

USAGE OF PORT REGULATION (UPR)

for the ports administered by
Niedersachsen Ports GmbH & Co. KG in
Emden, Norddeich, Norderney, Baltrum,
Langeoog, Wangerooge, Bengersiel, Wilhelms-
haven, Hooksiel, Brake, Cuxhaven, Stade-
Bützfleth, Fedderwardersiel, and Großensiel

in force since 1st July 2021

IMPORTANT NOTE:

This Document is a free Translation of the "Hafenbenutzungsvorschrift", of Niedersachsen Port GmbH & Co. KG. In the event of any inconsistency or conflict between the German and the English version, the German version shall prevail.

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1 General

1.1 Owners

1.1.1 The Ports of Emden, Norddeich, Norderney, Baltrum, Langeoog, Wangerooge, Bengersiel, Wilhelmshaven, Hooksiel, Brake, Cuxhaven, Stade-Bützfleth, Fedderwardersiel, and Großensiel are public seaports under privatized management. Owners of the port facilities in Fedderwardersiel and the southern area of the Port of Großensiel is the State of Niedersachsen. The owner of the other ports is Niedersachsen Ports GmbH & Co. KG, headquartered in Oldenburg, locally represented by the respective branch, hereafter referred to as NPorts.

1.2 Scope

1.2.1 This Usage of Port Regulation applies to our areas of the ports named above within the marked borders as seen in the attached map (APPENDIX 1-19) (hereafter referred to as "port", "ports" or "ports named above").

1.2.2 This Usage of Port Regulation complements the General Terms of Business and Terms of Use (GTB) relating to NPorts, which take precedence. In addition to the general part, the GTB (in their special part) also contain terms about the usage of the ports and all of the facilities within the ports, about services, deliverables, and similar performances, and cargo handling and cargo staging for transshipment.

1.2.3 By entering the port area, the respective vehicle owner / driver, pedestrian or cyclist ("road user") declares his agreement to the validity of this port usage regulations. A corresponding free license agreement, concluded by conclusive behavior, is concluded between NPorts and the road user. If the driver of an entering motor vehicle / combination of vehicles ("together: a motor vehicle") is not the owner of vehicle himself, he declares upon entering the port area that he has the necessary authority to represent the owner of the vehicle.

1.3 Danger Zone

1.3.1 The port areas (see article 1.2, subset. 1) are particular danger zones. railroad traffic, industrial trucks, cranes, unsecured quay facilities, overhead suspended loads, crossing cargo transports, floodplain areas, locks, as well as bridges represent a high danger potential. Any user or visitor to the port must be very mindful and cautious about these perils.

1.4 Port Security

1.4.1 The ports named above have implemented the security measures according to Regulation (EC) No. 725/2004 of the European Parliament and Council dated 3/31/2004 on enhancing ship and port facility security, and the Port Security Act of Lower Saxony (NHafenSG), as amended. The measures outlined in the emergency response plan are compulsory.

1.4.2 Access is only permitted to authorized persons. Valid authorization passes are required for partial areas. The badges are personal and may not be transferred. Misuse will lead to revocation of the access authorization. The Port Facility Security Officer (PFSO) responsible for the respective area will commission and monitor the necessary access monitoring and controls. The loss of an authorization badge must be reported immediately to the issuing office. The badge must be returned unsolicited upon termination of activities in the port or expiration of the time limit. Further details are regulated in the form for issuing authorization passes.

1.4.3

1.4.4 By entering the port area, you legally agree to a body search and personal monitoring / surveillance, the search and surveillance of vehicles, items and personal belongings. If you refuse to give this permission, your entry may be denied.

1.4.5 Various portions within the port are under video surveillance. These are largely areas like entryways and access points and danger-prone areas. Any recordings are kept for a limited amount of time and will be used and analyzed in case of a statutory violation and passed on to the competent authorities. The areas under surveillance are marked by cautionary signs. Additionally, any port users must make their associates, including, but not limited to employees and other

coworkers, vicarious agents and subcontractors, aware of the mentioned video surveillance.

1.5 Port Authority

1.5.1 The Port Authority is within the Ministry for Economic Affairs, Labor, Transport and Digitalisation of Lower Saxony. It administrates the tasks, particularly those related to hazard prevention

- a) for the port, ferry and shipping affairs, based on the Port Security Act of Lower Saxony (NHafenSG) in conjunction with the Port Regulations of Lower Saxony (NHafenO), and
- b) for the unloading of ships' wastes and cargo residues in seaports according to Waste Disposal Act of Lower Saxony.

1.5.2 The local representative of the Port Authority is the port captain or his/her representative.

2 Reporting Desks, Approvals, Obligation to Report in/Register, Safety Regulations

2.1 Reporting Desk for the Electronic Incoming Ship Registration / NSW

2.1.1 For the reports required by the Port Regulations of Lower Saxony (NHafenO; §§ 8 and 19), the NPortal data processing system (www.nports.de/en) operated by NPorts must be used. The reports must be submitted electronically via the "National Single Window" (NSW) / NPortal. The reporting and information obligations are deemed to have been fulfilled if the information on the NSW reporting classes has been transmitted electronically to the NSW within the specified periods. The required information must be transmitted using the NSW's assigned start-up reference number (so-called "Visit-IDs").

2.1.2

2.2 Port Office / Local Reporting Desk

2.2.1 The Port Office is a joint office of the port captain and NPorts. It can be reached 24/7, and it is part of the port supervision of the respective NPorts port. It is a contact hub and a reporting desk for any other reports, which are not required to be submitted electronically via NPortal. The contact details of the locally responsible Port Office can be found in APPENDIX 20.

2.3 Port Entry and Berth Permissions

2.3.1 NPorts' permission to enter the ports named above, or to use a berth, must be obtained by ships,

- a) which are in danger of sinking,
- b) which are on fire, or which there is a suspicion of a fire on board,
- c) which are nuclear-powered,
- d) which, due to their design, condition, their cargo or their dimensions, could imperil the port operation,
- e) whose cargo is under fumigation, or

- f) which are earmarked for scrapping or decommissioning (temporarily or otherwise)
- 2.3.2 A permission of NPorts according to sentence 1 is not required for ships to which the head of the Central Command for Maritime Emergencies has assigned a place of refuge within the scope of combating a complex damage situation in accordance with the Agreement on the Establishment of the Central Command for Maritime Emergencies of 21 December 2002 (traffic bulletin 2003 p. 31) in connection with § 3 of the Agreement on the Allocation of a Place of Emergency within the scope of Maritime Emergency Preparedness of 11 March 2005 (traffic bulletin p. 301).
- 2.3.3 If a vessel sustains damage that endangers public safety or order after arriving in one of the ports, or if one of the circumstances mentioned in article 2.3.1 emerged in port, the ship's commander must inform NPorts immediately.
- 2.4 Reporting Obligations
- 2.4.1 The ship's command must report arrival to NPorts at least 24 hours before entering the port. If the steaming time is less than 24 hours, a report must be immediately sent upon departing the last port.
- 2.4.2 The obligation to report also applies to ships, which neither load nor discharge in the port, but merely call it for bunkering, inspection, repairs, to supplement their board gear or provisions, or for inclement weather reasons.
- 2.4.3 The ship's command must report their leaving of the port in due time.
- 2.4.4 The ship's command or the other port users must, insofar there are charges to be paid, immediately and completely report all information and bases of assessment required for invoicing to the office named in Section 2.2.
- 2.4.5 The ship's command of an oceangoing vessel must state the following details about the ship in the report mentioned in article 2.4.1;
- a) Name, Owner, Operator, Charterer and Broker/Agent,
 - b) Callsign and IMO number,
 - c) Flag,
 - d) Year of built,

- e) Type/Ship Type,
- f) Double hull in place (yes/no),
- g) Gross tonnage and Deadweight,
- h) Length and breadth in meters,
- i) Last port of call and time of departure from this port,
- j) Draft during departure from the last port of call and draft upon arrival in meters,
- k) Next port of call,
- l) Estimated time of arrival and time of departure,
- m) Type and quantity of cargo.

2.4.6 This does not affect the reporting obligation(s) of the ship's command under public law. Reporting must be done using the NPortal. (see article 2.1).

2.4.7 The ship's command must register the ship immediately after entering the port with NPorts, presenting the ship's and cargo documents, and he/she must de-register the ship promptly with NPorts before departing the port. Furthermore, the latter must inform himself immediately after entering the port about local regulations, security requirements and alarm routes.

2.4.8 Except for leisure crafts, ship's command must immediately report any movement of the vessel to NPorts, stating; the name of the ship, the old and the new berth location.

2.4.9 Exempted from the reporting obligations under articles 2.4.1 through 2.4.3 are:

- a) Passenger ships operating according to an agreed schedule with NPorts,
- b) Certain vessels with their home port in the Federal Republic of Germany:
 - Ships operated by an entity of public law or by a government or state-owned organization for the fulfillment of a public task
 - Search and Rescue vessels and firefighting vessels,
 - Pilot boats, and

- Fishing boats in their home port,

c) Tugboats, which - without occupying a berth - merely take ships in and out of the port, or which traverse the port on a regular basis for tug, tow, shift and other maneuvering activities,

d) Leisure crafts and traditional ships.

2.4.10 Before calling a port, the ships listed under letter b) through d) must report in to register with the respective Port Office in charge (article 2.2).

2.4.11 Certain other ships may also file a request with NPorts to have their obligation to report to NPorts waived.

2.5 Dangerous Goods

2.5.1 Introducing dangerous goods or environmentally hazardous cargo into the port by oceangoing vessel requires notification to NPorts of no less than 24 hours in advance. The importing with any other mode of transportation must be reported immediately after arrival at the port.

2.5.2 The notice must contain:

- a) Mean of transportation,
- b) The Proper Shipping Name(s) (PSN) of the dangerous goods, including the UN number,
- c) The respective quantity and flashpoint of the goods,
- d) The respective dangerous goods' class under the dangerous goods regulations applicable to such conveyance/mode of transport.

2.5.3 The notice must be made using the data processing systems described under article 2.1.

2.5.4 The obligation to report the introduction of DG by Ship lies on the ship's command and, moreover, the carrier.

2.6 Obligation to Report

2.6.1 Any user of the port must report disruptions of the port operation or the port

traffic immediately to NPorts, including, but not limited to fire, accidents, sinking or sunken ships or other items, or runaway ships or other items, as well as any damage to the port facilities.

