



## **PORTOVI FLOT 99 AD**

# **GENERAL TERMS AND CONDITIONS**

**as of 1 June 2022**

## I. General terms and conditions

**Article 1.** (1) These terms, conditions and rates for the services by PORTOVI FLOT 99 AD apply for ship owners, ship operators, ship charterers, ship managers and other customers and regulate the provision of specialized marine services in the port areas under the jurisdiction of Maritime Administration Directorate – Varna, including: vessel maneuvering, towing and other services with tugs.

**Article 2.** (1) The rates are given in euro (EUR) and do not include VAT. The final price shall be formed after adding VAT in the amount specified by law.

**Article 3.** (1) The services shall be paid for as follows:

1. By the ship owners, ship operators, ship charterers, ship managers or through their agents, as defined by the Bulgarian Merchant Shipping Code, in euro (EUR) or the equivalent amount in Bulgarian lev (BGN) according to the exchange rate posted by the Bulgarian National Bank for the day when the service is rendered.

2. By Bulgarian natural or legal persons, as defined by the Commerce Act of the Republic of Bulgaria, in the BGN equivalent of the prices in EUR, according to the BNB exchange rate as posted in the day of performing the service.

**Article 4.** (1) The payment for the services shall be carried out in bank transfer to the account of PORTOVI FLOT 99 AD specified in the issued invoice, whereas the bank fees shall be at the orderer's expense;

(2) In the event that PORTOVI FLOT 99 AD and its customer have not agreed otherwise, payments shall be due within seven days as of the invoice issuing date.

(3) In the event of payment delay, the customer shall be charged the statutory interest rate accrued on the amount due for the default period, as follows:

1. On the outstanding amounts in euro (EUR): three-month LIBOR in euro (EUR) plus 10 percentage points;

2. In the outstanding amounts in BGN – the main interest rate by BNB plus 10 percentage points.

## II. Terms, conditions and rates for the services with tugboats and mooring boats

**Article 5.** (1) The mandatory minimum number of tugs and total bollard pull for performing each maneuver are determined by:

1. Part V. *Rules for the use of tugboats* from Order No 1 by the Director of Maritime Administration Directorate – Varna, issued with regard to the *Obligatory rules for the seaports of the Republic of Bulgaria*.

2. Additional guidelines, orders or written resolutions by the Director of Maritime Administration Directorate – Varna for specific types of vessels and in certain cases.

(2) To comply with the requirements for minimum total bollard pull, determined according to paragraph (1), points 1 and 2, PORTOVI FLOT 99 AD may provide additional number of tugboats than the mandatory one, whereas the customer will not be charged for such additional number.

(3) In all cases other than paragraph (2), the customer will be charged for any additional number of tugboats requested by the master of the maneuvering vessel, the agent or other party authorized for that purpose, including when such request is due to hydrometeorological reasons.

(4) For all cases under paragraph (3), the agent will be notified by the dispatcher on duty for PORTOVI FLOT 99 AD, and any additional tugboats will be provided after filling by the agent in the "Note" field in the maneuver request in the port maneuver planning system (MOVER), specifying the number and the type of additional tugboats. (For example: „1 additional tugboat with bollard pull over 12 t “ or „1 additional tugboat with bollard pull under 12 t”)

(5) The rate for tugboats for maneuver is determined in accordance with columns 1 to 19 in Table 1, depending on the gross tonnage (reduced gross tonnage does not count) of the maneuvering vessel, the number and the bollard pull of the used tugboats, as well as the port where the maneuver is to take place.

(6) When a vessel is shifted with one or more tugboats from one place to another within the same port area, the charge will be for a single maneuver according to columns 2 to 9, 18 and 19 in Table 1.

(7) When a vessel is shifted from port PCHMV to port Varna East, the charge will be for a single maneuver according to columns 2, 3, 4 and 5 in Table 1, increased by 30%.

(8) The rate for services with tugboats when vessels are shifted from one place to another in the same area of a port with special designation (ship repair areas) will be determined according to columns 14, 15, 16, 17 and 18 in Table 1.

