



Special Terms and Conditions

applicable to the Use of the Port of Hamburg by

**Seagoing Vessels**

in all Shipping Areas and Types of Traffic

and other Watercrafts if they are deployed in Maritime Shipping

**Special Terms and Conditions applicable to Maritime Shipping**

**(STC-Maritime)**

Effective as of 01 January 2019

**Notice:**

**In the event of any inconsistency or conflict between the German and the English version, the German version shall prevail.**

## Table of Contents

Definition and Interpretation of Terms .....	3
1 Grouping of Watercrafts into Price Categories .....	5
Price Category 11: Oil tankers and similar watercrafts.....	5
Price Category 12: Watercrafts carrying other, mostly liquid bulks, chemicals and liquefied gases .....	5
Price Category 21: Watercrafts mostly carrying dry bulks / bulkers .....	5
Price Category 31: Full container ships and watercrafts to be grouped as such..	6
Price Category 32: Car carriers and watercrafts to be grouped as such.....	6
Price Category 33: RoRo container ships (ConRo) and watercrafts to be grouped as such.....	6
Price Category 34: RoRo / multi-purpose carriers.....	6
Price Category 35: Combined passenger/ RoRo ferries (Ro/Pax) and watercrafts to be grouped as such.....	6
Price Category 36: Passenger vessels/ cruise ships and watercrafts to be grouped as such.....	6
Price Category 37: Other cargo vessels.....	7
Price Category 38: Other commercial watercrafts and offshore shipping.....	7
Price Category 39: Sports and recreational boats / yachts .....	8
2 Ports Fees and Charges .....	8
2.1 Port Fee.....	8
2.2 Demurrage charges.....	10
2.3 HPA-berth fees .....	10
3 Port Fee Surcharge.....	11
3.1 Harbour's birthday surcharge .....	11
4 Discounts/Rebates .....	11
4.1 Port fee discounts/rebates .....	11
4.2 Demurrage charge discount .....	17
5 Port Users' Duty to co-operate when Seagoing Vessels and Watercrafts deployed in Maritime Shipping use the Port .....	18
5.1 Port fee declaration .....	18
5.2 Time limit.....	18
5.3 Options to transmit the port fee declaration.....	18
5.4 Documents to be submitted.....	19
5.5 Calculation of the port fees and charges if Port Users do no co-operate.....	19
5.6 Person authorised to accept service.....	19

5.7 Duty to notify - seagoing cruise ships ..... 19

## Definition and Interpretation of Terms

In addition to the terms used in the Port GTC the terms used in these Special Terms and Conditions have the definitions and meanings as shown in the table below:

<b>Term</b>	<b>Definition &amp; Meaning</b>
Billing year	as defined in 4.1.3
Inland shipping	as defined in 2.1.4
Blue Angel	also called RAL-UZ 110 – an ecolabel awarded by RAL gGmbH, St. Augustin
Environmental Ship Index, ESI	a point scheme that ranges from zero to 100, whereby 'zero' represents the baseline value that corresponds to the mandatory limits of the pollutants as defined in the provisions of the IMO regulations as amended and '100' represents the uppermost value if a ship emits none of the pollutants defined in the IMO regulations as amended
Green Award	certificate awarded by the independent non-profit Green Award foundation, Rotterdam, The Netherlands
ESI website	as defined in 4.1.1
Port fee declaration	as defined in 5.1
Port fee office	Office of the HPA that is in charge of Port Users' port fee declarations, applications for rebates/discounts and other enquiries concerning tariffs that apply to seagoing vessels listed in the Schedule of Fees and Charges - Maritime Shipping.
IAPH database	as defined in 4.1.1
IAPP	as defined in 2.1.1
ITC 69	as defined in 2.1.2
Liner service	as defined in 2.1.4
London Convention	as defined in 2.1.2
Short distance traffic	as defined in 2.1.4
North Sea resorts traffic	liner service passenger vessels that carry persons from / to Hamburg to the German North Sea resorts beyond the sea border, Heligoland or the East Frisian and North Frisian Islands. They are, in part, ocean-going, in particular those travelling to and from Heligoland, however they are not specifically built for the high seas. Only watercrafts are eligible that are not equipped with passenger cabins and whose cargo – excluding hand luggage and mail – weighs less than 10 tonnes
Open-top container ships	ships that carry their entire cargo load in containers and are constructed like an open "U". They are fitted with a double bottom and cell guides without hatch covers. The open container stowage space must be at least 66.7% of the total hatch area
MUST HAVE web portal for seagoing vessels	as defined in 2.1.4
Tier standard	Tier standard in accordance with IAPP
Tramp vessel service	as defined in 2.1.4

Transshipment	the seaside inbound and seaside outbound delivery of cargo and/or containers
TSR 1	the transshipment of seaside inbound cargo arriving from ports of the “other maritime traffic” shipping area and of seaside outbound cargo delivered to ports of the “short distance traffic” shipping area or vice versa. The shipping area of both inbound and outbound cargo is determined based on the last and next transshipment port of the container.
TSR 2	a special type of transshipment of both seaside inbound and seaside outbound deliveries in the “other maritime traffic” shipping area. The shipping area of both inbound and outbound cargo is determined based on the last and next transshipment port of the container.
Other maritime traffic	as defined in 2.1.4

The subsequent provisions define in more detail the provisions of the General Terms and Conditions applicable to the Use of the Port of Hamburg by Seagoing Vessels in all Shipping Areas and Types of Traffic and other Watercrafts if they are deployed in Maritime Shipping.