2.7 General Safety Regulations

2.7.1 It is prohibited and unlawful:

- a) to loiter or be present on quay and port operation areas without due authorization by NPorts, or to drive upon them without due permission by NPorts with vehicles of any kind;
- b) to drive in close vicinity to the quay's edge with any vehicle, when there is poor visibility due to fog, falling snow, hard rain, dust, or other circumstances obscuring the view;
- c) to park or deposit vehicles or items of any kind on quay and port operation areas, rail track areas and crane rail tracks without proper authorization, unless special locations are designated for this purpose, which must be marked by signposts;
- d) to enter loading facilities, rail tracks, or watercrafts without authorization, to loiter or be present within the working area of cranes, industrial trucks, terminal tractors and similar equipment without proper permission;
- e) to use or set in motion the port's operating facilities, equipment, or machinery without authorization;
- f) to remove or misuse fire extinguishing or rescue equipment without authorization;
- g) to block or obscure access to facilities and equipment dedicated for the mooring of watercrafts, or to encumber their utilization in any other way;
- h) to fish, swim, or dive in port waters where it is an undesignated area for this purpose without a proper permission from Niedersachsen Ports;
- i) to traverse or utilize by NPorts granted port's water surfaces with leisure boats, houseboats, surfboards or jet skis of any kind;
- j) to smoke within the port area. The exceptions to this rule are offices,

social rooms, recreation rooms and approved areas, in which smoking may be permitted separately (appropriate Information signs must be observed).

- k) Filming, photography and drone shooting in the fenced areas without the express written permission of NPorts. Permission must be applied for in good time at presse@nports.de.

- 2.7.2 Hot work may only be carried out with the permission of the Port Authority
- 2.7.3 Salvage and dive operations, scrapping work and engine/machine repairs aboard ships require NPorts' permission.
- 2.7.4 Events in the port, including, but not limited to fireworks, competitive racing, harbor tours, sporting events, ship launches, cavalcades & parades, and the like, require prior permission from NPorts and Port Authority. The legal duty to maintain safety within the realm of such events is the sole obligation of the concessionaire.
- 2.7.5 Fixtures obstructing or encumbering transport and traffic within the port, including, but not limited to neon signs/illuminated signs, posters and billboards and similar items, may only be installed within the port with NPorts' consent and must be designed in such fashion that they cannot be confused with official nautical signs, and their light or reflection may not have a blinding effect.
- 2.7.6 NPorts may temporarily and geographically suspend or limit the deployment of fishery equipment and fishing in general within the ports.
- 2.7.7 The German "Road Traffic Regulations" (Straßenverkehrsordnung (StVO)) are enforced and apply to the entire port area. Cargo handling traffic and cargo transport related traffic, the handling and processing of ships and any rail traffic have the right of way.
- 2.7.8 An appropriate safety distance to the quay's edge should be maintained at all times. When working within the port and in close vicinity to the quay's edge, life vests must be worn at all times.
- 2.7.9 Rip currents and breaking waves are to be avoided.

3 General Stipulations for Transport, Sojourn, Cargo Handling and Storage

3.1 Port Pilot Service and obligation to take on a pilot

3.1.1 If the port or the range requires taking on a pilot by statutory ordinance, the applicable regulations, as amended from time to time, must be observed. Which pilot association is in charge, and potential local particularities, if any, is outlined in APPENDIX 21 to this UPR.

3.1.2 The obligation named under article 3.1.1 is expressly mandatory, even during the shifting of vessels within the port area.

3.2 Travel speed, precautionary measures, tugboat assistance

3.2.1 The speed of any land or water craft must be adjusted in such manner that obstacles can be avoided and the craft can come to a full stop early enough, if necessary.

3.2.2 During docking and undocking maneuvers, ship's propellers, aft and bow thrusters must be used with extreme caution! Turning maneuvers must be carried out with appropriately adjusted engine power and at a wide berth.

3.2.3 Docking maneuvers must be carried out parallel to the pier wall, in a well-controlled, slow and cautious manner. Stern-first docking maneuvers (backwards docking) must be executed in the same cautious spirit. Hard stops by thrust or propeller reversal within the port facilities are prohibited. If in doubt, adequate tug boat assistance must be requested.

3.2.4 NPorts may set a minimum water depth or an upper limit for a ship's draft as a prerequisite for navigation by watercrafts.

3.2.5 On watercrafts that cannot maneuver safely in port due to their dimensions, lack of engine power or for meteorological or other reasons, the ship's command must make use of adequate tug assistance. If the vessels cannot be safely maneuvered with lines, sentence 1 shall apply accordingly.

3.3 Berths, Anchoring

- 3.3.1 Berths within the facilities of the ports named above are assigned by NPorts. There is no entitlement to assignment of any particular berth. NPorts may put a time limit on the usage of a berth, place multiple crafts parallel to each other and order the shifting of watercrafts, should port operational necessities require. Changing assigned berths requires NPorts' permission.
- 3.3.2 Users may file a request to NPorts to assign berths, taking into account articles 3.3.2 through 3.3.5, and within the realm of feasibilities at that particular time. Whether or not ships (with or without cargo) will be able to be safely laid up on the harbor floor, when the berths fall dry during low tide, is entirely within the judgment and responsibility of the ships' commanders.
- 3.3.3 Ships following the arrival registration protocol will be first in line before ships that did not satisfactorily complete the arrival registration. Assignment of berths occurs in sequence / chronological order of the confirmed registrations at hand and under consideration of the particular local and spatial conditions.
- 3.3.4 The following rules apply, in case multiple vessels are assigned the same berth:
- a) Loading or discharging vessels take precedence over assigning berths to ships that want a waiting berth.
 - b) After arrival at their berth, ships must immediately commence loading or unloading and complete such operation as quickly as possible. In instances, where a barge does not commence the cargo transshipment process within 2 hours of mooring (3 hours for oceangoing vessels), or in case that the process is suspended for more than 2 hours, the berth must be vacated upon demand.
 - c) Each barge must leave the berth 2 hours after completion of loading or unloading, each oceangoing vessel after 3 hours.
 - d) For lay times in excess of these above limitations (e.g. for tidal or repair reasons), the ship must occupy a berth assigned by NPorts.
- 3.3.5 Any costs derived from the aforementioned rules must be borne by the respective ship. If a ship violates these rules, it shall be liable for all disadvantages and damages proven to have occurred through such violation, regardless of proof of actual fault.

3.3.6 Berth commitments for longer periods of time are given according to availability and in compliance with the applicable legal regulations.

3.3.7 Anchoring or up jacking in the ports named above is permitted only with NPorts' consent. This also includes the use of an anchor for maneuvering purposes.

3.4 Mooring Equipment

3.4.1 Ships must be safely fastened to the designated mooring equipment. NPorts may order that inadequate mooring equipment may not be used and that frayed or damaged ropes and wires are replaced. The fastening of ropes and wires must be monitored from aboard ship and must be properly adjusted to the tidal changes and to the vessel's submerging and reemerging due to loading and unloading.

3.4.2 Ships must be safely fastened in locks. Exceptions can be granted by NPorts.

3.5 Hazardous Parts of a Craft, Ropes and Wires

3.5.1 The ships' commanders are responsible for the clear marking and sufficient illumination at night and during poor visibility of portions and parts of a water craft, or cargo protruding beyond the hull. Such obstacles must be marked on their outermost ends. The same applies to mooring and other wires and ropes under tension that may pose tripping, strangulation, decapitation, or other hazards. If necessary, obstacles must be removed.

3.6 Land Connections to the Water Crafts

3.6.1 Gangways must be safe for traffic. Their use is prohibited as long as a safe shore connection is not established. They must not impede transshipment and railroad operations in the port area. Railroad and crane installations may not be used. In darkness the shore aisles must be adequately illuminated.

3.6.2 In the event that multiple watercrafts are moored next to each other (parallel), the crafts closer to shore must allow and tolerate the temporary installment of planks or walkways to allow the passage of people and the transport of ships' provisions and the like.

3.7 Guarding

3.7.1 The owner of a ship, which is not constantly manned or which is decommissioned, must advise NPorts of a responsible person, who they can contact. This person must be reachable at all times and be able to be on location within a short amount of time. In addition, NPorts may arrange for such ships to be guarded at the ship's expense.

3.8 Operation of Propulsion Equipment and Maneuvering Aids

3.8.1 With the exception of brief tests immediately before departure, propulsion systems and maneuvering aids may only be operated on moored vessels after NPorts has been duly informed of this ahead of time and they have given their 'go ahead.' Test bench testing/dry runs in the immediate vicinity of the port facilities with moored ships or on solid ground, for instance after the repair of propulsion systems, etc., are permissible only after applying for it with NPorts and after NPorts has granted permission. For these purposes, NPorts may - on a case-by-case basis - impose restrictions and certain conditions.

3.8.2 During engine testing, the ship's management must post a lookout aft, who will make sure that other approaching watercrafts are being warned, and to ensure that the engines/propulsion systems can be stopped immediately in case of danger. Should persistent water currents build up, such permit becomes null and void. In that case, the testing must be stopped immediately.

3.8.3 Vessels which must turn their propellers on during laytime due to operational conditions, may do so only at low rpm and never at full load. In addition, suitable precautionary mechanisms must be in place, and there must be adequate illumination at night.

3.9 Loading and Discharging, Bunkering of Fuel

3.9.1 Loading and unloading of watercrafts, and the staging of goods for loading or for on-carriage (cargo handling) is permissible only on the designated water and land surface areas and facilities. Beyond that, particularly §§ 24 and 25 of our GTB (Special Part) do apply.

- 3.9.2 Transshipment areas and facilities as described in article 3.9.1. must be cleared of land vehicles, equipment, goods and other items, unless they serve the immediate handling of cargo. NPorts reserves the right to remove land vehicles parked without permission or have them removed, at the vehicle owner's expense.
- 3.9.3 During cargo handling operation, the presence of individuals (who are not involved in the operation) on cargo handling areas and facilities is strictly prohibited. If a motorized vehicle is being loaded or unloaded within the railroad loading gauge of rail vehicles or rail-bound handling equipment, the driver of such motorized vehicle may not leave his vehicle.
- 3.9.4 Water-polluting substances for the own consumption of watercrafts may only be dispensed from fixed installation, bunker boats or tank trucks, which are equipped with sufficient anti-hazard devices for the protection of people and the environment. Any fuel bunkering must be announced to NPorts ahead of time.
- 3.9.5 For all operations involving loading, unloading and bunkering, the maximum permissible load stress on the handling surfaces and port facilities may not be exceeded. For better weight distribution, load-distributing pads must be used. Upon demand, proof of adherence to the maximum allowable load stress must be furnished to NPorts.
- 3.10 Parking and Depositing of Goods, Vehicles, and Equipment
- 3.10.1 Storage of goods is permitted only on areas assigned, rented, or leased by NPorts. This shall not affect the responsibilities of third parties under the special protective regulations for the storage of goods.
- 3.10.2 Dangerous goods may only be stored on areas specially designated for dangerous goods. The duration it takes for staging such goods for the immediate loading and unloading process into or out of a watercraft is excluded. Further stipulations about dangerous goods can be found in § 17 et seq. of our GTB (Special Part).
- 3.10.3 Goods may only be stored outdoors when detrimental environmental effects can be excluded.

