

Preamble

Whereas:

- During 2013 and under the auspices of the Aveiro Port Community, a “monitoring group” was established to implement a new port operation model in order to increase competition between licenced stevedoring companies through productivity and efficiency improvement of the means used to handle cargoes, as well as simultaneously contribute to improving the competitiveness and the economic and financial sustainability of the company **APA - Administração do Porto de Aveiro, SA**;
- In addition to APA, SA, the aforementioned “monitoring group” included the Board of the Port of Aveiro Community, several shippers whose activity is relevant in the handling of goods in the port, namely “Cimpor”, “Secil”, “Portucel”, “Acembex”, “Ferpinta”, “BSL”, “Mota Mineral”, “DOW Portugal”, “CIRES” and “CUF”, as well as AIDA - Associação Industrial de Aveiro (Industrial Association of Aveiro) and the 3 stevedoring companies licenced to exercise the activity of cargo handling;
- Last 23rd July, the work of the aforementioned “monitoring group” resulted in a proposal which supports the implementation of port operations in order to consolidate the principles of equality, transparency and sustainability of the Port of Aveiro, with APA, SA being responsible for its implementation, effective starting from the following 1st September 2014, through the practice of the relevant regulatory and administrative actions;
- There are port terminals which APA, SA believes are not yet ready to be conceded because the requirements which ensure that this is the option which will best serve the port's interest or which currently allow that solution to be feasible have not yet been fulfilled;
- As a result, in public service terminals for the handling of dry cargo which are not under concession, cargo may be handled by all companies licenced for that purpose, in accordance with the terms established by law;

Thus, the Board of Directors of APA, S.A., at its meeting on 2014.07.25, decided, in view of the applicable legal framework, mainly, under the provisions of Article 3, paragraph 2, subparagraph d) of Law-Decree No 339/98 of 3rd November, of Article 10, subparagraphs c), d), m), and n) of the statutes annexed to the aforementioned legal document, of Article 7 of the Regulation annexed to Law-Decree 273/2000 of 9th

November, of Articles 3, 5 and 7, of Article 19, paragraph 2, subparagraph b) and Article 24 of Law-Decree No 298/93 of 28th August, as well as Articles 0501-2, 0501-3, No 4 and 6 and 0502-3, all from the APA Exploration Regulation, to

- Change the designation of “Transitional Regulations for the Use of the Solid Bulk Terminal of the Port of Aveiro” to “Regulations for the Use of the Dry Cargo Terminals of the Port of Aveiro” and incorporate in the respective text both the adjustments resulting from the resolution of the Board of Directors of APA, SA of 2013.11.01, in accordance with the terms and based on the grounds therein expressed, as well as the changes stated below;

- Maintain the application scope of the fee established in Article 3, paragraph 1 of the “Transitional Regulations for the Use of the Solid Bulk Terminal at the Port of Aveiro” to all operations involving the use of cranes not belonging to the port authority in loading and unloading operations of commercial vessels, at the terminals under APA, SA's operation in which they take place, in accordance with the terms and based on the grounds established in the resolution of the Board of Directors of APA, SA of 2013.11.01;

- Update the value of the fee established in Article 3, paragraph 1 of the “Transitional Regulations for the Use of the Solid Bulk Terminal at the Port of Aveiro” to **€ 0.12/tonne** (twelve euro cents per tonne), applicable to all dry cargo, with the exception of those mentioned in the following paragraph. This fee will be increased by **€ 0.51 / tonne** (fifty-one euro cents per tonne) whenever public or private stevedoring companies use vertical cargo handling equipment;

- Based on the same grounds which supported the resolution of the Board of Directors of APA, SA of 1st November 2013, it was decided to apply specific rates for unitised cargoes, namely containers and Ro-Ro, in the following amounts:

- i** Containers with cargo, in container-only vessels: **€ 15.00/unit** (fifteen euros per unit);
- ii** Vehicles or Ro-Ro cargo units, weighing less than 3,500 kg: **€ 2.50/unit** (two euros and fifty cents per unit);
- iii** Vehicles or Ro-Ro cargo units, weighing more than 3,500 Kg: **€ 7.50/unit** (seven euros and fifty cents per unit);

- Mandate the services of APA, SA to carry out all acts of implementation and disclose the resolution, in order to ensure that it has legal effects as of 1st September 2014, inclusive.

