

Tariff regulations dealing with towage in the docks

FREE TRANSLATION - only the Dutch version is legally valid

Antwerp Port Authority
www.portofantwerp.be

Executive Committee of 23 November 2014
Board of Directors of 1 December 2014
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ART. 1 NOMENCLATURE

For the purposes of this regulation the following terms are to be understood as set out below.

1.1. TOWAGE TASK

The towing of a vessel.

1.2. ADDITIONAL SERVICE

The services summarized in Art. 5.3.4.5. of the Municipal Police Regulations.

1.3. SHIFT TIME

The time at which a towage task or a additional service should be started, as indicated in the request.

1.4. APPLICANT

The ship's master or the person who applies for the tugs in his stead.

1.5. SEAGOING VESSEL

Vessel listed in "Lloyd's Register of Shipping" or which holds a valid international tonnage certificate.

1.6. INLAND CRAFT

Vessel intended for the carriage of goods on the inland waterways and which holds a valid inland tonnage certificate for this purpose.

1.7. TONNAGE UNIT

The tonnage of inland crafts and floating crafts is expressed in metric tons.

The tonnage of seagoing ships is expressed in gross tonnage (gt) units as it appears from the international tonnage certificate delivered in the country of registration of the seagoing vessel in accordance with the provisions of the International Convention on Tonnage Measurement of Ships adopted in London on 23 June 1969.

1.8 ANTWERP MUNICIPAL PORT AUTHORITY

Entrepotkaai 1
B- 2000 Antwerp
T +32 3 205 20 11
VAT BE 0248 399 380

1.9. OPERATOR

Is regarded as the operator, approved under the conditions set out in the tariff regulations for seagoing vessels.

ART. 2 REQUEST FOR TUGS

The Port Authority makes tugs available, in return for payment, to masters of vessels and barges who wish their vessel to be towed or assisted by one or more tugs. A person desiring to make use of one or more tugs must submit a request to the Shipping Management dept. - Antwerp Coordination Centre. This request must be made electronically via the port information system APICS (Antwerp Port Information and Control System).

For each vessel, a separate application must be submitted. No matter how, when and by whom it was made, through the application the applicant commits to pay the fare and agrees to the conditions of this tariff regulation.

A separate request must be submitted for each vessel. By making this request, regardless of when and how it was made, the applicant agrees to the fees and conditions of this regulation.

The following information must be supplied with every request:

- the name of the ship's master and the name of the applicant, with the capacity in which he is acting;
- the nationality and name of the vessel; seagoing ships should give overall dimensions (max. length and breadth), barges and other floating craft should indicate their tonnage (in metric tonnes);
- the time when the towage job and/or additional service must be started;
- the desired number of tugs;
- details about the special nature of the vessel which may be relevant to the normal performance of the towage task and/or the additional service;
- the nature of the service for which the tug is requested;
- for towage jobs: indicate the place in the docks where the vessel is to be towed from and where it is to be towed to, indicating in full the lock, and/or dock, as well as the berth number or buoy number.

- for a additional service: indicate the place in the docks where the service must be carried out.

Requests for the towage of a vessel will only be accepted if the request is made:

- for sailing and shifting vessels from the right bank: at least three hours before the time of shifting or sailing
- for sailing and shifting vessels from the left bank: at least four hours before the time of shifting or sailing.
- for vessels arriving from the Lower Maritime Scheldt: prior to passing buoy 35;
- for vessels arriving from the Upper Scheldt: at least three hours prior to arriving at the anchorage point in Antwerp.

Vessels coming from or sailing towards the jetties in the Scheldt are regarded as shifting vessels.

If the ship's master leaves the ordering of the tugs to the pilot, the order, or the cancellation, is made entirely at the responsibility of and for the account of the ship.

In confirmation of their request, barges must display a red flag with a white square; by night and by darkness they should hoist a lantern showing a red light in the centre at half mast or on one of the stays.

Requests for towage from or to the channel in a dock are not accepted as a matter of principle.

ART. 3 START OF THE TOWAGE TASK

Every vessel for whom one or more tugs have been requested must be fully clear and ready to leave her berth at the shifting time. The towage task will only commence in so far this condition is met.

