

Terms, conditions and prices 2022

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Port of Thyboron

Port Office
Tankskibsvej 4
DK-7680 Thyboron

Phone +45 9690 0310

E-mail: adm@thyboronport.dk

Website: www.thyboronport.com

Opening hours administration: Monday – Friday: 08.00 – 15.30

Weekends and public holidays: Closed

Port Office (Maritime section)

Phone +45 2020 6186 (open 24 hours, 7 days a week, 365 days)

E-mail: port@thyboronport.dk

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1. Introduction

1.1 General terms and conditions

General conditions at The Port of Thyboron are regulated by the "Standard regulations for the maintenance of order at Danish industrial ports", "Regulations for the maintenance of order at the Port of Thyboron" and "General conditions for port business in Denmark", with the exception of minor deviations, which are stated in this document.

Prices and rates stated are all ex VAT and other official duties. Exchange rate DKK-EUR 7.45.

We reserve the right to pass on exchange-rate related price increases.

1.2 Terms and conditions of payment

The terms and conditions of payment for the services provided by The Port of Thyboron are as follows:

- 1.2.1 **General terms of payment:** invoice date + 14 days. After this period, the port authority will charge interest on overdue payment from the due date (1% per month). Dunning fee per dunning letter EUR 13.42.
- 1.2.2 **Port area lease contracts:** Current month + 15 days. After this period, the port authority will charge interest on overdue payment from the due date (1.5 % per month or part thereof). Dunning fee per dunning letter EUR 13.42.

1.3 General terms and conditions

1.3.1 Submission of particulars

The master or his representative shall provide such information about the vessel and its cargo as is necessary for the assessment of charges on the vessel and commodity dues. Documentation in the shape of the ship's manifest, bills of lading and weight documents, etc. must be submitted to the port administration office, with any additional information about the vessel, its passengers and cargo – including any accompanying vehicles, containers, etc.

1.3.2 Laying up of goods and products

Goods and products, etc. may be laid up according to the terminal operator's instructions in areas on the port intended for these purposes and to the extent that any such port areas are available.

The port authority may require applications to be submitted in writing. The application must state the type of goods, quantity and dangerous goods classification (if any). The application must also include information about the owner and the party responsible for paying the rent.

Goods, which are to be laden on board or which have been discharged from a vessel, may be laid up on the port free of charge for a period of no more than seven days (calculated from and including the day the goods were laid up). The port area, in which the goods are stored – which will only exceptionally be on the quay – must be agreed with the port authority.

1.3.3 General regulations for area allocated for laying up

Goods laid up on the port are laid up at the owner's risk. The terminal operator may request their removal or relocation within the port zone at any time.

In the event of failure to comply with a request of this nature or in the event that goods are laid up on the port area without consent, the terminal operator is entitled to allow them, in accordance with the provisions of the standard regulations regarding the maintenance of order, etc., to be removed at the owner's expense.

If an allocated area is not taken up the day after it is allocated, the terminal operator is entitled to dispose of the area for other purposes.

2. Charges on vessels and mooring charges

Charges are payable for all ships, vessels and other floating equipment moored in the port or in the dredged channels leading to it. Charges on vessels are chargeable to the vessel.

Charges on vessels are calculated based on the vessel's gross tonnage (in accordance with the ship's manifest).

2.1 Initial period

Vessels will be charged according to the master's or the owner's choice of the following:

2.1.1 Single call

Vessels and other floating equipment: EUR 0.36 per gross tonnage

Minimum charge per port call: EUR 48.32

2.1.2 Monthly charges (unlimited port calls for 30 days from the 1st of the month)

Vessels and other floating equipment: EUR 1.58 per gross tonnage

2.1.3 Flexible monthly charges (unlimited port calls for 30 days from a flexible start date)

Vessels and other floating equipment: EUR 1.69 per gross tonnage

Minimum monthly charge for port call(s): EUR 230.87 per month.

