

## 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 23<sup>rd</sup> 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 1<sup>st</sup> September 2014, through the practice of the relevant regulatory and administrative actions;

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 3<sup>rd</sup> 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 9<sup>th</sup> November, of Article 24, paragraph 1 of Law-Decree 468/71 of 5<sup>th</sup> November, of Articles 3, 5 and 7, of Article 19, paragraph 2, subparagraph b) and Article 24 of Law-Decree No 298/93 of 28<sup>th</sup> 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 Jetties Numbers 24, 25 and 26 of the Liquid Bulk Terminal of the Port of Aveiro” to “Regulations for the Use of Jetties of the Liquid Bulk Terminal of the Port of Aveiro” and incorporate in the respective text the adjustments resulting from the prerequisites set out below:

- a** at the Liquid Bulk Terminal of the port of Aveiro (TGL) there coexist jetties with different usage statutes, depending on whether they are private infrastructures or owned by APA, SA;
- b** it is necessary to establish the fees to be paid by the holders of rights for the private use of proprietary areas of land under the jurisdiction of APA, SA which transport liquid cargo to their industrial facilities, or whose operations fall within the scope of the activity provided for in the respective title of private use or in the objective of concession contracts, taking into consideration the use of port infrastructures made available for that purpose, in order to ensure non-discriminatory conditions of fair and healthy competition in the scope of the exploration of the facilities in question;

- 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 1<sup>st</sup> 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 € 0.04 for the year 2019, at 2018 rates, of the fees provided for in Article 1, paragraph 2, subparagraphs a) and b) of the “*Regulations for the Use of Jetties of the Liquid Bulk Terminal of the Port of Aveiro*”;
- ii** The update of the fees provided for in Article 1, paragraph 2 of the “*Regulations for the Use of Jetties of the Liquid Bulk Terminal 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** *Jetties numbers 24, 25 and 26 of the Liquid Bulk Terminal: € 0.56/tonne (fifty-six euro cents per tonne);*
- b** *All other cases: € 0.22/tonne (twenty-two euro cents per tonne).”*

## **Regulations for the use of jetties of the liquid bulk terminal of the Port of Aveiro**

(Application in the year 2022)

### **Article 1**

- 1** The fees to be paid by the holders of rights for the private use of proprietary areas of land under the jurisdiction of APA, SA which transport liquid cargo to their industrial facilities, or whose operations fall within the scope of the activity provided for in the respective title of private use or in the objective of concession contracts have been established.
- 2** The unit fees to be charged according to the terms of the previous number, will be as follows:
  - a** Jetties, numbers 24, 25 and 26, of the Liquid Bulk Terminal: **€ 0.56/tonne (fifty-six euro cents per tonne)**;
  - b** All other cases: **€ 0.22/tonne (twenty-two euro cents per tonne)**.
- 3** The rates established in the previous number are levied on the total cargo amount, measured in tonnes, handled by each vessel in each dock used.
- 4** The rates established in this Article will be updated annually, effective starting on 1<sup>st</sup> February of each year, by application of the Consumer Price Index (CPI), excluding housing, registered in the previous year.
- 5** 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.
- 6** The payment of fees by the holders of rights for the private use identified in Article 1 will occur in compliance with the general rules and regulations in effect at the Port of Aveiro.

## Article 2

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

Port of Aveiro, 27<sup>th</sup> January 2022.

The President of the Board,

(Fátima Lopes Alves)