

Shipyard and Port regulation

the

ÖSWAG Werft Linz AG Nfg. GmbH & Co KG

Table of Contents		Page
1.	Definition of port	2
2.	Applicable Law	2
3.	Entry and exit of vessels and floating bodies	2
4	Behavior in the shipyard and port area	3
5.	Access, entry and exit rules in the shipyard area	4
6 .	Requirements for work on ships in the harbor area	5
7 .	Requirements for grinding and coating work on docked or rafted ships	7
8 .	Location Plan	8

1. Definition of the port

The port and shipyard of ÖSWAG Werft Linz AG Nfg. GmbH & Co KG is a private marina (it is not valid as a protective harbor to the shipping system regulation. BGBL 334/1991, 1. Part, § 2.14, in the currently valid version). The port according to the location plan (section 8) comprises of:

- a) The harbor waters
- b) The port and shipyard which is surrounded by fence.
- c) The quay walls, which serves as a dock for water crafts and barges.
- d) The testing and probes on the mooring pontoons ÖSWAG 1, ÖSWAG 2, ÖSWAG 3.

2. Applicable Law

☞ For the harbor basin, port area and shipyard waterway traffic order and shipping system regulations and other relevant **Austrian laws**, regulations and standards apply.

☞ In the shipyard is the **Austrian Road traffic regulations** with the following additions:

☞ In the entrance area (street) the mounted traffic signs are valid for the entire shipyard and port area. The maximum speed of 15 km/h, Stapler and rail traffic has priority, etc. Violators will be directed to leave the shipyard and all future entry permit withdrawn.

☞ All claims deriving from the business connection with the ÖSWAG Werft Linz AG Nfg. GmbH & Co KG and staying in the port and shipyard area against the ÖSWAG Werft Linz AG Nfg. GmbH & Co KG are exclusively under **Austrian law** to assess consensual exclusion of regulation norms. Responsible alone is the headquarters of the ÖSWAG Werft Linz AG Nfg. GmbH & Co KG before a competent court.

3. The entry and exit of vessels and buoy

☞ The **entry and exit of water crafts** and barges in or out of the harbor are only after approval by the management allowed. The consent of the shipyard management is used for coordination of movements in the harbor basin. Permission may be refused without giving reasons. A road-safety obligations by the ÖSWAG Werft LINZ AG Nfg. GmbH & Co KG is not accepted. The decision on the concrete implementation of the entry and exit process such as support by a tug boat, as well as the execution of the maneuver from nautical perspective are exclusively carried out by the ship master or owner.

☞ Water crafts and barges carrying **hazardous or explosive substances**, have transported or set up for the transport thereof, may enter the harbor without charge only if it is previously detected directly by an officially sworn expert or hydrocarbon products by shipyard personnel by control measurement, that a concentration of 10% of the lower explosive limit of gases, vapors light or heavy inflammatory agents in all areas of the boat or buoy is not exceeded.

☞ **Docking and Rafting at the quay wall and pontoons ÖSWAG 1, 2 and 3** is only possible after control measurement release by the management for such water crafts and barges, free of hazardous substances or of explosives (in the sense of the ADNR and other applicable regulations). The release is based on information provided by the responsible skipper. If the measurement does not correspond to the specifications, the water craft or the barge has to leave immediately from the quay or the Pontoon ÖSWAG or 1,2 or 3 and at the next local approved, marked position (tank ship land) or while driving in **compliance with the guidelines according to the ADNR again to degassing**.

☞ The measurement by the shipyard personnel shall not release the captain of his responsibilities under

the ADNR or other applicable regulations.

