



PORT FEES

FOR USE OF THE

ENNSHAFEN PORT

(effective from September 1, 2022)

for Ennshafen/Upper Austria and

Ennshafen/Lower Austria

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(I) Introduction

Fees based on a rate schedule are charged for use of ENNSHAFEN by waterborne vehicles or floating objects and services rendered in this context. These fees are applied to everyone on an equal basis.

Payment of these fees is owed as compensation for the provision of the port infrastructure and facilities, as well as for services related to their use.

(II) Fee categories

The fees are divided into port fees and fees for use of the port infrastructure, use of the port facilities, and related services. The port fees are subdivided into pierage, winter fees, and demurrage fees. Specifically, the fees for other services include fees for the supply of drinking water and electricity.

(III) Port fees**(III)(1) Fee types****(1) Pierage**

The pierage is payable for the use of a public port for transshipment purposes by vehicles or floating objects; if transshipping from one vehicle to another, half of the pierage must be paid for each vehicle.

The pierage is € 0.45 (plus VAT) per unit of the basis of assessment.

The pierage is calculated on the basis of continuous loading and unloading processes. Special rates must be agreed for non-continuous loading and unloading processes.

(2) Demurrage fee

A demurrage fee is payable for the use of a public port by vehicles or floating objects.

Subject to the provisions in section (III)(1)(3), no demurrage fee is payable for the use of a port during the winter season or free berthing time.

Free berthing time includes:

a) The day of arrival into the port for the purpose of transshipment and the following day. If this day is a Sunday or other public holiday, the end of the next working day marks the end of the free berthing time.

b) The time necessary for the transshipment process and time spent waiting for the transshipment or time during which the transshipment is interrupted (provided that the holder or a third-party authorized by them pays port fees for the transshipment and the lawful holder of the vehicle or floating object is not responsible for the delay).

The demurrage fee amount can be freely negotiated for berthings that are subject to the demurrage fee and exceed 20 days in length.

The demurrage fee is € 0.02 (plus VAT) per unit of the basis of assessment.

The following mandatory time limits apply to each vessel for bulk, general, or break-bulk cargo transshipment, depending on the total tonnage to be transshipped:

Handling/bulk cargo		Break-bulk/general cargo	
up to 600 t	1 day	up to 300 t	1 day
up to 1,000 t	2 days	up to 500 t	2 days
from 1,001 t	3 days	from 501 t	3 days

(3) Winter fee

The winter fee is payable for the use of a public port by waterborne vehicles or floating objects during the winter season.

The winter fee is owed as one-time contribution for a vessel during the winter season. If a vehicle visits the same port on multiple occasions during the winter season, the winter fee only needs to be paid once.

If it is less expensive to charge demurrage to the party liable for payment, the demurrage fee will be charged instead of the winter fee.

The winter season is defined as the period from December 15 to March 15. If the waterborne vehicle or floating object is unable to leave the port by March 15 due to persistent frost, the fee paid for the winter season will be deemed to have been settled until the day on which departure becomes possible.

The winter fee is € 0.38 (plus VAT) per unit of the basis of assessment.

(III)(2) Basis of assessment

- (1) For pierage: the quantity of transshipped goods in metric tonnes.
- (2)(a) For winter and demurrage fees:
 - For vehicles intended to transport goods, their maximum cargo capacity in tonnes; cargo capacity is taken from the certificate of measurement. If such a certificate has not been issued, the basis of assessment will be calculated as follows in cubic meters: maximum length multiplied by maximum width multiplied by depth (measurement from the main deck to the keel halfway along the vessel's length) multiplied by a coefficient of 0.5.
 - For vehicles not intended to transport goods, their maximum water displacement at the deepest permissible draft; this is measured in cubic meters and is taken from the certificate of measurement. The last sentence of section (a)(a) applies accordingly.
 - For floating objects, the area of water covered by them. This is measured in square meters as the product of the maximum length and the maximum width.
- (2)(b) For the demurrage fee, the berthing time in days is also added.
- (3) In the calculations as per (III)(2)(1) and (III)(2)(2), fractional shares of measurement units (metric tonnes, cubic meters, or square meters) are rounded down to the nearest full number. Once a day has started, it is counted as a full day.
- (4) For vehicles whose maximum water displacement is less than one cubic meter, winter and demurrage fees for one cubic meter will be charged.