The monthly charge is payable in advance and gives the vessel the right to an unlimited number of calls within the calendar month in question.

2.2 Subsequent periods – mooring charges

The single call charge is applicable for a period of 14 calendar days from the arrival date.

After this, a mooring charge is payable for each period of 14 calendar days or part thereof for vessels moored, vessels under repair and new buildings. If a mooring charge is not paid, a new call charge is payable.

For ships, vessels and floating equipment laid up in the port for more than two weeks, mooring charges are payable according to the tariff list below for each two-week period or part thereof, although the minimum charge for each period is EUR 48.32.

1 period = 14 days

Mooring charges are payable in accordance with the following tariff list:

Period	1-2-3-4-5-6	EUR 0.27 per gross tonnage
Period	7-8-9-10-11-12	EUR 0.40 per gross tonnage
Period	13-14-15-16-17-18	EUR 0.54 per gross tonnage
Period	19-20-21-22	EUR 0.67 per gross tonnage
Period	23-24	EUR 0.81 per gross tonnage
Period	25	EUR 1.34 per gross tonnage
Period	26-27 and subsequent periods	EUR 2.01 per gross tonnage

For vessels, which have paid a monthly call charge, mooring charges are calculated from the first day of the next month. For vessels laid up in the port, quarterly mooring charges may be paid in arrears for each 14-day period or part thereof, by agreement with the port authority.

Agreements for shorter or longer periods that deviate from the above may be reached in advance. Agreements of this kind will be made at the Port of Thyboron's discretion.

Vessels, which are exempt from commodity dues in pursuance of sections 2.5c/2.5d/2.5e, are exempt from mooring charges.

For vessels covered by section 2.5f, the period during which the vessel was brought ashore or in the dock will be deducted from calculation of the mooring period.

For vessels, which have paid charges for a calendar month, mooring charges will be calculated from the first day of the next month.

If seaward areas of the port are utilised for other purposes than those mentioned above, mooring charges will be calculated by special agreement with the port authority.

Vessels may not be laid up in the port except by agreement with the port authority, in which case the port authority is entitled to require a bank guarantee.

Mooring charges are levied by the port authority and must be paid in advance for each period. For vessels laid up in the port without a signed-on crew, mooring charges must be paid in advance for all agreed lay-up periods.

2.3 Passenger charges

A passenger charge is payable on each passenger boarding or embarking within the port zone.

Charge per passenger: EUR 0.34 per person.

2.4 Reduced charges on vessels

Single call charge: EUR 124.83. For vessels, whose call is solely for change of crew, provisioning or similar and the berthing time is of no more than two hours in duration.

2.5 Exemption from charges on vessels

The following are exempt from charges on vessels:

- a. Vessels registered as fishing vessels unless the vessel:
 - Discharges fish, etc. laden at another port
 - Is laid up in the port for more than three months without having actively fished
 - Has not landed catches in the port within the past three months
 - Is a fishing vessel under repair, which has not landed catches in the port within the past three months.
 - Fishing vessels, whose cargo of fish has not reached a customs tariff value equivalent to half of the minimum mooring charges, may be charged up to half of the mooring charges less the customs tariff value of the fish. The vessel must substantiate the actual customs tariff value paid on the fish.
- b. Vessels calling at the Port of Thyboron solely for medical assistance, landing of patients, shipwrecked persons or corpses, as well as ships forced to seek shelter, if their stay in the port does not exceed 24 hours.
- c. Vessels exclusively importing or exporting goods and equipment for the port's own use, and vessels, which are exclusively used in connection with construction and maintenance work carried out at the port's expense.
- d. Vessels operating at the service of the port.
- e. Icebreakers and tugs when used for their intended purposes within the port zone.
- f. Vessels, which use slipways to sail directly to and from the slipway without using other port facilities.
- g. Ships calling only for bunkering, where the call is of less than 12 hours' duration. Bunkering must be carried out from the seaward side or from a permanent port facility.