If the vessel is still not completely free and ready within one hour of the indicated shifting time, the Port Authority may order the requested tugs to retire. Should the tugs nonetheless remain with the vessel, tug assistance will be charged.

ART. 4 DESCRIPTION AND LIMITS OF SECTORS

Towage tasks are charged per tug in accordance with the tonnage of the ship attended to and with the towage distance covered. The covered distance is charged according to the number of divisions in sectors in the different docks on the left and right bank of the Scheldt as mentioned below:

RIGHT BANK OF THE SCHELDT

4.1. BONAPARTE DOCK, WILLEM DOCK AND JUNCTION DOCK (VERBINDINGSDOK)

inclusive of London Bridge channel.

4.2. KATTENDIJK DOCK

bounded by the entrance channels to Siberia Bridge, Mexico Bridge and London Bridge and inclusive of dry-docks 1, 2, 3, 4, 5, 6, 8, 9 and 10 till and including Kattendijk Lock.

4.3. ASIA DOCK, KEMPISCH DOCK AND TIMBER DOCK (HOUTDOK)

bounded by the entrance channel to Mexico Bridge and the Straatsburgdock.

4.4. ROYERS LOCK

inclusive of the waiting quay for outward bound vessels at quay 47.

4.5. AMERICA DOCK

confined by the entrance channel to the Royers Lock, the ship-channel at quay 61 and the ship-channel between quays 100 and 101, and including the Noordkasteel bridge-channel.

4.6. ALBERT DOCK

from the ship-channel between quays 100 and 101 till and including the junction channel till Wilmarsdonk Bridge.

4.7. LEOPOLD DOCK

from the entrance channel to Wilmarsdonk Bridge till and including the corners between quays 230/232 and 229/231.

4.8. 4TH HARBOUR DOCK

from the corner between quays 229/231 and from the separation between quays 403B/405 till bridge-channel to 5th Harbour Dock, inclusive of the dry-docks.

4.9. 5TH HARBOUR DOCK

from the Noord-Kasteel bridge-channel till and including the bridge channel to the 4th Harbour Dock.

4.10. MARSHALL DOCK AND HANSA DOCK

from the corner between quays 230/232 and the separation between quays 403B/405 till and including quay 254.

4.11. VAN CAUWELAERT AND BOUDEWIJN LOCKS

inclusive of waiting quay 497 for outward bound vessels to Boudewijn Lock.

4.12. 6TH HARBOUR DOCK

from quay 256 till and including quays 354, 356, 358, 360 and 362.

4.13. CHURCHILL DOCK

from quay 400 till and including quay 500.

4.14. CANAL DOCK B1

from quay 502 and from quay 499 till railway-bridge channel.

4.15. CANAL DOCK B2/DELWAIDE DOCK

from the railway bridge channel till the imaginary line in prolongation of the axis of Zandvliet Lock, inclusive of quay 700 till and including quay 748 of Delwaide Dock.

4.16. ZANDVLIET AND BERENDRECHT LOCKS

including waiting quays as and when provided.

4.17. CANAL DOCK B3

north of the imaginary line in prolongation of the axis of Zandvliet Lock.

4.18. DELWAIDE DOCK

from quay 750 till and including quay 764.

LEFT BANK OF THE SCHELDT

4.19. KALLO LOCK

including the possible waiting quay.

4.20. WAASLAND CANAL A

from the Kallo Lock to the imaginary lines linking the point where the axis of the Waasland Canal and the axis of the Vrasene Dock intersect, to the separation between quays 1616/1618 and to the separation between quays 1199/1201.

4.21 WAASLAND CANAL B

past the imaginary line which connects the point where the axis of the Waasland Canal and the axis of the Vrasene Dock intersect, to the separation between quays 1616/1618 and to the separation between quays 1241/1243.

4.22. SOUTHERN INLET BASIN

from quay 1113 till and including quay 1197.

4.23. NORTHERN INLET BASIN

from quay 1600 till and including quay 1616.

4.24. VRASENE DOCK

from quay 1201 till and including quay 1241.

4.25. VERREBROEK DOCK

from quay 1301 till and including quay 1347.

4.26. DOEL DOCK

from quay 1630 till and including quay 1670.

ART. 5 TOWAGE DISTANCES

The following tables show the number of towage sectors to be charged when towing from one sector to another; the charge of a towage within the limits of one and the same sector counts as 'A', "Initial manoeuvring".

