Swiss flag on the high seas, also has its seat in Basel.⁴

1 Notes

1. On the earlier separate administration of the ports by the Rheinschiffahrtstriedition Basel and the Rheinhäfen des Kantons Basel-Landschaft, see the historical overviews published by the Swiss Rhine Ports and HLS, article "Rheinhäfen". To be verified. ↩
2. Treaty between the cantons of Basel-Stadt and Basel-Landschaft on the merger of the Rhine ports into the institution "Schweizerische Rheinhäfen" (Staatsvertrag über die Zusammenlegung der Rheinschiffahrtstriedition Basel und der Rheinhäfen des Kantons Basel-Landschaft), in force since 1 January 2008; see the cantonal law collections of both cantons. Title and date to be verified. ↩
3. On the granting of building rights (Baurechte, Art. 675 and 779 ff. Swiss Civil Code) on port land and the conditions attached to them, see the port regulations and annual reports of the Swiss Rhine Ports. To be verified. ↩
4. On the Swiss Maritime Navigation Office (Schweizerisches Seeschiffahrtsamt, SSA) in Basel, attached to the Federal Department of Foreign Affairs, and its tasks under the Federal Act of 23 September 1953 on Maritime Navigation under the Swiss Flag (Maritime Navigation Act, SR 747.30), see the website of the office. To be verified. ↩

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