

Minimum requirements for providers of berthing and unberthing 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 provide berthing and unberthing services (mooring services) of vessels in the area of Port of HaminaKotka Ltd.

Mooring services mean, in accordance with the regulation on the provision of port services, the berthing and unberthing services, including shifting along the quayside, that are required for the safe operation of a waterborne vessel in the port or in the waterway access to the port.

Port of HaminaKotka Ltd grants a permit to provide berthing and unberthing 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. Port of HaminaKotka charges a fee in accordance with the price list from the service provider for operation in the area. The fee is based on the number of berthing and unberthing events carried out by the service provider and on the vessel size.

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 four (4) months based on the notifications 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. Changes concerning the minimum requirements are published three (3) months before the changes enter into force.

1. GENERAL MINIMUM REQUIREMENTS FOR THE COMPANY

- 1.1. The company must comply with the laws and regulations of the EU and the national laws and decrees of Finland, 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. The capability must be demonstrated by presenting a business plan, which contains the arrangement of the operations (such as resources and competence) and the company's profit forecast for 3 years ahead. In addition to the profit forecast, the demonstration of financial capability requires a plan of the action that the company is taking to ensure the continuity of its operations. If the company has had earlier continuous operations, the company's financial statements with appendices over the past 3 financial years must be delivered.



- 1.3. The company must have a valid liability insurance of at least 5 million euros for its operations. The liability insurance must cover all damage caused by the company by its services to Port of HaminaKotka Ltd, its customers, vessels arriving at the port and third parties.

2. MINIMUM REQUIREMENTS RELATING TO BERTHING AND UNBERTHING SERVICES

- 2.1. The company undertakes to provide mooring and unmooring services reliably, without interruption and equally to all vessel types within the port area of Port of HaminaKotka Ltd, within the area of the cities of Kotka and Hamina. The service provider charges the services directly from the shipping company using the services or from its agent.
- 2.2. The persons responsible for the company must have at least 2 years of experience in the berthing and unberthing duties of vessels as well as ISPS security manager training, experience of maritime deck officer duties and operating licence of VHF radio. "Person responsible for the company" here means a person who is responsible for carrying out the work, who participates in the work or who supervises the work at the site at any given time.
- 2.3. All persons who participate in the berthing/unberthing 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 as specified by Port of HaminaKotka Ltd in terms of the service level and occupational safety; however, always at least two persons per vessel.
- 2.4. 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.
- 2.5. The berthing and unberthing services must be planned and provided so that the vessels using the service do not have to wait because of the service. The service provider must be able to provide the berthing and unberthing services within the port area of Port of HaminaKotka Ltd for three vessels requiring the service simultaneously so that in both service areas (both Hamina and Kotka service areas) the response time for the services is no more than one hour from order. If there are more than three vessels which require the service simultaneously, the response time of the services can be no more than 1.5 hours from order.
- 2.6. The company providing the berthing/unberthing services must report to Port of HaminaKotka Ltd without delay any damage to quays and other damage that has occurred in connection with the berthing/unberthing event. If clearly detectable quay damage or property damage is not reported and the party causing the damage is not found out, the company that performed the berthing and unberthing services is liable for the damage.
- 2.7. The company must report any berthing and unberthing service events as well as any accidents and extraordinary events detected by the company in the port area in the manner required by Port of HaminaKotka Ltd.
- 2.8. The company's responsible persons and employees are required a concise security report commissioned by Port of HaminaKotka Ltd.
- 2.9. Every employee of the service provider must have a valid occupational safety card and hot work card.



- 2.10. The entire personnel of the service provider must have sufficient knowledge of the Finnish and English languages. At least one member of the personnel involved in an individual berthing or unberthing event must have good command of English.
- 2.11. The entire personnel of the service provider must have sufficient knowledge of first aid and emergency fire fighting.
- 2.12. The service provider must have a contact point, which must be available 24 hours a day, 7 days a week by means of VHF radio and telephone.
- 2.13. The entire personnel of the service provider must wear an identification card approved by Port of HaminaKotka Ltd when moving within the port area.
- 2.14. The service provider must have a sufficient number of vehicles accepted by Port of HaminaKotka Ltd for the provision of the service. The vehicles must be equipped with flashing lights and bear the company's emblem and name.
- 2.15. All personnel of the service provider must have adequate personal safety equipment such as life jackets, helmets, safety shoes and reflective outer garments provided with the CE marking.
- 2.16. The service provider must ensure the occupational safety of its employees e.g. by taking care of antislip management at the edge of quays and other work areas and by removing snow from around bollards.
- 2.17. The entire personnel of the service provider must have training in rescue from water.
- 2.18. 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 berthing and unberthing



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services 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.