

Niedersachsen Ports GmbH & Co. KG

Branch Brake

(NPorts)

Port Tariff

Price and Conditions Schedule

for the Ports of Fedderwardsiel and Großensiel

in effect as of January 1st, 2018

§ 1

Scope, Harbour Dues

- (1) This schedule applies within the Ports of Fedderwardsiel and Großensiel:
- (2) This schedule determines the dues for the usage of the Ports of Fedderwardsiel and Großensiel. The Niedersachsen Ports GmbH u. Co. KG levies:

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§ 2
Harbour Dues

- (1) For each call by a watercraft and floating equipment into port, as well as for the usage of berths and water surface areas, harbour dues have to be paid. Debtor of such harbour dues are the ship's management company, the owners and the charterers, jointly and severally.
- (2) The ship's master has to surrender the particulars, necessary for the calculation of the harbour dues, to Niedersachsen Ports GmbH & Co. KG immediately after arrival. Niedersachsen Ports GmbH & Co. KG may demand the submittal of the ship's certificate of measurement and other certifications, if need be. Should the required evidence not be submitted, Niedersachsen Ports GmbH & Co. KG will calculate the relevant calculation criteria at debtor's expense.

§ 3
Harbour Dues for Oceangoing Vessels

- (1) The harbour dues for oceangoing vessels are calculated on the basis of the gross tonnage (GT) in accordance with the London Convention (ITC 69), the vessel type and the trading area.

For oceangoing vessels, that do not fall under the London Convention, a measurement by Gross Registered Tons (GRT) can also be applied (1 GRT = 1 GT)

Should the measurement for the GT or GRT yield multiple measurement results, then the harbour dues are levied based upon the higher value.

Should no GT or GRT measurements be available, Niedersachsen Ports shall determine the GT or GRT at its equitable discretion in some other appropriate manner.

Oceangoing inland water vessels (crossing the maritime border as defined within the Flaggenrechtsverordnung (FIRV/ Maritime Flag Ordinance)), will be treated like oceangoing vessels. Should no GRT-measurements be available, then 2 tons of deadweight capacity are assumed to equal 1 GT.

- (2) The harbour dues for the day of call and the 5 days thereafter combined amount to 0.1263 EUR per GT.

For each subsequent day of stay at the port the harbour dues will be charged at 20% of those amounts.

- (3) For offshore vessels, getting jacked up in the port area, an additional fee of 0.8135 EUR per square meter of occupied water surface area is levied on top of the harbour dues as per § 3 for each commenced 24 hours. The area is calculated based upon the product resulting from the widest width times the longest length.
- (4) Notwithstanding §§ 2 and 3 (1), the harbour dues for Crew Transfer Vessels (CTV) is levied based upon the length of the craft.

A crew transfer vessel (CTV) is a ship used chiefly for shuttling offshore employees and their luggage and tools to and from their work place on various types of offshore facilities. CTVs do not serve as passenger or dwelling ships.

For the day of call and the following day combined, for each meter and partial meter, it amounts to 1.00 EUR. For each subsequent day of stay at the port the amount will be charged for each 24 hour time period commenced.

§ 3 a
Harbour Dues for Fishing Vessels

- (1) Notwithstanding § 3 Section 2, the harbour dues for fishing vessels, which commercially discharge or load exclusively fish, fish products (not canned or consumer packaged) or other marine animals of their own catch amounts to 0.0918 EUR per GRT and for crafts measured by GT, to 0.0574 EUR per GT for each day of port usage, but at least 10.00 EUR per port-call.
- (2) Instead of the daily harbour dues, a monthly or annual flat fee can be paid for the usage of all sea-ports belonging to NPorts. The monthly lump sum for a craft measured by GRT amounts to the twelvefold and for those measured by GT the twentyfold of the harbour dues stipulated in paragraph 1. The annual lump sum amounts to the sixfold of the monthly lump sum. Payment of a monthly or annual lump sum does not constitute the right to a particular berth.

§ 3 b
Harbour Dues for Passenger Ships

- (1) Notwithstanding § 2 Section 1, § 3 Section 2 and § 4, the harbour dues for passenger ships and other vessels approved for the transportation of passengers amount to 0.1376 EUR per GT for each day of usage of the port.
- (2) In lieu of the daily harbour dues, a monthly or annual flat fee can be paid. The monthly flat fee amounts to the twentyfold of the harbour dues stipulated in Section (1). The annual flat fee amounts to the fivefold of the monthly flat fee.

§ 4
Harbour Dues for Inland Water Vessels

- (1) The harbour dues for inland water vessels are calculated based upon the payload of the vessel. For the day of call and the following 6 days combined, it amounts to 0.1263 EUR each ton of payload.
- (2) For each additional week, the harbour dues are reduced to 50% of the amount stipulated in section (1).
- (3) For inland water vessels calling the port in excess of 20 times per calendar year for discharging or loading, the harbour dues may be reduced to 50% of the amount stipulated in Section (1).

