

## **Minimum requirements for towing service providers**

Port of Naantali Ltd grants the right to provide certain services in the port area governed by Port of Naantali Ltd in accordance with Regulation (EU) 2017/352 of the European Parliament and of the Council and requires that the requirements determined in this document are fulfilled by the service providers and their subcontractors, who have been granted the right to provide towing services in the port area governed by Port of Naantali Ltd.

Port of Naantali Ltd will make its decision on the right to provide services based on the requests submitted by the companies. The requests must describe how the company plans to arrange its operations and fulfil the minimum requirements. The request shall be accompanied by documents that demonstrate the compliance of the company with the minimum requirements determined by Port of Naantali Ltd.

Port of Naantali Ltd reserves the right to make changes to the minimum requirements within the limits of the aforementioned regulation. The changes will be published on the Port of Naantali Ltd website at least three (3) months before they become effective. Service providers, who have the right to provide services in the port area governed by Port of Naantali Ltd, must deliver an updated notification to Port of Naantali Ltd on the compliance with the new minimum requirements before the changes become effective. Otherwise the right to provide port services will conclude when the new minimum requirements come into effect.

As the port authority, Port of Naantali Ltd monitors the compliance with the minimum requirements. The service providers' compliance with the minimum requirements is reviewed annually, if need be. The service provider shall provide Port of Naantali Ltd with any requested reports and proof regarding compliance with the minimum requirements and descriptions on the arrangement of its port services without delay after receiving the request. Port of Naantali Ltd informs the service provider of any shortcomings discovered in the review or otherwise.

The service provider is liable for any damages caused by their operations to Port of Naantali Ltd and/or to third parties. Port of Naantali Ltd shall not be held liable for any damages caused by the service provider's operations to their employees, subcontractors, customers or any other third parties. If the service provider uses subcontractors, it is also liable for their activities and commits to making sure that the subcontractor fulfils the minimum requirements and complies with the related procedures. For clarity's sake, it shall be noted that the aforementioned review and obligation to provide information also apply to the subcontractor.

The service provider shall agree and commit to comply in its activities with the terms and procedures determined in the minimum requirements. The approved service provider and Port of Naantali Ltd will also sign a document, in which the service provider will agree to comply with the terms determined in the minimum requirements and the related procedures.

### **General minimum requirements for service providers**

The company must comply with currently valid laws and decrees, be registered in the Finnish Trade Register or other company register in the EU region, the Prepayment Register in accordance with the Finnish Prepayment Act, the Employer Register, and the VAT register as defined in the Finnish Value Added Tax Act, and it must have paid its social security and pension insurance payments and taxes. The company must register with the tilaajavastuu.fi service or demonstrate with quarterly certificates the fulfilment of its public obligations. The company must comply with the norms, standards and obligations outlined in the current social and labour law. In addition, the company agrees to comply with the port regulations and other rules and guidelines of Port of Naantali Ltd (for example workplace safety guidelines).

The company must have a valid liability insurance which covers any damage caused to Port of Naantali Ltd, its customers or any other parties. The company must arrange statutory occupational health care for its employees and purchase the statutory insurances.

The company must be reliable and provide high-quality services. To ensure high-quality services, the service provider must have a quality system. The service provider must comply with the current legislation and the permits of Port of Naantali Ltd issued by authorities, such as the environmental permit. The service provider must draw up a written risk evaluation in accordance with the Occupational Safety and Health Act and provide its employees with a work orientation. The work orientation must be documented.

### **Minimum requirements related to towing services**

#### **1) Professional competence and expertise requirements**

To provide safe and high-quality towing services, the employees of the service provider and its subcontractor must fulfil the following requirements.

- a) The employees must have a sufficient knowledge of Finnish and English.
- b) The employees must have sufficient first aid skills and emergency fire extinguishing skills.

#### **2) Necessary equipment for providing the services**

- a) The service provider must have the necessary equipment to properly produce the services.
- b) The service provider must have the necessary communication devices (marine VHF radio, GSM telephone) so that they can be effectively and timely reached by the service users, Port Control and any other parties.

#### **3) Access to towing services**

- a) Towing services must be provided equally to all users of the port services in the port area and waters governed by Port of Naantali Ltd, every day of the year and at all hours.
- b) The towing services must be designed in a manner which ensures there is no unnecessary waiting for the service by the vessels that use the services.

- c) The service provider commits to providing the services in a safe, reliable and fair manner to all vessels according to demand.
- d) The service provider charges the service user.

#### 4) Minimum safety requirements

- a) The service provider is responsible for the safety of its employees.
- b) To ensure occupational safety, the service provider must compile a detailed risk evaluation.
- c) Every person working in the port area must have a photo ID which contains at least the person's name, the company and the company's business ID.
- d) Service providers' employees must comply with the ISPS security measures in all their actions. The service provider is responsible for training and instructing their employees.
- e) The service provider must report any near misses and accidents which it has detected, been informed about or which have in some other manner come to its knowledge, without delay, to Port of Naantali Ltd through the incident reporting system after the incident or after being made aware of such an incident.
- f) The service provider must make a written report and/or a report on the incident reporting system, without delay, about any quay damage or other accidents that have happened due to the towing work, to Port of Naantali Ltd. If an accident is not reported or reported after a delay, the company providing the towing service will be held liable for any damage caused by the failure to report the damage / the delaying of reporting.

#### 5) Compliance with environmental requirements

The service provider must comply with the current environmental legislation, the relevant guidelines and rules, and the obligations of the environmental permit of Port of Naantali Ltd. Possible emissions and other environmental damages must be reported, without delay, to Port Control in written form and/or through the incident reporting system. If the environmental damage is not reported or reported after a delay, the service provider will be held liable for any damage caused by the failure to report the damage / the delaying of reporting.

#### **Appeal and termination of operations**

The service provider can appeal against a decision related to the right to provide services made by Port of Naantali Ltd in accordance with the provisions of law.

The service provider is obligated to demonstrate that it adheres to the established minimum requirements as well as to its description of its operational arrangements and associated procedures, upon Port of Naantali Ltd's request.

The service provider may not transfer its right to provide towing services to another service provider.

Port of Naantali Ltd can revoke the service provider's right to provide towing services in the port area, if the service provider is in breach with the minimum requirements or the associated procedures and fails to take action to correct its operations within 30 days of receiving a written request from Port of Naantali Ltd.

However, if the service provider breaches the minimum requirements or associated procedures deliberately or by way of gross negligence, Port of Naantali Ltd has the right to prohibit the service provider's operations in the port area immediately. Several repeated minor violations are also considered to be deliberate or of gross negligence.

The service provider must inform Port of Naantali Ltd in writing of its intention to stop providing towing services in the port area. This notification must be provided at least one (1) month before the services are to be discontinued.