PORT OF TROMSØ



Commercial Terms and Conditions for cruise, charter and passenger vessels 2027

For use of infrastructure and services provided by the Port of Tromsø

Valid from 1 January 2027

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1. General

Tromsø Havn KF (hereafter called the Port of Tromsø) is responsible for the provision of services, the exercise of authority, and other forms of public administration on behalf of its owner-municipality, the Municipality of Tromsø.

This document is fixed by the Tromsø Port Board and contains information about the Port of Tromsø's Commercial Terms and Conditions for the cruise industry.

Information about tariffs and fees, etc. is available in the document *Tariffs for cruise, charter and passenger vessels 2027* and is published on www.tromso.havn.no

1.1. Legislation that regulates commercial terms and conditions, dues and fees

The Port of Tromsø is subject to the provisions of *Act no. 70 of 21 June 2019 relating to Harbours and Fairways (Harbour and Fairway Act)*. This law covers administrative services and provides the legal basis to collect taxes and fees. The legal basis for charging for waste disposal services is *Act no. 6 of 13 March 1981 concerning Protection against Pollution (the Pollution Control Act)*. According to the circular of 23 December 2004 issued by the Ministry of Fisheries and Coastal Affairs, "Expenses related to preparedness for terrorism in ports shall be covered in the usual manner by those who use the infrastructure".

Other services not covered by legislation are related to commercial activities, and tariffs are therefore based on market conditions. Examples of this include services and infrastructure such as the use of quays, quay areas, mechanical services, other port facilities and rental, etc.

1.2. Definitions

GT: gross tonnage. Unit prescribed in International Convention on Tonnage Measurement of Ships of 23 June 1969. The gross tonnage is stated on the ship's tonnage certificate.

Vessel: Any floating structure that is designed to move through the water.

The municipality's sea area: The area where the municipality has planning authority pursuant to the Planning and Building Act except for the main and secondary shipping channels.

Charges: Payment for use of the Port of Tromsø's infrastructure and services. The rates are fixed based on commercial terms.

Fees: Payment to cover the full cost of the goods and services.

Dues: Payment as an indirect tax (regulated) in connection with the use of the fairway in the municipality's sea area.

Regular working hours: Regular working hours for employees at the Port of Tromsø:

- 15 May – 14 September, Monday-Friday 08:00-15:00
- 15 September – 14 May, Monday-Friday 08:00-15:45

2. Terms and conditions

2.1. Maximum number of ships

Tromsø is labelled as a sustainable destination. To ensure a good future experience for ships and passengers in the future, the Port of Tromsø has two quays that may be used for cruise ships, quay 8 in the city centre and quay 21 at Breivika.

2.2. Booking system

According to the adopted strategy, the Port of Tromsø will push for the green maritime shift in the north. Consequently, the Port of Tromsø wishes to ensure that future orders favour the most environmentally friendly cruise ships.

The criteria for booking will be under continuous evaluation to ensure a sustainable development of cruise calls to Tromsø.

2.3. Tariffs and terms of payment

1. The customer shall pay the rates, fees, charges and dues stated in the current *Tariffs for cruise, charter and passenger vessels 2027*.
2. The Port of Tromsø may enter into agreements in which some commercial terms and conditions and tariffs are omitted. A separate written agreement will be entered into between the Port of Tromsø and the customer.
3. All tariffs are stated in Norwegian kroner (NOK) exclusive VAT and amounts invoiced in NOK. Amounts are rounded up or down to the nearest whole krone in accordance with normal principles for rounding off. If tariffs are stated in a currency other than Norwegian kroner, the customer shall bear the risk for any exchange rate fluctuations between the Norwegian krone and the stated currency during the period between the time when the offer is issued and the payment date.
4. The Port of Tromsø determines whether payments shall be settled in cash or in advance, or whether credit may be granted and, if so, whether to request a bank guarantee or other form of security.
5. Standard payment terms are 14 days from invoice date. Shorter payment terms will apply when necessary.
6. In the case of advance payments, another payment date may be set so that payment is made before goods are delivered or services provided.

2.4. Notification obligations

Users of the port, including vessels, freight forwarders and others, are obligated to provide the Port of Tromsø with all information necessary to meet public requirements for statistics and a basis for correct calculation of dues and charges, cf. Sections 1 and 2 of the *Regulations no. 1836 of 11 December 2019 on Duty to provide information for transport planning (Forskrift om opplysningsplikt for transportplanlegging)* pursuant to Sections 39 of the *Harbour and Fairway Act*.