(9) The shifting of a vessel from the area of Odesos Ship Repair Yard AD to the area of Bulyard Shipping Industry AD or the other way round (except for quay No 6 at Odesos Ship Repair Yard AD) will count as a single maneuver for shifting in a single port area and will be charged for according to columns 14, 15, 16, 17 and 18 in Table 1.

(10) The shifting of a vessel from quay No 6 at Odesos Ship Repair Yard AD to another area at Odesos Ship Repair Yard AD, or to Bulyard Shipping Industry AD or the other way round will be charged for as a single maneuver for shifting with pricing according to columns 14, 15, 16, 17 and 18 in Table 1, increased by 30%.

(11) To tow a non-self-propelled vessel (or with self-propulsion short of ensuring safe movement), after a maneuver for taking it out of a given port area, there will be a surcharge in the amount of 30 % of the cost for the maneuver of taking out, when:

- a) the vessel is taken out of a port area west of the Lighthouse of St. Nikola;
- b) the vessel is taken to the road of Buoy 9;
- b) the vessel is taken to the road of Varna;

In such cases, no towage charges as per Article 8.1 will be incurred.

(12) The surcharges listed in Article 5(11) do not apply for the shifting of vessels in the same port area. In such cases, the terms and conditions of Article 5 (6), (7), (8), (9) and (10) apply.

(13) To accompany a ship with tugboat when passing through canals, in compliance with the orders by the Director of Maritime Administration Directorate – Varna, the following charges will be incurred:

- a) for accompanying through canal 1 – 420.00 EUR per tug;
- b) for accompanying through canal 2 – 420.00 EUR per tug;

(14) To accompany a ship with tugboat when passing through canals, whenever this is not required by the orders by the Director of Maritime Administration Directorate – Varna, the price will be agreed.

(15) For servicing a vessel in the Lake of Varna, at the anchorage of Buoy 9, at the road of Varna, the navigable canals, as ordered by the master of the vessel, the pilot, except for the cases under paragraph (11) and paragraph (13) and Article 9, paragraphs (1) and (2) of these terms and conditions, the following charges will be incurred:

- EUR 550 per every started hour per tug for securing by towing, pushing or other tugboat services, when the vessel has got a tow rope;
- EUR 450 per every started hour per tug for accompanying or securing of the vessel or other tugboat services, when the vessel hasn't got a tow rope;

(16) For ensuring a vessel at berth in compliance with the orders by the Director of Maritime Administration Directorate – Varna, the following charges will be incurred:

- a) for ensuring with a standby tugboat at its berth – 90.00 EUR per every started hour per tugboat;
- b) in all other cases of ensuring the price will be agreed.

(17) Passenger vessels will be charged with the amounts as per columns 2, 3, 4 and 5 in Table 1 with 50% off, except for vessel maneuvers in ship repair areas.

**Article 6.** For refusing or canceling a maneuver after a tugboat has left its berth due to deterioration of the weather conditions and a prohibition for maneuvers by the authorities of Maritime Administration Directorate – Varna, no charge will be due. In all other cases, 70% of the amount will be charged as determined according to the respective columns in Table 1.

**Article 7.** The price for using a mooring boat/tug for mooring and unmooring is 150.00 EUR per service.

**Article 8.** For tugboat services other than maneuvers, the charge will be for every started hour for each tugboat, whereas the start of the service shall be deemed to be the moment the tugboat leaves berth, and its end will be deemed to be its berthing, at the following rates:

1. For towage in the area of: roads, canals, lake and the ports in the region of Varna will be charged 550.00 EUR per every started hour per tugboat with bollard pull over 12 t, and 450.00 EUR per every started hour per tugboat with bollard pull under 12 t.

2. For services with tugboat with bollard pull over 12 t, as: transport of officials (control representatives, crew members, etc.) and delivery of victuals, supplies and other goods to vessels in the roads or at the anchorage of Buoy 9, shall be charged 330.00 EUR per every started hour per tugboat.

3. For firefighting by order of the Director of Maritime Administration Directorate – Varna, the charge will be 550.00 EUR per every started hour per tugboat.