§ 4 a
Harbour Dues for Inland Passenger Ships

Notwithstanding § 2 Section 1 and § 4, the harbour dues for passenger ships and other ships approved for the transport of passengers amounts to
 20.24 EUR per day.

For ships operating on a schedule, the harbour dues are reduced to 50% of this amount.

§ 5
Harbour Dues for Pleasure Crafts and Traditional/Historic Vessels

(1) Notwithstanding §§ 3 and 4, the harbour dues for pleasure crafts and traditional ships for each commenced 24-hour period are calculated based on the length of the vehicle according to the table below.

Length in m	Rate for each commenced 24 hours
up to 8 m	€ 10.00 incl. VAT
up to 12 m	€ 15.00 incl. VAT
up to 16 m	€ 20.00 incl. VAT
up to 20 m	€ 25.00 incl. VAT
from 20 m	€ 30.00 incl. VAT
Day mooring (up to 4 hours)	50 %

(2) Permanent users may pay a lump sum for harbour dues. It amounts to:

the summer time (04/01 until 10/31)	90 fold,
the winter time (1/11 until 03/31)	25 fold

of the harbour dues stipulated in section (1).
 Payment of a lump sum does not constitute the right to a particular berth.

(3) Within the period, for which harbour dues are paid for one of the ports belonging to NPorts, the berthing in all of NPorts' ports is permitted, as long as a free berth is available.

(4) The harbour dues for multi-hull boats are 50% higher.

§ 6
Harbour Dues for Special Watercrafts

Notwithstanding §§ 3 and 4 the harbour dues per each commenced day for tug boats and other crafts used in the process of the positioning of ships into their berths, for floating equipment and other crafts that are not named at another location of the schedule, are charged per square meter of occupied water surface, the total of which resulting in the product of widest width times longest length, at 0.0918 EUR per square meter. Instead of the daily harbour dues, a monthly or annual flat fee can be paid. The monthly lump sum amounts to the 20 fold of the harbour dues stipulated in the first sentence, the annual lump sum amounts to the 6 fold of the monthly lump sum.

§ 7
Waivers of the Harbour Dues

Exempted from harbour dues as per §§ 3 to 6 are:

- a) Watercrafts owned by the federal government, by a German state or by a foreign state, unless they are relinquished to an entrepreneur in order for him to earn a living by using the vessel for commercial gains.

This stipulation does not apply towards war ships and military supply vessels that discharge or load military or other goods that are not meant for consumption aboard said ship.

This stipulation does not apply towards any entitlement for permanent berth, either.

- b) Maritime Rescue Vessels.
- c) Tug boats calling the port to assist other ships, as well as crafts that commercially undertake services within the port (supply and disposal services for other crafts), as long as they do not occupy a berth themselves.
- d) Traditional/historic vessels, participating in events for traditional vessels, and pleasure boats, participating in water sports competitions, for the duration of the event, with a maximum of 7 days, as long an attestation by the authority approving the event is provided or by the association/federation in charge, which reveals the type and duration of the event.

§ 8
Reductions to the Harbour Dues

Discounts for particularly environmentally friendly ships

- a) Environmental Ship Index (ESI):

As a member of the "World Port Climate Initiative (WPCI)", Niedersachsen Ports grants ships, which are particularly environmentally friendly, discounted harbour dues. A reduction of harbour dues for ships calling the port can only be granted, as long as the WPCI ESI certificate is presented at the time of ship's arrival registration and the appropriate, predetermined ESI value (see below) is reached. Any subsequent applications are excluded. The discount is only granted upon harbour dues, after deduction of any other potential concessions. The "Terms of Use for the ESI Website" as amended from time to time do apply.

A maximum of 10 ships' calls per owner/operator for each port, with an ESI value of ≥ 20.0 will be entitled to a discount every validity period (calendar year) towards the payable harbour dues in the following increments:

ESI value 20.0 up to 30.0 = 2.5% discount

ESI value 30.1 up to 50.0 = 5% discount

ESI value > 50.1 = 10% discount

- b) ECO Fuel Discount:

Ships, which are exclusively propelled by LNG, methanol, or ethanol, will receive within a calendar year for a max. number of 20 ships' calls a discount on the payable harbor dues of 20 per cent.

Ships equipped with Dual Fuel Propulsion (LNG, methanol, or ethanol) will receive within a calendar year for a max. number of 20 ships' calls a discount on the payable harbor dues of 15 per cent.

Proof must be furnished by presenting appropriate ship's papers/documents submitted with the Harbor Dues Declaration. Any subsequent applications are excluded. The discount is only granted upon harbour dues, after deduction of any other potential concessions.

