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Перший віце-президент

  
  
М. Григорук  
2015 р.

ВИДАНО:

на підставі Наказу ДП „МПУ”

від 25.05.15 № 01

  
  
А.М. Амелін  
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ЗВІД ЗВИЧАЇВ

МОРСЬКОГО ПОРТУ ЮЖНИЙ

м. Южне

2015

## **I. General Provisions**

1.1. Yuzhny sea port Code of Customs is developed on the following basis:  
the Merchant Shipping Code of Ukraine;  
Law of Ukraine "On Ukrainian Sea Ports";  
Law of Ukraine "On Foreign Economic Activities";  
Law of Ukraine "On Transport";  
International practices for seaports operations;  
Other laws and regulations of Ukraine as well as international agreements ratified by Ukraine.

1.2. The Code establishes rules for services rendering and vessels and passengers servicing principle, that have historically developed and are applied in practice in Yuzhny sea port. The Code of Customs of Yuzhny sea port contains the rules regarding:

- 1) working schedules of Yuzhny sea port;
- 2) operational activity planning in Yuzhny sea port;
- 3) operational schedules during ice campaign in Yuzhny sea port;
- 4) accommodating vessels for handling in Yuzhny sea port;
- 5) operational procedure for calculation of lay time and laycan, demurrage and dispatch in Yuzhny sea port;
- 6) services provision in Yuzhny sea port and the list of such services;
- 7) carrying out commercial operations in Yuzhny sea port;
- 8) communication via Information Port Community System (IPCS);
- 9) organizational support to commercial operations in Yuzhny sea port;
- 10) other rules of economic operations within Yuzhny sea port

1.3. The Code is issued basing on the Order of the Head of state enterprise "Ukrainian Sea Ports Authority", further being certified by the Ukrainian Chamber of Commerce and Industry and published on the official website of the state enterprise "Ukrainian Sea Ports Authority".

1.4. Yuzhny sea port Code of Customs shall be applied:

1) when the charter party includes the condition to apply Yuzhny sea port Code of Customs;

2) under the absence of the conditions regulated by Yuzhny sea port Code of Customs in the charter party;

3) under the presence of the conditions contradicting Yuzhny sea port Code of Customs in the charter party.

1.5. The Code defines the terms as follows:

1.5.1. Port Authority, Yuzhny branch of state enterprise "Ukrainian Sea Ports Authority" (Yuzhny Sea Port Authority), is founded to ensure Yuzhny sea port functioning, to arrange and ensure navigation safety, efficient maintenance and use of port infrastructure and its other property;

1.5.2. Laycan is a time period within which the Port Authority confirms possibility of the vessel mooring by approving it with the port operator and the ship agent;

1.5.3. Shift-day plan-schedule (SDPS) is the document planning the mooring/departure and handling of vessels, railway rolling stock and motor vehicles;

1.5.4. Foreign navigation line is a regular maritime traffic between the certain ports of two or more countries according to a linear schedule by the assigned vessels;

1.5.5. Enterprise is a business entity irrespective of ownership form which activity is related to the servicing of transport means, passengers and cargoes within Yuzhny sea port area;

1.5.6. 'Vessel shifting along a berth' means relocation of a vessel along a berth in accordance with the Compulsory regulations of Yuzhny sea port;

1.5.7. 'Vessel shifting' means relocation of a vessel within port waters from one berth (mooring facilities) to another assisted by a pilot and tug boats excluding shifting along a berth;

1.5.8. Yuzhny sea port is territory and the water area of Yuzhny sea port defined by the boundaries, equipped for handling of vessels and passengers, carrying out freight, transport and forwarding works as well as other related economic activities;

1.5.9. Port Operator (PO) is a business entity engaged in the operation of the marine terminal, conducting stevedoring, cargo maintenance and storage, handling of vessels and passengers as well as other related economic activities;

1.5.10. Berth is hydro-technical structure with mooring and fender equipment intended for moorage and handling of vessels and passengers, including their embarkation and disembarkation, loading and unloading of cargoes;

1.5.11. Operation chart flow sheet (OCF) is process control documentation, developed by PO based on the standard techniques and procedures charts for each cargo (groups of technologically similar cargoes) and in total covers the entire spectrum of cargoes loaded by the port operator in accordance with the approved process flow sheets;

1.5.12. Convenient-weather working day is a working day or its part thereof within which the weather permits loading (or unloading) of a vessel or, in case the vessel is awaiting for its turn, allows commencing loading (or unloading) without delay or hindrance due to weather conditions.

1.5.13. Lay time is the amount of time within which the cargo shall be loaded on the vessel or unloaded from the accepted for handling vessel;

1.5.14. Substitute vessel is a vessel which technical and operational parameters shall be close to the technical and operational parameters of the vessel replaced;

1.5.15. Tally certificate is a primary accounting document for cargo acceptance and delivery by vessel and PO which reflects the quantity and condition of the cargo unloaded from the vessel and accepted by PO. The records in a tally certificate shall be made after counting (single-piece or single-strop) and the simultaneous inspection of packages and shall be certified by a tallyman's signature;

1.5.16. Mooring operations (works) is a range of works implemented in Yuzhny sea port for vessel mooring/departing and shifting to/from a berth.

1.5.17. Notice is a notification document which certifies the approach, departure and readiness of a vessel for handling and servicing in Yuzhny sea port.