**Article 9.** Fire prevention support with tugboats shall be charged as follows:

(1) for passage through canals with accompanying tugboat, the terms and conditions of Article 5(13) and (14) apply;

(2) for fire prevention support at berth during handling operations with dangerous goods, including oil products:

a) 240 EUR per every started hour at berth with shore-based power supply;

b) 300 EUR per every started hour at berth without shore-based power supply.

**Article 10.** Payment terms and conditions for the services with tugboats with bollard pull under 12 t:

(1) In cases where a tugboat with bollard pull of over 12 t and a tugboat with bollard pull under 12 t are used, the rates will be calculated as the sum of the amounts as per columns 2, 6, 10 and 14 in Table 1 and the amounts as per columns 18 and 19. A tugboat with bollard pull under 12 t may only perform maneuvers with vessels with gross tonnage up to 4500, as well as when performing maneuvers as an auxiliary tugboat in the areas of ship repair yards.

(2) With vessel maneuvers in ship repair yards that involve the additional number of tugboats, above the minimum determined number, the charge will be as per column 18 in Table 1.

(3) For a service with a tugboat with bollard pull under 12 t, as ordered by the Director of Maritime Administration Directorate – Varna and in case PORTOVI FLOT 99 AD is unable to provide one for various reasons, the service will be performed with a tugboat with bollard pull over 12 t and will be charged as per columns 18 and 19 in Table 1.

### **III. Other terms, conditions and rates**

**Article 11.** All services will incur a 100% surcharge in the days (24 h) proclaimed to be official holidays:

**1 January, 3 March, Orthodox Easter (Friday, Saturday, Sunday, Monday), 1 May, 6 May, 24 May, 6 September, 22 September, Christmas (24 December up to and including 26 December).**

**Article 12.** (1) In case of two or more surcharges as per the conditions above, the total amount surcharged will be calculated as their sum total.

(2) In case of two or more price reductions as per the conditions above, only the greatest reduction applies.

(3) In case of two or more reductions and surcharges as per the conditions above, the final rate will be calculated on the basis of the amounts in Table 1, corrected with the respective reductions and surcharges, first applying the conditions of paragraphs 1 and 2 herein.

**Article 13.** In cases where the service or maneuver are performed without a pilot on board the vessel, the master of the tugboat shall compile a statement for the service rendered, which shall be signed by the customer or his representative.

**Article 14.** For a service to be rendered, the customer or his representative needs to submit a request in the port maneuver planning system (MOVER) or to the dispatcher on duty at PORTOVI FLOT 99 AD by tel./fax: +359 52 632 772, mobile: +359 879 632 772, email: info@portfleet99.com, at least three (3) hours before the start of the service.

**Article 15.** When performing a service which has not been requested in advance as per Article 14, or the customer changes the starting time to a time earlier than the time stated in MOVER, and when it's impossible to render that service with tugboats and mooring/unmooring party, which are available at the area, a 50 % surcharge will be incurred.

**Article 16.** These conditions and rates shall apply for all the customers of PORTOVI FLOT 99 AD, whereas by signing a contract for services, they are subject to negotiating some discounts depending on the number of vessels to be services and other mutually beneficial circumstances.

**Article 17.** PORTOVI FLOT 99 AD retains the right to announce rates and conditions different from the ones herein.

#### **IV. Payment for the services**

**Article 18.** For each service rendered, PORTOVI FLOT 99 AD will issue an invoice, which will be due to be paid by the customer within seven days from the issuing date.

**Article 19.** (1) In the event of defaulted payments or by preliminary agreement, PORTOVI FLOT 99 AD has the right to demand an advance payment in the amount of up to 100% of the value of the requested services.

(2) The advance payment must be available in the bank account of PORTOVI FLOT 99 AD no later than 24 hours before the start of the service.

**Article 20.** In the cases of advance payment, the difference from/to the actual amount due, after finalizing the service and issuing the invoice, shall be paid up by or refunded to the customer.

**Article 21.** In the event of default payment by the customer, PORTOVI FLOT 99 AD is entitled to request the detention of the vessel in accordance with the Bulgarian Merchant Shipping Code.

#### **V. Final provisions**

**Article 22.** Any services not mentioned herein shall be rendered after negotiations.

**Article 23.** Any changes in the terms, conditions and rates for the services by PORTOVI FLOT 99 AD shall be communicated to the customers no later than a month before their implementation.