- 3.10.4 It is up to NPorts' discretion - case by case - to make an exception to the stipulations of articles 3.10.1 to 3.10.3.
- 3.10.5 Securing the stored goods against depreciation of value and all other risks is the responsibility of the lessee and the person entitled to dispose of the goods.
- 3.10.6 Goods, vehicles, or equipment stored or left in flood-prone areas may be towed or removed by NPorts during storm surge warnings at owner's expense or at the expense of the person having the power of disposition. There is no obligation to do so.
- 3.10.7 Vehicles, which are not deployed for the immediate handling operation must be parked in the marked parking slots, only. In case of violations, NPorts may have vehicles removed at the responsible party's expense.
- 3.10.8 Positioning mobile cranes must be advised to NPorts in a timely manner, at least 6 working days prior, and must be approved by NPorts.
- 3.10.9 The acceptable load stress limitations on the cargo handling areas and port facilities may not be exceeded. Upon NPorts' demand, verifiable proof of adherence to the maximum allowable load stress must be furnished.
- 3.11 Decommissioning of Watercrafts
- 3.11.1 Only with NPorts' consent and a permit by the Port Authority may any watercraft within the port be
- a) decommissioned,
 - b) laid up (temporary decommissioning),
 - c) used for the storage of goods,
 - d) used to establish a place of a commercial operation or
 - e) for dwelling.

3.11.2 Watercrafts within the meaning of 3.11.1 must be kept in a safe and afloat condition. Upon demand, the owner must present NPorts with the appropriate floatability and insurance certificates, which must cover the financial responsibility for any environmental damages or salvaging expenses. A local person must be named, who is responsible for the vehicle and has power of disposition. The name and address of such responsible party must be well visibly posted onto the vehicle.

3.11.3 NPorts may order watercrafts removed from the port, which, in violation to article 3.11.1, are being used, decommissioned or temporarily decommissioned without permission, or which pose an immediate threat for any other reason.

3.11.4 NPorts may, if necessary and at the owner's expense, take the necessary measures to avert a hazard and remove the vehicle from port in case of danger. There is no obligation to do so.

3.12 Contaminations

3.12.1 Contaminations of the land and water areas caused by the port user must be removed by him/her on his/her own initiative and expense. Should the port user not comply, even after NPorts' request, NPorts will be entitled to carry out such work or have it carried out at the port user's expense.

3.13 Fees

3.13.1 The fees for the use of the ports mentioned in section 1.1.1 are determined according to the respective local tariffs or price lists and lists of conditions. The currently valid tariffs or price lists and lists of conditions are published on the NPorts website.

4 Cargo Handling Equipment, Conveyor Systems, Other Services

4.1 Renting of Cargo Handling Devices and Conveyor Systems

- 4.1.1 The cargo handling and conveyor equipment owned by NPorts can be rented and will be provided together with the necessary operating staff if such equipment is available and operable at such time. For the duration of the rental period, the renter is deemed the operator of the cargo handling facility. Before any rental, the renters must inform themselves with NPorts about existing permits, restrictions and rights for the operation of such equipment and take them on as their own obligations and comply with those obligations towards NPorts and third parties.
- 4.1.2 The lessee operates the handling at his own risk. He shall have the right to give instructions to the operating personnel on his own responsibility. In this respect, the operating personnel is the lessee's vicarious agent and assistant. The same shall also apply to the provision of personnel for the operation of handling equipment not owned by NPorts.
- 4.1.3 The lessee is the operator of the equipment and facilities within the meaning of § 4 ff of the Federal Emission Control Act and the regulations issued for this purpose.

4.2 Mooring and Fastening Services

4.2.1 The mooring of oceangoing vessels is a safety-relevant service. Companies intending to commercially provide mooring services within the port must show proof and/or make official statements about:

- a) the competence and suitability of the deployed staff,
- b) the existence of a command center with sufficient means of communication, particularly for the communication to the vessel and the pilot(s),
- c) the sufficient number of personnel,
- d) their commitment to fulfill any requested mooring services at any berth within one hour after the order was placed.

4.2.2 Upon request, NPorts will provide staff for mooring, shifting, and casting off of ocean-going vessels in the Ports of Brake and Emden. During these services, the mooring crew is deemed both vicarious and performing agent of the ship.

5 Penalties for violations of this port usage regulations

5.1 Sanctions

- 5.1.1 NPorts will sanction violations of the UPR at its best discretion. Violations of the provisions of this UPR can be punished with a house ban.
- 5.1.2 NPorts reserves the right to assert a contractual penalty of EUR 250,00 for each violation, against road users who enter or use the traffic areas although they are not entitled to do so.
- 5.1.3 If a road user violates the general reporting and safety regulations according to clause 2.4 and clause 2.7 or the general regulations for traffic, stay, handling, storage according to clause 3, NPorts is entitled to claim (if necessary in addition to the contractual penalty according to clause 5.1.2) a contractual penalty of 150,00 EUR. Contractual penalties shall not be forfeited if the road user is not responsible for the violations. The right to the assertion of further compensation remains reserved. Any contractual penalties will be credited against the claim for damages. However, any contractual penalties shall be added to the claim for damages.

6 Final Provisions

6.1 Exceptions

6.1.1 In well-founded individual cases, NPorts may, upon special request, allow exceptions from the requirements of these port use regulations. As far as regulations are concerned, where permission of the Port Authority has to be obtained, this permission is also required for the exception.

6.2 Competences and Conditional Permission(s)

6.2.1 If nothing to the contrary is stipulated in a permissible manner in this Usage of Port Regulation, the General Laws and Regulations, as well as the competences and reservations of authorization pursuant to Port Security Act of Lower Saxony (NHafenSG) in conjunction with Port Regulations of Lower Saxony (NHafenO) remain unaffected.

6.3 Validity

6.3.1 This Usage of Port Regulation shall enter into force on 01/07/2021.














7 Appendices

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APPENDIX 01 – Legend

Port Maps

- | | |
|--|---|
|  Seawalls |  Marketable Surface Area |
|  Flood Water
Protection Facility |  Warehouses |
|  Buildings |  Storage Areas |
|  Navigable Fairway |  Port Rail Tracks
(Niedersachsen Ports) |
|  Berths |  Rail Tracks (Other) Port |
|  Locks |  Area Border (also ISPS) |
|  Cranes, Lifting Facilities,
Gantry Cranes,
Mobile Cranes | |

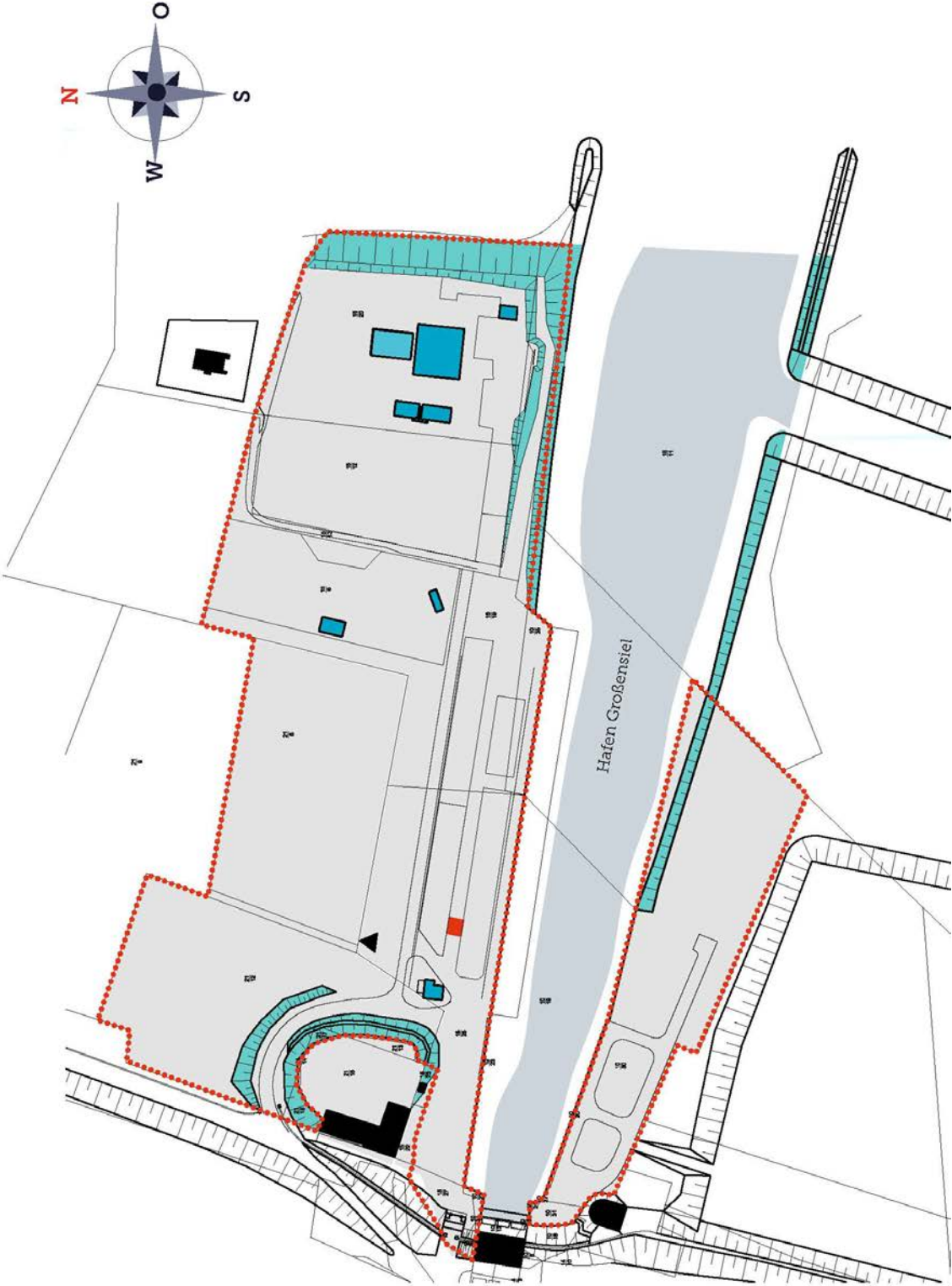
APPENDIX 02 – Geographical Scope of the UPR in Brake