1.6. This Code contains the following abbreviations:

Code is Yuzhny sea port Code of Customs;

IPCS is the Information Port Community System;

Compulsory port regulations are compulsory regulations in Yuzhny sea port;

VTCC - vessel traffic control centre in Yuzhny sea port;

TS is technological scheme of cargo relocation, processing and handling of cargo, luggage, transport means, and servicing of passengers in Yuzhny sea port;

MMSI is Maritime Mobile Service Identity;

IMO is International Maritime Organization;

SOF is a document displaying the events chronology (cargo operations, paperwork, etc.) while the vessel is in the water area of Yuzhny sea port.

1.7. Phrases used in documents linked to Yuzhny sea port operations shall bear the following meanings:

approximate (date) number means 5 days deviation before and after the specified date;

at the beginning of the month means from the 1st to the 10th day of the month;

in the middle of the month means from the 10th to the 20th day of the month;

at the end of the month means from the 21st to the end of the month;

the end of the month means the last day of the month;

at the end (of one) or at the beginning (of the following) month means the last 5 calendar days of the month and the first 5 calendar days of the following month respectively;

in the first part of the month means from the 1st to the 15th day of the month;

in the second part of the month means from the 16th day to the end of the month;

uniformly and proportionally within navigation means that vessel presentation or loading/discharging operations are executed regularly within the months;

consecutive days mean that the calculation of laytime is carried out for the calendar days that follow one after another except for inconvenient-weather-conditions days, weekends and holidays during laytime;

in the normal queue with all vessels - the vessel is provided with a place at the berth in a sequential order of the general queue along with all the vessels arriving in Yuzhny sea port.

## **II. Operation Schedules of Yuzhny sea port**

2.1. Yuzhny sea port is permanently open for vessels regardless of flags.

2.2. The dimensions of vessels that may enter Yuzhny sea port are defined in Compulsory Regulations and are included into the passport of water area of the seaport.

2.3. The works are performed and the services are provided 24 hours a day in Yuzhny sea port.

2.4. The normal (usual) business hours of Yuzhny sea port is the period from 8:00 AM to 5:00 PM daily except for weekends and holidays.

The weekends and holidays according to the legislation of Ukraine are as follows: Saturday and Sunday, January 1 (New Year), March 8 (International Women's day), 1-2 May (International Labour Day), May 9 (Victory Day), June 28 (Constitution Day), August 24 (Ukrainian Independence Day), October 14 (the Day of Defender of Ukraine) as well as religious holidays: Christmas (January 7), Easter (Easter) - one day (Sunday) and the Trinity Sunday - one day (Sunday). In cases when a holiday or non-working day coincides with a day off, the day off is transferred to the day that follows after a holiday or a non-working day.

2.5. PO operation mode is established by PO at its own discretion.

## **III. Work Planning Regulations in Yuzhny sea port**

3.1. Daily, before 10:30 AM, the Main Control Room of the Port Authority draughts a Shift-day plan-schedule (hereinafter SDPS) of Yuzhny sea port operational activity on the grounds of SDPSs submitted by PO and Entities taking into account hydrometeorological weather forecast and technical parameters of the vessels, according to which mooring and handling of vessels, spotting and processing of railway equipment, cargoes transported by automobile transport is planned. The approved SDPS is obligatory for all companies operating on the territory of Yuzhny

sea port. Mooring operational (working) schedule, which is agreed with the pilot and Yuzhny Sea Harbour Master's service, is formed on the grounds of the SDPS.

3.2. After having SDPS approved by the Port Authority at a joint meeting at 11:00 AM, all POs and Enterprises shall follow SDPS.

3.3. Taking into account the production activity and time intervals as well as specifications at mooring operations (works), the following planning procedure order for mooring operations (works) during vessel mooring or departing from Yuzhny sea port that is also dependant on the type of a vessel has been established: the primary right for mooring or exiting Yuzhny sea port is with vessels in distress, passenger, freight-passenger vessels and vessels working at foreign navigation lines and registered in compliance with the current legislation of Ukraine; the second in sequence are oil and gas tankers; the third in sequence are container vessels; the fourth in sequence are other vessels. The Main Control Room of the Port Authority is entitled to promptly change the order of the vessels mooring or departing from Yuzhny sea port following safety guidelines and considering the effectiveness of vessel arrangement at the berths of Yuzhny sea port in order to follow the SDPS.

3.4. The operating hours of tug boats specified in the assignments shall include the passage from the mooring base to the area of mooring operations (works), operation period required for the vessel mooring (unmooring) and the time required for the tug boats to return to the mooring base.

#### **IV. The operational procedure during ice campaign in Yuzhny sea port**

4.1. The beginning and the end of ice campaign in Yuzhny sea port is announced by an Order issued by the Harbour Master of Yuzhny sea port. The procedure and conditions of icebreaking pilotage in the water area of Yuzhny sea port within the period of winter navigation are determined by the sea port Compulsory regulations.

4.2. During the announced ice campaign period, the shipowners shall be obliged to pay the Port Authority a fee to cover ice-breaking services as per approved tariffs according to the set up procedure.

4.3. During the period of ice campaign, in case ice-breaking is required, the vessels arriving for handling at the same berth are accepted for piloting and handling according to the dates and time of their approach to the area where the caravan is formed (the area where the caravan is formed is defined by the Harbour master according to the operational ice chart).

4.4. During the period of winter navigation, in case ice pilotage is required, the date of a vessel arrival under the schedule is the date of its approach to the place of caravan formation. After the vessel being piloted at Yuzhny sea port, it is accepted for handling and servicing in Yuzhny port according to the Approach Schedule for the Vessel Handling in Yuzhny sea port.