The number of towage sectors mentioned left of the 'slash' applies when towage is carried out through the junction channel between the Albert Dock and the Leopold Dock. The number of towage sectors mentioned right of the 'slash' applies when towage is carried out via the Noordkasteel bridge-channel.

5.1. IN THE DOCKS ON THE RIGHT BANK OF THE SCHELDT

horizontally = sector of departure
vertically = sector of arrival

	.1	.2	.3	.4	.5	.6	.7	.8	.9	.10	.11	.12	.13	.14	.15	.16	.17	.18
.1	A	1	2	3	2	3/5	4/5	5/4	5/3	5	5	5	5	5	5	5	5	5
.2	1	A	1	2	1	2/5	3/4	4/3	5/2	4	5	5	5	5	5	5	5	5
.3	2	1	A	3	2	3/5	4/5	5/4	5/3	5	5	5	5	5	5	5	5	5
.4	3	2	3	A	1	2/5	3/4	4/3	5/2	4	5	5	5	5	5	5	5	5
.5	2	1	2	1	A	1/4	2/3	3/2	4/1	3	4	4	4	4	5	5	5	5
.6	3/5	2/5	3/5	2/5	1/4	A	1/4	2/3	3/2	2/4	3/5	3/5	3/5	3/5	4/5	5	5	5
.7	4/5	3/4	4/5	3/4	2/3	1/4	A	1/4	2/3	1/5	2/5	2/5	2/5	2/5	3/5	4/5	4/5	4/5
.8	5/4	4/3	5/4	4/3	3/2	2/3	1/4	A	1/4	1/5	2/5	2/5	2/5	2/5	3/5	4/5	4/5	4/5
.9	5/3	5/2	5/3	5/2	4/1	3/2	2/3	1/4	A	2/4	3/5	3/5	3/5	3/5	4/5	5	5	5
.10	5	4	5	4	3	2/4	1/5	1/5	2/4	A	1	1	1	1	2	3	3	3
.11	5	5	5	5	4	3/5	2/5	2/5	3/5	1	A	1	1	1	2	3	3	3
.12	5	5	5	5	4	3/5	2/5	2/5	3/5	1	1	A	1	1	2	3	3	3
.13	5	5	5	5	4	3/5	2/5	2/5	3/5	1	1	1	A	1	2	3	3	3
.14	5	5	5	5	4	3/5	2/5	2/5	3/5	1	1	1	1	A	1	2	2	2
.15	5	5	5	5	5	4/5	3/5	3/5	4/5	2	2	2	2	1	A	1	1	1
.16	5	5	5	5	5	5	4/5	4/5	5	3	3	3	3	2	1	A	1	2
.17	5	5	5	5	5	5	4/5	4/5	5	3	3	3	3	2	1	1	A	2
.18	5	5	5	5	5	5	4/5	4/5	5	3	3	3	3	2	1	2	2	A

5.2. IN THE DOCKS ON THE LEFT BANK OF THE SCHELDT

horizontally = sector of departure
vertically = sector of arrival

	.19	.20	.21	.22	.23	.24	.25	.26
.19	A	1	2	2	2	2	3	3
.20	1	A	1	1	1	1	2	2
.21	2	1	A	2	2	1	1	1
.22	2	1	2	A	2	2	3	3
.23	2	1	2	2	A	2	2	3
.24	2	1	1	2	2	A	2	2
.25	3	2	1	3	2	2	A	2
.26	3	2	1	3	3	2	2	A

5.3. MOVEMENTS FROM THE LEFT BANK DOCKS TO THE RIGHT BANK DOCKS AND VICE VERSA

The charge for the number of tugs deployed in both dock complexes for the towage operation from the berth to the lock in the dock complex on one bank and the lock to berth towing task in the dock complex on the other bank, will always be five sectors for both operations combined.

ART. 6 REMUNERATION FOR TOWAGE TASKS

Each task commenced, in case the tugs are dismissed prematurely, will be charged for as if entirely carried out. For each tug that is used for a towing task, a separate fee is charged.

