

**Regulation
on Port Dues and Charges
issued by Duisburger Hafen AG
on 25.09.2006**

Effective Date: 1 January 2007

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1. **Scope**

- 1.1 This Regulation is applicable to all public ports operated by Duisburger Hafen AG and the public Innenhafen (inclusive of the Holzhafen) port of the City of Duisburg in the Duisburg city area.
- 1.2 Subject to Clause 1.1 above, this Regulation is applicable to the ports and mooring facilities listed in sub-clauses 1.2.1 through 1.2.6 below:
 - 1.2.1 In Duisburg Ruhrort, this Regulation is applicable to Eisenbahnhafen, Hafenmund, Vinckekanal, Werfthafen, Bunkerhafen, Nordhafen, Südhafen, Hafenkanal and Basins A, B and C.
 - 1.2.2 In Rhein-Herne Canal, this Regulation is applicable to Kanalhafen Duisburg Meiderich and Wendehafen.
 - 1.2.3 On the Ruhr River, this Regulation is applicable to Ruhrhafen Duisburg Neuenkamp.
 - 1.2.4 In the Duisburg city area, this Regulation is applicable to Parallelhafen, Außenhafen, Innenhafen and Holzhafen.
 - 1.2.5 In Duisburg Hochfeld, this Regulation is applicable to
 - 1. Rheinkai Nord and
 - 2. Kultushafen, Südhafen and Rheinkai Süd.
 - 1.2.6 In Duisburg Rheinhausen, this Regulation is applicable to Hafen Rheinhausen.
- 1.3 Borders between the ports listed above and Federal waterways will be as defined in Article 1 of Hafenverordnung Duisburg I of 8 August 1984 as revised from time to time.

2. General

- 2.1 Wharfage and port dues will be payable to Duisburger Hafen AG for the use of the ports operated by Duisburger Hafen AG as defined in Clause 1 above ("the Ports") in accordance with the terms and conditions of this Regulation.
- 2.2 Wharfage will be owed by the person for whose account cargo is transferred in any of the Ports ("the Shipper").
- 2.3 Port dues will be owed by the owner of a water vehicle or a floating facility that uses any of the Ports.
- 2.4 Port dues and wharfage will be payable upon the delivery of the invoice. Interest at a rate of 3% above the European Central Bank base rate applicable from time to time or 7.67 EUR, whatever may be higher, will be payable in the event of late payment.
- 2.5 The Shipper or the owner of the water vehicle or floating facility, as the case may be, will be obligated to provide Duisburger Hafen AG with documented data as may be required for the calculation of wharfage and port dues.
- 2.6 Port dues and wharfage calculated will be rounded up to full Euro cents.
- 2.7 No sales or value-added tax will be charged on wharfage or port dues.
- 2.8 Payments under this Regulation will be made in Duisburg and any disputes will be settled by the courts having jurisdiction in Duisburg.

3. Wharfage

- 3.1 Wharfage will be payable for all cargo transferred from ship to shore or from shore to ship or from ship to ship or restowed using the facilities of any of the Ports.
- 3.2 Wharfage will be calculated as provided for in sub-clauses 3.2.1 through 3.2.3 below:
 - 3.2.1 Wharfage will be calculated as a function of the class and the gross weight of the cargo transferred. The weight will be rounded up to full metric tons ("tonnes").
 - 3.2.2 Notwithstanding Sub-Clause 3.2.1 above, wharfage for containerized cargo or cargo held by swap bodies will be calculated on a per unit basis (see subclauses 3.6.1 and 3.6.2 below). Clauses 3.3 and 3.4 will not be applicable to such cargo.
 - 3.2.3 Wharfage for heavy cargo or oversize cargo not loaded or unloaded at the heavy cargo terminal which requires approval for loading or unloading will be calculated according to Sub-Clause 3.6.3 below, unless such cargo is handled by stationary equipment or installations. Clauses 3.3 and 3.4 will not be applicable to such cargo.
- 3.3 Unless the cargo is listed in sub-clause 3.5.1 or 3.5.2 below, cargo will be classified by cargo classes in accordance with the German inland waterway cargo list as revised from time to time.
- 3.4 If cargo of different classes is handled, wharfage will be calculated on the basis of the rate applicable to the highest-rate cargo, unless evidence of cargo weights by cargo classes is provided.