2.5. Adjustment of tariffs and terms of payment

1. The tariffs normally apply for one year and are normally set for the financial year.
2. The Port of Tromsø may nonetheless adjust the tariffs during the financial year.
   a. The charges for electricity, fresh water and the wage component may be the subject of adjustment in accordance with the market conditions.
3. The Port of Tromsø may amend its standard terms of payment during the period for which the rates stated in the tariffs apply.

2.6. Interest on overdue payments

1. In the event of late payment, interest shall be charged in pursuant to *Act no. 100 of 17 December 1976 relating to Interest on Overdue Payments*, etc.
2. The currently applicable rates for maximum interest on overdue payments shall be applied.
3. In the event of repeatedly incorrect, delayed or non-reporting, the Port of Tromsø may claim interest on overdue payments for the period that invoicing is delayed. Interest on overdue payments shall be charged to the party who caused the delay. Interest on overdue payments will be applied after the third delay during a 12-month period, during which a reminder was issued on the first delay and a final reminder was issued on the second delay. If the relevant information has not been reported at the time of calculating interest on overdue payments, or is insufficient for calculating the amount of interest, a reminder fee will be issued instead. This will initially be set at NOK 3,000 and will be doubled in the event of repeated delays during a 12-month period. If justified by repeated cases, consideration will be given to demanding cash payment, advance payment or other measures from the party causing the delays.

2.7. Debt collection

1. Accounts receivable that fall due will be recovered pursuant to *Act no. 26 of 13 May 1988 on Debt Collection and other Recovery of Overdue Pecuniary Claims (Debt Collection Act).*
2. Overdue claims trigger a debt collection notice as the only payment demand before the matter is forwarded to the debt collection agency for further processing.
3. A processing fee (reminder charge) may be applied in addition to the principle claim and interest on overdue payments when a debt collection notice is issued.
4. Collection of revenues pursuant to the enterprise's tariffs is normally conducted pursuant to civil law.
5. Collection of dues pursuant to Section 41 of the *Harbour and Fairway Act* is grounds for enforcement of distraint, and a lien is placed on the ship, pursuant to the rules governing maritime liens in the *Norwegian Maritime Code of 24 June 1994, no. 39.*

2.8. Processing fees

1. In cases where purchased goods and/or services are re-invoiced and where the supplier could have invoiced directly to the goods recipient and/or user of the service, a processing fee will be applied in addition to the price for the goods/service in question.
2. Extra administrative work in connection with invoicing, payment or reminders/debt collection will be charged based on actual time taken.

2.9. Value added tax (VAT)

1. All prices listed in the tariffs are stated exclusive of value added tax (VAT). Value added tax is regulated pursuant to *Act no. 58 of 19 June 2009 relating to Value Added (VAT Act).*
2. As a rule, output VAT is charged on the provision of the right to use municipal ports, on the sale of infrastructure services, and on the sale of goods and services.
3. Output VAT is not applied where exemptions are prescribed by law, pertinent regulations or decisions for the sale of specific goods and services for use by foreign vessels or by Norwegian registered vessels in international shipping, or where exemptions from the law apply.

2.10. Claims and disputes

2.10.1. Claims

If the customer intends to hold the Port of Tromsø liable for damage, delay or other claims relating to the performance of port services, such claims shall be presented to the Port of Tromsø in writing and without undue delay. Objections or claims may not be lodged more than three months after the day on

which the customer was made aware of, or should have been aware of, the circumstances on which the claim is based.

2.10.2. Disputes

The rights and obligations of the parties in respect of these provisions are regulated in their entirety by Norwegian law.

The Nord-Troms and Senja District Court shall be the legal venue for all disputes relating to the use of the Port of Tromsø and to interpretations of these provisions, unless otherwise agreed when the contract was entered into.

3. Environmental pricing

In line with increasingly stringent environmental requirements and to contribute to solving many of the climate-related challenges the Municipality of Tromsø faces related to the maritime sector, the Port of Tromsø will gradually introduce economic incentives designed to promote more environmentally friendly maritime transport.

Discount for connecting to shore power

Through Fjuel Tromsø, the Port of Tromsø will provide shore power to cruise ships. Use of these facilities will impact on the cruise ships' EPI score.

3.1. Environmental Port Index (EPI)

Environmental Port Index (EPI) was introduced effective from 2020. This is an economic incentive to support sustainable and environmentally friendly cruise operations and to make it less profitable for polluting ships to call at ports.

EPI assigns a score to each cruise ship for each call based on an evaluation of the vessel's environmental performance while in port. This score is subsequently converted into an adjustment factor applied to quay charges and security charges.