6.1. REMUNERATION FOR THE TOWAGE OF SEAGOING SHIPS, INLAND CRAFTS AND FLOATING APPLIANCES

According to the tonnage of the ship attended to, the towage distance covered and the type tugboat, the following rates in euro are due:

6.1.1. type – tugboat with pulling power less than 50 ton

Tonnage of seagoing vessel in GT.or in m³ for inland crafts or floating appliances		TOWAGE DISTANCE					
FROM	UP TO	A	1	2	3	4	5
0	5600	401	469	533	603	669	735
5601	7000	469	533	603	669	735	801
7001	8400	567	635	701	769	835	903
8401	9800	669	735	801	867	935	1.002
9801	11200	882	960	1.037	1.114	1.191	1.268
11201	14000	1.037	1.114	1.191	1.268	1.346	1.423
14001	21000	1.417	1.509	1.603	1.695	1.788	1.878
21001	28000	1.647	1.742	1.835	1.927	2.018	2.110
28001	42000	1.878	1.971	2.063	2.158	2.249	2.341
42001	56000	2.158	2.249	2.341	2.434	2.526	2.619
56001	70000	2.434	2.526	2.619	2.710	2.803	2.895
70001	84000	2.710	2.803	2.895	2.988	3.080	3.172
84001	98000	2.988	3.080	3.172	3.263	3.358	3.448
98001	112000	3.293	3.385	3.474	3.563	3.660	3.747
112001	126000	3.629	3.718	3.807	3.890	3.991	4.074
126001	en meer	3.999	4.086	4.171	4.248	4.351	4.428

The charge for towage services for seagoing vessels included in Lloyd's Register of Shipping with a type listing in which the phrase "vehicles" or "ro-ro" appears will not exceed that applicable to ships falling in the 28.001/42.000 g.t. rate category.

6.1.2. type – tugboat with a pulling power from 50 ton

Tonnage of seagoing vessel in GT or in m ³ for inland crafts or floating appliances		TOWAGE DISTANCE					
FROM	UP TO	A	1	2	3	4	5
0	5600	462	539	614	693	768	845
5601	7000	539	614	693	768	845	921
7001	8400	651	729	806	884	960	1.038
8401	9800	768	845	921	997	1.075	1.152
9801	11200	1.015	1.105	1.193	1.282	1.369	1.458
11201	14000	1.193	1.282	1.369	1.458	1.549	1.636
14001	21000	1.630	1.736	1.844	1.948	2.056	2.160
21001	28000	1.894	2.003	2.110	2.215	2.320	2.427
28001	42000	2.160	2.267	2.373	2.481	2.586	2.692
42001	56000	2.481	2.586	2.692	2.800	2.905	3.012
56001	70000	2.800	2.905	3.012	3.117	3.224	3.329
70001	84000	3.117	3.224	3.329	3.436	3.542	3.648
84001	98000	3.436	3.542	3.648	3.752	3.861	3.965
98001	112000	3.787	3.893	3.995	4.098	4.210	4.310
112001	126000	4.173	4.276	4.379	4.474	4.590	4.685
126001	en meer	4.599	4.699	4.797	4.885	5.004	5.093

The charge for towage services for seagoing vessels included in Lloyd's Register of Shipping with a type listing in which the phrase "vehicles" or "ro-ro" appears will not exceed that applicable to ships falling in the 28.001/42.000 g.t. rate category.

6.2. REDUCTION FOR FREQUENT USERS

A percentage discount on the charge for towage tasks carried out in one and the same calendar year is granted to line operators in accordance with the following table and the conditions indicated below:

Number of towage tasks		% reduction
from	Up to and including	
1	10	3
11	50	5
51	100	7
101	150	9
151	200	10
201	250	12
251		14

The only seagoing ships that can be considered for this frequency reduction are those that are owned, time-chartered, operated or managed by one and the same operator, recognized as such in accordance with the implementation procedures for the tariff regulations for seagoing ships.

Seagoing ships used by that operator in a different manner count towards the determination of the number of towage tasks, but are not entitled to aforementioned discount. They may nonetheless qualify for the frequency reduction when, prior to the towage invoice being issued, it is demonstrated that the operator is liable for the payment of the towage costs under the terms of the charter agreement.

In case of a "transfer of seagoing ship", the frequency reduction is only applied when the transferee can show that regardless of the transfer, the ship continues to be owned by, time-chartered by, operated or managed by the original operator.