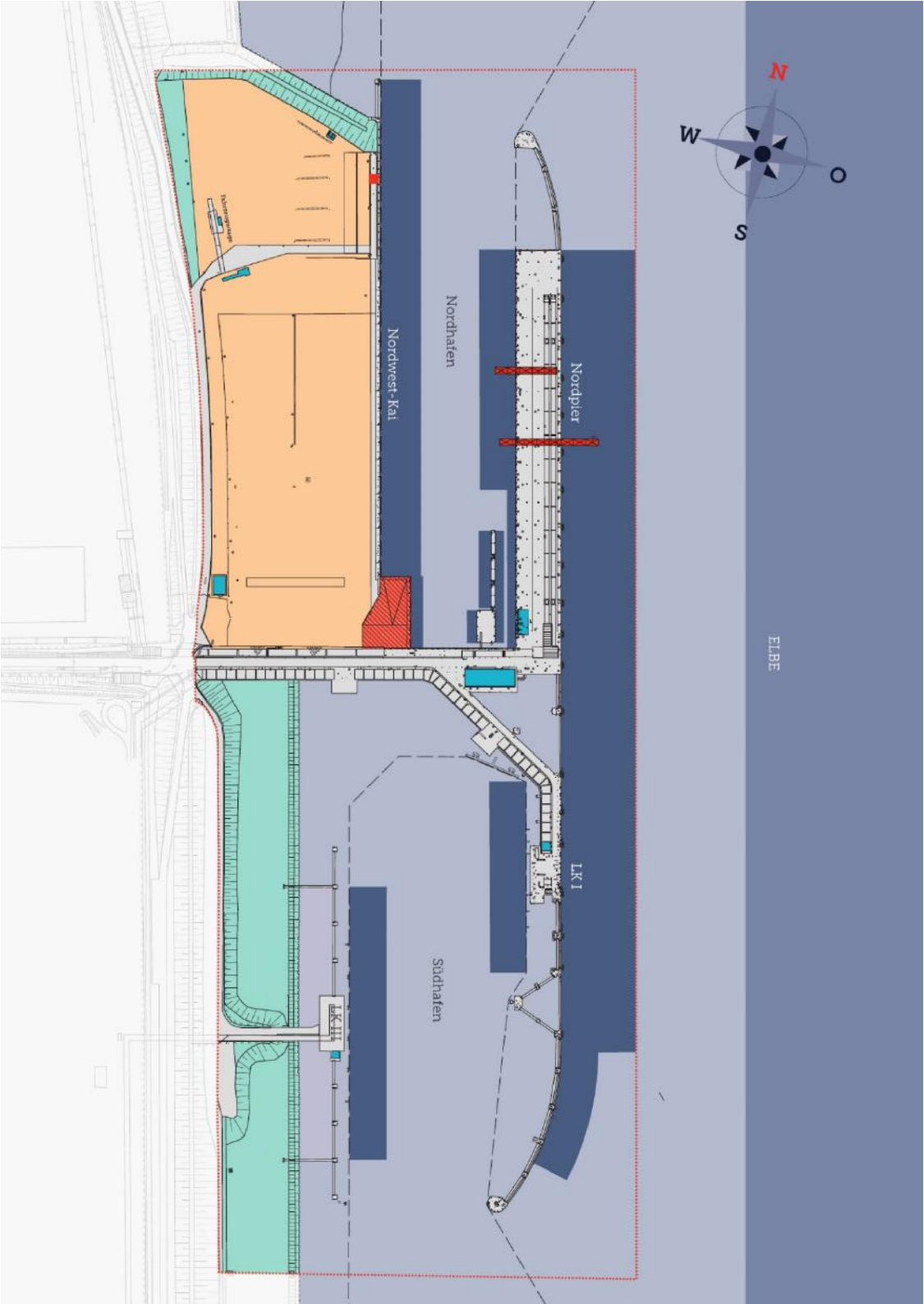
APPENDIX 03 – Geographical Scope of the UPR in Fedderwardersiel



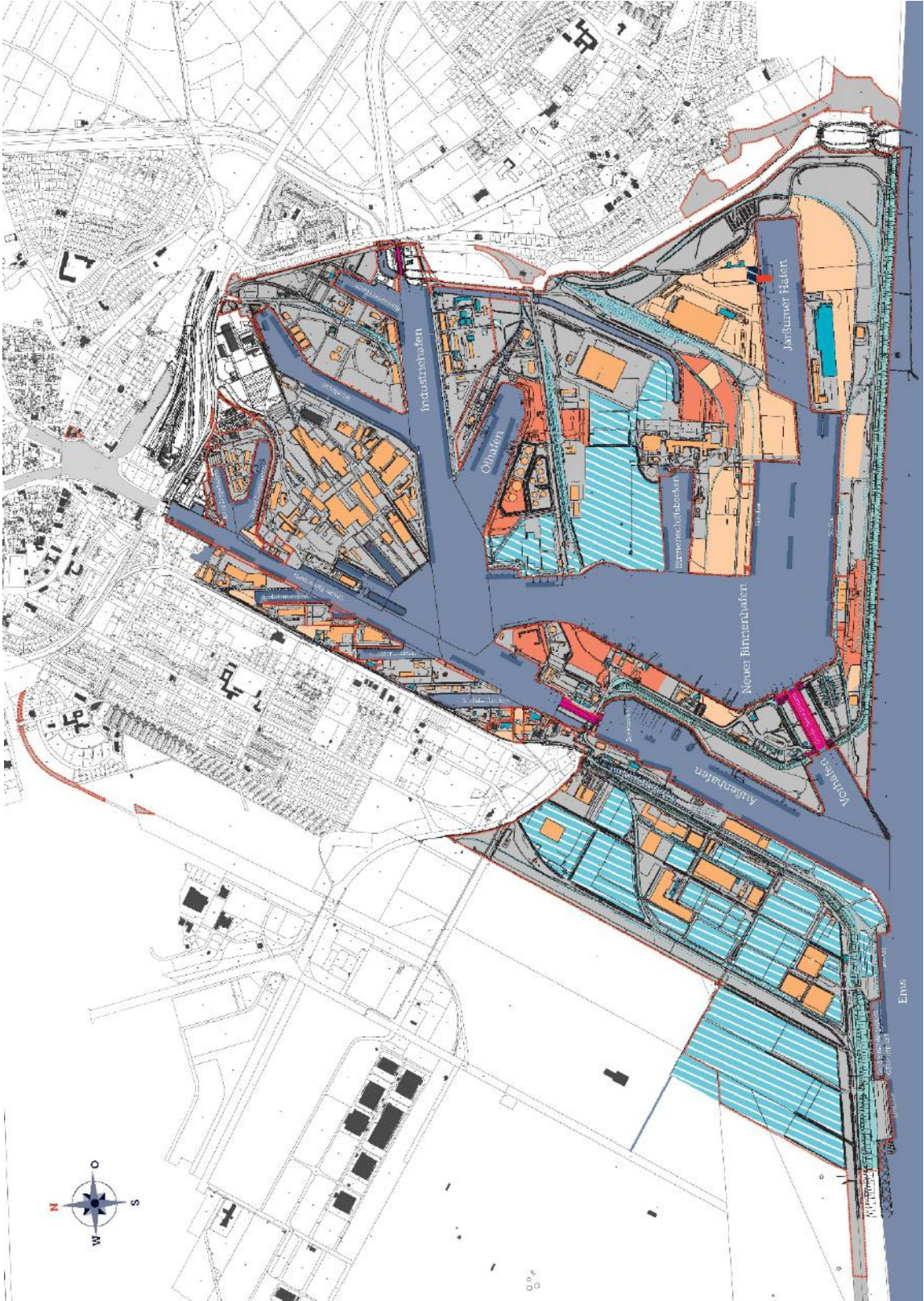
APPENDIX 04 – Geographical Scope of the UPR in Großensiel



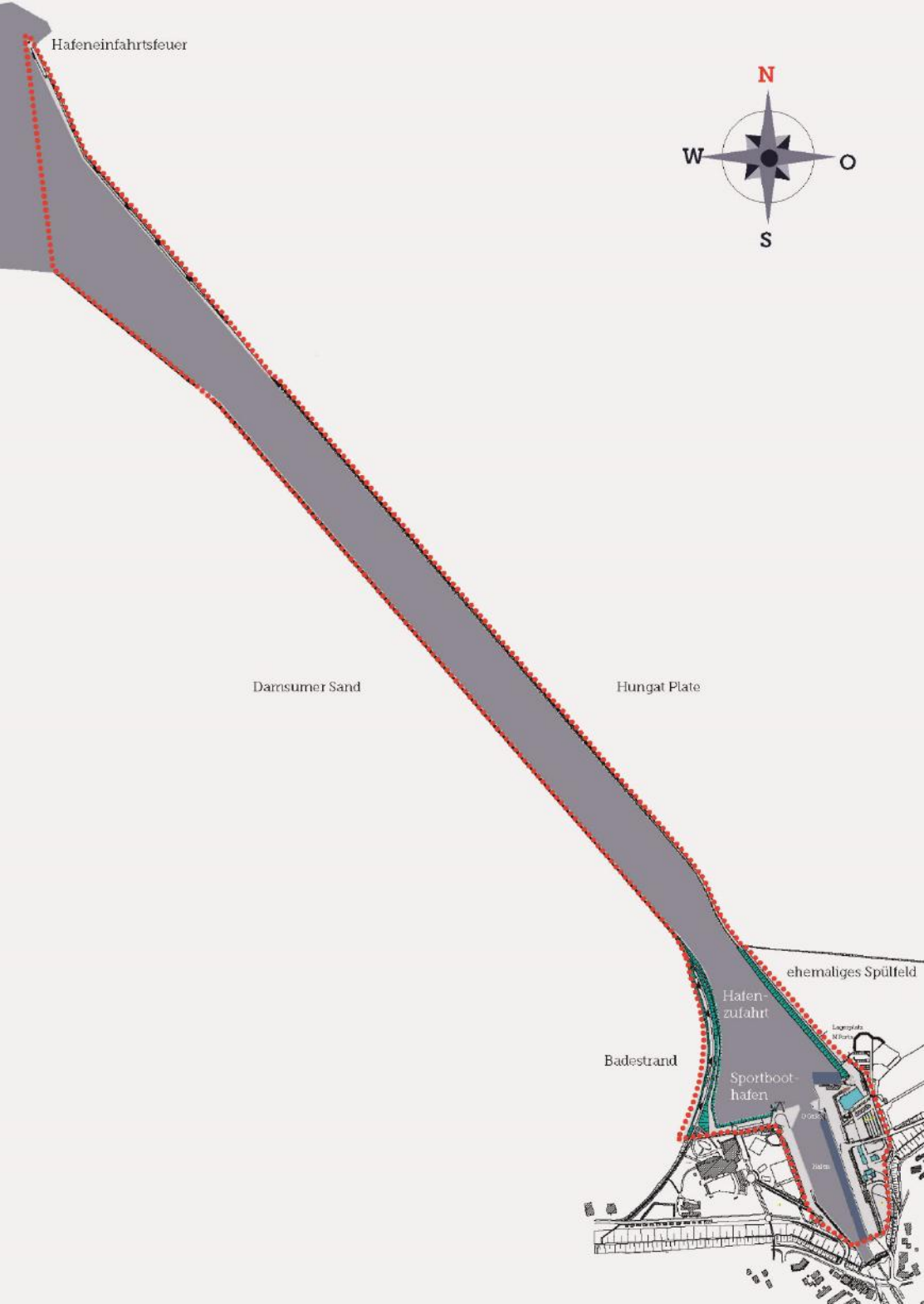
APPENDIX 06 – Geographical Scope of the UPR in Stade