2.6 Vessels on scheduled routes – reimbursement of charges on vessels

Partial reimbursement of charges on vessels paid for vessels operating on scheduled routes.

For vessels, which have paid charges for every call and which call at the port on scheduled routes, partial reimbursement of charges on vessels paid may be made in accordance with the following regulations:

- a.** Each year, the ship owner or the vessel's local forwarders must notify the port authority of the route and obtain the port authority's approval to operate a scheduled route into the port. The notification must include a timetable with a list of the ports of call and the names of the vessels that will normally be used. Only routes, in which the vessel carries general cargo or a combination of general cargo and breakbulk cargo (liner shipping), will be approved.

In the event of deviations from the route, either such that ports located between the start and finishing points on the route but not normally included in the normal route and called into occasionally en route, or such that ports normally called into on the scheduled route are occasionally either omitted or called into in a different sequence than that approved by the port authority, approval will not be withdrawn.

- b.** In an accounting year (1 January – 31 December), the service must include at least 12 calls at port. If the route concerned operates to or from ports outside Europe, the Mediterranean and Greenland, at least six calls at port are required. If a route is approved after the start of the accounting year, the required number of calls in the first accounting year will be reduced proportionately.
- c.** Reimbursements can be calculated in two different ways as stated in paragraph **d** and **e**.
- d.** An application for reimbursement can be made for one accounting year at a time and it must be lodged no later than one month from the end of an accounting year, i.e. by 1 February. The application must be sent to the port authority and include the port authority's receipts for charges on vessels and documentation to substantiate that the vessel in question did in fact call at the port on the approved route. Reimbursement will only be made for calls on the route occurring after the route is approved by the port authority.
- e.** Reimbursements can be calculated for each port call as from the 12. port call and more. Reimbursements will only be made for port calls on the route occurring after the route is approved by the port authority.
- f.** Reimbursement will be made in accordance with the following percentages of charges for vessels and calculated per call.

12 – 20 port calls	40%	EUR 0,21 per BT
21 – 30 port calls	50%	EUR 0,18 per BT
31 – 60 port calls	60%	EUR 0,14 per BT
61 port calls and more	70%	EUR 0,11 per BT

2.7. The ISPS security fee

ISPS port security fees were introduced on 1 January 2015.

The security fee applies to all vessels of 500 gross tonnage and larger that are included in the ISPS code.

Fee per single call: EUR 0.05 per gross tonnage

Fee per monthly card: EUR 0.20 per gross tonnage

Like charges on vessels, the security fee covers a period of 14 days. If the vessel is laid up for more than 14 days, a fee is payable for a further period and subsequent 14-day periods.

3. Commodity dues

Commodity dues are levied on all goods unloaded, loaded or otherwise shipped or brought ashore in the port or in the dredged channels. Commodity dues are payable by gross weight.

Commodity dues are chargeable to the consignee or shipper. With regard to the duties on fresh fish, etc., the regulations stated in the "Fish and shellfish" section (below) apply.

3.1 Goods

General tariffs for goods on the quay at the Port of Thyboron apply as follows:

Standard tariff: EUR 2.15 per ton

Special tariff 1: EUR 1.41 per ton (intermediate tariff)

- General cargo, regardless of product type.
- Fish meal, oilseed cake and vegetable products, etc. for use in animal feed
- Animal feedstuffs
- Potatoes, fodder peas, tapioca, grain, flour or grain granules
- Potato starch and flour, oleaginous seeds, other types of seed and fruits, etc.
- Fertilisers
- Salt, cement, iron sulphate
- Timber, raw and semi-processed
- Timber board (plywood and compressed wood), wood chips
- Quarry tiles, clay piping, fireproof stone, bricks and paving stones
- Iron and steel – raw metals and semi-manufactured goods
- Metals – base metals, waste, etc.