If inland vessels are deployed in maritime shipping, the provisions of these Special Terms and Conditions applicable to Maritime Shipping and the Schedule of Fees and Charges - Maritime Shipping apply with the following proviso: If an inland vessel has a valid combined-fee ticket for the entire duration of her sea voyage, the portion of the price that is in excess of the combined fee will be based on to determine the sea voyage fee. The basis of assessment for passenger watercrafts is a day ticket and in the remaining shipping categories the basis of assessment is a saver-tariff week ticket.

## 1 Grouping of Watercrafts into Price Categories

Watercrafts are grouped into the price categories of the Schedule of Fees and Charges - Maritime Shipping based on the criteria listed below. Watercrafts that are no seagoing vessels are grouped into the respective price category in accordance with the rules applicable to seagoing vessels.

### **Price Category 11: Oil tankers and similar watercrafts**

Oil tankers are ships which are described as such in Form B, Supplement to the International Oil Pollution Prevention Certificate (IOPP), of the revised Annex I to MARPOL 73/78 (International Convention for the Prevention of Pollution by Oil).

### **Price Category 12: Watercrafts carrying other, mostly liquid bulks, chemicals and liquefied gases**

This category comprises, for instance, cargo vessels carrying chemicals, gases and other liquid cargoes, which are not classified as “oil tankers” and predominantly carry liquid bulks.

In particular these are ships predominantly carrying liquid bulks, which

- a. have been issued an IOPP certificate in accordance with Form A (Record of Construction and Equipment for Ships other than Oil Tankers), or
- b. are subject to the Regulations for the Prevention of Pollution by Noxious Liquid Substances in Bulk in accordance with the revised Annex II to MARPOL 73/78 and the International Bulk Chemical Code (IBC Code) respectively, or which
- c. are subject to the IGC Code (International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk).

### **Price Category 21: Watercrafts mostly carrying dry bulks / bulkers**

This category comprises, for instance, cargo vessels carrying:

- a. Suction goods / agri-bulk (e.g. oil seeds, fertiliser, grain/cereals)
- b. Grab goods (e.g. coal, ore, scrap metal)
- c. Different types of bulk cargo, e.g. oil/bulk/ore – ships (OBO) if the goods are predominantly dry.

**Price Category 31: Full container ships and watercrafts to be grouped as such**

To be grouped into this category, this type of ship must be fully equipped with container cell guides.

**Price Category 32: Car carriers and watercrafts to be grouped as such**

To be grouped into this category, this type of ship must be hulled almost completely. Furthermore it is crucial that the cargo of these ships is loaded or unloaded exclusively by rolling it through bow ports, side doors or stern flaps. These vessels are fitted with closed decks which are not usually sub-divided and generally run the entire length of the ship. The type-relevant requirements are met, for example, by car carriers (PCC (Pure Car Carrier) and PCTC (Pure Car and Truck Carrier)).

**Price Category 33: RoRo container ships (ConRo) and watercrafts to be grouped as such**

To be grouped into this category, ships must be less fully hulled than car carriers and they must be equipped with at least three RoRo loading decks, one on top of the other. Furthermore it is crucial that the cargo of these ships is handled partly through bow ports, side doors or stern flaps and it is important that containers or other general cargoes are loaded or unloaded vertically (LoLo procedure) with deck or quay cranes. The type-relevant requirements are met, for example, by RoRo container ships (ConRo ships) fitted with container cell guides below deck and/or on deck.

**Price Category 34: RoRo / multi-purpose carriers**

To be grouped into this category, ships must be less fully hulled than car carriers and ConRo ships and/or fitted with utmost two RoRo loading decks, one on top of the other. Furthermore it is crucial that the cargo of these ships is handled partly through bow ports, side gates or stern flaps and it is important that other general cargo is loaded or unloaded vertically (LoLo procedure).

The type-relevant requirements are met, for example, by heavy-cargo carriers with RoRo facilities and ConRo vessels with just one or two RoRo loading decks, one on top of the other.

**Price Category 35: Combined passenger/ RoRo ferries (Ro/Pax) and watercrafts to be grouped as such**

To be grouped into this category, this type of ship must be hulled almost completely. As a shuttle service crossing waterways the ship regularly calls just one other port and regularly transports cargo that can be transferred fast as well as persons and rolling goods, including rail-bound wagons.

**Price Category 36: Passenger vessels/ cruise ships and watercrafts to be grouped as such**

To be grouped into this category, the profit-making purpose of ships must be the transport of persons, irrespective of whether persons are actually carried or passengers disembark/embark. The journey and/or voyage itself generally takes place for touristic purposes. These ships regularly transport cargo only to provide for their passengers. This category includes event ships.

Passenger-only vessels and **day-trip boats** that are not usually equipped with passenger cabins must be distinguished from cruise ships - also referred to as **passenger cabin vessels** - which usually have passenger cabins.

Day-trip boats are grouped into a price category irrespective of whether they actually cross the sea border or not.

Day-trip boats serving **North Sea resorts** - also called North Sea resorts traffic - are grouped into a sub-category of price category 36. Such boats either pay fees per each call or annual dues based on the number of calls in a calendar year.

### **Price Category 37: Other cargo vessels**

This category contains all types of cargo vessels that are not listed in one of the categories above.

