

**General Principles & Definitions - for the ships which arrives in port with
01.03.2013**

1. Foreign-flagged vessels, which call at the ports administrated by NC-MPA-SA Constantza , have to be represented by a ship-agency company that has concluded a service contract with the **Administration**.
In special circumstances a shipmaster may make payments, on own behalf, for services provided before the vessel departs from port.
2. The amounts payable for services provided by the Administration are on ship-owners' account and the payments are to be made through ship-agency companies or directly by the ship-owner (for Romanian-flagged vessels).
3. All tariff rates applied by the **Administration** are expressed in EUR.
4. Payments for services provided are made in hard currency for foreign-flagged vessels and in equivalent national currency (LEI) for Romanian-flagged vessels.
5. Conversion of tariff rates into other currencies (including the national currency) is made at the official rates of exchange notified by the **National Bank of Romania (BNR)** for the invoicing day of the service provided, in conformity with the legal regulations in force.
6. The tariffs are VTA free. VTA will be invoiced in accordance to the Romanian Tax Law.
7. The amounts resulting from the application of tariff rates are due before the vessel departs from port and the ship agent is to guarantee the payment thereof on departure of the vessel. On or after departure of the vessel from port, the ship-agent makes the due payments in conformity with the clauses provided by the contract concluded between the respective agent and the **Administration**.
8. Basic port tariffs are applied as follows:
 - a. port access tariff, basin tariff and quay tariff are applied to vessels moored pierside (including those moored in double berth and other off-pier mooring

- positions), in compliance with conditions provided in Chapter III - items 1, 2, and 3;
- b. basin and quay tariffs, provided in Chapter III - items 2 and 3, are applied as per ship's LOA to vessels which moor stern-to or bows-to the quay;. port access and basin tariffs are applied to vessels riding at anchor in port waters, inner roads inclusive, as well as to vessels moored alongside the berths which do not belong to the Administration, in compliance with provisions of Chapter III - items 1 and 3;
 - c. port access tariff is applied to vessels which are transiting (without staying in port) to/from the Danube-Black Sea Canal, each time the vessel enters/departs from the port, in compliance with provisions of Chapter III - item 1;
 - d. port access tariff is applied only once to vessels that enter or depart from the shipyards in the ports of Constantza and Mangalia , vessels which leave the port for sea trials, as well as military vessels participating in exercises at sea;
 - e. no port access tariff is applied to foreign-flagged military vessels coming alongside or staying at military berths in the port of Constantza; since the respective berths belong to the General Staff of the Romanian Naval Forces, there is no justification for the basin or quay tariffs to be applied;
 - f. any type of a sea-going vessel may fall under only one of the tariff positions provided by Chapter III, items 1, 2 and respectively 3, in any of the mentioned situations that vessel might be (ex: for OBO vessels per operation, either a bulk-carrier or a tank vessels).
9. Quay tariffs, basin tariffs and the tariffs for the ships, which calls in the interior bay, are not applied to sea-going vessels, which calls directly on the quay, on their arrival day in port (except the case in which the vessel makes a port call of less than 24 hours).
10. Any service or hire (use) of port equipment is provided on basis of an order, temporary agreement or contract except in case of force majeure. The applicant is obliged to specify in his order all the necessary data that ensure that the service is provided under the best conditions.

Tariffs related to these services are to be negotiated with the relevant offices of the **Administration**, depending on the actual conditions under which the services requested by the clients will be provided.

11. Documents accepted as a basis for calculation of port tariffs for all vessels are the International Tonnage Certificate - 1969 (ITC) and Registry or Nationality Certificate.
12. Basic port tariffs provided in Chapter III and Chapter IV are not applied to surveillance and control vessels of the public port service (belonging to the Romanian Naval Authority, Harbour Master, Coast Guard, Transports Police and other authorities of the Romanian state) and vessels belonging to the **Administration**, maritime rescue vessels, fire-fighting vessels, marine research vessels and military vessels belonging to the General Staff of the Romanian Naval Forces. Also, this tariffs will be not applied for the ships which are engaged in investments works/reparations works/contract services/by order having as beneficiary NC MPA - SA Constanta, including the ones in progress since 2008.

Definitions

1. A vessel is considered to navigate in liner service if:
 - a. The vessel performing transport activities against a Bill of Lading, in which liner ship characteristics are mentioned.
 - b. A liner is the vessel at which loading/discharging norms does not apply and consequently demurrage and dispatch are not levied.
 - c. The liner vessel may depart regardless the quantity of cargo on board, should the established calling period has expired and the loaders may not arise any objections.
 - d. The liner vessel is not obliged to submit "NOR- Note of readiness" on loading/unloading operations.
2. The vessel navigates on a liner time-schedule between the ports administrated by NC-MPA-SA and, at least, one fixed destination to a foreign port. The schedule will be

notified by 30 days in advance for a new line and at least by 3 days in advance before the end of the current month for the next month, in case of ships being already in the liner time-schedule. This schedule has to contain the following data: name of vessel and port of registry, ship-owner's/charterer's name and head office, shipping route and ports of call, arrival at and departure times from the ports administrated by NC-MPA-SA , running numbers of voyages.

A ship-owner/charterer has to ensure that at least one monthly call is made at ports of Constantza/Midia/Mangalia.

A ship-owner/charterer has to comply with the time schedule that has notified in advance with the following exceptions:

- a) **5** days earlier or later for passages to/from Black Sea and Near East ports;
- b) **8** days earlier or later for passages to/from other ports.

