

Minimum requirements for providers of towage services

Port of HaminaKotka Ltd grants the right to provide services in accordance with Regulation (EU) 2017/352 of the European Parliament and of the Council in the port area administered by Port of HaminaKotka Ltd and requires that the following requirements are fulfilled by service providers and their subcontractors who register themselves to take care of the **towage** of vessels in the area of Port of HaminaKotka Ltd.

Towage services mean, in accordance with the regulation on the provision of port services, the assistance given to a waterborne vessel by means of a tug in order to allow for a safe entry or exit of the port or safe navigation within the port by providing assistance to the manoeuvring of the waterborne vessel.

Port of HaminaKotka Ltd grants a permit to provide towage services in the port area administered by Port of HaminaKotka Ltd in accordance with the regulation on the provision of port services, if the service provider and its subcontractor fulfil the requirements described below.

A notification of the application of the permit must be submitted to Port of HaminaKotka Ltd to address PL 196, 48101 Kotka, Finland, or by email to office@haminakotka.fi.

Port of HaminaKotka Ltd makes a decision within three (3) months based on the notifications/registrations made by the companies. The notifications made to Port of HaminaKotka Ltd must describe how the company will organise its operations and state that it fulfils the below minimum requirements. The notification must be accompanied by documents indicating that the company fulfils the minimum requirements laid down below.

1. GENERAL MINIMUM REQUIREMENTS

- 1.1. The company must comply with laws and decrees, be registered in the Finnish Trade Register or other business register in the EU area, in the preliminary tax withholding register and employer register in accordance with the Finnish Preliminary Tax Withholding Act and in the register of those liable to pay value-added tax in accordance with the Finnish Value-Added Tax Act, and the company must have paid the social security contributions, pension insurance contributions and taxes. The company must be included in the tilaajavastuu.fi service or issue quarterly certificates to indicate the fulfilment of its responsibilities under public obligations and the Finnish Act on the Contractor's Obligations and Liability when Work is Contracted Out.
- 1.2. The service provider must have sufficient financial capability to provide the service.
- 1.3. The company must have a valid liability insurance of at least 10,000,000 euros for its operations. The liability insurance must cover all damage caused by the company by its towage services to Port of HaminaKotka Ltd, its customers, vessels arriving at the port and third parties.

2. MINIMUM REQUIREMENTS RELATING TO TOWAGE

- 2.1. The company agrees to provide towage services within the area administered by Port of HaminaKotka Ltd in a reliable, uninterrupted and equitable manner to all vessels in accordance with demand. The service provider charges the services directly from the shipping company or its agent.
- 2.2. All persons who participate in the work are required to be instructed in the work and to comply with the terms and conditions of the Port Regulations, the occupational safety and security regulations to be followed at the port, and the valid terms and conditions of permits issued by the authorities. The work must be carried out by using sufficient personnel in terms of the service level and occupational safety.
- 2.3. When providing the service, the service provider must comply with the national obligations and regulations of Finnish social and labour law and collective labour

agreements, including obligations and regulations concerning sufficient personnel as well as working hours and rest periods.

- 2.4. The towage services must be planned and provided so that the vessels using the service or other port traffic do not have to wait or suffer inconvenience because of the service.
- 2.5. The company that provides towage services must report any damage to the quays and other damage, which has taken place in connection with the provision of the service, in the manner required by Port of HaminaKotka Ltd.
- 2.6. The equipment used for the towage service must be suitable for the towage and assistance of vessels in all local circumstances.
- 2.7. Port of HaminaKotka Ltd reserves the right to change these minimum requirements for a justified reason. The changes will be notified to the service providers before the changes take effect.

3. APPEAL AND FINISHING OF OPERATIONS

- 3.1. The service provider may lodge an appeal against a decision made by Port of HaminaKotka Ltd to the Finnish Transport and Communications Authority (Traficom), address Liikenne- ja viestintävirasto Traficom, PL 320, 00059 TRAFICOM. The instructions for appeal are appended to the decision.
- 3.2. Even after the permit has been granted, the service provider has a duty, at the request of Port of HaminaKotka Ltd, to indicate that the service provider complies with the minimum requirements set. Port of HaminaKotka Ltd may cancel the right to provide the services if the service provider does not provide the requested account regarding the fulfilment of the minimum requirements of the service or correct its operations to conform to the minimum requirements within 30 days of the written complaint by Port of HaminaKotka Ltd.
- 3.3. Port of HaminaKotka Ltd has the right to prohibit the service provider's operations in the port area immediately if the service provider deliberately or by way of gross negligence breaches the conditions and obligations laid down in the minimum requirements.
- 3.4. An acceptance document is drawn up between Port of HaminaKotka Ltd and the service provider concerning the provision of services in the port area. The acceptance document is used for agreeing on the fulfilment of the minimum requirements laid down in this document throughout the validity of the permit. The service provider must not start providing the service in the port area until Port of HaminaKotka Ltd has signed the acceptance document.
- 3.5. This minimum requirements document and the acceptance document are drawn up in the Finnish and English languages. In case of a dispute over the interpretation of these documents, the Finnish text shall apply.
- 3.6. The service provider must inform Port of HaminaKotka Ltd of its intention to change the content of the service provided or to stop providing the towage service in the port area. This information must be given at least [three (3) months] before the changing or finishing of the provision of the services.