In particular this category comprises the following watercrafts:

- a. Reefer ships: carriers equipped with permanently installed cooling aggregates
- b. Heavy-cargo carriers without RoRo facilities
- c. Pallet carriers or barge carriers
- d. Fishing boats
- e. Load-carrying / transport barges
- f. Load-carrying / transport pontoons
- g. Other watercrafts which, due to their respective use of the port, are deployed in maritime shipping.

### **Price Category 38: Other commercial watercrafts and offshore shipping**

Watercrafts listed under this category are crafts that are no cargo vessels or passenger vessels and that are intended for deployment in maritime shipping. These may be electricity-generating watercrafts or watercrafts deployed in offshore shipping or in the offshore industry to install and supply offshore wind farms or oil platforms. Their regular profit-making purpose is not the same as that of common commercial vessels. If they carry passengers, their profit-making purpose is not of a touristic nature but, for example, exploration and/or the transport of crews.

In particular this category comprises

- a. Installation watercrafts, including in particular specialised ships or self-propelled platforms such as, for instance, installation vessels, crane ships, drill ships, offshore watercrafts, etc.
- b. Auxiliary installation watercrafts, including, e.g., floating cranes, equipment towed by push convoys or tug convoys such as work pontoons, work barges, etc.
- c. Operation and service watercrafts that usually are multi-functional watercrafts that can be deployed independent of their actual purpose. Types of deployment are, e.g., exploration, securing, supply, repair, transport of materials and persons.
- d. Seagoing tug boats and push boats. This category comprises, for instance
  - deep-sea tug boats (deployed, e.g., to tow disabled ships)
  - anchor-handling tug boats (e.g. to tow or supply oil platforms)
  - salvage tug boats (e.g. operating as emergency tow vessels)
  - harbour tug boats, tug boats to manoeuvre ships and tug boats providing assistance (e.g. to tow, push and press ships, pontoons or barges) with a bollard pull of at least 15 tonnes.
- e. Watercrafts generating green power. Only watercrafts that generate electricity from alternative eco-friendly fuels fall under this category.



### Price Category 39: Sports and recreational boats / yachts

Watercrafts used for sporting and recreational purposes, including watercrafts operated commercially for the purpose of training people in handling sports boats. This includes yachts. Watercrafts will be grouped into this category if they are seagoing watercrafts.

## 2 Ports Fees and Charges

### 2.1 Port Fee

Seagoing vessels in all shipping areas and types of traffic and other watercrafts deployed in maritime shipping that use the port must pay a port fee in accordance with the respective price category of the Schedule of Fees and Charges - Maritime Shipping. The port fee is calculated based on up to three fees/charges components which are added up:

#### 2.1.1 Port fee environmental component

The port fee environmental component is the portion of the port fee determined based on environmental factors. The basis to calculate the port fee environmental component is a dimensionless amount determined per each price category. Based on a key defined for the respective price category this amount is divided into

- a **passage to the open sea** portion (takes account of emissions from engines and power generation while in operation); and a
- **berth** operation portion (takes account of emissions from power generation while at berth). If required, the berth operation portion will be reduced in accordance with 4.1.1.1 under “port power discount”.

Both portions will then be multiplied by a percentage as defined in the Schedule of Fees and Charges - Maritime Shipping, which results from the respective grouping of the ship as per the ship’s emission level (Tier). Proof must be provided in the form of a valid International Air Pollution Prevention Certificate (**IAPP**) in accordance with IMO Resolution MEPC.176(58). The most polluting engine of the respective ship provides the basis for calculating the berth operation portion (usually auxiliary engines) and the passage to the open sea portion (usually main engines). The applicable standards are “without” (Tier 0), Tier I, Tier II, Tier III, exception.

The “exception” standard applies as outlined below; Tier II charges apply.

- a. Watercrafts listed in price category 39 that are shorter than 24m and serve recreational purposes only;
- b. Watercrafts with diesel engines installed on watercraft types with a total engine power of less than 750 kW if proof is provided to and accepted by the office in charge of issuing and/or monitoring IAPP certificates that the respective watercraft cannot meet Tier I, II or III standards due to design- or construction-related restrictions. Such proof and the confirmation by the office in charge must be presented to the HPA as otherwise the watercraft will be classified as “without”;
- c. Watercrafts which are not self-propelled.

If no IAPP proof is provided or proof without Tier standard (Tier 0) is submitted, the port fee environmental component will be calculated based on the “without” Tier standard. The sum of the two environmental component portions calculated and classified as mentioned above is the basis for possible further reductions and rebates/discounts.



Occasionally, several Tier-standard boxes are ticked on the IAPP certificate under one and/or both the “berth operation” (usually auxiliary engines) and the “passage to the open sea” (usually main engines) category. If Port Users intend to provide proof that they **exclusively** used the cleanest engines under the respective category within the port boundaries, they can apply accordingly and submit the respective proof (e.g. conclusive extracts from the engine log book). If the application is approved, HPA will charge double the processing fee set forth in 2.3.1 General Terms and Conditions [AGB].

Under the simplified procedure proof can also be provided in the form of a valid entry in the ESI database. No additional processing fees will be charged provided that the lowest IAPP emission level is at least Tier I and that, if the ship is fitted with engines of both

- IAPP Tier II and Tier III standards the ESI NO<sub>x</sub> value is > 53.33 or of
- IAPP Tier I and Tier II standards the ESI NO<sub>x</sub> value is > 15.29.