- ☞ Any water craft or barge sailing without registration and release in the harbor and causing thus the **workflow in the shipyard to be disabled**, the Captain of such vessel (or the owner) is held liable for the resulting **costs**.
- ☞ The docking of water crafts and barges should immediately communicate with the management for services (power connection request, etc.).
- ☞ The **outflow** of water crafts and barges is only allowed **after the signing of the transfer protocol** provided by management and has to be immediately afterwards. If subsequent outlet provided (after completion of the shipyard service time), this is recorded in the transfer protocol.
- ☞ All maneuvers must be performed so that the **wave** action is avoided and no leaching of the banks and the harbor bottom. All maneuvers are to be executed so that no damage is caused to foreign goods. Each **grounding** within the port is to be immediately **reported to the management**.
- ☞ The responsibility for professional docking/rafting of the water crafts and barges is exclusively for the master of the vessel and must be done with on board equipment. On-board animal, dogs in particular during the time spent in the shipyard / harbor on board should not allowed to freely walk around. The master of the vessel shall provide appropriate place in the crew area (muzzle, line or kennel etc.) safely away from any danger.
- ☞ **Radar operation** in the port (except for a short period of time for the purpose of entry and exit at high visibility) is **prohibited**.
- ☞ For every water craft and barge, a responsible person should be assigned which in the case of emergency must be reachable at all times. All **abandoned water crafts and barges** are to leave the keys as well as a copy of the current general plan, in a sealed envelope with the shipyard management. The name and registration number of the water craft or barge should be clearly written on the outside of the envelope.
- ☞ The docking at the **landing pontoons** ÖSWAG (1, 2, 3,) is only allowed after a release from the shipyard management. The approval of the management is used for coordination of movements in the harbor basin. The authorisation may be refused without any statement of grounds. The road-safety obligations are by the ÖSWAG Werft Linz AG Nfg. GmbH & Co KG not accepted. The decision on the practical implementation of the entry and exit process such as support by a tug boat, as well as the execution of the maneuver from navigational point of view has to be done in consultation between the master of the vessel and the management of the shipyard.
- ☞ In regards to the basic and water protection notices of the Magistrates Linz. It is prohibited the refuelling of water crafts from land as well as the manipulation of water polluting substances and liquids in the vicinity of the feeder stations. This also includes sanding work on the ship's hull (see point 6). The Pontoons have been approved only for the docking/rafting of water crafts and barges. Appropriate signs are in place in the wharf and port area.

4. Behavior in the yard - and port area

- ☞ The access from the wharf and port area (Pontoon, bridge, jetty, the quay wall, etc.) to water crafts and barges is in principle by the crew to establish and secure. The master of the vessel is liable for the security of the web. If there are several ships side by side, so that the closest vessel or barge to the shore can be crossed and maintain the necessary means to keep the access/crossing path free. The crews of

water crafts and barges, their relatives and visitors as well as their suppliers are to use the shortest possible path between anchorage and shipyard gate or to the shipyard management offices.

- ☞ The **delivery of tourists**, the intake of water, food etc. on ships is with the management of the establishment to coordinate. Crew members and visitors and the shipyard workers are all allowed to park in the assigned company parking lot.
- ☞ In the entrance area there are mounted signs with the rules and restrictions which are to be observed in the entire ÖSWAG shipyard and port area (**Maximum speed of 15 km/h**). Truck transport, Forklifts, heavy vehicles and rail-bound vehicles have priority.
- ☞ The parking of vehicles is only to designated areas (parking for guests). A parking of cars under the crane path between the slip winds, as well as in the surrounding area of the slip system is prohibited. When loading and unloading, vehicles may only be parked **if** neither rail-bound vehicles nor the crane systems are hindered or endangered in their operating environment and the remaining access routes for operating service and emergency vehicles remain free.
- ☞ It is not allowed in the shipyard to **practice driving or repairs** on vehicles. The washing of vehicles in the yard is prohibited. In the harbor area parked vehicles must be equipped with readable messages in German or English language, where the vehicle driver/-holder is to be located.
- ☞ Disturbances caused by motor vehicle in the shipyard and the driver is in the short term (longer than ten minutes) is not available, such **vehicle may** be removed at the operator/owner expense from the shipyard (this also applies to the shipyard entrance and parking area for guests).
- ☞ If crew members or other operating persons uneventfully observe (fire, accidents, oil leakage, broken water pipe, etc.), it is to be immediately reported to the shipyard management (indicating the name of the reporter, belonging to vessel/buoy, occurrence, location). In case of imminent danger, the detector should take necessary rescue and backup measures themselves.
- ☞ Arrangements of the shipyard personnel are to be obeyed. This does not relieve the responsible skipper, customers and suppliers from his responsibility for the compliance with all applicable regulations.
- ☞ The ÖSWAG Werft Linz AG Nfg. GmbH & Co KG generally assumes no liability for motor vehicles, which is on the shipyard.
- ☞ The **entering of halls and workshops** and other yard equipment is only allowed after approval by the shipyard management.