- The Instituto da Mobilidade e dos Transportes, IP (Institute for Mobility and Transport) was consulted regarding the subject matter of the regulation now being disclosed.

Subsequently to 2019.01.24, the Board of Directors of APA, SA, as agreed in the “Monitoring Group” and after a critical analysis of the company's prospective economic and financial situation, determined the following, taking into consideration the applicable legal framework referred to above:

- i The reduction by € 0.02 for the year 2019, at 2018 rates, of the fee provided for in Article 3, Paragraph 2, sub-paragraph a) of the “Regulations for the Use of the Dry Cargo Terminals of the Port of Aveiro”;
- ii The update of the fees provided for in Article 3, Paragraph 2, sub-paragraph a) of the “Regulations for the Use of the Dry Cargo Terminals of the Port of Aveiro”, including the reduction proposed in the previous point, now having the following wording:

“The unit fees to be charged according to the terms of the previous number, will be as follows:

- a Breakbulk, solid bulk or containers transported on general cargo vessels: **€0.10/tonne (ten euro cents per tonne) of cargo handled, to which € 0.53/tonne (fifty-three euro cents per tonne) will be added whenever stevedoring companies use vertical cargo handling equipment, whether public or private (even from the ship itself), whatever the combination of these means may be;***
- b Containers with cargo, in container-only vessels: **€ 15.45/unit (fifteen euros and forty-five cents per unit);***
- c Vehicles or Ro-Ro cargo units, weighing less than 3,500 Kg: **€ 2.57/unit (two euros and fifty-seven cents per unit);***
- d Vehicles or Ro-Ro cargo units weighing more than 3,500 kg: **€ 7.72/unit (seven euros and seventy-two cents per unit).”***

Regulations for the use of Dry Cargo Terminals at the Port of Aveiro

(Application in the year 2022)

Article 1

- 1** As long as the commercial exploration of the Multipurpose, Solid Bulk (GS) and Containers/Ro-Ro terminals in the north sector of the port of Aveiro has not been granted, cargo handling will be carried out in these terminals under the regime of public service provision by stevedoring companies licenced for this purpose in this port, in accordance with the present regulations and the applicable legal regime.
- 2** Licenced stevedoring companies may use cargo handling equipment in the dry cargo terminals of the north sector of the port of Aveiro from the port authority, vessels or private entities, without prejudice to the observance of other specific conditions relating to the carrying out of their activity which APA is responsible for establishing.
- 3** Stevedoring companies may perform the consolidation and deconsolidation of containers from inland flows, as well as rail operations for handling inland cargo, within the following limits:
 - a** maximum of 1000 (one thousand) containers during the calendar year for inland consolidation and deconsolidation flows;
 - b** maximum handling of 15 000 (fifteen thousand tons) of cargo in inland railway operations;
- 4** In carrying out the operations outlined in the previous paragraph, the following requirements must be complied with:
 - a** Previous authorisation from APA, S.A. services for use of the port area specified for the purpose;
 - b** Identification, per container, to be consolidated or deconsolidated and complete information on the respective cargo and its quantity to APA, S.A. services;
 - c** Submission of document proving to APA, S.A. services compliance with the customs procedures and requirements of the operation;

- 5** Stevedoring companies may only perform container consolidation or deconsolidation operations and inland rail operations beyond the limits set in sub-paragraphs a) and b) of paragraph 3 above, provided that it is proven that these are intended for maritime traffic through the Port of Aveiro.