All supplementary charges continue to be calculated on the undiscounted price of the towage task.

6.3. REDUCTION FOR SHIFTING SEAGOING SHIPS IN THE PORT

Seagoing ships shifting in the docks between berths and/or waiting berths, where they perform loading and discharging activities, or between these berths and waiting berths, are entitled to a reduction of 50% on the price of the initial movement.

6.4. CHARGE FOR A “DEAD VESSEL”

If the vessel which is to be towed, does not have a working propeller or rudder, the charge for the towage task will be increased by 50 %.

ART. 7 REMUNERATION FOR ADDITIONAL SERVICES

The remuneration to be paid to the Antwerp Port Authority for the use of a tug of the Port Authority to carry out a additional service, as indicated in Art. 5.3.4.5. of the Municipal Police regulations of the port of Antwerp, amounts to 486 EUR per hour. Each hour commenced is to be charged in full.

The above remuneration is due per tug made available. If the time to carry out the additional service is interrupted by one or more towage tasks for the same ship, the total duration of the additional service is then totalized and rounded up to the next full hour, irrespective of the fact that the towage tasks also are charged at the normal rate.

Additional for the full period the wreck buoy remains on the spot, a payment is due at the rate of 219 EUR per calendar day, each day commenced counting in full.

If a additional service is carried out simultaneously with a towage task or a different additional service, both performances are charged separately as per tariff, even if they are performed by the same tug.

ART. 8 IMPROPER, LATE OR UNREALISED REQUESTS

Half the amount indebted for an initial movement, is due :

8.1 in case shifting cannot be commenced at the hour of shifting and the tug made available is kept idle for more than 30 minutes after the hour of shifting declared, in the case of a seagoing ship, or more than 15 minutes in the case of an inland craft or floating appliance, before the towage task can start;

8.2 in case of cancellation less than one and a half hour before the towage task was due to commence, in case the application is cancelled or if the shifting hour is changed. The amount will be charged per tug applied for and irrespective of whether such tug made a useless movement or not in connection with the service to be rendered. If the amount of the towage task to be carried out is lower than the amount of the cancellation, the amount of the cancellation will only amount to 40% instead of 50%.

8.3 when no use is made of any of the tugs made available;

8.4 per tug applied for, when the ship commenced her manoeuvre without the tug assistance asked for, irrespective of whether such manoeuvre was commenced at the time of shifting or not. The amount will be charged per requested tug;

8.5 for work done by tugs, originating from errors and/or incorrect or incomplete particulars given when providing the information.

ART. 9 INCREASED REMUNERATIONS

SUNDAYS AND HOLIDAYS

All above mentioned remunerations will be increased by 50 % when the tug is made available on Sunday and holidays, between 0 h till 24 h.

The commencing time of the towage task or additional service is decisive for the increase being chargeable.

BUNKERING SURCHARGE

The payments referred to in Art. 6, 7 and 8 are linked to the official maximum price for gas oil of 147,99 EUR per thousand litres. Whenever this price rises or falls by more than 4,96 EUR per thousand litres, these payments will be respectively increased or reduced by 0,25% and this as long as the official maximum gas oil price does not exceed 748,15 EUR per thousand litres. For prices of 748,16 EUR per thousand litres to 800,00 EUR per thousand litres, the surcharge is 30,25%. Per bracket begun of 50 EUR per thousand litres above 800 EUR per thousand litres the surcharge is per thousand litres increased by 0,75%. The amounts mentioned in this article are exclusive of VAT.

ART. 10 USE OF PRIVATE TUGS

If a private-owned tug performs towage tasks, the ship attended to shall have to pay a sum equal to the charge that would have been due for the use of tugs of the Antwerp Port Authority.

ART. 11 USE OF TOWAGE CABLES

The ship to be towed must deliver the towage cables herself, unless the tug is equipped with a towing windlass. If the ship supplies the towing cables herself, these must, regardless of the material from which they are made, be of such a quality and tensile strength that they can in all circumstances withstand the pulling force exerted by the tugs. The ship's master is responsible for all losses and accidents that may arise from the defective fastening of these towage cables on board of the ship or sudden changes in the tension in the towline.

