

TCL - Terminal de Contentores de Leixões, S. A.

Commercial Operating Regulations (paragraph 1 of nº 27 of the Concession Contract)

ARTICLE 1

PURPOSE AND SCOPE OF APPLICATION

1. The present regulations establish the rules for the functioning and commercial operation of the Container Terminal of the Port of Leixões.
2. Except if indicated otherwise, all the rules of the present regulations apply to the Northern Sector (NS) and the Southern Sector (SS) that are designated in the Concession Contract as the Northern Container Terminal and Southern Container Terminal, respectively.
3. The Northern Sector is the zone defined by the length of the 360 metre quay to the west of Dock nº 1 – North, and includes the adjacent flat area of 56.600 square metres. This zone does not include the quay wall nor the North-south moorings on that same dock.
4. The Southern Sector is the zone defined by the length of the 543 metre quay to the south of Dock nº 4 – South, and includes the adjacent flat area of 131.000 square metres.

ARTICLE 2

OWNERSHIP OF THE RIGHT TO COMMERCIALLY OPERATE THE CONTAINER TERMINAL

1. Under the terms of the Concession Contract signed with the Administração dos Portos de Douro e Leixões, S.A. (APDL) on 20 December 1999, TCL – Terminal de Contentores do Porto de Leixões, S.A., has the exclusive rights to commercially operate movements of containerised goods in the Container Terminal.
2. The exclusivity referred to in the previous number does not exclude the possibility of cargo movement operations being carried out by other parties in the terms and conditions defined by the legal regime anticipated in nº 2 of Article 26 of Act 298/93, of 28 August.

ARTICLE 3

SCOPE OF THE PUBLIC SERVICE UNDER CONCESSION

1. The public service that is under concession consists of all the moving operations of the containers to be loaded or unloaded in the Concession area. It also includes non-containerised goods that are complementary cargo of the ships laid up in the Container Terminal.
2. When the complementary cargo referred to in the previous number makes up more than 20% of the total cargo volume, the carrying out of the loading and / or unloading operations in the Container Terminal is subject to prior authorisation by the Administração do Porto de Douro e Leixões, S.A.
3. Under the terms of Article 1, TCL S.A. has to provide the following services:
 - a) The movement of containers to and from the ships moored to the terminal quay;
 - b) The container traffic, parking, reception and despatch operations;
 - c) Operations regarding the goods transported in containers, namely, storage, checking, assistance for refrigerated containers, as well as the work necessary for clearance by the competent authorities;
 - d) The operations regarding the non-containerised cargo that is a complement to the container load of ships laid up in the terminal, in terms of nºs. 1 and 2.

ARTICLE 4

ACCESSORY SERVICES

1. Under the scope of the concession, Terminal de Contentores de Leixões, S.A. can provide services that are accessory to the main purpose as long as the former are necessary for the carrying out of the latter. These accessory services must be carried out in accordance with the current rules for these services and the APDL must give written authorisation, without prejudice to the content of the following number.
2. The Terminal de Contentores de Leixões is authorised to provide the accessory services of water and electricity supplies to the ships moored at the terminal. These services will be provided at rates to be approved by the APDL.

3. Should the Terminal de Contentores de Leixões not be able to provide the services referred to in the previous number, the APDL can authorise that these services are provided by other duly licensed organisations. TCL S.A. may not impede or in any way make it difficult to provide these services.

ARTICLE 5

APDL's RESPONSIBILITIES

1. While the Mobile Bridge is still functioning, the APDL will ensure that it is operated in such a way to ensure the Southern Sector functions in accordance with the operating times set out in the following article.
2. While the pilot and tug services are under the APDL's responsibility, this organisation will ensure that these services are available.

ARTICLE 6

OPERATING TIMES

1. The container loading and unloading operations of the Leixões Container Terminal are carried out at the following times:
 - a) Weekdays
 - 08h00 to 12h00
 - 13h00 to 17h00
 - 17h00 to 20h00
 - 21h00 to 24h00
 - b) Saturdays
 - 08h00 to 12h00
 - 13h00 to 17h00
 - 17h00 to 20h00
 - 21h00 to 24h00
2. The reception and removal of containers is done on weekdays.

3. The periods between 12h00 and 13h00 and between 20h00 and 21h00 are meal interval times. For this reason any work that may be carried out in this period will be charged at a rate 50% higher than work carried out in normal periods.
4. Work on Sundays and public holidays will be possible. It will be charged under a supplementary regime at a rate 90% higher than work carried out in normal periods. Work on such days must entail movements of at least 100 containers per shift.
5. Work during the period 00h00 to 08h00, Monday to Sunday, will be possible under an overtime regime.
6. For overtime work carried out, the Ship Owner or his representative will be responsible for paying all the extra costs that result from specific negotiations that will take account of Portuguese legislation and other sector regulations, including the applicable collective bargaining rules.
7. Given the non-compulsory nature of overtime work, operations in these periods are subject to employee availability.

ARTICLE 7

DOCKING OF SHIPS

1. The container ships that enter Leixões will dock at one of the Container Terminal sectors to carry out loading and unloading operations.
2. The Concession Holder can ask the Concessionaire to authorise operations on mixed ships outside the Container Terminal and to move containers to such sites.
3. The docking site is determined by the Port Authority in collaboration with the TCL, taking into account the Concession Holder's operational plan.
4. A ship is considered to be docked when it is in operational conditions, free of obstacles that might impede not just the entry on board of TCL S.A. employees but also the use of equipment necessary for moving containers and other cargoes.
5. The order of docking is determined by the Port Authority.
6. TCL S.A. can request the Port Authority to alter the order of docking, based on reasons linked to the efficient use of operational resources.