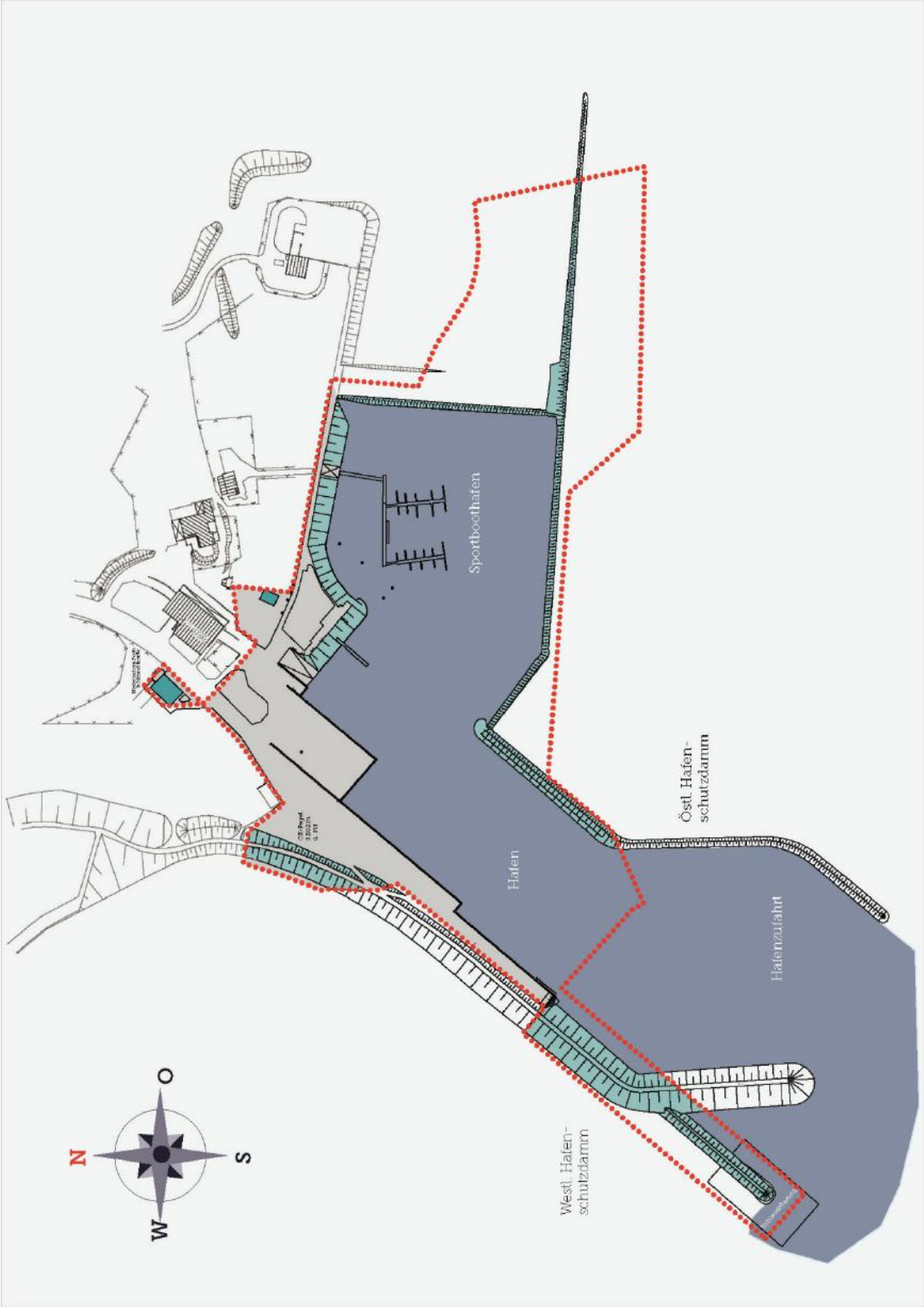
APPENDIX 07 – Geographical Scope of the UPR in Emden



APPENDIX 08 – Geographical Scope of the UPR in Norden, Benersiel



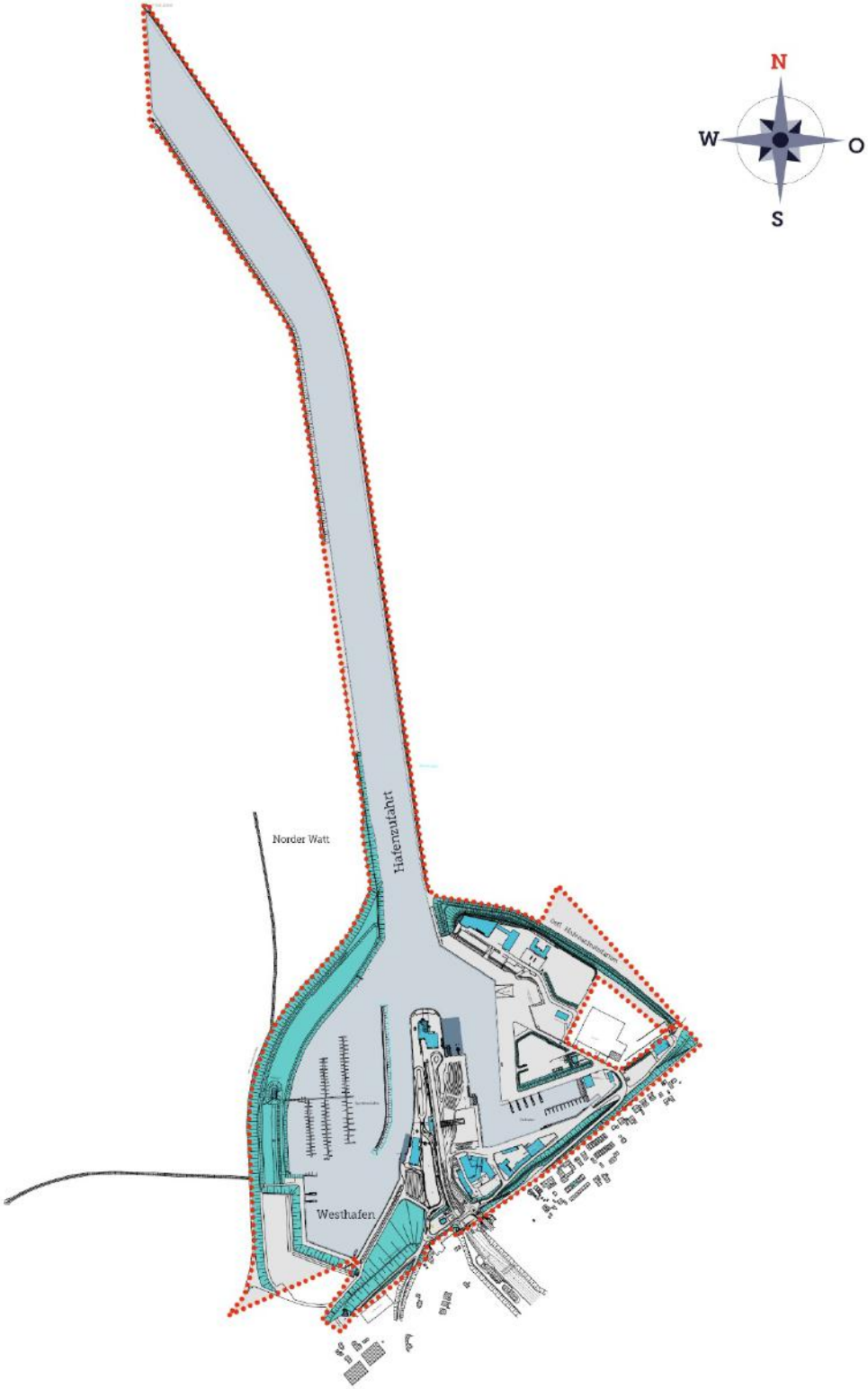
APPENDIX 09 – Geographical Scope of the UPR in Norden, Baltrum