- 3.5 Wharfage will be payable at the following rates:
- 3.5.1 Class I and II cargo, oil products (goods Nos. 3231, 3232, 3251, 3252 and 3270), gases (goods Nos. 3302 and 3303) and chemical products (goods Nos. 7231, 7242, 7290, 8110 through 8193, 8310, 8392, 8393, 8395 through 8399, 8962 and 8963) 0.50 €/tonne
- 3.5.2 Other class III and IV cargo and goods No. 8394 chemical products 0.30 €/tonne
- 3.5.3 Other class V cargo 0.21 €/tonne
- 3.5.4 Other class VI cargo 0.18 €/tonne
- 3.6 Notwithstanding the rates laid down in Clause 3.5 above, the following special rates will apply:
- 3.6.1 Empty containers/swap bodies 0.95 €/unit
- 3.6.2 Loaded containers/swap bodies irrespective of class and weight of cargo 6.75 €/unit
- 3.6.3 Heavy or oversize cargo at assigned quays/terminals (see Sub-Clause 3.2.3) 2.73 €/tonne
- 3.6.4 Usage of roll-on/roll-off facility
 Passenger vehicle 1.03 €/vehicle
 Trailer 9.27 €/trailer
- 3.7 Wharfage will be payable at the percentage provided for in sub-clause 3.7.1 or 3.7.2 below:
- 3.7.1 Wharfage will be payable at 100% of the rate according to clause 3.5 or 3.6 for cargo transferred from ship to shore or from shore to ship.
- 3.7.2 Wharfage will be payable at 50% of the rate according to clause 3.5 or 3.6 for cargo transferred from ship to ship or restowed using the facilities of any of the Ports.
- 3.8 No wharfage will be payable for fuel delivered by bunker boats to vehicles in any of the Ports.

4. Port Dues

- 4.1 Unless otherwise provided for, port dues will be payable for each water vehicle or floating facility as of the first day of each continuous period of ten calendar days in any of the Ports.
- 4.2 Unless otherwise provided for, port dues will be calculated in accordance with sub-clauses 4.2.1, 4.2.2 and 4.2.3 below
 - 4.2.1 In the case of inland waterway barges, port dues will be calculated as a function of tonnes deadweight all told as shown by the certificate issued in accordance with the 1966 European convention on the calibration of inland waterway barges.
 - 4.2.2 In the case of sea-going barges, port dues will be calculated as a function of the registered gross tonnage as shown by the 1969 international tonnage certificate issued in accordance with the 1969 International Convention on the Tonnage Measurement of Ships. The rate of port dues will be the same for tonnes deadweight all told and gross registered tonnes. If no international tonnage certificate has been issued, gross registered tonnage will for the purposes of calculating port dues be estimated using the formula of the Federal Marine and Hydrography Commission.
 - 4.2.3 In the case of other water vehicles and floating facilities, port dues will be calculated as a function of the area required for berthing obtained by multiplying overall length and overall width.
- 4.3 Tonnage and area will rounded to full 100 tonnes or square meters for calculating port dues. If the tonnage or the area is above 100 tonnes/ square meters, the tonnage or area will be rounded down to the nearest full hundred value if the last two digits are below 50 and rounded up to the nearest hundred value if the last two digits are 50 or higher.
- 4.4 Subject to Clause 4.5 below, port dues will be calculated at the rates provided for in this Clause 4.4.
 - 4.4.1 Port dues for cargo vessels loading or unloading cargo will be as follows:

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| 4.4.1.1 | to 25% of vessel tonnage for up to 24 hours in port | 1.63 €/100 tonnes |
| 4.4.1.2 | to 50% of vessel tonnage for 1 to 3 days in port, unless calculated to 4.4.4.1 | 4.90 €/100 tonnes |
| 4.4.1.3 | over 50% of vessel tonnage for 1 to 3 days in port | 9.00 €/100 tonnes |
| 4.4.1.4 | for 4 to 10 days in port | 10.75 €/100 tonnes |
| 4.4.2 | Port dues for cargo vessels not loading or unloading cargo will be as follows: | |
| 4.4.2.1 | 1 for up to 24 hours in port | 1.63 €/100 tonnes |
| 4.4.2.2 | for 1 to 3 days in port | 4.90 €/100 tonnes |
| 4.4.2.3 | for 4 to 10 days in port | 10.75 €/100 tonnes |
| 4.4.3 | Port dues for passenger vessels, hotel vessels and special event vessels will be as follows: | |
| 4.4.3.1 | for pure port tours | 46.50 €/tour |
| 4.4.3.2 | for commercial use per 24 hours or part of 24-hour period started | 38.10 € |
| 4.4.3.3 | for non-commercial use up to 10 days | 10.80 €/100 t or sq.m |
| 4.4.4 | Port dues for yachts will be 10.80 € per yacht or as agreed with local yachting clubs. | |
| 4.5 | Notwithstanding the above provisions, reduced port dues will be payable in the cases provided for in sub-clauses 4.5.1 through 4.5.4 below. | |
| 4.5.1 | Port dues for cargo vessels entering port when shipping is stopped due to high water levels or restricted or stopped due to ice risks will be 2.50 €/100 tonnes for each period of 7 days, unless lower port dues would be owed under other provisions of this Regulation. | |

- 4.5.2 Port dues for bunkering boats will be 1.42 €/tonne per month.
- 4.5.3 Port dues for tugs will be 33.00 €/tug per month.
- 4.5.4 Port dues for water vehicles not otherwise mentioned in this Regulation and for floating facilities will be 11.45 €/100 tonnes or 100 square meters per month.
- 4.6 No port dues will be payable in the cases provided for in sub-clauses 4.6.1 through 4.6.9 below.
- 4.6.1 No port dues will be payable for motor cargo vessel entering port on a Sunday after 0.00 hours and leaving port on the same Sunday before 24.00 hours, if no cargo is loaded or unloaded.
- 4.6.2 No port dues will be payable for water vehicles or floating facilities owned by the Federal Republic of Germany or the State of North-Rhine Westphalia or vehicles owned by the armed forces.
- 4.6.3 No port dues will be payable for water vehicles or floating facilities in building docks. The calculation of port dues will be stopped upon entering a building dock.
- 4.6.4 No port dues will be payable for water vehicles or floating facilities built by shipyards in any of the Ports until the day of acceptance by the owner unless acceptance is unreasonably delayed.
- 4.6.5 No port dues will be payable for cargo vessels entering port exclusively for surveying or inspection.
- 4.6.6 No port dues will be payable for cargo or passenger vessels or yachts undergoing repairs at assigned berths if the repair is documented. The exemption from port dues will apply for the period from the commencement to the completion of the repair or 30 calendar days whatever may be shorter. Evidence of the repair will have to be provided within 14 days from completion.

- 4.6.7 No port dues will be payable for cargo vessels in transit through Hafenkanal on their way to or from Rhein-Herne Canal if no cargo is loaded or unloaded in any of the Ports and the time in port does not exceed 7 hours excluding night hours from 18.00 hours to 6.00 hours. The period of 7 hours will be increased by delays at the lock which were not predictable upon entering Hafenkanal and are not attributable to the master of the vessel. Dues according to the North German Federal Waterway Tariff Regulation will be payable for such vessels for the 3.5km length of Hafenkanal.
- 4.6.8 No port dues will be payable for cargo vessels for the time required at ship cleaning and cleaning water facilities.
- 4.6.9 No port dues will be payable for ship's boats.

5. Effectiveness

- 5.1 The charges under this Regulation will be effective as of 1 January 2007. The Regulation on Port Dues and Charges of Duisburger Hafen AG dated 02.04.2003 will become ineffective on the same date.

Notice of this Regulation will be given by publication in the Federal Gazette and in local newspapers as well as by display on the notice boards in the Ports.

Duisburg, den 25.09.2006

Duisburger Hafen AG