The reduction in harbour dues is granted with immediate effect. For each call, only one of the discounts pursuant to sections a and b can be granted. We reserve the right to adjust the rate of discount or to completely discontinue this program without giving reasons. There is no entitlement for any reason whatsoever to any future discount. Further, no user may invoke any legitimate expectations and/or established practice and/or common law.

Notwithstanding their rights to any other legal claims, Niedersachsen Ports reserves the right to verification as well as their right to receive a refund for any discounts that were granted based upon falsely stated ESI values/documents.

§ 9 Quay Dues (Wharfage)

For the direct or indirect usage of the quay facilities, the jetties or other port facilities by watercrafts for the purpose of cargo handling, quay dues have to be paid. Debtor of the quay dues is the stevedoring company and their ordering customer, jointly and severally. The stevedoring company or an authorized representative (e.g. the cargo agent) has to disclose the details necessary for the calculation of the quay dues towards NPorts immediately and to present the cargo manifest and the bills of lading upon demand for verification.

§ 10 Quay Dues for the Handling of Cargoes

(1) Relevant for the calculation of the quay dues for cargo handling:

a) The Type of Cargo.

The statements within the bill of lading or cargo manifest are authoritative.

b) The Cargo Weight.

The cargo weight is calculated based on tons (t).

(2) The quay dues amount to:

General cargo	0.6997 EUR each ton
Sand, rocks, earths, salts, fertilizers	0.1951 EUR each ton
Iron, steel, metals	0.1376 EUR each ton
Urns for the burial at sea	52.00 EUR each unit

§ 11
Waivers of the Quay Dues

Quay dues will be waived for:

- a) Marine equipment items or operating consumables, when they serve or have served for the voyage (own needs) of the ship,
- b) Cargoes, that are taken ashore for a short period for the purpose of re-stowage,
- c) The handling of fish, fish products (not canned or consumer packaged) or marine animals of their own catch.

§ 12
Dues for the Transshipment from Ship's Deck to Ship's Deck

For goods being handled from one ship's deck to another, a handling fee amounting to 50% of the quay dues according to § 10 is levied.

§ 13
Standardized Fee for the Discharge and Disposal of Ship's Wastes

- (1) The ship operators' obligation for proper disposal and their responsibility for the associated costs is regulated in the Niedersachsen Waste Disposal Act NAbfG § 31 to § 39 and in directive 2000/59/EU article 8. As a pivotal contribution to cover the costs for the unloading and disposal of ship's wastes as per Marpol, Annex I and V, which do not exceed the discharge and disposal volume that is customary, both, by type and quantity, a standardized fee will be levied for each ship calling the port.

The standardized fee amounts to:

- a. for ship's wastes as per Marpol Annex I 1.82 EUR per 100 GTs or commenced 100 GTs,
- b. for ship's wastes as per Marpol Annex V 0.86 EUR per 100 GTs or commenced 100 GTs.

The common quantities are:

	Marpol Annex I	Marpol Annex V
GT	customary quantity cubic meters	customary quantity liters
up to 1,000	4	250
over 1,000 up to 5,000	8	500
over 5,000 up to 15,000	16	750
over 15,000 up to 30,000	22	1,000
over 30,000	30	1,250

- (2) For RoRo freight vessels and car carriers, the standardized fee per section 1 will be reduced by 50%.
 For passenger ships, the standardized fee is raised tenfold, compared to the values and amounts stated in section 1.

- (3) NPorts refunds the payer 70% of the costs for the customary (by type and quantity) discharge and disposal of ship's wastes.

Insofar as ship's wastes exceed the customary discharge and disposal volume, the excess quantities will not be covered by the standardized fee.

- (4) Exempt from the payment of the standardized fee are:
- Fishing vessels,
 - Pleasure boats approved for up to twelve individuals.

The following may be relieved from the standardized fee:

- Ships operating in a liner service,
- Ships, which are assigned a permanent berth for more than 60 consecutive days of the calendar year in a German North Sea port,

when they can demonstrate that there is an agreement in place with one of the ports on the ship's route that warrants that an orderly discharge of the ship's wastes is performed, along with the payment of the disposal fee.

- (5) Excess costs, in connection with the discharge or disposal of hazardous wastes as per Marpol, Annex V, caused by non-adherence of the reporting deadline(s), by incorrect statements in the reporting form or by insufficient performance of the transfer equipment of the ship, are not covered by the standardized fee.

The performance of the transfer equipment of the vessel for ship's wastes, which are pumped out from tanks and which have to be pumpable at ambient temperatures is considered insufficient, unless the following minimum transfer performance is reached:

at a ship's size of up to 1 000 GTs	2 cubic meters/hr,
at a ship's size of over 1 000 GTs	3 cubic meters/hr.

- (6) Debtors of the standardized fee are the ship's management company, the owners and the charterers, jointly and severally.

