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Statute on the Levying of Charges for the Use of the Port of Wolgast

Non-binding English translation — the German original is the sole legally binding version

On the basis of § 5 of the Municipal Constitution for the State of Mecklenburg-Vorpommern (Kommunalverfassung für das Land Mecklenburg-Vorpommern, KV M-V), as published on 8 June 2004 (GVOBl. M-V p. 205), last amended by Article 2 of the Act of 12.07.2010 (GVOBl. M-V p. 366/378), and in accordance with §§ 1, 2, 4 and 6 of the Municipal Charges Act for the State of Mecklenburg-Vorpommern (Kommunalabgabengesetz, KAG M-V), as published on 12 April 2005 (GVOBl. M-V p. 146), amended by Article 5 of the Act of 14 December 2007 (GVOBl. M-V p. 410), the following statute is hereby enacted following resolution of the town council (Stadtvertretung) of 04.10.2010:

§ 1 Scope

- (1)** Charges under this statute are levied for the use of the Stadthafen, the Museumshafen, and the Südhafen Wolgast.
- (2)** The chargeable port area comprises the land and water areas whose boundaries are to be marked and publicly announced in accordance with § 1(3) of the Port Ordinance of Mecklenburg-Vorpommern (Hafenverordnung M-V) of 19 July 1991 (GVOBl. M-V p. 247), as last amended by the First Ordinance Amending the State Ordinance for the Ports in M-V of 16 June 1993 (GVOBl. M-V p. 646). (Annex 7)

§ 2 Types of Charges

Port dues, quay usage charges and berthing fees are payable for the use of the harbour, in accordance with the annex belonging to this statute.

§ 3 Basis of Calculation

- (1)** The basis for calculating charges is: a) for seagoing vessels, the gross tonnage (GT) according to the valid tonnage certificate. b) for inland vessels, half of the carrying capacity in tonnes or m² stated in the calibration certificate.
- (2)** When charges are assessed by surface area, the result of the greatest length multiplied by the greatest width is used as the basis.
- (3)** When charges are assessed by vessel length, the length in metres is used as the basis.
- (4)** Where charges are levied by time period, the full charge is payable for each period commenced.
- (5)** The quay usage charge is assessed on the basis of the quantity of cargo loaded and unloaded, or the number of passengers.
- (6)** Charges under this statute are net amounts; services subject to value-added tax are charged additionally in accordance with the Value-Added Tax Act (Umsatzsteuergesetz), as amended and at the applicable rate — except for the provisions for pleasure craft, which are inclusive of VAT.

§ 4 Levying and Due Date of Charges

- (1)** Port charges arise upon commencement of use of the port.
- (2)** The parties liable for the charges are the owners and possessors of the vessels.
- (3)** Port charges become due immediately, or upon receipt of the charge notice.
- (4)** The charges tariff is annexed to this statute.

§ 5 Exemption from Charges

- (1)** The following are exempt from payment of charges:
 1. Vessels of the German Federal Armed Forces (Bundeswehr).
 2. Vessels used for sovereign tasks or research tasks of the Federal Government, the State, or the town of Wolgast.
 3. Foreign government vessels flying their state flag and used solely for state purposes.
 4. Fire-fighting boats and sea rescue boats, when deployed for their actual purpose.
 5. Vessels and equipment calling at the port as a port of refuge, for as long as the emergency continues, as well as vessels providing assistance to vessels and equipment in distress.
 6. Vessels calling at the port for medical assistance, crew change, bunkering, or taking on provisions, for a period of 24 hours.
 7. Tenders and launches belonging to vessels and equipment that are chargeable, or exempt, under this statute.
 8. Training vessels used exclusively for training purposes.
 9. Vessels calling at the port on official invitation of the State of Mecklenburg-Vorpommern or the town of Wolgast.
- (2)** Exempt from payment of the berthing fee are vessels which, owing to their size (vessel length), are unable to leave the port due to darkness, bridge malfunctions, or weather-related reasons certified by the harbour office.
- (3)** The harbour office is authorised to carry out checks as to whether grounds for exemption from charges exist.

§ 6 Notification Obligations

- (1) Vessel operators must, without delay upon arrival or before departure, provide the port operator or harbour office with the data on their vessel required to calculate the charges, and must present the vessel's, cargo, and transport documents on request. The forms issued for this purpose must be used. Operators of pleasure craft may state the vessel's length verbally. If no information is provided or documents presented, the data necessary for calculating the charges will be estimated.
- (2) Persons subject to the notification obligation may be represented by agents (ship brokers). They nonetheless remain responsible for complete and accurate notification.
- (3) Breaches of the notification obligations constitute administrative offences within the meaning of § 17(2) no. 2 of the Municipal Charges Act M-V (Kommunalabgabengesetz).