#### 2.1.2 Port fee GT component

The port fee GT component is the portion of the port fee determined based on the GT and the cubic capacity of a watercraft respectively or and/or the measurement result determined based on the International Convention on Tonnage Measurement of Ships (**London Convention**) of 23 June 1969 (BGBl. [Federal Law Gazette] 1975 II, p. 67). The basis of the GT is the International Tonnage Certificate (1969) (**ITC 69**). If no ITC 69 has been submitted, the HPA will determine the GT in a manner common in the sector. For open-top container ships the reduced GT will be based on if proof in the form of a valid ITC has been provided.

#### 2.1.3 Port fee handling component

The port fee handling component is the portion of the port fee determined based on handling volumes.

The data stored on the MUST HAVE web portal for seagoing vessels are the reporting criteria based on to calculate the port fee handling component.

To calculate the port fee handling component, the handling volumes in tonnes during a call at the port, multiplied by the handling fee allocated to the respective price category is based on. For statistical reasons, the volumes handled under each price category are divided by cargo group in accordance with the reporting criteria stored on the MUST HAVE web portal for seagoing vessels. Handling volumes are determined in tonnes, including packaging material (tare weight), separated into loading and unloading volumes.

As the handling weights of containers (loaded and/or empty) are not reported in full for all units yet, the HPA will base on other data sources until further notice. That is why average weights per TEU apply to container handling in the price categories 31, 32, 33, 34 and 37.

The average weight in tonnes of one TEU based on to calculate the handling volume is determined based on the number (sum) and weight of the loaded and empty containers handled in the Port of Hamburg in the reference period, whereby the container weights applicable to this period as published by Statistikamt Nord [statistical office] are relevant. From 01 January 2019 onward, the reference period the HPA bases on to determine the average weight is the year of 2017.

To determine the port fee handling component for the tariffs of the price categories 31, 32, 33, 34 and 37,

- a lump-sum weight of 11,832 tonnes/TEU will be taken as the basis to calculate the weights of loaded containers handled in 2019. This lump-sum figure includes the handling weights of empty containers. The fee itself however is calculated based on the number of TEU loaded as set forth in the Schedule of Fees and Charges - Maritime Shipping.
- non-containerised cargo handling volumes will be determined based on tonnes.

Empty containers, the handling of which would actually be chargeable, will not be accounted for separately in the price calculation yet, they must however be reported for statistical reasons.

#### 2.1.4 Special port fee classification criteria

In some price categories of the Schedule of Fees and Charges - Maritime Shipping fees/charges components are calculated based on shipping area and/or type of traffic.

##### **Shipping areas:**

- Inland shipping:** Traffic from and to Hamburg to and from ports on this side of the sea border.
- Short distance traffic:** Traffic from and to Hamburg to and from ports beyond the sea border in the North Sea and Baltic Sea areas as well as from and to ports in Norway, Great Britain, the Faeroe Islands, Ireland and the French Coast down to the Spanish border at the Bay of Biscay.
- Other maritime traffic:** all other shipping areas

##### **Types of traffic:**

- Liner service:** regular, not just sporadic, general traffic from and to Hamburg, which runs, and is proven running, according to a published sailing schedule within a defined shipping area. The ports of call or port groups must be listed by name in the sailing schedule. For the purpose of this provision sailing schedules are the sailing times as per shipping line sailing schedules and sailing lists published in the shipping industry. The respective liner service is operated by a shipping company that accepts general cargo bookings at liner service conditions and liner service rates in all ports or port groups called in accordance with the sailing schedule and transports these goods;
- Tramp vessel service:** traffic which is not covered by liner service.

## 2.2 Demurrage charges

Seagoing vessels and watercrafts deployed in maritime shipping that use the port for more than 120 hours are subject to demurrage charges for any use of the port in excess of this period of time as set out in the Schedule of Fees and Charges - Maritime Shipping.

Any interruption in the use of the port that lasts less than 24 hours will be considered only if during the interruption no commercial activities involving the watercraft took place. On request of the HPA, appropriate proof must be submitted.

## 2.3 HPA-berth fees

The HPA charges HPA-berth fees as set out in the Schedule of Fees and Charges - Maritime Shipping applicable to seagoing vessels and watercrafts deployed in maritime shipping

- for the direct or indirect use of the quay facilities, jetties, piers and dolphins expanded, operated and/or maintained by the HPA;

- for the purpose of handling cargo or embarking and disembarking passengers/ persons of seagoing vessels and watercrafts deployed in maritime shipping, or
- for the use of berths designated by the HPA as waiting berths only (no handling of cargo).

The public-berth fees do not cover the use of the facilities as permanent berth or permanent overnight berth and/or the use of the Überseebrücke pontoon by seagoing cruise ships.

### 3 Port Fee Surcharge

#### 3.1 Harbour's birthday surcharge

The Schedule of Fees and Charges - Maritime Shipping lists the "harbour's birthday" surcharge for the port fee GT component (see Schedule of Fees and Charges - Maritime Shipping, tariff surcharge 205). This surcharge is due for ships listed under price category 36KS and 36 KB (cruise ships).

### 4 Discounts/Rebates

#### 4.1 Port fee discounts/rebates

Depending on the price category, the Schedule of Fees and Charges - Maritime Shipping, lists discounts on the port fee environmental component to reward environmentally conscious behaviour (see 3.1.1), discounts on the port fee GT component (see 3.1.2) as well as various rebates (see 3.1.3).