#### **V. Rules for acceptance of vessels for handling in Yuzhny sea port**

5.1. Vessel-masters (shipowners) directly or through the ship agents shall notify in writing the Port Authority through the preliminary notice of the vessel approach within the time period determined by the sea port Compulsory regulations.

5.2. Vessel master's (shipowner's) information shall contain data to the extent determined by the sea port Compulsory regulations.

5.3. The vessel-master shall immediately notify the Port Authority via the agent of all the vessel delays which can cause vessel failure to comply with the stated estimated arrival time.

5.4. The Port Authority and PO shall confirm the information receipt and notify the vessel-master (agent) on the terms and conditions of pilotage in Yuzhny sea port, the berth for mooring or a place of anchorage in the road and the planned date of the vessel berthing.

5.5. The vessel-master of the vessel sailing under the State Flag of Ukraine shall apply to the Fire Safety Department of the Port Authority directly or via the agent not later than 24 hours prior its loading and discharge operations to conduct a fire safety inspection of the vessel according to which a Fire Guard Certificate is being issued or prolonged, proving the vessel right to depart. If the sea passage time is less than 24 hours the application shall be submitted not later than the time when

the vessel leaves the previous port; in case the port of destination changes during the voyage, it shall be done as soon as this information becomes available.

5.6. Reception of vessels in Yuzhny sea port for handling and other operations is conducted according to the concluded contracts (agreements) and is carried out only after prior coordination with the PO and Port Authority.

5.7. Confirmed vessels are included by the Main Control Room of the Port Authority into the schedule of vessel approach for handling, based on the declared date of the ship arrival and the scheduled time of handling.

5.8. POs submit applications on the term of consignment readiness for shipment at a specific vessel to the Main Control Room of the Port Authority not later than one day prior the expected date of vessel approach.

5.9. In case a vessel arrives at Yuzhny sea port for loading the cargo stored at various warehouses, a ship agent and PO notify the Main Control Room of the Port Authority of the cargo description, its quantity, warehouse number and order of loading.

5.10. The vessels are moored for handling with the account of confirmed lay-can dates, the vessel approach order and availability of free berths for handling. The Port Authority in coordination with PO under the absence of cargo documents or in case of incomplete shipload is entitled not to lay the vessel for handling. As an exception, with the permission of the Main Control Room of the Port Authority, such vessels mooring to the berths is allowed in case the ship agent provides a Guarantee Letter to pay for the mooring operations related to vessel berthing and re-mooring at the available berth, to the road under the instruction of the Main Control Room of the Port Authority.

5.11. Arrival of a vessel before the confirmed lay-can dates does not give the ground for the priority mooring. If a vessel has arrived later than the confirmed lay-can dates, the right and mooring order is lost by the vessel. In case the berth is occupied at the moment of arrival of the confirmed vessel on its lay-can dates, the vessel does not lose the berthing priority right even if the berth gets vacant later than

the confirmed lay-can dates. All the following vessels that arrive are moored according to the lay-can dates in their turn.

5.12. The vessel is considered arrived in time if it arrives to the entrance buoy or berth in Yuzhny sea port (in winter to the ice edge) and gives a notice (radio-notice) proving its readiness for processing and servicing not later than the lay-can date specified in the notice and confirmed by the Main Control Room of the Port Authority.

5.13. The vessel is considered arrived late if it arrived to the entrance buoy or berth in Yuzhny seaport (in winter prior to the ice edge) and gave a notice (radio-notice) proving its readiness for handling and servicing later than the lay-can date specified in the notice and confirmed by the Main Control Room of the Port Authority. The vessels that arrive at Yuzhny sea port with delay lose their handling turn. The Port Authority has a right, with no harm to the interests of other vessels that arrived according to the planned schedule, upon an agreement with PO, to establish a new order for handling the vessel that has arrived late, of which the ship agent and the cargo owner are informed.

5.14. The vessel is considered to have arrived off-schedule for vessel handling if the Main Control Room of the Port Authority has not confirmed its arrival.

5.15. The vessel-master or a ship agent shall notify the Port Authority and PO of any delays which may cause vessel's lagging. Otherwise, and in case the vessel-master provides late or incorrect information, the vessel mooring is executed after the relevant information is provided.

5.16. The vessel, declared by the cargo owner (the shipowner) but brought to Yuzhny sea port for other cargo/under other cargo, is accepted for handling upon arrangement with PO and a ship agent and upon approval by Main Control Room of the Port Authority.

5.17. Vessels for loading/discharge in direct manner may be moored subject to the availability of loaded/empty freight cars at the Odessa railway at the amount not less than 60% of the consignment with the provision of a Guarantee Letter proving the availability the remaining consignment availability prior to the completion of

operations for vessels loading with the first part of consignment. In case of delay in the supply of freight cars for cargo operations, operational needs, the vessel can be shifted to the other available berth or removed to the outer roads for the period the cars are awaited.

5.18. In case the vessel delays in Yuzhny sea port after cargo operations, as well as if the operations unfulfilled in the scheduled time can be completed at another berth, the Main Control Room of the Port Authority has the right to require vessel shift to the available berth or anchorage in the road. The vessel-master shall vacate the berth at the request of the Main Control Room of the Port Authority. In this case, the administration of the vessel undertakes to comply with the requirement of the Main Control Room of the Port Authority regarding leaving of the berth.