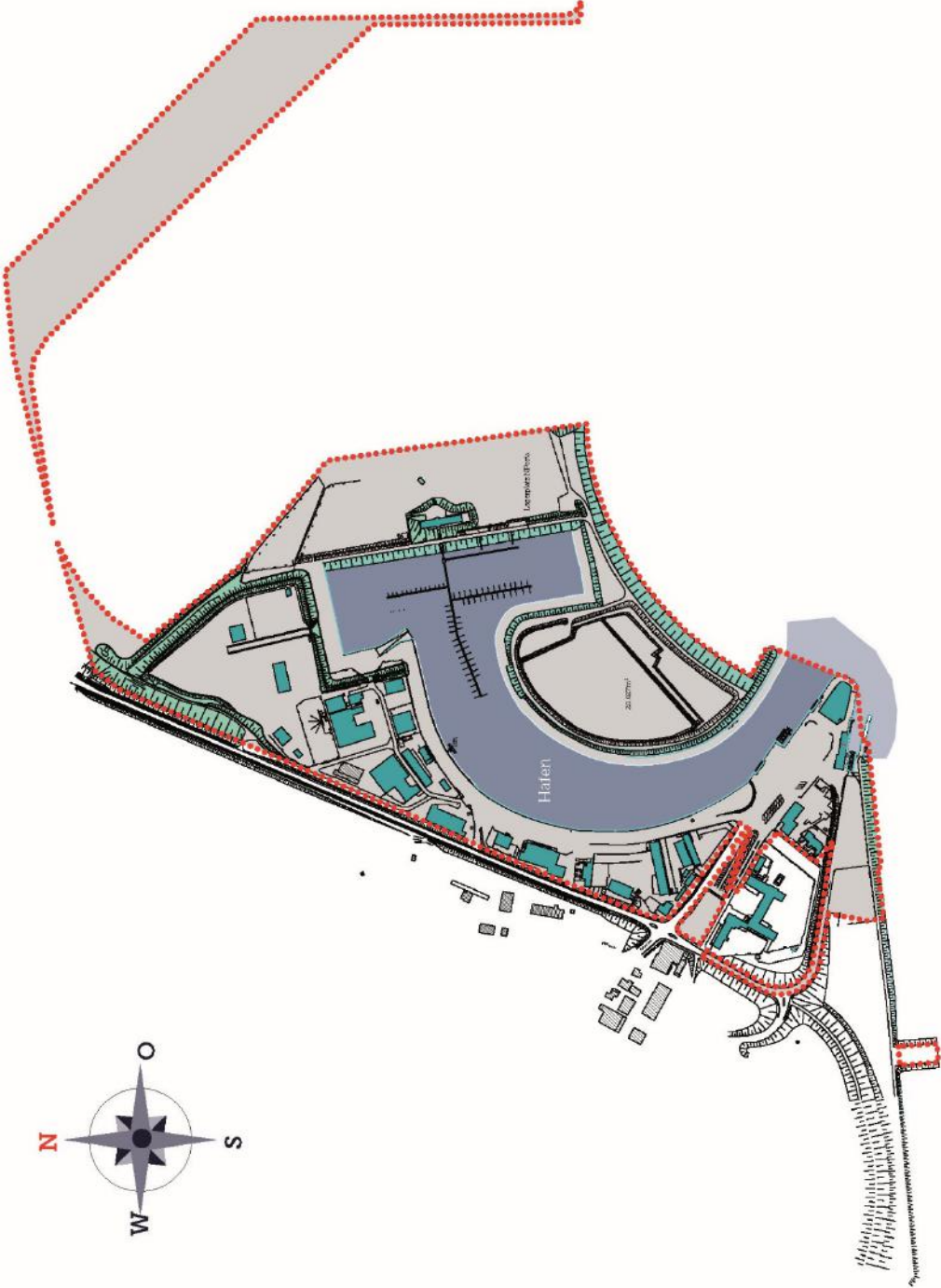
APPENDIX 10 – Geographical Scope of the UPR in Norden, Langeoog



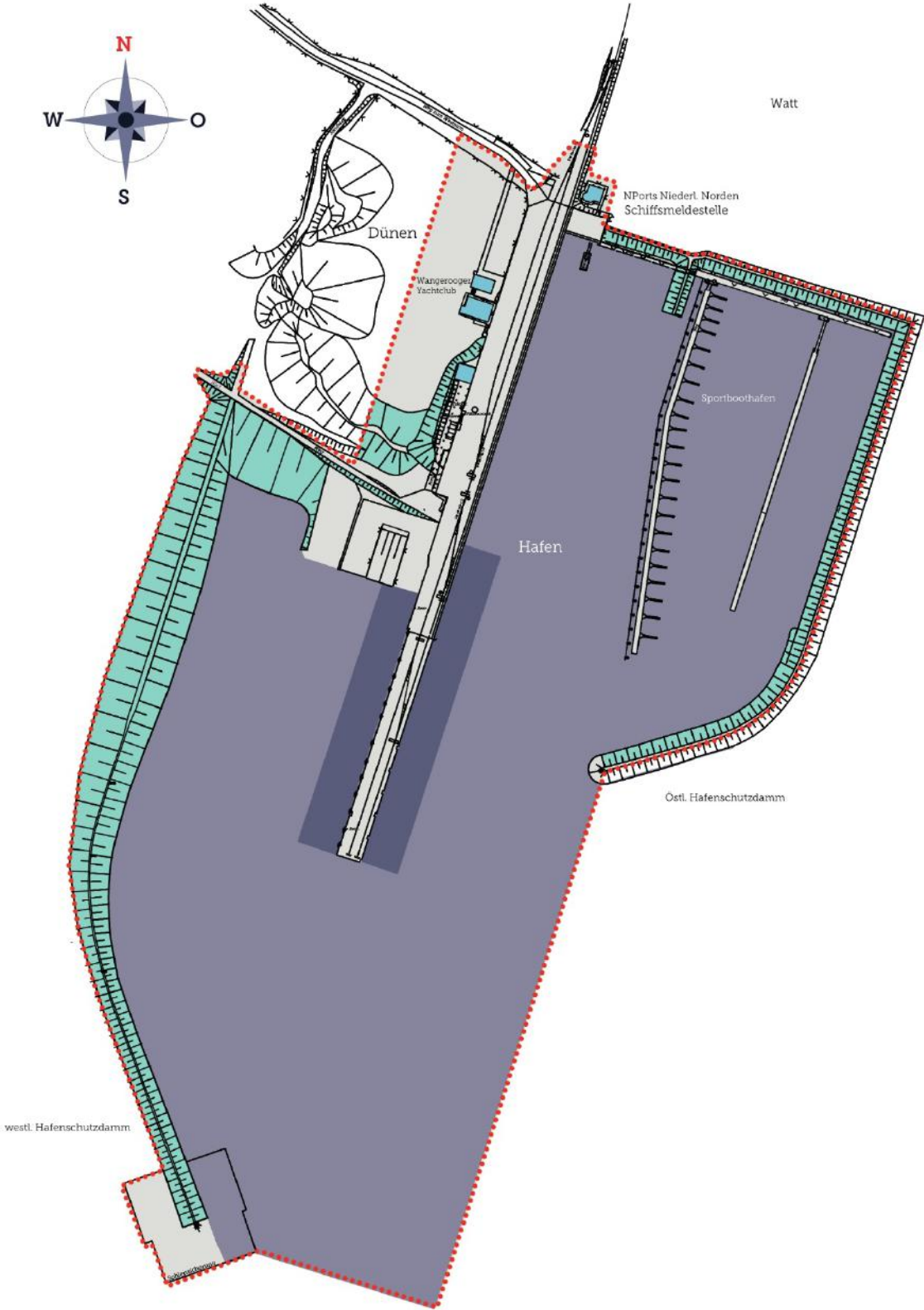
APPENDIX 11 – Geographical Scope of the UPR in Norden, Norddeich



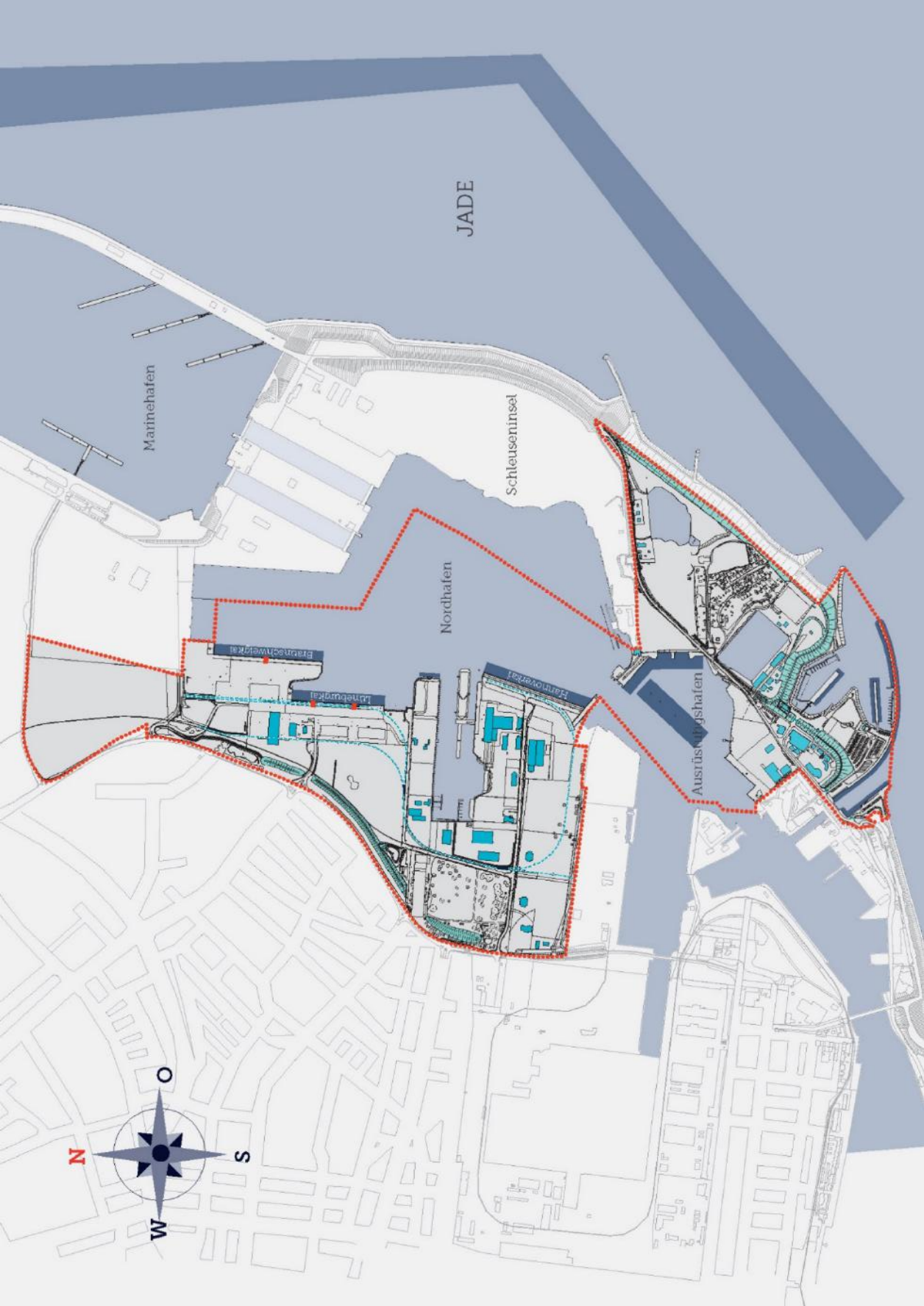
APPENDIX 12 – Geographical Scope of the UPR in Norden, Norderney