Basis of calculation

The Port of Tromsø will invoice cruise ship calls an additional charge or discount on the original quay charges and security charges based on their EPI score. The ship/agent must report data from their call via the DNV GL portal no later than 72 hours after departure. If a ship fails to report data, the charges will be calculated based on a score of 0 (zero). The following table contains the relevant discounts and additional charges:

EPI score	Classification	Discount/additional charge
> 80%	A	-15%
> 70 - 80%	B	-10%
> 60 – 70%	C	0%
> 50 – 60%	D	15%
> 40 – 50%	E	25%
> 25 – 40%	F	60%
> 10 – 25%	G	70%
> 1 – 10%	H	90%
0% / not reported	I	120%

4. Maritime infrastructure

4.1. Fairway dues

The fairway dues are stipulated pursuant to the provisions of Section 36 of the *Harbour and Fairway Act and Forskrift om farvannsavgift, Tromsø* (regulations concerning fairway dues).

Vessels calling at ports and structures for the operation of aquaculture farms in the municipality's sea area shall pay fairway dues. The fairways dues are charged for each port call. Dues on vessels that make multiple port calls within the municipality's sea area in one 24-hour period shall be levied only once.

The Port of Tromsø has been instructed by the Norwegian Coastal Administration to set this fee to NOK 0 until overcharged fees are reimbursed to the users. Consequently, in practical terms, vessels calling at quays in the municipality's sea area will not be charged fairway dues in 2027. This will be shown by stipulating the fairway dues as NOK 0 in invoices issued by the Port of Tromsø.

4.2. Quay charges

Quay charges constitute the vessel's payment for using the public quays owned or managed by the Port of Tromsø and are charged when the vessel moors. The quay charges only cover the area of the quay used for the gangway, provisioning and minor logistics, etc. Other use will be invoiced as area rental. Any vessel that moors outside another vessel will be charged the ordinary quay charges.

1. Quay charges are payable per commenced day. Laytime is calculated from the time when the vessel moors until the time when it casts off. The minimum quay charges are equivalent to one 24-hour period. For cruise ships, a minimum price applies according to price regulations.
2. If a vessel shifts berth inside the municipality's sea area without crossing the boundary of the municipality's sea area, laytime will be calculated as if the vessel had remained berthed without interruption. This does not apply to vessels that must wait at anchorage for a vacant berth.
3. The laytime for vessels which, on orders from the Port of Tromsø must shift berth to make room for another vessel and then berth again, is calculated as if the vessel had been berthed at the quay the whole time.
4. Although a vessel is berthed, it must be able to shift berth at any time or to vacate the quay on the instructions of the Port of Tromsø.
5. Berths that are reserved but then cancelled less than one week before planned arrival will be charged a cancellation fee equivalent to according to price regulations. Other costs incurred will be invoiced in full.
6. Cruise ships will be invoiced with an additional charge or discount of the original quay charges based on the EPI score, cf. Section 3 above.

Booking of berths

1. Enquiries and bookings for berths should be addressed to the Port Control at the Port of Tromsø, which allocates berths.
2. Vessels calling at the port must notify the Port Control at the Port of Tromsø of their estimated time of arrival.
3. Berth reservations must contain the following details: prior port of call, next port of call, the vessel's security level, waste disposal schedule and a manifest of cargo for loading or discharging. The name of the party to be invoiced for charges, dues and fees must also be stated.
4. For bookings for 2027 and beyond, documentation must be attached confirming that the ship fulfils minimum Tier II requirements.
5. The Port of Tromsø may also request additional information.

Basis of calculation

Quay charges are calculated based on GT and apply per 24 hours started. For cruise ships, a minimum price applies according to price regulations.

Cruise calls are invoiced with a surcharge or discount based on the EPI score on the original quay charge, cf. chapter 3 above.

4.3. Waste disposal fees and waste management charges

The Port of Tromsø has established a system for receiving ship waste pursuant to relevant laws and regulations. The waste disposal fee constitutes payment to cover costs in connection with receiving and managing waste from ships calling at the port.

1. The waste disposal fee must be paid by all vessels arriving at public quays, irrespective of whether waste is delivered for waste management or not. Any vessel that moors outside another vessel will be charged the ordinary waste disposal fee.
2. An additional fee may be levied for ships that do not comply with the notification obligation if failure to do so creates extra costs for the Port of Tromsø.
3. An additional fee may also be levied on ships that deliver excessive amounts of waste in proportion to the vessel's size, type and sailing time.

Exemptions from the waste disposal fee

1. Vessels under 50 GT, or
2. Exemptions from the waste disposal fee may be agreed if the following criteria can be documented:
   a. The waste is delivered regularly in another port with an approved waste disposal system.
   b. Other special considerations apply.