##### 4.1.1 Port fee environmental component discounts to reward particularly environmentally conscious behaviour

To protect the climate and improve the quality of life of Hamburg's citizens the HPA takes account of environmental factors when calculating the port fee. The aim is to reward Port Users that display environmentally conscious behaviour. A basic fee will be charged within the scope of the environmental component (see Schedule of Fees and Charges - Maritime Shipping, special tariff 110) and the ship will be classified as per IAPP emission levels (see Schedule of Fees and Charges - Maritime Shipping, special tariff 115). Based on that discounts on the port fee environmental component will be granted if the requirements below are met and the respective watercraft is eligible for the discounts offered.

The HPA may temporarily stop or permanently terminate the environmental incentive schemes below. This may in particular be the case if websites, documents, certificates, index values, assessment criteria or other data relied on to calculate the respective discount change or if potential budgets, originally reserved for this particular incentive, are depleted early.

##### 4.1.1.1 Port power discount (see Schedule of Fees and Charges - Maritime Shipping, special tariff 125/125a)

This discount is granted on the berth operation portion of the port fee as part of the port fee environmental component. To be eligible for the discount,

- i. the watercraft must have a valid ESI score ( $\geq 0$ ), and
- ii. the quality of the port power must be at least of IAPP Tier III standard, and

- iii. Port Users must attach proof to their port fee declaration that while berthing in the port area, they covered most of their onboard electricity needs for the majority of time they were at the berth
  - (1) using power taken directly from the local grid or port power supplied via converter substations, or
  - (2) using port power indirectly supplied from a (mobile) non-onboard source, such as e.g. PowerPacs, or
  - (3) using waterside-supplied power provided by, e.g., power barges
- iv. and the port power used stem
  - (1) from 100% renewable energy sources, or
  - (2) from alternative, non-renewable energy sources. Alternative fuels currently eligible are LNG and methanol. In addition, ships supplied with port power must be fitted with equipment that allows them to minimise the NOx emissions they produced during the remaining, not predominant time at the berth. Ships with that kind of on-board equipment – for instance SCR catalyst or exhaust gas recirculation – contribute more to keeping the air clean in the city of Hamburg than ships that do not use NOx after-treatment technology during their time at the berth, or
  - (3) stem from alternative, non-renewable energy sources and no additional on-board equipment as described in (2) above is in operation. Alternative fuels currently eligible are LNG and methanol.

The level of discount granted depends on the variant applicable in accordance with 4.1.1.1 iv.: it is specified in the Schedule of Fees and Charges. Proof must be provided in the form of documents certifying the supply, including the quantity supplied, the period of time the energy was supplied and the type of energy used. If on-board equipment is to be considered, proof must be provided that the equipment has been installed and was used.

#### 4.1.1.2 ESI discount (see Schedule of Fees and Charges - Maritime Shipping, special tariff 140)

This discount on the port fee environmental component is granted for watercrafts that are particularly low on emissions based on the Environmental Ship Index (ESI). The HPA relies on the database of the International Association of Ports and Harbours (**IAPH database**), checks whether there is an entry on the respective watercraft in the database and verifies the content of the entry. More information about how to register a ship is available at [www.environmentalshipindex.org](http://www.environmentalshipindex.org) or <http://wpci.iaphworldports.org> (**ESI website**). ESI scores take account of onboard shore power equipment and the verifiable use of scrubbers and/or SCR systems. The ESI score is the sum of the watercraft's ESI NOx, ESI SOx, ESI CO2 and ESI OPS sub-scores.

If Port Users have entered their watercraft in the IAPH database, they do not need to apply for the discount with the HPA or apply for it in the port fee declaration. At the beginning of each quarter the HPA, as the grantor of the incentive, will access the information stored in the IAPH database and base on it to determine the applicable discount in the following manner:

Based on their ESI (Environmental Ship Index) score ships that call at the port within the score validity period will be granted a discount on the sub-total of the port fee environmental component as follows:

- i. ESI score 20 up to < 25 = 0.5% discount, maximally € 250
- ii. ESI score 25 up to < 35 = 1% discount, maximally € 500
- iii. ESI score 35 up to < 50 = 5% discount, maximally € 1,000

iv. ESI score  $\geq 50 = 10\%$  discount, maximally € 1,500

4.1.1.3 Green Award discount (see Schedule of Fees and Charges - Maritime Shipping, special tariff 145)

This discount on the port fee environmental component is granted for Green Award certified watercrafts that fall under price categories 11 and 12. To be eligible for the discount, a valid certificate issued by the Green Award foundation must be submitted together with the port fee declaration.

4.1.1.4 Blue Angel discount (see Schedule of Fees and Charges - Maritime Shipping, special tariff 150)

This discount on the port fee environmental component is granted for watercrafts that have been certified to RAL-UZ 110 for particularly “environmentally friendly ship operations”. To be eligible for the discount, a valid certificate issued by the Federal Environment Agency or RAL gGmbH must be submitted together with the port fee declaration. The HPA will only accept certificates that have been issued in accordance with the Guidelines as amended in 2015.