§ 7 Transitional Provision

Where port charges have been paid for periods after this statute enters into force, they shall be credited against the charges payable under this statute.

§ 8 Special Agreements

- (1) Wolgaster Hafengesellschaft mbH, Peenestraße 1, 17438 Wolgast, levies the port charges on behalf of the town of Wolgast for a) the quay facility, Straße am Kai in the Stadthafen Wolgast; b) the entire quay facility in the Südhafen. For vessels lying at the above-mentioned quay facilities without loading or unloading, the port charges are levied by the harbour office.
- (2) In justified exceptional cases, a reduction of charges of 70% may be granted upon application, for the purpose of acquiring new customers.

§ 9 Entry into Force / Repeal

This statute enters into force on 01.11.2010; at the same time, the Statute on the Levying of Charges for the Use of the Port of Wolgast of 12.11.2002 is repealed.

Wolgast, 05.10.2010

Weigler
Mayor (Bürgermeister)

Annexes: Charges Tariff and Port Boundaries

Non-binding English translation

Charges Tariff for the Port of Wolgast

1. Port Dues (Hafengeld)

1.1 Port dues are payable for vessels navigating within the port area.

1.2 Port dues for each entry and each departure are:

Vessel type	Charge
1.2.1 Cargo vessels, per GT	€0.10
1.2.2 Passenger vessels, per GT or per m ²	€0.16
1.2.3 Passenger vessels on short excursion trips up to 4 hours, per m ²	€0.10
1.2.4 Inland vessels, per registered tonne	€0.10
1.2.5 Other vessels and equipment, per GT or m ²	€0.20

1.3 Reduction in port dues

1.3.1 For vessels calling at the Port of Wolgast in scheduled service, regularly, or repeatedly in tramp service, port dues may be reduced by 50% per year from the 11th call, upon application.

1.3.2 For passenger vessels operating harbour sightseeing tours that have been granted a berth permit for longer than 3 months, port dues are waived from the 11th call.

1.3.3 For inland vessels with home port Wolgast, per registered tonne: €0.05

2. Quay Usage Charge (Kaibenutzungsgeld)

2.1 A quay usage charge is payable for the use of quay facilities for the handling of goods, vehicles, containers, and passengers. No quay usage charges are levied for provisions, equipment, and operating supplies serving the vessel's own requirements.

2.2 The quay usage charge for each entry and each departure is:

Cargo type	Charge
2.2.1a) Liquid, grab-suitable and bulk cargo, per tonne	€0.20
2.2.1b) Grab-suitable general cargo, per tonne	€0.40
2.2.1c) Containers, empty, per unit	€5.10
2.2.1c) Containers, loaded, additionally per tonne	€0.75
2.2.2 Passenger vessels, short excursion trips, per passenger	€0.26
2.2.2.1 Passenger vessels	€0.40

2.3 Reductions in the quay usage charge — for cargo handled ship-to-ship, the quay usage charge is reduced by 50%.

3. Berthing Fee (Liegegeld)

3.1 There is no legal entitlement to the allocation of a berth. Payment of the berthing fee only gives rise to a claim to the allocation of a berth determined by the harbour office. A berthing fee is payable for vessels and other floating structures occupying a berth.

3.2 The berthing fee is:

Case	Charge
3.2.1 Cargo vessels occupying a berth before/after loading or unloading for longer than 24 h (Stadthafen) / 48 h (Südhafen), per additional 24 h, per GT or registered tonne	€0.05
3.2.2 Cargo vessels occupying a berth without loading/unloading for longer than 8 h, per GT or registered tonne	€0.10
3.2.3 Non-seagoing passenger vessels, berth longer than 2 h, per 24 h, per registered tonne or m ²	€0.15
3.2.4 Passenger vessels, short excursion trips, per registered tonne or m ²	€0.10
3.2.5 Fishing and other vessels, berth longer than 6 h, per 24 h, per registered tonne, GT, or m ²	€0.25
3.2.6 Recreational watercraft, per running metre length per night, up to 15 m	€1.00
3.2.6 Recreational watercraft, each additional metre over 15 m	€1.50
3.2.7 Laid-up or moored commercial vessels, per m ²	€0.10

3.3 Reductions

3.3.1 For vessels with continuous long-term use of a berth for longer than 3 months, the berthing fee may be reduced by 50% for the whole year, upon application. Long-term use of a berth requires the approval of the harbour authority.