Special tariff 2: EUR 1,18 per ton

- Primary agricultural crops
- Protein crops
- Soybean meal

Special tariff 3: EUR 0.62 per ton (lowest tariff)

- Biomass / Waste for incineration
- Non-edible products of animal origin
- Sugar beets, etc. Green fodder pellets, etc.
- Soil, stone, chalk, gypsum and sulphur
- Ores, slag and ashes
- Glass shards and other glass waste.

Special tariff 4: EUR 1.64 per ton

- Hard coal, lignite, peat and coke.

Special tariff 5: EUR 2.19 per ton

- Oil, etc.

Special tariff 6: EUR 2.01 per ton

- Ferry goods, irrespective of type

Special tariff 7: EUR 22,82 per container with cargo

- Container goods, irrespective of type, on scheduled routes

Passenger vehicle fee: EUR 1.64 per vehicle

- For any registered passenger vehicle brought ashore or embarked in the port zone, a fee of EUR 1.64 is payable.

For specific rates for other types of goods, contact the Port Office.

3.2 Tariff value of fish and shellfish

For fish and shellfish unloaded from fishing vessels in unprocessed or processed condition, a fee is payable corresponding to 2.4% of the first-hand selling price, although not more than EUR 5033.56 per cargo. The term "cargo" here describes the total cargo per call by an individual vessel).

The tariff value for fish, etc. is payable to the consignee (auctioneer, fishmonger, fish purchaser), who is required to submit calculations in writing to the port authority. By consent of the port authority, calculations may be submitted for a pre-determined period, although this period may not exceed one month.

For fish landed in Thyboron port:

If the fish are not sold through a fish auction “in first hand sale” and if the value of the fish unloaded via Thyboron port is less compare to the average price, as sold via a fish auction then Thyboron port can issue additional 2,4 % invoice for the calculated difference.

Invoices will only be sent to appointed Danish agent and/or fish auctions which has an agreement with Thyboron port.

The consignee may be obliged on request to provide a specification of purchases and, on request from the port authority, the masters of the above-mentioned vessels may be obliged to provide details regarding the value and weight of the catch and to whom it is sold.

If the consignee/master wishes to avail himself of the provision regarding the maximum charge of EUR 5033.56, the consignee/master of the individual vessel is liable to document to the port authority that the value of the cargo exceeds EUR 209,731.54.

3.3 Exemption from commodity dues

Exemption from commodity dues is conditional upon the master requesting the goods to be unloaded or loaded without having previously paid commodity dues on the goods.

The following goods are exempt from commodity dues:

- a. Empty containers and other unladen transportation units, which are not dispatched as commodities.
- b. Provisions and other goods for the vessel's own use.
- c. Ice, salt and other chemicals used to conserve the cargo or catch.
- d. Navigation marks if these are not dispatched as commodities.
- e. Mail, post and baggage.
- f. Goods and equipment for the port authority's own use.
- g. Goods, which are imported from the seaward side into the port and for which import duties have been paid, are not liable for export duties for onward transportation by sea, if, after discharge, the goods are not subject to any type of processing or treatment, including packing, and that onward transportation takes place within 12 months of discharge. An application for exemption from commodity dues for goods, which will be transported onwards, must always be submitted to the port authority with the ship's manifest, and

goods and loading specifications, etc. The application must include a validated specification of the commodity dues paid per individual batch of goods, and, in the application, the shipper must solemnly declare that full import duties have been paid on the goods in question.

3.4 Reimbursement of commodity dues

Commodity dues will be refunded in the following cases:

- 1.** If it can be proven that, as a result of an incorrect declaration, excessive commodity dues have been paid, commodity dues may be regulated by the port authority on request, although not later than three months from the payment date.
In connection with regulation, an administration fee of EUR 53.69 per event is payable.
- 2.** If the consignee or shipper of the goods has not reimbursed the master or his representative for outlays of commodity dues, reimbursement may be made on request, provided that the following conditions are met:

Concomitant with payment to the port authority, the vessel's master or his representative must request payment of commodity dues from the consignee or shipper of the goods. The request for payment must include notification that, if payment is not received within five days, the port authority will be notified of the fact.