7. The docking of ships at Leixões Container Terminal is solely for the objective of loading and unloading containers. It is expressly forbidden for ships to remain there or for ships to carry out engine tests there. The only exceptions are in cases of force majeure that have been expressly authorised by the Concession Holder and the Concessionaire.
8. Under the terms of the APDL Commercial Operating Regulations, ships cannot remain in the Leixões Container Terminal for longer than 45 minutes after the end of operations.
9. TCL S.A. will request the APDL to have any ship that contravenes the previous article removed. The cost of this work will be charged to the Ship Owner and his representative. This will not affect the application of a penalty, under the terms of the APDL Commercial Operating Regulations, equivalent to 20 full containers per hour of non-authorized stay.
10. TCL S.A. will give the APDL prior information concerning the operations on the ships docked in the Terminal.

ARTICLE 8

NOTIFICATION OF CONTAINER MOVEMENT

1. At least 24 hours before the arrival of a ship, the respective representative must hand the Terminal administrative services the unloading plan and lists of containers to be moved. These lists, including containers to be unloaded and loaded, should include the container initials, numbers, sizes, type, net and gross weights, regime and origin or destiny (port and respective terminal), as well as the containers to be moved in direct traffic.
2. The containers that carry dangerous cargoes must be clearly marked, without prejudicing the content of article 11.

ARTICLE 9

RECEPTION OF CONTAINERS TO BE LOADED

1. The Terminal will receive containers for loading after the announcement of the forecast arrival of the ship has been received by the Operational Services. The Operational Services will open the respective process that must indicate the docking number attributed by the Port Authority and that is supplied by the ship's Agent.

2. With the planning of a ship's loading and unloading in mind, the containers to be loaded must be deposited in the Terminal by the end of the shift before the one when it is forecast that the operation on the ship will begin.
3. The Terminal can accept containers up to the time when unloading begins as long as, from TCL's point of view, this does not adversely affect the operations.

ARTICLE 10

CONTAINER PARKING

1. Container parking management is the responsibility of TCL, S.A.
2. Each Sector of the Container Terminal has storage parks for containers to be loaded or unloaded from the ships.
3. The parking of containers will be done in such a way as to try to optimise the use of space and operations.
4. The Terminal will have zones for storage of full containers, empty containers, refrigerated containers and containers that have come from, or are going to, the railway. In addition there will be zones for containers that the Authorities require to be opened.
5. In exceptional cases of Terminal congestion, TCL S.A. can, after having obtained the agreement of the Port Authority, demand that Consignees of containers that have been parked for more than 7 days remove these from the Terminal within 48 hours.
6. TCL S.A. can also demand the removal of containers in the terms foreseen in the previous number in exceptional cases of physical degradation of the containers themselves or their contents.

ARTICLE 11

CONTAINERS WITH DANGEROUS GOODS

The transit of containers transporting dangerous goods, including the operations of ship loading and unloading, transport, parking and opening in the port is governed by the rules established for dangerous cargo movement in the Concession Holder's Safety Plan and in the Port Authority's Safety Manual.

ARTICLE 12

VEHICLE ACCESS

1. Until internal connection with the Port of Leixões is made, access to Leixões Container Terminal is by the Southern Sector (SS), where the main gatehouse is situated. Circulation between the Northern Sector (NS) and the Southern Sector (SS) is done using the internal port area roads.
2. Administrative and physical controls of the vehicles and cargoes is made at the main gatehouse in the space allocated for this purpose. The connection between the NS and the SS is controlled by the internal gatehouses in each of the Sectors.
3. Only the following vehicles are allowed to enter the Terminal area:
 - Vehicles that are going to deliver or receive containers;
 - Ship supply vehicles;
 - Concession Holder vehicles;
 - Concessionaire vehicles carrying out specific functions foreseen in the Concession Contract;
 - Vehicles transporting officials of bodies with jurisdiction in the port area when carrying out specific duties attributed to them;
 - Ambulances, first-aid vehicles and assistance vehicles when in service;
 - Vehicles that have been exceptionally authorised to enter by the Terminal services;
 - Vehicles of the representatives of Ship Owners of docked ships when these are carrying out specific tasks related to the crews, the ship or the respective load;
 - Port Authority Vehicles carrying out their duties.
4. In exceptional circumstances and on grounds of safety and work effectiveness, the Terminal services can restrict the vehicles mentioned in the previous number from entering and/or parking in any of the working zones. This does not apply to Port Authority vehicles carrying out inspections and checks, to ambulances, first-aid vehicles nor to the vehicles of other public institutes that are in service.

ARTICLE 13

VEHICLE CIRCULATION

1. The circulation of vehicles moving containers and others that are allowed access is only authorised in the defined traffic zones and in accordance with the established circulation routes that are given on the appended drawings.
2. For traffic control purposes the Terminal has suitable signs and markings, including road surface markings and traffic signs in accordance with the Highway Code.

3. For all purposes, the railways, as well as the rail tracks of the overhead cranes of the dock and the park, are considered to be level crossings without guards.
4. The vehicles that circulate in the Terminal can only turn around when the containers that are to be placed in the park or put on the vehicle are in the opposite sense to that in which the vehicle currently is.
5. Without affecting the content of the previous article, it is forbidden for any vehicle that is not connected to the operations to remain in the Terminal.
6. The rules of the Highway Code apply to vehicles circulating inside the Terminal.

ARTICLE 14

PEDESTRIAN ACCESS

1. Pedestrian access is by the indicated route at the main gatehouse.
2. Except in situations that are expressly authorised by TCL S.A., pedestrian transit inside the terminal operations area is prohibited. This does not apply to the Port Authority agents.

ARTICLE 15

SUSPENSION OF OPERATIONS

For Safety reasons, and under the terms of the Port of Leixões Safety Plan, TCL S.A. can suspend terminal operations as long as APDL has given its agreement.