5.19. The vessel, included in the Approach Schedule for the Vessel Handling but arriving to Yuzhny seaport for loading (unloading) cargoes off the Approach Schedule for the Vessel Handling and requiring the cargo terminal of a different specialisation, is considered to have arrived to Yuzhny sea port off-schedule.

5.20. The vessel-substitute shall fully meet the requirements for cargo transportation intended to replace the vessel without delay, timely deliver the cargo and also comply with the scheduled vessel's type and approximately comply with the size of the scheduled vessel as well as its draft.

5.21. The shipowner (ship agent) shall notify the Main Control Room of the Port Authority and PO of the replacement not later than 24 hours before the date the vessel arrives to Yuzhny sea port.

5.22. After the vessel arrives to Yuzhny sea port and after the discharge is completed (in case the vessel is intended for further loading), the vessel master (agent) submits (through IPCS if available) the representative of the Main Control Room of the Port Authority and PO a notice proving the readiness of the vessel for handling and servicing in all or in part of holds. The notice is accepted subject to the actual vessel readiness for loading or discharge. Depending on the type of cargo and handling, the holds readiness for loading (discharge) shall be confirmed by PO or ship agent of the vessel that shall be reported by PO to the Main Control Room of the

Port Authority The notice is attached to the SOF. SOF and Time Sheet are submitted to the Main Control Room of the Port Authority after the vessel handling is completed. If PO has not received from the freight forwarder a notice proving the readiness for loading of cargo on the vessel or documents for cargo unloading from the vessel before the vessel-master submits the notice of readiness for loading or unloading, PO is entitled to make a comment in the notice and the waiting time of the above mentioned documents is at the expense of the cargo owner or the charterer which is summed with the lay time unless the opposite is provided by the Contract. PO representative makes an appropriate note in the vessel- master's notice not later than 30 minutes after its delivery.

5.23. Before the time specified in the notice submitted to the Main Control Room of the Port Authority, the vessel master in order to perform loading and unloading works shall ensure vessel mooring and the readiness of all holds and the deck to be unloaded (loaded) in conformity with a cargo plan, cargo vehicles and hatches of the vessel, including their opening and lighting of the work sites (in holds, on the deck, at the shipside) in accordance with the fire safety and labour safety requirements for the sea ports in Ukraine.

5.24. Lifting capacity of shipboard cranes (winches), if necessary, shall be confirmed by the documents issued by the classification society, operability of shipboard cranes (winches) shall be confirmed by a joint act signed by a representative of the vessel administration and PO.

5.25. The vessel is considered to be ready for loading bulk cargo provided that the holds are ready for the specific cargo, there are clear loading line marks and draft scales fore and aft and midship are easy to read and enable to determine the loaded quantity of the cargo by draft survey; the absence of ballast water or its presence at the amount which can be dumped by vessel means without interruption of loading procedure.

5.26. Downtime occurred due to the reasons depending on the vessel (failure of the vessel cargo means, absence of steam, lighting, laying off of cargo operations at the request of the vessel administration, change of the agreed cargo plan initiated by

the vessel, etc.) and lost due to these reasons on cargo operations, is excluded from the lay time and paid by the shipowner at the current fees effective for the demurrage day unless otherwise is provided by the contract.

5.27. The shipowner has the right to change the handling order of its vessel in case it does not affect the interests of other shipowners, PO and the Port Authority. The Main Control Room of the Port Authority introduces necessary changes to the Schedule of vessels approach for handling and SDPS of Yuzhny sea port at the shipowner's request.

5.28. Every vessel shall be moored at the location specified by the Main Control Room of the Port Authority in accordance with the SDPS.

5.29. In the case the vessel refuses from mooring, the right and order of the mooring is lost.

5.30. The vessel-master's refusal to moore the vessel to the berth suggested by the Main Control Room of the Port Authority shall be justified in writing no later than 2 hours after receipt by the agent from the Main Control Room of the Port Authority of the information regarding the vessel's mooring and shall be submitted by the vessel master or the ship agent to the Main Control Room of the Port Authority in order to introduce changes into the SDPS.

## **VI. Operational procedure for calculation of lay time and lay-can in Yuzhny sea port, demurrage, and dispatch**

### 6.1. Lay time in Yuzhny sea port:

1) the duration of the lay time is defined as the time the vessel stays in the port since its arrival to Yuzhny sea port (the end of mooring to a berth or anchoring within the water area of Yuzhny sea port) upon the instruction of the Port Authority until its leaving Yuzhny sea port (beginning of unmooring from the berth or heaving up the anchor);

2) in order to account the lay time actually spent by the vessel in Yuzhny sea port, the vessel (agent) together with PO keeps records in the SOF (Statement of Facts). SOF and Time Sheet (vessel lay time log book) signed jointly by PO and the agent shall be submitted to the Main Control Room of the Port Authority;

3) if the vessel is unloaded and then loaded in Yuzhny sea port, the SOF and Time Sheet shall be issued separately for unloading and loading operations;

4) the Time Sheet shall be signed by the vessel-master (agent) and PO representatives and is considered to be the basis for calculations. Signing SOF and Time Sheet by the parties shall not delay the vessel's departure;

5) the SOF records are not subject to changes and neither party has a right to refuse from its signing. In case of discrepancies, the party which has some objections shall make a corresponding warning note in the SOF;

6) both the SOF and the Time Sheet contain all the records in chronological order that register in hours and minutes all handling operations from the moment of the vessel's arrival to Yuzhny sea port and until its departure, as well as all the delays in handling, specifying their duration and reasons fixed by the appropriate reports, if necessary;

7) The SOF shall be written in English. The Time Sheet shall be written in Ukrainian or Russian.