5. Access and entry and exit rules in the yard

- ☞ The main gate to the shipyard is in the night hours (Monday to Friday from 17:00 until 05:00), on Weekends and public holidays closed to the public. In this period, the shipyard and harbor area without a valid reason is not to be entered or exited. The entrance of unauthorized persons and/or motor vehicles at this time is prohibited.
- ☞ Because of technical and insurance requirements, as well as several criminal -related incidents there is a barrier system with associated intercom installed at the entrance.
- ☞ An **entry permit** may be applied for at the respective shipyard management office of ÖSWAG Werft. There is the possibility of an application fee (deposit) for an authorization access pass to enter the ship-

yard. The decision on entry permit is the sole responsibility of the respective shipyard management. For **vehicles with access pass** the barrier gate opens by license plate recognition, a slow approach to the barrier system is required.

- ☞ All those which have no entry permit, please request entry over the intercom system (to the right) at the entrance. In the case of approved entrance the barriers will then open allowing entry, otherwise the application is rejected and the shipyard management should be further notified.
- ☞ At the entrance gate, there are four call buttons on the intercom connecting to ÖSWAG offices for requesting entrance to the shipyard.
- ☞ Short-term parking facilities for trucks and cars, in order to clarify the entrance permission, are located on the left side of the street in front of the barrier system and are marked on the ground accordingly.
- ☞ A climb over the entrance or an attempt to open the side door with tools (rods etc.) is **trespassing and breaking and entering**.
- ☞ Entrance will be denied for companies which have **not** been commissioned by ÖSWAG for deliveries or services. We therefore ask that arrangements are made in advance and coordinated with the managements of the two ÖSWAG companies.
- ☞ **Exit** at the main gate can be done at any time, the barriers automatically open and should be slowly approached.
- ☞ The use of the internal gate is reserved exclusively for ÖSWAG employees and the crew of the ships on the landing Pontoon 2 and mooring Pontoon 3, is always shut off to all other persons. The access road may only be used by electric carts and Forklifts (max. total weight 2.5 to). The driving with cars and trucks along the access road is prohibited.
- ☞ The entry and exit area at the main gate and the internal gate to the tow path (internal access to mooring Pontoon 2 and mooring Pontoon 3) is monitored by camera!

6. Requirements for work on ships in the harbor area

- ☞ Contractors and subcontractors in pursuit of any activity in the shipyard, without the written permission from the shipyard management, for safety and insurance reasons is generally prohibited.

Subcontractors commissioned by a shipping company should have previously written permit obtain from the shipyard management and it includes a current insurance policy (liability insurance) of the subcontractor in the course. The shipyard can refuse a work permit.
- ☞ The scope and duration of the work is to announce the shipyard.
- ☞ **Contractors and subcontractors**, should voluntarily report to the management of the shipyard over the planned operation before starting the work. The shipyard management has to take the data of all the people and the company and the individuals on the applicable safety regulations on the work site (port regulations, safety regulations). Such as health and safety at work in tight and conductive rooms and on the use of low voltage tools (hand lamps) or compressed air tools and power tools and their use with isolating transformer according to a permit safety expert.
- ☞ If the scope of work of the contractor is already known to the shipyard management, then there is an

oral or written approval of the work by the shipyard management. The meeting of safety obligations when ordered by the shipping company is the responsibility of master or ship owner. The ship owner shall be liable to the full extent for the crew or third party work carried out and for any damages and accidents. The owner of the vessel is open to the possibility of free proof. Such work is not covered by the insurance of the shipyard ÖSWAG Werft Linz AG Nfg GmbH & Co KG, nor will any liability whatsoever be taken. In so far as the execution of work is approved, is no (temporary) acquisition of exporting into the social insurance obligation or liability, by the ÖSWAG Werft Linz AG Nfg. GmbH & Co KG.