4.1.2 Discounts on the port fee GT component

The Schedule of Fees and Charges lists various discounts on the port fee GT component. Below are the eligibility requirements and calculation of the discount:

4.1.2.1 Cap discount (see Schedule of Fees and Charges - Maritime Shipping, special tariff 210)

This discount is granted for price categories 31 Ü und 31N50+ (special tariff 210). For GT values in excess of the GT values mentioned in these price categories no port fee is due for the GT portion of the port fee (port fee GT component).

4.1.2.2 Open-top container ship discount (see Schedule of Fees and Charges - Maritime Shipping, special tariff 215)

This discount is granted for ships listed under price categories 31 and 37 (full container ships) and 33 (ConRo ships).

4.1.2.3 Second call discount (see Schedule of Fees and Charges - Maritime Shipping, special tariff 220/221)

Liner service (220): granted for watercrafts listed under the price categories mentioned above if they call again at the Port of Hamburg within 336 hours (equivalent to  $14 * 24$ ) as part of an interim journey coming from short distance shipping areas and paid the port fee under the same price category at their previous call.

Tramp (221): for these watercrafts if they call again at the Port of Hamburg within 120 hours (equivalent to  $5 * 24$ ) after leaving it. The discount will be granted only if the ship has not called at any other port for commercial purposes in between and if the same debtor (beneficiary of the services) is liable to pay the port fee.

4.1.2.4 Low-season discount (see Schedule of Fees and Charges - Maritime Shipping, special tariff 230)

This discount is granted for ships listed under price category 36KS, which call at Hamburg in the periods from October to November or January to March.

4.1.2.5 Mini-cruise discount (see Schedule of Fees and Charges - Maritime Shipping, special tariff 233)

This discount is granted for ships listed under price category 36KS if they call again at Hamburg in the period from April to September or in December and paid the port fee when they last called. The discount will be granted

- i. either under special tariff 233.3 if the period between departure and next call is less than 3 days (max. 72 hours), or
- ii. under special tariff 233.5, if the period between departure and next call is less than 5 days (max. 120 hours).

4.1.2.6 Repair discount (see Schedule of Fees and Charges - Maritime Shipping, special tariff 260)

This discount is granted for watercrafts listed in the price categories mentioned above that are in the Port of Hamburg only to have repair work carried out in repair shops. Port Users must provide appropriate proof to the HPA in the form of a certificate issued by the repair shop.

4.1.2.7 Time in the shipyard discount (see Schedule of Fees and Charges - Maritime, Shipping special tariff 265)

This discount is granted for watercrafts listed in the price categories mentioned above in so far as they do not handle cargo and/or carry passengers and only dock at a shipyard.

4.1.2.8 No handling of cargo / no carriage of passengers discount (see Schedule of Fees and Charges - Maritime Shipping, special tariff 270)

This discount is granted for watercrafts listed in the price categories mentioned above in so far as they do not handle cargo and/or carry passengers. The discount will not be granted in connection with the following special tariffs:

- 220 "Second call"
- 260 "Repair"
- 265 "Time in the shipyard".

4.1.2.9 Exceptionally large vessel (AGF) discount (see Schedule of Fees and Charges - Maritime Shipping, special tariff 285), limited in time to 31 December 2019

This discount is granted for ships listed in the price categories mentioned above that are classified as AGF 360, i.e. that are longer than 360m.

4.1.2.10 Additional port power GT discount (see Schedule of Fees and Charges - Maritime Shipping, special tariff 287/ 287a), limited in time to 31 December 2019

An additional port power GT discount will be granted on the port fee GT component at the same conditions as the environmental component port power discount (4.1.1.1). The additional discount is granted as follows:

- Special tariff 287a: In the price categories 31Ü, 31N50+ and 36KS the additional port power GT discount is 20% of the respective GT sub-total determined, maximally however EUR 3,000.
- Special tariff 287: In all other price categories the additional port power GT discount is 15% of the respective GT sub-total determined, maximally however EUR 2,000.



A comparative calculation will determine the amount of 15% (287) and 20% (287a) respectively of the port fee GT component sub-total, maximally however EUR 2,000 (287) or EUR 3,000 (287a). If the amount determined is

- **lower** than the port power discount (special tariff 125/125a) applied to the port fee environmental component, **no** additional port power GT discount (287/287a) will be granted.
- **higher** than the port power discount (special tariff 125/125a) applied to the port fee environmental component, **an** additional port power GT discount (287/287a) will be granted on the sub-total of port fee GT component in the amount of the difference between the amount determined and the port power discount (special tariff 125/125a).

#### 4.1.3 Rebates on request

The additional traffic rebate or frequency rebate will only be granted upon written request by the Port User. The HPA's port fee office must receive the request, including proof that the requirements to be granted the rebate for the use of the port in the previous calendar year (**billing year**) have been met, between January 1st and March 31st of the current year.

The request must state all the facts that prove that the requirements to be granted one or several of the port fee rebates listed below have been met. The transshipment rebate is granted subject to the procedure defined in 4.1.3.3.

##### 4.1.3.1 Additional traffic rebate

###### *Eligibility*

Reductions in the port fee for cargo vessels listed under the price categories 31 and 32, 34 and 35 as well as for liner services of the price category 37 apply to additional traffic movements which Port Users have towards the Port of Hamburg within one calendar year because they deployed additional or bigger ships (additional traffic movements) if the requirements listed below have been met.