6.2. Lay time of a vessel in Yuzhny sea port and the procedure for its calculation:

1) lay time shall be determined by the agreement between the parties;

2) in case when such an agreement is not concluded, the calculation of lay time starts not earlier than the date provided in the schedule of vessel approach for handling confirmed by the Main Control Room of the Port Authority (lay-can date), taking into account the following time periods:

from 01:00 PM of the current day if the vessel arrives before noon of the current day;

from 08:00 AM of the next day if the vessel arrives after noon of the current day;

from 01:00 PM of Monday (after a holiday) if the vessel arrives during the days off (holidays);

from 08:00 AM of Monday (day after a holiday) if the vessel arrives after noon on Friday (pre-holiday day).

Saturday and Sunday beginning from 05:30 PM on Friday and finishing at 08:30 AM on Monday, are excluded from lay time regardless whether cargo operations are carried out or not.

The lay time is calculated via dividing the cargo mass (quantity) in tons, cubic meters or items by the production line capacity set with the Operation chart flow sheet or other PO document and by the number of technological lines where cargo operations are performed.

3) lay time is interrupted:

under adverse weather conditions (in all cases of poor weather and its consequences) regardless whether PO actually performs operations at this time or not;

in case of failure to provide railway cars for cargo transshipping in direct manner due to the reasons within and beyond PO control or caused by natural phenomena or the events of force-majeure nature;

due to the fault of a vessel (shipowner), including when pumping out ballast;

due to the fault of the cargo owner from the moment the vessel readiness is indicated in a vessel master's notice. In this case, PO shall provide the shipowner with all the required documents which completely prove cargo owner's fault to recover demurrage in the established manner;

4) time actually spent for the works on special mount of cargo in holds and on vessel decks (including welding, keel-blocks, skirting, ceiling, production and installation of steel parts, fasteners, etc.), unloading of cargo from other areas unsuitable for normal work of people and mechanisms as well as discharging of substandard cargoes and cargoes in damaged packaging is added to the lay time.

6.3. Demurrage and dispatch:

1) demurrage and dispatch fees are fixed by the contract (agreement) between PO and the shipowner (cargo owner);

2) calculations of demurrage (dispatch) for the use of vessel lay time are made by PO with the shipowner or cargo owner under the contract;

3) in case there is no agreement between the parties the amount of demurrage fee is determined by the cost of vessel and crew maintenance while compensation for

early completion of loading (discharge) is calculated as half a size of payment for demurrage.

## **VII. Services provided in Yuzhny sea port**

7.1. The following services are provided in Yuzhny sea port:

- 1) loading, unloading, stowing, separation, fastening and unfastening of cargo as well as other works;
- 2) freight forwarding services and warehouse operations with cargo, transshipment of cargo from one type of transport to another one;
- 3) loading/unloading of vessels in the road;
- 4) registration of a complete set of cargo documents for cargo acceptance and sending, issuing and registration of the required set of transport and other documents;
- 5) vessel bunkering;
- 6) pilotage services;
- 7) vessel traffic regulation service;
- 8) carrying out of ice campaign;
- 9) water supply to vessels at berth or in the water area of Yuzhny sea port, removal of bilge, ballast and sewage water, garbage removal;
- 10) elimination of emergency oil spills and pollutants;
- 11) operations with routine and emergency booms, alternate use of the oil and garbage collectors in case it is impossible to install booms;
- 12) scheduled cleaning of the water area from pollutants, foreign objects and materials;
- 13) provision of tug boat services for mooring operations;
- 14) provision of free berths for logistics, minor repair works, holding anchorage and other purposes;
- 15) vessel repair;
- 16) services provided by floating cranes;
- 17) registration of vessel arrival/departure;
- 18) provision of area in the road or at the berth with the permission of the Main Control Room of the Port Authority for fumigation and degassing;

19) servicing of passengers, passenger vessels, sailing and motor yachts and recreational crafts;

20) fire protection when handling hazardous cargoes at berths of Yuzhny sea port and provision of fire protection and rescue services;

21) other works and services.

7.2. Services in Yuzhny sea port are provided in accordance with the contracts concluded, subject to the Rules of services provision in the seaports, approved by the Ministry of infrastructure of Ukraine in the established order and other laws and regulations, including international treaties ratified by Ukraine.

## **VIII. Rules for conducting business operations in Yuzhny sea port**

### **8.1. Rules for handling transport means in Yuzhny sea port:**

8.1.1. For processing transport means (vessels, railway cars, motor vehicles, etc.) the Port Authority, PO and Entities have at their disposal appropriate production capacities including berths, warehouses, transshipment equipment and machinery.

8.1.2. Hazardous cargoes are transhipped in Yuzhny sea port in accordance with the requirements of Ukrainian legislation in force.

8.1.3. Goods shipped by railway during the period of temporary restriction for the delivery of goods by railway caused by the accumulation of loaded rolling stock at the destination, or during other restrictions, declared by the authorised organisations, and which have arrived to Yuzhny sea port, can be accepted by the Port Authority and PO within the limits of separate schedules agreed with the Port Authority and PO.