§ 14 Storage Fees

- (1) For the storage of cargo on storage areas or in warehouses, as well as for the storage of floatable goods or items in the water, a storage fee by weight of the stored goods or by the surface area occupied has to be paid.

The following storage fees are payable:

- a) for the storage of goods and items upon public storage areas
- | | | |
|--|-------|------|
| each ton and calendar month | 0.19 | EUR |
| or per each m ² and calendar month | 0.22 | EUR |
| minimum fee applicable for the overall storage | 31.50 | EUR. |

The respective rate shall apply, which results in the higher storage fee.

- b) for the storage of goods and items in the water
each m² and calendar month 0.22 EUR
minimum 31.50 EUR.
- c) Should the storage good not be removed within two months, then a surcharge of 100% is levied upon the billing periods thereafter.
- (2) The storage is admissible only with approval by NPorts and has to be applied for with them before commencement of any storage. NPorts will assign the storage space. In justified instances, she may order the transfer of goods onto other storage areas. Good stored without authorization, which are not transferred or removed after being prompted to do so or after expiration of the storage term, may, at the risk and expense of the owner, be removed from the port. Until the transfer or removal of the goods, an increased storage fee of up to tenfold of the regular rate can be charged. If the duration of storage cannot be substantiated, it will be determined at NPorts' reasonable discretion.
Should the owner of the goods be unknown or cannot be determined, a fee for the actual costs of the investigation will be levied.
- (3) Should a longer term storage be intended, a lease agreement on the basis of this schedule can be concluded.
- (4) Storage areas are assigned on an own-use basis only.

§ 15
Water and Electric Power Fees

For the supply of ships and other crafts with water and for the delivery of electric power, water fees or electric power fees, respectively, are payable. The need for it has to be communicated to NPorts.

The following water and electric power fees are payable:

1. Water fee

For supply of potable water
each cubic meter of water
at least

1.89 EUR
15.75 EUR

2. Electric power fee

For the delivery of electric power
In Fedderwardsiel
in Großensiel
at least

0.25 EUR per kWh are payable
0.23 EUR per kWh
21.00 EUR.

When using a hookup with more than 32 amps, additional costs for the connection are charged.

§ 16

Usage of the quay facilities by external mobile crane for the craning of pleasure crafts

For the usage of the quay facilities for the craning of pleasure crafts by mobile crane (not furnished or operated by NPorts) over the quay's edge we will charge:

- | | |
|---------------------------------------|-----------|
| a) For the first hour | 50.00 EUR |
| b) For each additional hour commenced | 30.00 EUR |

§ 17

Tax Provisions

The dues stipulated in this schedule – with the exception of the harbour dues for pleasure boats – are net amounts in respect to the VAT law, and the legally required VAT will have to be added, where applicable.

§ 18

Other Stipulations

- (1) Insofar as nothing else is stipulated within the corresponding dues for the usage of services, the party ordering such services is obligated to pay the dues. Multiple ordering parties are liable as joint and several debtors.
- (2) The dues as per this schedule are due within 14 days after receipt of the invoice. NPorts is entitled to demand payment of the harbour dues as per § 3 before departure of the vessel.

The dues for pleasure boats as well as monthly and annual lump sums are to be paid in advance.

- (3) Upon untimely payment of the dues, default interest will be levied. The amount of the default interest is determined by applying the regulations of the Bürgerliches Gesetzbuch (German Civil Code) from 08/18/1896 (RGBl. page 195) as amended on 01/02/2002 (BGBl. I page 42) in their respective current versions.
- (4) Towards demands based on this schedule, a reconciliation to offset is only permissible, when accounting for counterclaims that are not in dispute or that have been determined to be valid.
- (5) Fractions of the calculation units (time, weight, area and spatial measures) will be calculated as whole units.
- (6) In case of delayed, incorrect, incomplete, or omitted reporting, a surcharge up to 50% of the amount, but at least of 26.00 EUR can be levied.
- (7) The minimum charge as per this tariff amounts to 10.00 EUR, unless something else is stipulated elsewhere. Exempted from this are cash payments for pleasure boats and traditional vessels acc. to § 5.

§ 19
Final Provision

This Port Tariff/Schedule of Price and Conditions will become effective on January 1st, 2018.

Simultaneously, the Port Tariff/Schedule of Price and Conditions for the Ports of Fedderwardsiel and Großensiel, effective since January 1st, 2017 is canceled. Unless otherwise indicated, the term 'tons' shall refer to metric tons. The word 'state' in this schedule shall refer to the federal state of Lower Saxony, unless otherwise specified.

This tariff will be governed by the laws of Germany. The interpretation of any part of this tariff shall not be affected by the fact that it has been drawn up in the English language rather than in the German language. In particular, any English term used in this tariff shall be interpreted in accordance with the German law and practice, irrespective of the relevant German term being added in brackets or not.

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