If the consignee or shipper does not pay commodity dues within the stipulated deadline, notification hereof, with a copy of the letter to the consignee or shipper of the goods, must be sent to the port authority without delay.

A sum of less than EUR 67.11 will not be reimbursed.

3.5 Special agreements

In special cases, agreement may be made with the port authority concerning commodity dues.

4. Other services provided by the port

4.1 Power supply

There are power pods along the quays at the Port of Thyboron, from which vessels can draw electricity. You can ask the Port Office for notification of maximum consumption available on an individual stretch of the quay. Power tariffs

- a. Normal electricity consumption EUR 0.21/kWh
- b. Electricity supplied to service companies on the port, who repair vessels EUR 0.21/kWh

Official taxes and duties will be added to the above tariffs.

Regular users at the port are charged monthly for electricity.

Occasional users at the port must pay on departure.

Power supplied to lessees of port authority buildings is regulated by individual lease agreements. These agreements are subject to the liability conditions stated below.

The port authority may reach special agreements regarding payment for electricity if practical or administrative conditions make this reasonable.

The Port of Thyboron cannot guarantee a reliable supply of power from the power pods established on the harbour and cannot guarantee the efficacy of power pods before or during a vessel's connection to the pod. The Port of Thyboron cannot therefore be held liable for consequential damage that may occur to connected vessels or installations or for indirect losses, such as operating losses, loss of time or other types of indirect losses that may occur due to an irregular electricity supply and/or defective port installations.

4.2 Water supply

There are hydrants along the quays at the Port of Thyboron, from which vessels calling at the port may bunker drinking water. Water from hydrants must not be used for other purposes, except by prior agreement.

For fishing vessels, which land catches on the Port of Thyboron, bunkering water for crew use is included in the customs tariff. If these vessels bunker water for other purposes, such as ice machinery, fish tanks, etc., a water supply charge will be made at the ordinary rate.

For connection to a water hydrant, contact the Port Office.

Cost of water for bunkering: EUR 0.98 per m³ – plus government levy.

No water connection fee applies.

In the event of unauthorised connection to a water hydrant and consumption of water for purposes other than bunkering of fresh water to vessels in the port, the port authority will levy a one-time charge of EUR 67.11 per unauthorised connection.

The delivery of water to lessees of port authority buildings is regulated by individual lease agreements. These agreements are subject to the liability conditions stated below.

The delivery of water is made from hydrant that is connected to the public water supply from Lemvig Vand og Spildevand (utility company). The Port of Thyboron cannot guarantee the quality or pressure of the water in the hydrant nor be held liable for damages in connection with consequential damage or indirect losses, such as loss of time or operating losses or other types of indirectly losses that may occur as a result of inadequate water quality, pressure and/or defective port installations.

4.3 Waste disposal

The port authority has set up a waste collection scheme for waste from fishing and cargo vessels in accordance with applicable legislation.

In pursuance of the Danish Ministry of Environment executive order no.1396 of 25 November 2016, ships calling at the port are obliged to hand over waste before leaving the port.

Vessel waste disposal since last port is free of charges.

Slop oil disposal of the first 2000 l is included in the berthing charges

Contact the port office for further details concerning waste disposal prices.

For more details regarding regulations for waste handling and disposal, see the port authority's "Regulations for receiving waste from vessels".

5. Lease of port areas on the Port of Thyboron

5.1 General lease of port areas

For shed areas or areas on which construction for port-related activities is permitted, the rate payable is EUR 3.09 /m²/year. The areas are leased in accordance with the port authority's general port area lease contracts, including conditions for handing over the area at the end of the lease period.

For consolidated areas in the port area lease contract, double port area lease fee is charged, which is currently EUR 6.17/m²/year.

In port area lease contracts, port area lease is invoiced twice a year, i.e. on 1 April and 1 October, in advance.