8.1.4. Delivery, storage and transshipment of goods in Yuzhny sea port is executed on the basis of contracts concluded with the Enterprises as well as laws and regulations and other documents provided by this Code.

8.1.5. In case of emergency situations of technological or natural character, the Port Authority is entitled to introduce temporarily restrictions for the entry on the territory of Yuzhny sea port or cargo terminal of certain cargoes until normal functioning of Yuzhny sea port.

8.1.6. All expenses and penalties associated with downtime of transport means and cargo dispatch during the period of restrictions on dispatch to the Port Authority shall be at the expense of PO the contract is concluded with between the Port Authority and PO.

8.1.7. Each enterprise bears independent responsibility as to its contractors according to the concluded agreements for rendering services and provides safe handling of transport means.

8.1.8. Transshipment operations with cargoes in Yuzhny sea port are commenced in cargo deports (covered, open) according to operation chart flow sheets in compliance with the norms for allowed cargo loads.

8.1.9. Acceptance, placement, storage and delivery of cargoes in Yuzhny sea port is carried out according to the Rules of services provision in the seaports of Ukraine and approved process charts.

## **8.2. Mooring operations (works) during cargo operations:**

8.2.1. In case it is necessary to process a vessel at more than one berth or by more than one PO in order to optimize the use of berths in Yuzhny sea port, vessel shifting/shifting along a berth is arranged. It is possible to shift vessels by the transfer of the mooring lines along the berth after the approval granted by the Main Control Room of the Port Authority.

8.2.2. Charge for tug boat service, pilotage and mooring works in these cases shall be at the expense of the shipowner.

8.2.3. The transit time of the vessel shift from the berth of discharge to the berth of loading is taken into account in the SOF and the payment for tug boats service shall be made by the shipowner.

8.2.4. The cost of vessel shifting/shifting along a berth caused by inaccurate information shall be charged from the responsible party.

8.2.5. PO shall notify the Main Control Room of the Port Authority and the parties involved of upcoming shifting/shifting along a berth, the beginning (end) of cargo and auxiliary operations 2 hours before or promptly in case of urgent operational need.

8.2.6. Shifting from the berth after unloading to the berth for loading shall be at the expense of the shipowner. In case of threat to the safety of a vessel, berth, port equipment due to complicated weather conditions the vessel shifting to a more secure location shall be executed at the expense of the shipowner. With reference to the specialization of transshipment terminals, the shifted in Yuzhny sea port during loading/discharging shall be affected at the expense of the shipowner if there is no confirmation of payment for shifting from a shipper/consignee/cargo owner. The time spent for such shifting shall not be counted as lay time.

8.2.7. The cost of vessels shifting/shifting along a berth associated with PO requirements shall be at PO expense, in case the application for inclusion into the plan of PO's mooring works has a confirmation for expenses covered at their own cost.

### **8.3. Rules of Acceptance and Delivery of cargoes in Yuzhny sea port:**

8.3.1. The vessel at PO's demand shall accept or deliver the cargo within 24 hours as well as on weekends and holidays, providing free of charge electric power, winches, cranes, slings, lighting and other devices required to ensure cargo loading or discharge. Unloading of cargo from a vessel is allowed only under PO's approval which has authority duly stipulated in the legislation to operate at the berth and cargo terminal.

8.3.2. Acceptance and delivery of cargoes shall be executed alongside the vessel under registration of Tally certificate signed by both parties. In case the vessel does not provide its tallymen, the invoice issued by the PO's tallymen shall be accepted.

8.3.3. During breaks in loading or discharging of any cargo as well as in case of bad weather, the vessel can close or open its holds. In case onshore or floating cranes are used, such expenses shall be born by the vessel, unless the opposite is provided in the agreement.

8.3.4. Additional costs associated with the unloading of cargoes from other areas unsuitable for normal work of people and mechanisms as well as discharging of

non-standard cargoes and cargoes in damaged transport container shall be at the vessel expense.

8.3.5. Responsibility for the observance of correct cargo separation, fastening and stowage shall rest with the vessel administration. Cargo fastening means shall have manufacturer's certificates and meet technical requirements of the relevant regulations.

8.3.6. Placement of cargo on the vessel shall be executed according to the cargo plan approved by the vessel-master and agreed with the PO. The vessel-master is responsible for correct cargo distribution and stowage in the hold compartments.

8.3.7. In case the conditions specified in clauses 8.3.1, 8.3.2, 8.3.5, 8.3.6. being not met, all costs associated with breaking of bulk during unloading of cargo shall be at shipowner's expense.

8.3.8. Loading of the relevant cargo is performed under availability of the regulatory documents on safe carriage of cargoes by sea at the vessel. Provision of the vessels with relevant regulatory documents is the shipowner's responsibility.

#### **8.4. Documentation for cargo acceptance by PO and Enterprises in Yuzhny sea port:**

8.4.1. PO and Enterprises shall document the acceptance of cargoes imported to the territory of Ukraine (imported cargoes) by the General Act, the Statement of Notification and Tally certificates (screenings).

8.4.2. Imported goods delivered by vessels shall be accepted by PO on the base of the Bills of Lading. Manifest, hatch lists and cargo plan are herein supporting documents. In required or specified cases the consignor's annexes shall be applied.

8.4.3. In case of bilateral tally estimation tallymen of the vessel and the PO verify their records and certify them by their signatures after cargo movement from each sling or movement of each piece of cargo. Upon the end of the shift or work on a vessel, a PO tallyman submits to a cargo depot or terminal a completed tally certificate with the summaries basing on the Bills of Lading and working hours.