- ☞ Any **contamination of the shipyard** and the harbor is **prohibited**. There must be no substances in the harbor waters. The disposal of waste is carried out by the shipyard management at the expense of the ship owner. Refusal Containers are issued upon request to the shipyard management. The separation and the filling of the container is the responsibility of the ship's crew and should be carried out according to the **exact separation of waste materials rules**.
- ☞ In case of leakage of **toxic substances in the harbor water** or in the port area, the ship crew is to immediately take measures to minimize the damage and immediately inform the shipyard management.
- ☞ The ship crew is responsible for the exact separation of the following waste materials:
 - Oil, oily waste
 - Oil - water emulsions
 - Plastic
 - Paper
 - Kitchen waste
 - Repair waste. Waste, refusal and scrap from repair work, **only after consultation** with the shipyard management, be disposed of **separately**.
 - Waste water. **No waste water** (dirt water, sewage, bilge water, chemicals, tank wash water, etc.) of any kind is to be deposited in the harbor waters or the port area.
- ☞ Not listed waste materials (e.g. batteries, LS-lamps, etc.) are **only after consultation** with the shipyard management to be disposed of.
- ☞ **Pumping, removal and unloading** (in the harbor area) **are prohibited** and must first be approved by the shipyard management. Disposal companies with pump trucks are available upon requested from the shipyard management.
- ☞ Land connections, such as connections to the electricity, telephone, water etc. (pay attention to potential equalization) may only after advance request to the shipyard management be prepared by the shipyard personnel only.
- ☞ **Repairs** to water crafts and barges in the harbor and port are only **performed by shipyard personnel** or by the ÖSWAG Weft Linz AG Nfg. GmbH & Co KG commissioned third parties. Persons that are not directly involved in the repair work will have to leave the water craft or barge during the work.
- ☞ For ships without their own waste tank for the crew there is a separate **ladies and gents toilet** available on the shipyard. The key can only be collected and returned in the shipyard management office.
- ☞ On the shipyard are **drinking and service water connections** available. Prior to the acquisition of water the master of the vessel should ask for the type of water required. The ÖSWAG Werft Linz AG Nfg. GmbH & Co KG is not responsible for the water quality.
- ☞ **Any costs** which arise in connection with the existence of a social insurance obligation or any non-insurance shall be ultimately borne by the ship's owner, whose staff carry out work. This is regardless of where or who pays the contribution payment, the recipient or beneficiaries.

- ☞ The **storage of ship parts**, equipment and operating materials on pontoons or in the yard may only be done after approval by the management. The storage bins are to be brought back to its previous state after the eviction.
- ☞ **Position samples** (the turning of propellers of the main drive, from active rowing etc.) may only be used after approval by the shipyard management in the presence of the responsible captain in the area of quay walls. The type or establishing monitoring in these standing samples is carried out by the shipyard management. The ship master is responsible for the arrangement of all necessary safety measures.
- ☞ **Junk goods** (e.g. refrigerators, stoves, tires etc.) may only be used and transported with a water craft or barge after approval by the shipyard management. To ensure that there is no waste in the port area remains.
- ☞ An export of goods from the port area is only possible with a proof of ownership (e.g., delivery note, invoice etc.). Goods of any kind are allowed in the shipyard only with a **proof of ownership** (e.g., delivery note, invoice).

7. Requirements for grinding and coating work on vessels in/out of the water

- ☞ When sanding and painting of hull - outer surfaces it is important to ensure that no abrasive dust, no solvent, no color etc. is deposited in the harbor waters (protection of water!). Any infringement will be prosecuted, all incurred costs for cleaning barriers, etc. are at the expense of the vessels owner.
- ☞ When sanding other surfaces such as floors on the deck, a complete retention of all sanding dust must be guaranteed.
- ☞ The storage of paints, varnishes, solvents and other chemicals, should be in sufficiently large liquid-tight, water resistant and protected against precipitation water containment.
- ☞ The Manipulation of paints, varnishes and solvents (preparing, stirring and blending) must be carried out in sufficiently large mobile containers.
- ☞ The products resulting from the sanding and coating work waste such as sanding dust, paint and solvent residues are to be stored in liquid-tight containers and protected from rain water until proper disposal.
- ☞ Solvent used for cleaning the coating tools must be collected separately and disposed of as hazardous waste. The disposal of such solvents into the sewer system is not permitted. The use of chlorinated solvents (such as Perchlorethylen or 1, 1, 2 Trichlor- 1, 2, 2-trifluorethan) is not permitted.
- ☞ In the case of surface treatment (e.g. pickling, impregnating) care must be taken to ensure that the chemical used does not get in the soil, groundwater, surface waters or sewage system.
- ☞ Dirty water (including sanitary wastewater) must not be initiated in the harbor, but are to be collect and dispose of accordingly.

8. Location Plan ÖSWAG Werft Linz, winter harbor, mooring pontoons