Article 2

Whenever it is in the port's best interest, the port authority may authorise:

- a** a berthing and parking at the Solid Bulk Terminal (TGS) of ships or vessels without commercial transaction;
- b** the handling of cargoes different from those foreseen for the areas specified for the handling of bulk solids which can be encompassed in the agri-food sector, which integrate the 300 meter long berth and the adjacent paved embankments with an area of 78,000 m², as well as in the area designated for other solid bulk cargoes to which a 450 meter long dock and a parcel of land of around 72,000 m² are attached, if this is previously and reasonably required and there are no proven inconveniences for third parties.

Article 3

- 1** For the use of port infrastructures and exercise of activity at the terminals identified in Article 1, paragraph 1 for loading and unloading of dry cargo to and from each vessel, or between commercial vessels, and for authorised inland rail operations and container consolidation or deconsolidation from inland flows, a variable fee will be owed by the stevedoring companies which will be paid in accordance with the following criteria:
- a** In the case of Breakbulk, solid bulk or containers on general cargo ships, a fee is fixed according to the total quantity of goods which will be handled by vessel, measured in tonnes;
 - b** In the case of unitised cargoes transported in container vessels or Ro-Ro, fees will be charged for each container with cargo handled or, when using the Ro-Ro system, per vehicle or cargo unit loaded or unloaded, with or without cargo.
- 2** The unit fees to be charged according to the terms of the previous number, will be as follows:
- a** Breakbulk, solid bulk or containers transported on general cargo vessels: **€ 0.10/tonne (ten euro cents per tonne) of cargo handled**, to which **€ 0.53/tonne (fifty-three euro cents per tonne)** will be added whenever stevedoring companies use vertical cargo handling equipment, whether public or private (even from the ship itself), whatever the combination of these means may be;

- b** Containers with cargo, in container-only vessels: **€ 15.66/unit (fifteen euros and sixty-six cents per unit)**;
 - c** Vehicles or Ro-Ro cargo units, weighing less than 3,500 Kg: **€ 2.61/unit (two euros and sixty-one cents per unit)**;
 - d** Vehicles or Ro-Ro cargo units weighing more than 3,500 kg: **€ 7.83/unit (seven euros and eighty-three cents per unit)**.
 - e** Rail-road operations: **€0,63€ /tonne (sixty-three euro cents per tonne of cargo handled)**;
 - f** Inland operations for the consolidation or deconsolidation of containers: **€0,63€ /tonne (sixty-three euro cents per tonne of cargo handled)**;
 - g** Inland operations of loaded containers or Ro-Ro vehicles or cargo units will be subject to the charges outlined in paragraphs b), c) and d) above.
- 3** Together with the fee established in sub-paragraph a) of the previous number and whenever the use of equipment from the port authority occurs, hourly rental fees applicable to that equipment will also be charged, under the terms established in the APA, SA Tariff Regulation.
- 4** Vessels which come to unload to fixed storage facilities built at the dock terminals benefit from priority berthing in specific dock locations. In addition, a minimum unloading performance of 600 tonnes/hour per operation and goods for clients who are contractually linked to APA, SA, handled at a minimum rate of 400,000 tonnes/year, are ensured.
- 5** The priority established in the previous number will not be guaranteed in situations where there is a clear lack of docking alternatives for other vessels that also intend to carry out cargo handling operations.
- 6** The rates established in this Article will be updated annually, effective starting on 1st February of each year, by application of the Consumer Price Index (CPI), excluding housing, registered in the previous year.
- 7** The application of the fees established in this Article does not exempt the payment of any other fees provided for in the tariffs and regulatory rules in effect, nor of those due by law to APA, SA or other entities.

- 8** The payment of fees by stevedoring companies will occur in compliance with the general rules and regulations in effect at the Port of Aveiro.

Article 4

- 1** The Board of Directors of APA, SA will be responsible for deciding on situations omitted from the present document.
- 2** These Regulations are effective as of 1st February 2022.

Port of Aveiro, 27th January 2022

The President of the Board,

(Fátima Lopes Alves)