8.4.4. Upon the divergence in the amount of cargo with the data specified in the Bill of Lading or in other cases the Statement of Notification shall be made. In

case a control re-calculation takes place the Statement of Notification shall be made basing on Tally Certificates and Witnessed Inspection Certificates.

8.4.5. The results of unloading shall generally be fixed by the General Act made on the basis of Tally Certificates in five copies signed by the representatives of PO, vessel and customs. One copy is sent to the customs authorities, two copies are sent to the forwarding agent, one copy is handed over to the vessel and one copy is sent to PO.

8.4.6. The Statement of Notification shall be made by PO or Enterprise under acceptance of imported, re-exported or transit cargo to certify the following circumstances:

1) inconsistency between the name, marking, mass or number of places and the data specified in the Bill of Lading, Invoice, International Bill of direct /mixed traffic;

2) cargo spoiling and damage;

3) discovery of undocumented cargo as well as documents without cargo accompanied;

4) container damage with the access to its contents, the absence of seals, low quality signs on the identification seals, their non-compliance with the specified in shipping documents;

5) arrival of goods in packing unsuitable for transportation, the fact of which is confirmed by the experts of the Chamber of Industry and Commerce or other authorised organizations;

6) consignment separation;

7) arrival of cargo in the damaged packaging or with the signs of plundering;

8) reservation "in dispute" in the shipping documents.

The Statement of Notification shall be made for each Bill of Lading, Invoice, International Bill of direct /mixed traffic, except for the cargo arrives unclassified and unseparated, thus without the opportunity to separate consignments. In such cases a single Statement of Notification shall be made for all undivided consignments.

The Statement of Notification shall not be made under the shortage of cargo in case there is a restriction in the shipping document "underloaded".

The Statement of Notifications shall be enclosed to the General Act. The General Act and enclosed Statements of Notification are considered to be the documents determining the number of places and the weight of handed over by the vessel and accepted by PO (terminal operator) of import, re-export and transit cargoes.

The Statement of Notification is considered to be the grounds for:

- 1) tracing of cargoes;
- 2) investigation of the reasons for non-saving of goods;
- 3) claims of consigner or consignee.

The Statement of Notification shall be in five copies, one is provided for the customs, one is provided for the vessel, two are provided to the forwarder, one is provided for PO.

8.4.7. Export cargo is accepted by PO according to the railway consignment note, automobile transport consignment note and bill of lading.

8.4.8. PO issues swipe card of export cargo (Act of Acceptance) which also serves as a notice to the exporter on the arrival of the exported cargo.

8.4.9. A warehouse when accepting the cargo shall verify the name, marking, quantity, condition of the cargo indicated in the shipping document, fill in the column "Number of places" and "Mass" in section "Actually accepted", apply the actual marking on the cargo, sign swipe cards of export cargo.

8.4.10. In case of discrepancy in actual condition and/or quantity of cargo declared in the shipping documents, the authorized officer of PO and the train station make a request to create a commercial act in two copies, one for PO another one for the railway and the note of this fact is made in the swipe card.

8.4.11. PO shall send the railway consignment note, two copies of swipe card for export cargo, annexes for consignment note and the commercial act to the freight forwarder.

8.4.12. PO and the Enterprise shall issue the client a swipe card for export cargo (the act of acceptance), a carriage document with the enclosed cargo documents and certificates issued by the operator and/or the carrier.

8.5. Technological processes of movement, clearance and processing of cargo, baggage, transport means and passengers at sea ports:

8.5.1. Technological processes of movement, clearance and processing of cargo, baggage, transport means and passengers in Yuzhny sea port are determined by process charts (hereinafter- PC).

8.5.2. The model PC shall be developed in accordance with the requirements of current legislation, this Code, operational documentation and other documents establishing work order in Yuzhny sea port, and approved by the Port Authority. PO basing on the model PC shall develop and maintain operational PCs for marine and other terminals the operation and maintenance of which is executed in the prescribed manner. Operational PCs for the objects on the books (in use) of the Port Authority, as well as for the state-owned port infrastructure facilities of common use, shall be developed and approved by the Port Authority.

8.5.3. PCs determine the procedure for issuing documents, entry, acceptance, storage, processing, delivery and relocation within Yuzhny sea port and exit of cargoes, luggage, transport means or passengers.

8.6. Accounting of cargo operations:

8.6.1. PO and the Enterprise provides information on the results of unloading/loading of transport means, the amount of cargoes in warehouses; entry/exit of transport means to/from the territory of the terminal, movement of passengers, etc. to the Port Authority in the form and within the period approved by the Port Authority.

8.6.2. PO and Enterprises perform accounting of cargoes separately, specifying export, import and cabotage cargoes by displaying information about them in the warehouse and accounting documents according to the established by PO accounting procedure.

8.6.3. The accounting of imported cargoes and cabotage cargoes is conducted in warehouse books (vessel books), card indexes or IPCS.

8.6.4. Warehouse books (vessel books) shall be numbered, bound, sealed and signed by PO authorized officer.

8.6.5. Each batch of cargo accepted to the warehouse shall be recorded in the corresponding boxes of the warehouse book, card or IPCS immediately after acceptance.

8.6.6. The accounting of export cargoes accepted and shipped by PO warehouse shall be conducted in the Act of Acceptance card index or IPCS.