The above rebate will be granted only if the traffic movements in one calendar year – determined in GT - exceed those in any other calendar year of the previous 10 calendar years. The rebate will only be granted for the portion of the traffic movements in excess of the so far highest eligible number of traffic movements (GT) in the calendar year with the so far highest number of traffic movements.

If several Port Users merge as set forth in the Act on the Transformation of Companies, the traffic movements of the Port Users that form part of the merger are determined and added up for the reference period prior to the merger in order to determine if the additional-traffic requirements have been met.

Only the additional-traffic movements of the traffic within one price category and one shipping area per each Port User will be determined and taken account of in so far as and if the Port User as the beneficiary of the rebate had been liable to pay port fees in the previous years to be considered. The beneficiary of the rebate will be shown separately on each port fee invoice. With regard to the previous years to be taken account of traffic movements of possible legal predecessors will also be included.

###### *Calculation of additional-traffic rebates for cargo vessels*

If the requirements to be granted the additional traffic rebate have been met, the port fee for the additional-traffic movements of the previous calendar year payable or paid for the port fee GT component as laid down in the Schedule of Fees and Charges -



Maritime Shipping will be reduced. The fee will be reduced to the extent that the traffic movements of this calendar year, determined on the basis of the gross tonnage, exceed the traffic movements of the calendar year with the most traffic movements in the past ten calendar years, maximally however by 30% of the port fee GT component due without taking account of the rebate granted for additional-traffic movements.

If the calculation includes calls for which the port fee has been calculated based on the special tariffs 210 (cap) and/or 215 (open top), the GT which the port fee calculation was based on will be relevant.

Calls for which the port fee has been reduced based on the special tariffs 260 (repair), 265 (time in the shipyard) or 270 (no cargo handling) or calls not made for profit-making purposes will not be taken account of in the calculation.

If a Port User meets the requirements to be granted both a transshipment rebate and an additional-traffic rebate, the additional-traffic rebate will be determined based on the subtotal reduced by the transshipment rebate. Prior to calculating the additional-traffic rebate, exceptionally large vessel (AGF) discounts which the Port User may be eligible for will also be deducted from the port fee paid based on the GT component.

Additional-traffic rebates will only be granted if the sub-total is positive after the abovementioned rebates/discounts have been deducted, i.e. if in the calendar year ended the port fee paid in relation to the GT component was higher than the amount paid in the reference year (calendar year with the most traffic movements).

#### 4.1.3.2 Frequency rebate

*Prerequisites to be eligible for and calculation of frequency rebates for ships under price category "36KS cruise ships/passenger cabin ships deployed in maritime shipping":*

Cruise liner companies will be granted, in retrospect, a rebate (**frequency rebate**) on the port fee in relation to the GT component paid for eligible calls made by ships of their fleet as set forth in the Schedule of Fees and Charges - Maritime Shipping at the following rates:

- from the ninth call: 10 %,
- from the twelfth call: 15 %,
- from the thirtieth call: 20%
- from the seventy-fifth call: 25%.

Calls for which the port fee has been reduced based on the special tariffs 260 (repair), 265 (time in the shipyard) or 270 (no passengers carried) or calls not made for profit-making purposes will not be taken account of in the calculation.

Calls at the port will be determined on a case-to-case basis separately for each cruise shipping company per each calendar year in so far as and if the shipping company as the beneficiary of the rebate had been liable to pay in this period. The beneficiary of the rebate will be shown separately on each port fee invoice.

The separate determination also applies if the ships are part of an economic unit or any other type of co-operation that operates more than one cruise shipping company or brand.

*Prerequisites to be eligible for and calculation of frequency rebates for ships under the price category 33, ConRo ships:*

From the hundredth call of ships of their ConRo vessel fleet onwards, shipping companies will be granted, in retrospect, a reduction on the port fee paid in

accordance with the Schedule of Fees and Charges - Maritime Shipping. Only the port fee GT component of the calls made after the hundredth call will be calculated as if they were classified in the price category “car carriers”.

Calls for which the port fee has been reduced based on the special tariffs 260 (repair), 265 (time in the shipyard) or 270 (no cargo handling) or calls not made for profit-making purposes will not be taken account of in the calculation.

#### 4.1.3.3 Transshipment rebate

The HPA is promoting loaded transshipment container trade.

##### *Area of validity / eligible price categories*

The special tariff exclusively applies to the subsequent price categories

- 31Ü (full container trade in liner service under “other maritime traffic”),
- 33Ü (ConRo ships under “other maritime traffic”) for their share in container trade, and
- 37ÜL (other cargo vessels and types of traffic under “other maritime traffic” and liner service).

##### *Content and extent of the reduction*

For the purposes of this special tariff “container operators” means natural or legal entities that either transport transshipment containers of the type TSR 1 or TSR 2 themselves or offer transshipment containers to third parties for transport.

Eligible are transshipment containers of the type TSR 1 and TSR 2, the number of which exceeds the limit of a 5% share of transshipment volumes in the total number of containers handled by the container operator in the Port of Hamburg during the assessment period.

The rebate will be granted retrospectively to container operators who, in the assessment period, were Port Users and paid port fees to the HPA for calls listed as eligible in the price categories. The amount of the rebate paid out is limited to 10% of the port fees paid in the respective price categories during the assessment period.

Only loaded containers are eligible.

If container operators or Port Users have merged as set forth in the Act on the Transformation of Companies, the traffic movements of the Port Users that form part of the merger are determined and added up for the reference period prior to the merger in order to determine if the additional-traffic requirements have been met.