**Article 24.** (1) These terms, conditions and rates for the services rendered by PORTOVI FLOT 99 AD come into effect as of 1 June 2022.

(2) The coming into force of these terms, conditions and rates revokes the effectiveness of the General terms and conditions rendered dated 1 January 2022.

**PORTOVI FLOT 99 AD**

**Table 1**

Gross tonnage (GT)	Tugboats with bollard pull over 12 t																Tugboats with bollard pull under 12 t	
	Ports of Varna-East, TPP Petrol, Lesport, Odesos PBM, PCHMV				Ports of Varna-West, Ferry Complex, Balchik				Bulyard, Odesos SRY MTG Dolfin, TEREM				Shifting within the area of Bulyard, Odesos SRY MTG Dolfin, TEREM				For all areas w/o Balchik	For the port of Balchik
	per 1 tug	per 2 tugs	per 3 tugs	per 4 tugs	per 1 tug	per 2 tugs	per 3 tugs	per 4 tugs	per 1 tug	per 2 tugs	per 3 tugs	per 4 tugs	per 1 tug	per 2 tugs	per 3 tugs	per 4 tugs	per 1 tug	per 1 tug
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<b>up to 1000</b>	540	1 080	1 620	2 160	660	1 320	1 980	2 640	490	980	1 470	1 960	470	940	1 410	1 880	380	550
<b>1001 - 2000</b>	780	1 560	2 340	3 120	980	1 960	2 940	3 920	680	1 360	2 040	2 720	630	1 260	1 890	2 520	510	700
<b>2001 - 3000</b>	1 020	2 040	3 060	4 080	1 300	2 600	3 900	5 200	870	1 740	2 610	3 480	790	1 580	2 370	3 160	640	850
<b>3001 - 4000</b>	1 260	2 520	3 780	5 040	1 620	3 240	4 860	6 480	1 060	2 120	3 180	4 240	950	1 900	2 850	3 800	770	1 000
<b>4001 - 5000</b>	1 500	3 000	4 500	6 000	1 940	3 880	5 820	7 760	1 250	2 500	3 750	5 000	1 110	2 220	3 330	4 440	900	1 150
<b>5001 - 6000</b>	1 730	3 460	5 190	6 920	2 250	4 500	6 750	9 000	1 450	2 900	4 350	5 800	1 270	2 540	3 810	5 080	1 030	-
<b>6001 - 7000</b>	1 970	3 940	5 910	7 880	2 570	5 140	7 710	10 280	1 640	3 280	4 920	6 560	1 430	2 860	4 290	5 720	1 160	-
<b>7001 - 8000</b>	2 210	4 420	6 630	8 840	2 890	5 780	8 670	11 560	1 830	3 660	5 490	7 320	1 590	3 180	4 770	6 360	1 290	-
<b>8001 - 9000</b>	2 450	4 900	7 350	9 800	3 210	6 420	9 630	12 840	2 020	4 040	6 060	8 080	1 750	3 500	5 250	7 000	1 420	-
<b>9001 - 10000</b>	2 690	5 380	8 070	10 760	3 530	7 060	10 590	14 120	2 210	4 420	6 630	8 840	1 910	3 820	5 730	7 640	1 550	-
<b>over 10000 per each 1000</b>	70	140	210	280	80	160	240	320	60	120	180	240	60	120	180	240	55	-

Notes:

The rates listed in Table 1 are in euro (EUR) without VAT.

To comply with the requirements for minimum total bollard pull, PORTOVI FLOT 99 AD may provide additional number of tugboats than required, whereas the customer will not be charged for such additional number. In all other cases, the customer will be charged for the additional number of tugboats requested by the master of the maneuvering vessel, the agent or another authorized party, including when that request is due to hydrometeorological reasons.

\* A tugboat with bollard pull under 12 t may only perform maneuvers with vessels with gross tonnage up to 4500, as well as when performing maneuvers as an auxiliary tugboat in the areas of ship repair yards. The rates in column 18 also apply to the use of an additional tugboat, above the minimum determined number, in the ship repair and the ship building yards.

**PORTOVI FLOT 99 AD**

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