(III)(3) Exemptions

For use of the ENNSHAFEN port within the meaning of section (I), no fees are to be charged for the following waterborne vehicles or floating objects:

- Austrian federal, state, or municipal vehicles or vehicles used for these government bodies' purposes
- Public emergency service vehicles and vehicles used to provide assistance in the event of accidents and disasters
- Port administration vehicles, and vehicles that provide tugging and icebreaking services or supply waterborne vehicles and their crews
- Floating objects that are part of the port's fleet
- If lighterage is necessary as a result of damage to the vessel

(III)(4) Liability for payment

The lawful holder of the vehicle or floating object and the skipper are jointly under obligation to pay the port fees.

(III)(5) Fee applicability

Fees become applicable as soon as the vehicle or floating object has been moored at the port and the relevant shipping facilities are used for transshipment or berthing.

(III)(6) Due date of port fee payments

Unless otherwise agreed, the port fees are due at the following times:

- Pierage is due once the transshipment process is complete.
- The winter fee and demurrage fee are due before departure from the port, but by no later than 30 days of berthing. The port administration must be notified of departure 24 hours in advance.

(III)(7) Permission to inspect documentation for vessel and cargo

The parties liable for port fee payment must allow the port administration to inspect the vessel documentation and cargo documentation that is necessary to calculate the port fee.

(III)(8) Registration, sign-in, and sign-out protocol for waterborne vehicles and floating objects

In order to ensure that port fees are properly charged, the waterborne vehicles and floating objects using the port must be registered as follows:

Each waterborne vehicle and each floating object that has been moored at the port and is using the relevant shipping facilities for the purpose of transshipment, protection, or berthing must be signed in with the local port administration. This must be carried out before starting to use the facilities (or otherwise as soon as possible) by their skipper or skipper's deputy on board, who must present the vessel documentation and cargo documentation. After finishing using the facilities, the same party must sign their vehicle or vessel out, stating the next intended port of call to the local port administration.

The sign-in and sign-out process is recorded and signed on official printed forms provided for this purpose by the skipper or skipper's deputy. Subsequently it is handed over to the local port administration.

The authorities at the local port administration are entitled to inspect the cargo of the signed-in waterborne vehicle or floating object at any time (before, during, and after loading, unloading, and transshipment activities), and to check in a manner they deem appropriate that the unloading and loading declarations are correct.

If the provisions above are not complied with or the authorities at the port administration are denied access to inspect the vehicle, cargo, etc. at any time, the port administration will calculate the fees to be paid based on an estimate of the tonnage and/or dimensions of the waterborne vehicle or floating object.

(III)(9) Requirements under shipping facilities law

The rate schedule for fees for use of the ENNSHAFEN port is enacted pursuant to the provisions of the latest applicable versions of article 68 of the Austrian Shipping Act (*Schiffahrtsgesetz*, promulgated in Federal Law Gazette I No. 62/1997) and the Austrian Regulation for Shipping Facilities (*Schiffahrtsanlagenverordnung*, promulgated in Federal Law Gazette No. 334/1991). Vessel crews must act in full compliance with the aforementioned legal provisions.

(IV) Fees for other services

(1) Drinking water supply fee

A fee of € 3.20 per cubic meter (plus VAT) is charged for drinking water supplied to vehicles or floating objects.

(2) Electricity supply fee

A fee of € 0.35 per kWh (plus VAT) is charged for electricity supplied to vehicles or floating objects.

(V) Other notes

All charges in connection with handling activities, in particular the cargo handling charges (Umschlagsentschädigungsentgelt "UEE"), are to be specified in separate agreements.

When charging the port fees we reserve the right to charge a lump-sum reimbursement for bank charges incurred by us in connection with foreign bank transfers.

(VI) Entry into force

This amended rate schedule for port fees for use of the ENNSHAFEN port and fees for other services entered into force on September 1, 2022.

The aforementioned port fee rate schedules (pierage, demurrage fee, winter fee) were approved by the decisions of July 28, 2003/May 25, 2022 by the state of Upper Austria and of August 22, 2003/August 03, 2022 by the state of Lower Austria.

This rate schedule supersedes and renders null and void all earlier rates or fee schedules for use of the ENNSHAFEN port.



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