The port authority may grant an irrevocable period on port area leases of no more than 22 years.

For port area lease contracts regarding leased port areas, the lessee is obliged to establish sufficient parking spaces for the company's customary operations.

For port area lease contracts regarding buildings, the minimum dimensions of the area will be calculated as the floor area of the building plus 2 metres of free space surrounding it. However, the port authority reserves the right to establish a minimum lease area vis-à-vis the port authority's plans and scope/nature and potential use of the adjacent residual areas.

5.2 Goods storage space, and bays and other areas designated for storing fishing equipment

- a. For bays and other spaces designated for storing fishing equipment, the rate payable is EUR 0.95/day/bay. Fishing equipment must be clearly labelled with the registration number of the fishing vessel in question. Storage position must be agreed with the Port Office.
- b. Areas reserved for laying up goods shipped in or out over the quay and other goods stored on the Port of Thyboron, occasional area charge of EUR 0.03/m²/day is chargeable. Minimum occasional area charge per day is EUR 33.56.
- c. Locked facilities and/or concrete-surfaces areas, occasional area charge of EUR 0.07/m²/day is chargeable. Minimum occasional area charge per day is EUR 67.11.

The rent will be calculated in accordance with the terminal operator's measurements.

In the event of a reduction in the size of the area used, on receipt of a request to this effect, the area will be re-measured. The rent will be regulated from the date the request for re-measurement was received and in accordance with the actual size of the area used.

However, a batch of goods will not be re-measured more often than once a week.

The cargo consignee is liable to pay rent while the shipper is liable to pay for goods dispatch, and otherwise, unless explicitly stated to the contrary, the party, to whom the area in question is allocated. Goods are laid up at the owner's expense and risk. The port authority accepts no liability for such goods.

In accordance with the applicable regulations, these rates will be charged plus VAT.

5.3 Conditions for rental of space for laid-up goods

5.3.1 Storage space rental and terms of payment

The fee for renting storage spaces for up to one month must be paid in full to the Port Office as soon as the storage period has ended. In the event of a storage period of more than one month, the rent will be charged per month (or quarter, or for six months or a full year) in advance. If the lessee fails to pay the rent within eight days of the invoice date, the terminal operator is entitled to refuse new goods for storage from the same lessee. The terminal operator may also demand removal of previously discharged goods.

5.3.2 Hand-over after the end of the rental period

At the end of the rental period, the lessee is obliged to hand over the area clean and tidy and otherwise in the same condition as when he took it over.

If the lessee fails to do this, the terminal operator is entitled to have the area cleaned at the lessee's expense.

5.3.3 Right of use of the area

The right of use of the area cannot be assigned to a third party, except with the terminal operator's consent.

6. Liability and limited liability

In the event that the Port of Thyboron is found to be liable for material damage or personal injury, the Port of Thyboron's liability will be limited to the following:

The Port of Thyboron is liable solely for errors and negligence on the part of the port's employees.

In the event of damage or loss of goods, the compensation sum will be calculated as the value of similar goods at the time the damage or loss was discovered. The value will be set in line with the market price or usual value of goods of the same type and quality.

The Port of Thyboron does not guarantee the precision of nautical charts, pilot or manuals for the port area and channel depths stated therein. The port authority does not accept liability for damage to vessels calling or moving in the port because of objects fallen from other vessels or a third party.

The Port of Thyboron is under no circumstances responsible for indirect losses, such as, for example (i.e. this list is not exhaustive), loss of time, consequential losses, waiting time or other indirect losses.

Vessels calling and mooring at the Port of Thyboron are responsible for their own responsible mooring. The vessel is solely responsible for ensuring that mooring is secure and causes no damage to the vessel, its cargo, work on the port, other vessels, etc. Vessels must be moored to bollards and fenders; in the condition they are found to be at the time of mooring. Similarly, the port authority cannot accept liability for damage to vessels, hawsers or other parts of the ship related to objects laid-up or stored on the quay.