##### *Procedure*

Participation is possible only via the Import Message Platform (IMP) provided by DAKOSY AG. The rebate will be calculated based on the IMP data. No other source will be relied on. Port Users must inform DAKOSY AG and the port fee office well in advance if they wish to participate in the procedure. They will then be sent information about the rebate procedure and their duty to co-operate.

## 4.2 Demurrage charge discount

### 4.2.1 Cap discount (see Schedule of Fees and Charges - Maritime Shipping, special tariff 350)

The basis of assessment to calculate the demurrage charges for full container ships is the reduced GT. No demurrage charges are payable on the GT portions of the

demurrage charges (GT component) for GT in excess of the GT values stated in the Schedule of Fees and Charges - Maritime Shipping, special tariff 210.

4.2.2 Open-top container ship discount (see Schedule of Fees and Charges - Maritime Shipping, special tariff 355)

This discount is granted for full container ships and ConRo ships. The respective reduced GT will be based on to calculate the demurrage charges if a valid ITC has been submitted as proof.

4.2.3 Repair discount (see Schedule of Fees and Charges - Maritime Shipping, special tariff 360)

This discount is granted for watercrafts listed in the price categories mentioned above for the period they are in the Port of Hamburg to have repair work carried out by repair shops. Port Users must provide proof to the HPA in the form of a certificate issued by the repair shop.

4.2.4 Time in the shipyard discount (see Schedule of Fees and Charges - Maritime Shipping, special tariff 365)

This discount is granted for watercrafts listed in the price categories mentioned above for the period they are in the shipyard for repair work.

## 5 Port Users' Duty to co-operate when Seagoing Vessels and Watercrafts deployed in Maritime Shipping use the Port

### 5.1 Port fee declaration

Port Users must transmit to the port fee office of the HPA all data required to calculate the port fees and charges for the use of the port by **seagoing vessels** as well as all data which the HPA collects as laid down in the German Traffic Statistics Act [VerKStatG], valid as amended (**port fee declaration**). This duty to transmit the data as required applies irrespective of whether cargo is handled, passengers are carried or special tariffs apply.

If push convoys and/or tug convoys use the port, Port Users in command of the self-propelled watercraft must submit a separate port fee declaration for each watercraft of the convoy.

The use of the port by **other watercrafts** that are not seagoing vessels, which however are deployed in maritime shipping, is subject to the provisions on the duty to co-operate and the reporting provisions laid down in the Special Terms and Conditions applicable to Inland Shipping.

### 5.2 Time limit

The port fee declaration must be transmitted to the HPA immediately, latest however within **5 working** days after leaving the port area.

### 5.3 Options to transmit the port fee declaration

Port Users must electronically transmit the port fee declaration. The following transmission options are available:

- a. Direct entry of the required data on the **MUST-HAVE** web portal for seagoing vessels (Maritime User Service Tool for HAMBURG VESSEL calls) at [www.must-have.dakosy.de](http://www.must-have.dakosy.de).

- b. Automated transmission of the required data to the HPA (including access to the web portal mentioned under letter a.) via IMP platform offered by DAKOSY AG ([www.dakosy.de](http://www.dakosy.de)).
- c. Direct communication of the required data via EDI to the MUST-HAVE interface, including access to the data via the web portal mentioned under letter a.

If data are transmitted using the options mentioned under b. and c., additional agreements between the Port User and the respective service provider may be necessary. In addition, costs may be incurred, which the respective Port User must bear.

## 5.4 Documents to be submitted

Irrespective of the transmission option used and other data required a copy of the:

- tonnage certificate
- IAPP certificate including appendices and
- for ships carrying liquid bulks a copy of a valid, fully completed IOPP certificate, including attachments

must be submitted.

Port Users may be required to submit additional documents in accordance with the regulations mentioned above.

## 5.5 Calculation of the port fees and charges if Port Users do not co-operate

If Port Users are in breach of their duty to co-operate, they owe the HPA port fees and charges under these Special Terms and Conditions applicable to Maritime Shipping based on the highest tariff of the respective price category. If applicable, as to the port fee this will be the tramp vessel tariff listed under “other maritime traffic“, and for ships carrying liquid bulks the tariff applicable to oil tankers. As to the port fee handling component the weight of a full ship load, loaded and unloaded, will be assumed and determined based on tonnage (tdw.). As to the port fee environmental component the HPA will assume that no valid IAPP certificate has been submitted. As to the public-berth fee an HPA quayside berth will be based on.

This procedure will apply if Port Users, despite having been sent a request as provided for in 2.3.2 Port GTC, do not meet their duty to co-operate within the time limit set in the request.

## 5.6 Person authorised to accept service

Any Port User not operating in the Port of Hamburg, who deploys a seagoing vessel, must name a person operating in the Port of Hamburg authorised to accept service (shipping company, agent, broker or similar natural or legal person) and authorise them to process the payments due to the Hamburg Port Authority for the use of the port. The Hamburg Port Authority is entitled to bill the port fees and charges payable by the Port User to the person authorised by the Port User to accept service.

## 5.7 Duty to notify - seagoing cruise ships

In addition to submitting the port fee declaration, seagoing cruise ships that require a berth in the port area and want to use the cruise terminal infrastructure must notify Cruise Gate Hamburg GmbH (“CGH”), Neuer Wandrahm 4, 20457 Hamburg.