ART. 12 GUARANTEE

A seagoing ship will not be allowed to leave the port unless all towage dues are paid, unless a deposit is paid, the amount of which is determined by the Port Authority. Such deposit may be substituted by a permanent surety or by a banker's guarantee. This amount is set to the average turnover of one month per calendar year and will be reconsidered at least every three years. In this case, the bank guarantee must be issued by a credit institution which is authorized to perform its services in Belgium in accordance with the applying Belgian legislation and under supervision of the Financial Services and Markets Authority. The port authority accepts as an alternative

for the above mentioned stipulation a report of the relevant professional association that the latter vouches for the guarantee.

ART. 13 PAYMENT

INVOICES

Invoices can be obtained electronically after registration on the 'Unifact' web application. If the invoice is not to be made out to the agent, the agent shall communicate electronically in the web application 'Zeefact' and on beforehand to which principal the invoice shall be made out.

DATE OF PAYMENT

Invoices relating to these tariff regulations must be paid at the latest on the mentioned due date. The invoices can be paid by giro into a bank account of the Antwerp Port Authority or by subscribing a bank domiciliation with the Antwerp Port Authority. Further information can be obtained at telephone number +32 (0) 3 205 21 07. Late payment shall by law, and without notice of default, incur interest. Interest shall be calculated on the basis of the special legal interest rate as published in the Belgian Official Bulletin.

The executive committee shall define the actual implementation procedure for the application of interest in the event of late payment, whereby limited, motivated deviations from the strict and verbatim application of the above mentioned rules shall be feasible.

The service can be suspended if overdue invoices remain unpaid.

If the guarantee is put forward by the relevant professional association, payment by domiciliation or direct debit is mandatory.

TERM OF PAYMENT

The due date of the invoices will be calculated on the basis of a term of payment of 30 calendar days.

FOREIGN CURRENCY

Costs associated with the exchange of foreign currency into Euro, or any other costs, shall be at the debtor's expense.

COMPETENT COURT OF JURISDICTION

The courts of Antwerp shall have sole authority in the event of disputes. Only Belgian legislation shall apply.

ART. 14 LIABILITIES

The Antwerp Port Authority is not liable for damage which during or pursuant to the use of one or more tugs is caused to a user, a towed ship, her ship's master, crew, appointees, executive agents and/or cargo:

- by an error, even a flagrant error of the Antwerp Port Authority; and/or
- by an error, even a flagrant or intentional error of the appointees or executive agents of the Antwerp Port Authority; and/or
- by defects in the tug or tugs and their equipment, including engines, towing cables, towing winches, or other equipment, unless the defect concerned is caused intentionally by the Antwerp Port Authority or pursuant to a flagrant error in the maintenance of the items concerned;
- by delay, whatever the cause of this may be.

These exemptions also apply to actions of recovery instituted by a user against the Antwerp Port Authority. The user or users of one or more tugs waive every claim against the appointees of the Antwerp Port Authority.

The user or users of one or more tugs agree to indemnify the Antwerp Port Authority, its appointees and executive agents against all claims by third parties for the compensation of loss caused by, during or pursuant to the use of one or more tugs, except in the event of an intentional error on the part of the Antwerp Port Authority. This duty to indemnify also applies to actions of recovery instituted by third parties against the Antwerp Port Authority.

The user or users of one or more tugs shall compensate the Antwerp Port Authority for all costs and loss caused by, during, or further to the use of one or more tugs, including damage to the tug or tugs and their equipment, damage to port installations, and harm to the appointees or executive agents of the Antwerp Port Authority, except to the extent that the damage or harm has been caused by an error of the Antwerp Port Authority or by its appointees or executive agents. Should at the same time services be given to more than one vessel, the various users or other interested parties are jointly and severally bound in respect of the Antwerp Port Authority to indemnification and compensation.

These provisions also apply to the granting of additional services.

These provisions apply in full notwithstanding exemptions arising from force majeure or external cause arising from the general law on obligations and without prejudice to the applicable national and international regulations regarding the limitation of liability.

The word "appointees" is to be consider in the meaning of these provisions, the ship's master and crew of the tug or tugs involved in the incident giving rise to the loss or damage.

ART. 15 FORCE MAJEURE

Cases of force majeure and unforeseen circumstances shall be decided upon by the Executive Committee of the Antwerp Port Authority.