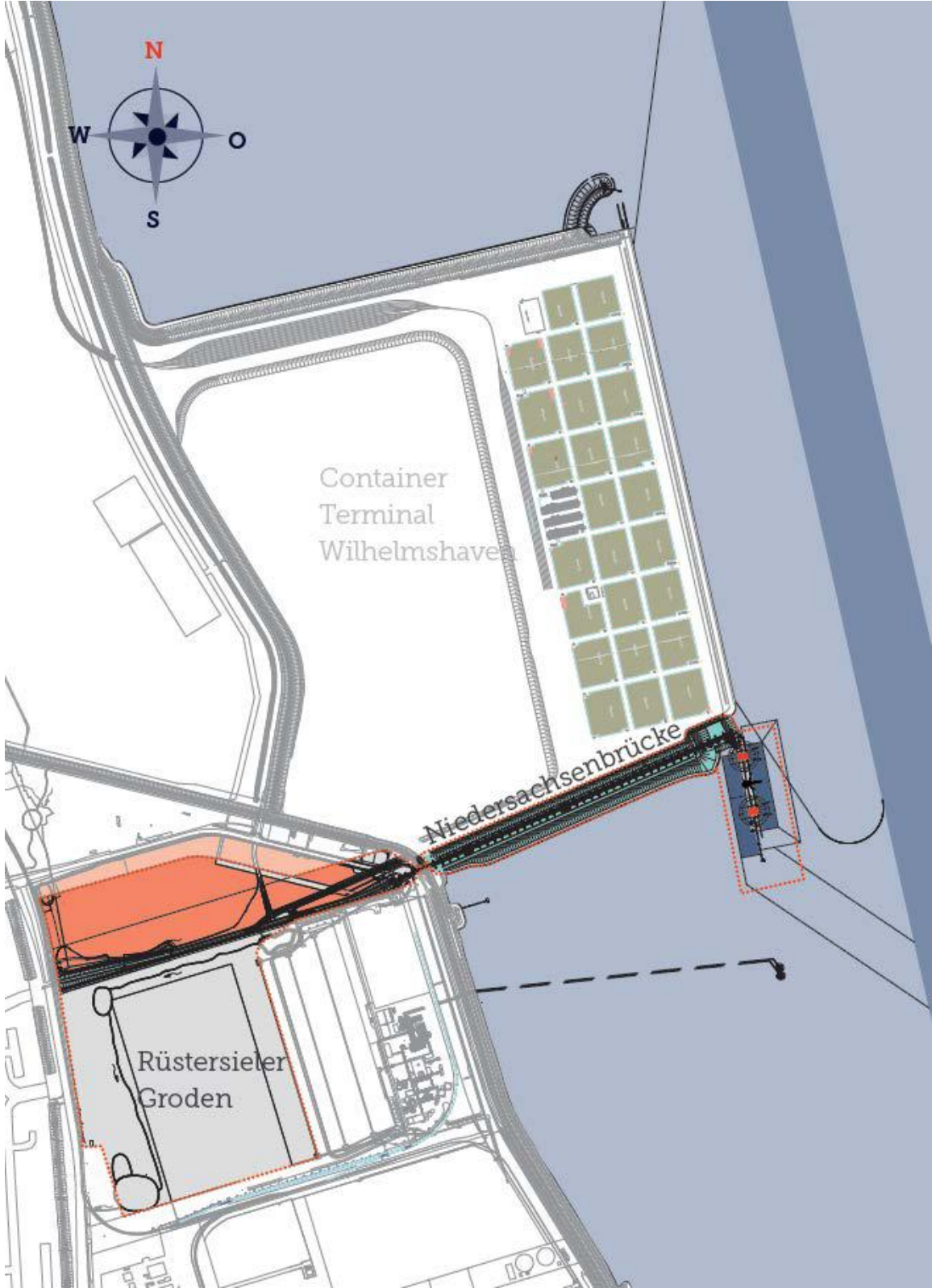
APPENDIX 13 – Geographical Scope of the UPR in Norden, Wangerooge



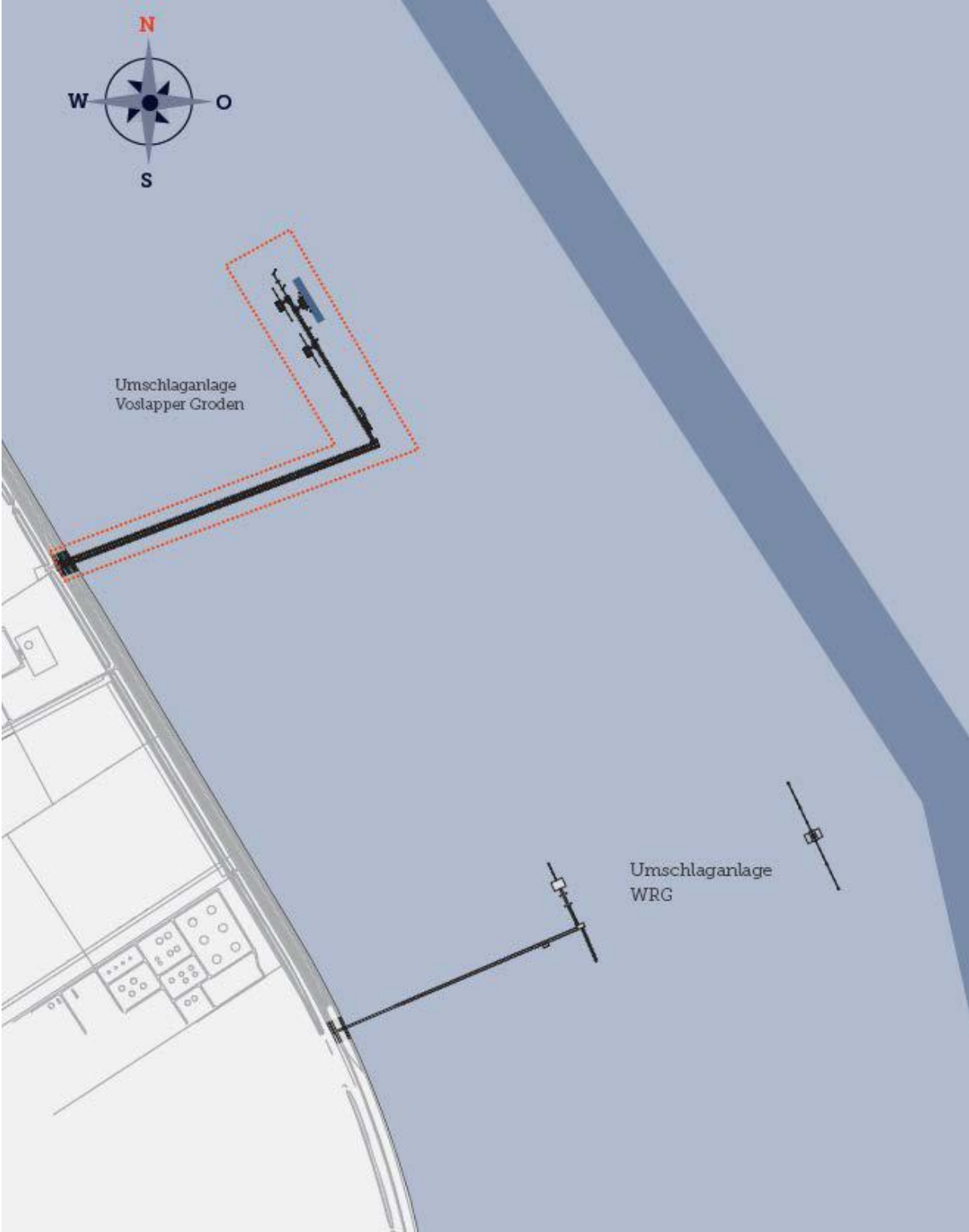
APPENDIX 14 – Geographical Scope of the UPR in Wilhelmshaven, Nordhafen



APPENDIX 15 – Geographical Scope of the UPR in Wilhelmshaven, Rüstersieler Groden



APPENDIX 16 – Geographical Scope of the UPR in Wilhelmshaven, Voslapper Groden



APPENDIX 17 – Geographical Scope of the UPR in Wilhelmshaven, Hooksiel



APPENDIX 18 – Geographical Scope of the UPR in Rysumer Nacken



APPENDIX 19 – Geographical Scope of the UPR in Wybelsumer Polder



APPENDIX 20 – Reporting Desks of NPorts' ports

<p>BALTRUM</p> <p>REPORTING OFFICE</p> <p>Tel.: +49 (0) 4939 - 448 Fax: +49 (0) 4939 - 990058</p> <p>E-Mail: smsbaltrum@nports.de /</p>	<p>BENSERSIEL</p> <p>REPORTING OFFICE</p> <p>Tel.: +49 (0) 4971 - 919912 Fax: +49 (0) 4971 - 919920</p> <p>E-Mail: sms-bensersiel@nports.de</p> <p>Radio: VHF-Channel 17 – Call Sign: "Bensersiel Port"</p>
<p>BRAKE</p> <p>PORT OFFICE</p> <p>Brommystr. 2, 26919 Brake</p> <p>Tel.: +49 (0) 4401 – 925-0 Fax: +49 (0) 4401 – 3272</p> <p>Pier watch service, 24h:</p> <p>Tel.: +49 (0) 4401 – 925 – 264 Fax: +49 (0) 4401 – 925 – 267</p> <p>E-Mail: pierwachdienst-brake@nports.de</p> <p>Radio: VHF-Channel 10 – Call Sign: "Brake Lock"</p>	<p>CUXHAVEN</p> <p>PORT OFFICE</p> <p>Tel.: +49 (0) 4721 500 150 Fax: +49 (0) 4721 500 250</p> <p>E-Mail: cuxhaven@nports.de / Hafenmeisterei-cuxhaven@nports.de</p> <p>Radio: VHF-Channel 69, CUXHAVEN RA- DIO (Port Office)</p> <p>VHF-Channel 69, CUXHAVEN LOCK RA- DIO (sea lock)</p>

<p>EMDEN</p> <p>PORT OFFICE</p> <p>Zum Lotsenhaus 25, 26723 Emden</p> <p>Tel.: +49 (0) 49 21 – 897-260 Fax: +49 (0) 49 21 – 897-241</p> <p>E-Mail: hafenmeister-emd@nports.de</p> <p>Radio: VHF-Channel 13 – Call Sign: "Emden Port"</p>	<p>FEDDERWARDERSIEL AND GROßENSIEL</p> <p>PORT OFFICE</p> <p>Brommystr. 2, 26919 Brake</p> <p>Tel.: +49 (0) 4401 – 925-0 Fax: +49 (0) 4401 – 3272</p> <p>Pier watch service, 24h:</p> <p>Tel.: +49 (0) 4401 – 925 – 264 Fax: +49 (0) 4401 – 925 – 267</p> <p>E-Mail: pierwachdienst-brake@nports.de</p> <p>Radio: VHF-Channel 10 – Call Sign "Brake Lock"</p>
<p>LANGEOOG</p> <p>REPORTING OFFICE</p> <p>Tel.: +49 (0) 4972 – 301 Fax: +49 (0) 4972 – 990962</p> <p>E-Mail: sms-langeoog@nports.de</p> <p>Radio: VHF-Channel 17 – Call Sign: "Langeoog Port"</p>	<p>NORDDEICH</p> <p>REPORTING OFFICE</p> <p>Tel.: +49 (0) 4931 – 9888 14 Fax: +49 (0) 4934 – 9888 11</p> <p>E-Mail: sms-norddeich@nports.de</p> <p>Radio: VHF-Channel 17 – Call Sign: "Norddeich Port"</p>
<p>NORDERNEY</p> <p>REPORTING OFFICE</p> <p>Tel.: +49 (0) 4932 – 9257 41 Fax: +49 (0) 4932 – 9257 48</p> <p>E-Mail: smsnorderney@nports.de</p> <p>Radio: VHF-Channel 17 – Call Sign: "Norderney Port"</p>	<p>STADE-BÜTZFLETH</p> <p>REPORTING OFFICE</p> <p>Am Seehafen 2 21683 Stade-Bützfleth</p> <p>Tel.: +49 (0) 41 46 / 93 81 – 11 Fax: +49 (0) 41 46 / 93 81 – 19</p> <p>E-Mail: jallwoerden@nports.de</p> <p>Radio: VHF-Channel 69, CUXHAVEN RA- DIO (Port Office)</p>