A ship-owner/charterer may substitute the vessels nominated in the schedule with other vessels, informing the **Administration** to this effect. Notification in regard to substitution of a vessel is done by at least 5 days in advance for liner passages to/from Black Sea and Near East ports, respectively by 8 days for passages to/from other ports.

The vessel loads/discharges general cargo (including containerized) and Ro-Ro. The vessels that do not comply with any of the stipulations mentioned above, beginning with the next call, will not benefit from the tariff system related to the liner vessels.

3. Liner Service (LINER SHIPPING) has the following characteristics:
 - a) Sailings are based on a regular schedule made public in advance;
 - b) The service is available on a regular basis, advised in advance, even if not used;
 - c) The service is carried out between 2 or more ports, the Line`s freights being made public;
 - d) The loading/discharge of specific cargo is carried out on LILO terms (Liner In/Liner Out).
 - e) The ships performing the Liner Service can be owned by the shipowner or hired but have to be run by a single management company/opreator (named Liner Company) having the following obligations:

- f) to guarantee towards the stevedoring companies the payment of the services rendered;
 - g) to guarantee the arrival/departure of the ships according to the pre-announced programme, which is made public, with the exception of the force majeure events and/or special events, irrespective of the ship being;
 - h) to guarantee the loading, on his account, all the cargo being up to vessel's full capacity;
 - i) to guarantee the delivery of the cargo at destination, irrespective of the cargo being transhipped and taken over by other intermediary liner shipping companies;
 - j) Running a Liner Service is not subject to a Charter Party, Booking Note, aso. The transport contract is represented by the Bill of Lading itself;
 - k) The Liner Company has to have a firm contract with a stevedoring company (in case operating containers - with a container terminal);
 - l) A Liner Shipping Company is obliged to advise in advance the sailing schedule of its service, being allowed to substitute the vessels at any time, subject to due notification given to customers, without being compelled to advise the reason, allowing the number of ships to be increased or decreased depending on the quantity of cargo available.
When the number of the ships which serving a liner shipping is smaller then the number established in the current month, beginning with the next month will be applied proper tariff with the number of the ships which effectively arrived in the port.
4. Duration of the port call for river-going vessels is counted as the period between their arrival and departure through Port of Midia to/from KM 0 of Danube - Black Sea Channel of Agigea.
5. The type of vessel as used in this document is defined as follows:
- a. **Bulk-carrier:** a vessel that carries solid cargoes in bulk;
 - b. **Tanker:** a vessel that carries liquid cargoes, including oil and chemical products;
 - c. **LPG carrier:** a vessel built and used for any liquid gases transportation (including liquid petroleum gases);
 - d. **Cargo-vessel :** a vessel that carries general cargoes (including containers);
 - e. **Container-carrier :** a vessel the construction of which is entirely or partially cellular or a vessel that can be alternatively used as a container carrier or that

loads exclusively containerized cargo;

- f. **RORO/Ferryboat**: a vessel that carries wheeled transport means (motor vehicles - drivers inclusive, railway carriages - attendants inclusive);
- g. **Passenger vessel**: a vessel registered for the exclusive carriage of passengers and their belongings (luggage, privately owned cars and coaches);
- h. **Inland passenger - vessel**: a vessel that has a registered river-class for exclusive transportation of passengers and their luggage on inland navigation channels;
- i. **Military vessel**: a vessel constructed and equipped to perform military assignments;
- j. **Fishing vessel**: a fishing ship used for catching fish or other marine living beings;
- k. **Inland navigation vessel** is a vessel that carries goods along inland navigable waterways (barge, lighter and other assimilated thereto)

. Technical vessel is a vessel that provides harbor services in the ports of Constantza / Midia and Mangalia: floating crane, bunkering tank, dredger, lighter, scow, floating elevator, drilling platform, rock-breaker, pontoon, floating bridge, supply vessel, diver's vessel, antipollution vessel, floating dock, pilot boat, launch, open lighter, tug, pusher.

Maritime vessels that do not fall under the types defined above (live stock carriers, reefers, multi-purpose vessels etc.) are assimilated to cargo-vessels, except for the OBO carriers that shall be charged depending on the cargoes carries, respectively as bulk carriers or tankers.

- l. Ship' s characteristics used in the present document are defined as follows:
 - i. **Lmax (LOA)**: maximum length measured horizontally on the fore-and-aft plane in metres, between the outer ends of the ship (m);
 - ii. **GT** : gross tonnage shown in documents mentioned in Chapter I - item 10;
 - iii. **GTU**: gross tonnage unit
 - iv. **TC**: maximum loading capacity of cargo inland vessels, expressed in tons (t);
 - v. **TD** (displacement tons) : total weight of a laden vessel expressed in tons;

CP: horse power

For vessels the TB (gross tonnage) of which is not shown in the documents, the gross tonnage will be replaced by using the calculation formula established in conformity with "Rule 3 - gross tonnage, of the International Convention for Tonnage Measurement of Vessels TONNAGE - 69", adopted by Romania through Decree No.23/1976, as follows:

$$\mathbf{GT = (0.2 + 0,02 \log 10 V) \times V}$$
 where $V = L \times B \times D \times 0,9$

V = volume of ship's hull (cu.m.)

L = length (m.)

B = beam (m.)

D = draft (m)