3.3.2 For inland vessels with home port Wolgast, the berthing fee from 1 November to 31 March of the respective year is €5.00 per day.

Port Boundaries

Non-binding English translation

1. Stadthafen (Town Harbour)

The landward port boundaries run:

- starting at the south side of the WSP boat shed, Point 1, at a distance of 5 m parallel to the quay edge, following via Point 7 (tip of berth 2/3) to the south-eastern corner of the Kolberg Bridge, Point 9 — at the SW corner of the Kolberg Bridge, Point 8, starting in a southerly direction to Point 10 (concrete base of the old bucket elevator)
- from Point 10 in an SSW direction to Point 11 (underground hydrant)
- from Point 11 the landward port boundary continues in an SSW direction to the rear right-hand corner of the GAG warehouse, Point 12, and further following the rear wall of the building to the rear left-hand corner, Point 13
- from Point 13 in an SSE direction to Point 14 (shipyard fence gate)
- from Point 14 following the shipyard fence via Point 15 and Point 16 to Point 17 (quay edge, berth 14)
- from Point 17 in an NNE direction following the quay edge to Point 4 (corner of berths 13/14)
- from Point 4 the landward port boundary continues in a WNW direction, following the quay edge via Point 6 (eastern tip of berth 12) to Point 9 (Kolberg Bridge)

The boundaries of the water area are determined by:

North: the connecting line between Points 1 and 2 (northern end of berth 1 / south side of the WSP boat shed)

East: from Point 2, parallel to berths 1 and 2, in a southerly direction at a distance of 20 m to Point 3, from there the connecting line to Point 4

West: from Point 1, following the quay edge via Points 7, 9, 8, 6, 5, 4

Point No.	Easting	Northing
1	5420580.6	5992787.5
2	5420598.7	5992784.1
3	5420586.9	5992623.5
4	5420573.8	5992394.9
5	5420517.0	5992460.5
6	5420535.0	5992471.5
7	5420554.5	5992615.5
8	5420294.0	5992742.0
9	5420312.0	5992749.0
10	5420331.0	5992680.0
11	5420340.0	5992640.5
12	20304.950	91984.681
13	20339.974	91948.161

14	5420390.75	5992521.25
15	5420485.5	5992471.5
16	5420417.5	5992341.5
17	5420522.5	5992286.5

(Note: point coordinates as printed in the German original, including apparent numbering inconsistencies for points 12 and 13.)

2. Südhafen

The landward port boundaries are bounded by:

South-east: the line of the quay facilities, berths 1 to 6, Points 01, 03, III.6.1, III.6, IV.2

North-west: by the line of Pollerstraße (southern street boundary)

South-east: by the line of Fenderweg (south-eastern street boundary)

North-east: by the line of the property boundary from Point IV.2 in a WNW direction to the intersection with Pollerstraße

The boundaries of the water area are determined by:

North: the connecting line between Points 01 and 02 (northern end of the quay facility)

East: from Point 02, parallel to the quay edge, in a southerly direction at a distance of 25 m via Points 04, 5/III.2, III.4, to Point III.5

South: the connecting line between Points III.5 and III.6 (southern end of the quay facility)

West: from Point 01, following the quay edge in a southerly direction to Point III.6

Point No.	Easting	Northing
01	5419415	5991212
02	5419436	5991199
04	5419276	5990947
5/III.2	5419126	5990816
III.4	5419073	5990776
III.5	5418915	5990666
III.6	5418899	5990687
IV.2	5419455	5991254

3. Museumshafen

The landward port boundaries run:

Museumshafen east side, starting at the NE corner of the Kolberg Bridge, Point 1M, at a distance of 3 m parallel to the bank edge, following in an NNW direction to Point 3M (property boundary of the "Greif" sailing club).

Museumshafen west side, starting at the NW corner of the Kolberg Bridge, Point 6M, at a distance of 2 m

parallel to the bank edge, following in an NNW direction to Point 4M at the NW corner of the Amazonen Bridge.

The boundaries of the water area are determined by:

South: the connecting line between Points 8 and 9, Stadthafen, on the south side of the Kolberg Bridge

East: from Point 9, following the bank edge in a northerly direction to Point 3M, NE corner of the Amazonen Bridge

West: from Point 8, following the bank edge in a northerly direction to Point 4M at the NW side of the Amazonen Bridge

North: the connecting line between Points 4M and 3M on the north side of the Amazonen Bridge

Point No.	Easting	Northing
M01	20304.0	92177.5
M03	20226.75	92349.5
M04	20184.75	92341.5
M06	20287.5	92170.5
08	5420294.0	5992742.0
09	5420312.0	5992749.0