<p>WANGEROOGE</p> <p>REPORTING OFFICE</p> <p>Tel.: +49 (0) 4469 – 630 Fax: +49 (0) 4469 – 945775</p> <p>E-Mail: sms-wangerooge@nports.de</p> <p>Radio: VHF-Channel 17 – Call Sign: "Wangerooge Port"</p>	<p>WILHELMSHAVEN / HOOKSIEL</p> <p>PORT OFFICE</p> <p>Pazifik 1, 26388 Wilhelmshaven</p> <p>Tel.: +49 (0) 44 21 – 40 980 999 Fax: +49 (0) 44 21 – 40 980 998</p> <p>E-Mail: portoffice@jadeweserport.de</p> <p>Radio: VHF-Channel 11 – Call Sign: "Wilhelmshaven PORT"</p>
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APPENDIX 21 – Pilots/Exemptions (Waivers)/Local Particularities

The ports of Fedderwardsiel and Großensiel are tide gates ports that run dry during low tide. Strong currents can be generated by opening the tide gates. This has to be taken into account by the ship's command when calling a port and berthing.

Emden:

For the proper distribution of berths, the time of arrival for ships coming from the sea is defined as passing the approach buoy "Westerems" and applies to direct (without interruption) approach to the registered berth. If the vessel is unable to approach the Port of Emden because the berth is occupied or the incoming vessel has to wait for the tide, the vessel is deemed to have arrived when it has dropped anchor in the "Westerems" anchorage or when it has tendered its "Notice of Readiness" (NOR). Otherwise, ships are considered to have arrived when they actually arrive in Emden.

Priority traffic in the port area

- 1) Other vehicles entering the port entrance from the Ems or calling at the berths on the Ems quay with the electricity or in the event of a power failure are subject to waiting obligations.
- 2) Vehicles leaving the outer harbor are obliged to take evasive action against vehicles leaving the outer harbor of the Great Sea Lock.

Obligation to accept port pilots

- 1) The port pilotage service for the port of Emden is provided by the Ems Pilot Brotherhood. The obligation to accept port pilots is governed - taking into account the special interests of the Port of Emden - by the Regulation on the Administration and Order of the Ems Sea Pilotage Area, Ems Pilotage Regulation (Ems LV).

The acceptance of a port pilot is mandatory:

1. sea tankers without double hull with a length of more than 60 meters or a width of more than 10 meters or more
2. sea tankers with double hull and other sea tankers with a length of more than 90 meters or a width of more than 13 meters or a draught of more than 6 meters and more
3. the head of Port Office may also order a pilot to be assigned to the Port Office if the dimensions of the vessel fall below the above-mentioned dimensions for reasons of traffic safety. In addition, he may order the acceptance of one or more pilots in case of exceptional floats or in other cases, if this is necessary to maintain the safety and ease of navigation or to protect the port facilities.

- 2) Upon request, the head of Port Office may, in special cases and if certain conditions are met (in particular, compliance with the exemption criteria of the LV Ems, taking into account the special conditions in the Port of Emden), exempt ships from the obligation to accept a pilot - port pilot exemption.
- 3) Issue of a port pilot exemption
 - a. Prior to issuing an initial port pilotage exemption, the required voyages under port pilotage advice and in a theoretical examination before the head of Port Office, sufficient knowledge of the applicable regulations, localities and the German language must be demonstrated.
 - b. The exemption can be extended for a further 12 months upon request if the ship's command has sailed the route at least six times in the past 12 months.
 - c. A lump-sum fee of 200 € will be charged.
- 4) § 23 of the Law on Maritime Pilotage in the version of the announcement of the new version of this law of 13.09.1984 (BGBl. I, p. 1213) in the currently valid version shall apply to the responsibility for the operation of a vehicle travelling under pilotage.
- 5) A vehicle requiring a pilot must report its estimated time of arrival or departure to the pilot station in good time.
- 6) Port pilot exemptions issued by the Emden Port Authority
 1. retain their validity within the scope of their time limitation,
 2. take precedence over port pilotage exemptions issued by NPorts.

Maritime vessel assistance services

Maritime assistance services are safety-related services. Companies that wish to provide maritime ship assistance services commercially in the port on a regular basis, i.e. not exceptionally, must comply with the following rules and provide proof of compliance. Proof must be provided to NPorts before the start of the service.

1. the towage company must have its place of business in a state of the European Union
2. proof of name, survey, hawser pull, type of propulsion, if applicable firefighting equipment of the sea-going tugboats to be used.
3. the crew members of the tugboats must have the prescribed and valid certificates of competency, the drivers must also have sufficient knowledge of the German language in order to be able to understand and conduct nautical traffic agreements conducted in German.
4. ship's command which does not have at least one year's sailing time in the port in question must provide evidence of six experience trips with port pilots in different port areas and take an examination before the head of port office (or representative) in which sufficient German and port knowledge is tested.

5. the towage company has to publish a tariff for its services.
6. the towage company has to offer its towing, mooring and assistance services in the whole port and has to ensure that the number of suitable tugs required by the captains/port pilots can be provided at any time. At least one tugboat and sufficiently qualified personnel as well as the necessary technical equipment must be available immediately ready for operation to ensure the safety and ease of ship traffic and the safe berthing of the vessels at the quay in the port area of Emden. The used technical equipment and the tugs must correspond to the respective state of the art. The tugs have to use AIS (Automated Identification System).
7. the tugboat company has to offer its services reliably 24 hours a day, 7 days a week, including holidays. The services have to be carried out promptly according to the customer's requirements, safely and orderly, according to the rules of good seamanship and under economically acceptable conditions.
8. the tugboat company has to set up an operation center and has to prove its uninterrupted operational readiness by indicating the means of communication the operation center has at its disposal. The postal address, telephone numbers and e-mail address of the operation center must be given and any changes must be communicated to NPorts immediately.
9. the towing company must immediately comply with orders of competent authorities which are necessary to avert a danger to the safety and ease of traffic or other port operations.
10. customers of the towing company must not be treated differently or arbitrarily without objectively justified reason.
11. the towage company has to ensure for its operation that the required standards and international and national norms including safety standards are observed.

Port license

The port patents for the port of Emden issued by the Emden Port Authority are recognized by NPorts.

Within the scope of their validity, they entitle the holder to operate commercial watercraft operating exclusively in the Port of Emden which do not fall under the scope of application of the BinSchUO and the NBinschVO.

Cuxhaven:

Port pilots

The Elbe pilotage service for the port of Cuxhaven is provided by the Pilots' Brotherhood Elbe. The obligation to accept an on-board pilot results from the Elbe Pilotage Ordinance (Elbe-Lotsverordnung - Elbe-LV) of April 8, 2003, as amended.

Notwithstanding the above, it applies to the outer harbor and berth 8 inside that ships with a length overall of more than 80 m or a width overall of more than 13 m or a draught of more than 6.50 m are already obliged to accept an on-board pilot.

Ship commands which have freed themselves on the Elbe and regularly call at Cuxhaven are then also free of pilots for mooring at their regular berth at the outside facilities (current quays) and do not have to take a port pilot there. If they go to another than the regular berth, they have to take a port pilot.

For ships that are obliged to accept an on-board pilot, the following exemption rules apply in deviation from the regulations according to the Elbe Pilotage Ordinance:

1. pilots of vessels with a length of more than 80 m up to and including 90 m length overall, a width of up to and including 13 m width overall and a draught of no more than 6.50 m may be exempted without application throughout the port area, provided that
 - the ship's command presents a shipping police permit for this vessel on the Elbe,
 - the ship's command has previously navigated this port area with this vessel at least 12 times under pilotage advice within the last 12 months, and
 - the ship's command has sufficient German language skills

The head of Port Office must be provided with appropriate evidence of all the points mentioned.

For ship's command which already have one or more exemptions, the number of experience trips is reduced to six trips under pilotage within 12 months in order to acquire a further exemption for a vessel not exceeding the above dimensions.

The head of Port Office may, upon request, transfer the exemption to an identical seagoing vessel.

The exemption is valid for twelve months and is extended by twelve months at a time if the ship's command has sailed the route with the same ship at least twelve times within this period and provides the Port Office with proof of this.

2. in addition, it applies to the port of America that the ship's command can be exempted from the obligation to accept an on-board pilot without application, provided that the vessel is a seagoing vessel with a length of up to and including 120 meters lua, a buea of not more than 19.70 meters and a draught of not more than 6.50 meters, if

- the ship's command presents a shipping police permit for this vessel on the Elbe,
- the ship's command has previously navigated this port area with this vessel at least 12 times under pilotage advice within the last 12 months, and
- the ship's command has sufficient German language skills

The head of Port Office must be provided with appropriate proof of all the above-mentioned points.

For ship's command which already have one or more exemptions, the number of experience trips is reduced to six trips under pilotage within 12 months in order to acquire a further exemption for a ship not exceeding the above dimensions.

The head of the Port Office may, upon request, transfer the exemption to an identical sea-going vessel.

The exemption is valid for twelve months and is extended by twelve months at a time if the ship's command has sailed the route with the same ship at least twelve times within this period and provides proof of this to the Port Office.

In the case of towed convoys, the sum of the overall length of the tug and the appendix, without taking into account the length of the towing line, is decisive; the width is the overall width of the towed convoy including the fixed overhangs and any cargo overhangs.

The aforementioned regulation does not apply to tankers or other vehicles from which a special danger emanates. The assessment of the hazard is at the discretion of the local Port Authority and will be coordinated with it.