8.6.7. PO warehouse Manager at least once per quarter shall commence full-scale verification of cargoes with accounting data and verification results shall be documented by a report with the participation of the warehouse senior forwarder (senior technician) responsible for cargo accounting.

8.6.8. Information about the cargo handling shall be introduced by PO and Enterprises to the Information-analytical and logistics system for marine and river transport of Ukraine in the order established by the Ministry of infrastructure of Ukraine. If necessary, PO and Enterprises under a separate written request of the Port Authority shall provide other relevant information.

## **IX. Communication through IPCS**

9.1. The Port Authorities of Yuzhny sea port can introduce IPCS. The rules of connection and operation in IPCS, the form, format and manner of information and documents exchange shall be agreed with the relevant regulatory bodies within their jurisdiction and approved by the Port Authority. In case IPCS functions in Yuzhny sea port, all participants of the transport process shall connect to the system and use it in accordance with the agreement on information cooperation. In case the IPCS functions in the sea port, electronic exchange of information and documents shall be preferable.

9.2. PO and the Enterprises shall send to the Port Authority the following information:

- 1) information required to keep the Registry of seaports of Ukraine;
- 2) information regarding the main indicators of operational activities (cargo handling, ship calls, depot stock, etc.);
- 3) preliminary notice of approach;
- 4) updated arrival time;

- 5) information regarding the change of the approach date of the declared vessels;
- 6) schedule of vessel approach;
- 7) applications regarding the terms of readiness of load batches for loading;
- 8) guarantee letters insuring the securing of the remaining batch until the completion of vessel loading with the first part of cargo under direct loading;
- 9) shift-day plan-schedule for PO and Enterprises;
- 10) information on vessel replacement;
- 11) a notice of the vessel readiness for handling and servicing;
- 12) information about changing the sequence of vessels handling;
- 13) notice of unscheduled vessel acceptance for handling with cargoes, requiring unloading due to the threat of cargo quality loss;
- 14) information on the movement of cargoes in warehouses, transport means and passengers;
- 15) the results of transport means unloading/loading;
- 16) information on transactions with cargoes in a warehouse (change of wholesale packaging/packaging/container, weighing, change of cargo parameters, cargo assembling/disassembling, etc.);
- 17) information about the entry/exit of transport means to/from the territory of a terminal;
- 18) information needed to confirm the volume of cargo transportation by means of the railway;
- 19) other required information.

9.3. The information, mentioned in clause 9.2., shall be provided in the form and format established by the Port Authority, and, in case the use of IPCS is implemented in the sea port, in the form and format established by the state enterprise "Ukrainian Sea Ports Authority".

## **X. Organizational support to commercial operations in Yuzhny sea port**

10.1. PO and Enterprises shall participate in the development of instructions, plans, events and regulations regarding emergency situations, purchasing,

maintenance of equipment, devices and mechanisms, reimbursement for accident liquidation on the territory and water area of Yuzhny sea port and marine terminals.

10.2. The order of PO, owners (users) of marine terminals involvement in the development of emergency response plan (catastrophes), purchasing, maintenance of the equipment, devices and mechanisms, reimbursement for accident liquidation on the territory and water area of Yuzhny sea port shall be established by the Cabinet of Ministers of Ukraine.

10.3. Machinery and human resources for liquidation of emergency situations consequences shall be available for the head of works aimed at liquidation of emergency situations in accordance with the emergency (catastrophe) response plan of the Port Authority.

10.4. The Port Authority of Yuzhny sea port shall provide methodological supervision and monitoring of following the established in Yuzhny sea port procedure by the Enterprises and POs.

10.5. PO and Enterprises provide the Port Authority with the information required to maintain the Registry of seaports of Ukraine within 5 working days from the date of establishment the Register and its official publication on the website of the state enterprise "Ukrainian Sea Ports Authority" and/or from the date the actual data changes compared to the registered one.

## **XI. Final provisions**

11.1. PO and Enterprises shall comply with the established in the sea port order.

11.2. The shipowner is liable to the Port Authority in the following cases:

- 1) damage to the berths, port facilities, machinery and other property resulted from his fault. Compensation shall be calculated on the basis of the claim and invoice issued by the Port Authority as well as on the basis of the investigation conducted by the relevant Port Authority services or through legal proceedings;
- 2) losses associated with untimely clearing of a berth;
- 3) other violations provided by this Code and other laws and regulations.

11.3. PO and the Enterprise shall be responsible to the shipowner, the Port Authority or other owner of transport means for the damage of a vessel, railway rolling stock or automobile transport caused by PO or Enterprise, confirmed by the report issued during the shift when the damage occurred. All the claims regarding the vessel damage during cargo and mooring operations shall be issued by the vessel-master in writing not later than 2 hours after the damage but in any case before the vessel leaves Yuzhny sea port.

Marine protest for any damage shall be submitted not later than 24 hours but in any case before the vessel leaves Yuzhny sea port in accordance with the requirements of clause 343 of the Code of merchant shipping of Ukraine.

11.4. Shipowners, PO, Enterprises that have violated this Code causing financial loss, shall reimburse all the expenses for the liquidation of the consequences of such violation, including leasing of equipment, machinery, vessels and personnel of other enterprises and organizations, and shall bear responsibility in accordance with legislation of Ukraine.

11.5. In case of force-majeure circumstances (war, natural disaster, icing, snowfall, strike, etc) the Port Authority shall be exempted from liability for non-fulfilment or improper performance of its obligations for the period of duration of force-majeure circumstances.