Basis of calculation

The waste disposal fee is calculated based on the ship's gross tonnage. Minimum and maximum fees apply for vessels that do not deliver waste.

Ships that deliver large amounts of waste or residues must pay the actual costs for container hire, transport and storage of waste, i.e. that they must pay waste disposal fees based on the type and amount delivered, in addition to an administrative charge.

Waste management charges

Vessels delivering large volumes of waste that order waste disposal services such as container and sewage vacuum truck will be invoiced the actual costs incurred in addition to an administrative charge. Refer to Section 4.5 Waste disposal fees of the Port tariffs.

Booking of waste disposal services

1. Waste disposal services can be arranged by contacting the Port Control at the Port of Tromsø.
2. The captains on all ships travelling through the port must notify the Port Control at the Port of Tromsø of all deliveries of waste and residues to be made at the port:
   a. at least 24 hours prior to arrival, if the port of call is known, or
   b. as soon as the port of call is known, if this information is first available less than 24 hours prior to arrival, or
   c. on departure from the prior port of call at the latest, if the voyage lasts less than 24 hours.
   d. An additional administrative charge applies for ordering waste disposal services less than 24 hours before arrival.

4.4. Security (ISPS) charges

All Norwegian and foreign vessels that call at an ISPS-approved port facility (quays, quay areas and other infrastructure used for the provision of services to vessels, goods and passengers at the port) must pay the security charge. Any vessel that moors outside another vessel will be levied the ordinary security charge.

The security charge is intended to cover the investment and operating costs for carrying out necessary security measures to ensure safe traffic and safe transport of goods and passengers, as well as preparedness for terrorism.

If security is required at ISPS vessels, the security guards must be ordered through the Port of Tromsø.

Basis of calculation

Cruise ships pay the security charge on a per-passenger basis. Cruise ships conducting passenger turnaround must pay for both embarking and disembarking passengers. In the event of high activity during a call, e.g. turnaround calls or provisioning, the Port of Tromsø reserves the right to place more security guards in the area at the vessel's expense.

In cases where the security charge per passenger does not cover the Port of Tromsø's security arrangements, the vessel will be invoiced the same security charge that applies for on other calls to ISPS-approved port facilities.

The vessel will be invoiced for any additional costs incurred due to changes in arrival or departure times made less than 48 hours before the notified time of arrival.

During normal operation, the security charge will be levied in accordance with the *Tariffs for cruise, charter and passenger calls 2027* apply. During situations where the security level is raised, the vessel shall cover any additional costs for measures necessitated by the port call.

4.5. Passenger charges

A passenger charge is levied on vessels and vehicles operating passenger services. This charge applies for both embarking and disembarking passengers, and for passengers using facilities at the Port of Tromsø such as waiting rooms and toilets, custom-built gangways, secured passenger walkways and other structures acquired or built specially for passengers.

Basis of calculation for passenger charges

The passenger charge is calculated on a per-passenger basis. The standard passenger charge may be replaced by fixed agreements.

4.6. Charge for external crane or machine operator

Use of mobile cranes and other machines on the Port of Tromsø's property requires permission from the Port of Tromsø. Charges are calculated based on the number of hours the machine operates on the quay/port area.

4.7. Charge for buses in connection with cruise calls

Buses must pay to enter the Port of Tromsø's dedicated bus parking spaces. The charge is per bus per day (24 hours).

5. Services

5.1. General for all services

The Port of Tromsø offers services such as supplying fresh water and shore power and performs various operations with its work boat and machinery.

The charges for all services include an administrative charge. The minimum period for operations varies depending on the type of service.

Ordering of services

1. Enquiries and orders should be addressed to the Port Control at the Port of Tromsø.
2. The customer must order a service via the Port of Tromsø if the Port of Tromsø can supply the service in question. If the Port of Tromsø does not have the capacity to provide the service, external terminal operators or other operators may be requested.
3. Note that special rules apply for ordering mechanical services.
4. Refer to Section 1.1 Definitions for information about the regular working hours at the Port of Tromsø.
5. The Port of Tromsø may charge the customer in cases where personnel from the Port of Tromsø must attend unplanned situations that cannot be attributed to faults/deficiencies in the Port of Tromsø's systems/services. Within regular working hours, the charge is the actual cost of time taken and resources used in accordance with the *Tariffs for cruise, charter and passenger calls 2027*. For out of hours call-outs, the minimum period is two hours.

6. Other provisions

Other provisions as outlined in the Port of Tromsø's document *Tariffs for cruise, charter and passenger vessels 2027*.



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