

31.01.2023

**Executive Order on the Regulations for Tunnel
harbour Rødbyhavn**

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This is a translation of the Danish version of the Executive Order for Tunnel harbour Rødby-
havn (“Ordensreglement for Tunnelhavn Rødbyhavn”). If there is a discrepancy between this
translation and the Danish version, the Danish version shall prevail.

Prepared: CPA
Checked: [SDN]
Approved: [PSJ]

Femern A/S is tasked with planning, building and operating the fixed link between Denmark and Germany across the Fehmarnbelt. Femern A/S is a subsidiary of the Danish, state-owned Sund & Bælt Holding A/S, which has experience from the construction of the fixed links across the Great Belt and the Øresund.

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Executive Order on the Regulations for Tunnel harbour Rødbyhavn

Pursuant to Sections 15(2) and 18(2) of the Danish Ports Act, cf. Consolidated Act no 457 of 23 May 2012, as amended by Section 3 of Act no 658 of 8 June 2016 and Section 5 of Act no 144 of 28 February 2018, it is hereby provided that:

Basic information about Tunnel harbour Rødbyhavn

- Name of the port: Tunnel harbour Rødbyhavn
- Port CVR-number: 28986564
- Owner of the port: Femern A/S
- Port authority for Tunnel harbour Rødbyhavn: Femern A/S
- Contact information to the port / port authority:
Vester Søgade 10, 1601 København V, via e-mail info@femern.dk and telephone number +45 3341 6300.
- Tunnel harbour Rødbyhavn is a temporary harbour to be used in the construction of the Fehmarnbelt Fixed Link. Femern A/S is the construction authority, cf. Section 1 of Act No 575 of 4 May 2015 on the construction and operation of a fixed link across the Fehmarnbelt with associated landworks in Denmark
- The sea area belonging to the port is the area within the breakwaters and a straight line between the outer breakwaters with the following coordinates (see Annex 2):
 1. 54°37,986'N - 011°22,508'E
 2. 54°37,935'N - 011°22,687'E
- This executive order does not prevent Tunnel harbour Rødbyhavn from laying down rules for payment and conditions of use, etc. within the harbour's sea and land area.

Regulations for Tunnel harbour Rødbyhavn

Chapter 1. Notification, entry and mooring

Notification

Section 1. The entry into the harbour is only allowed through prior approval of the Port Authority. Before a ship calls at the harbour, the master, broker or agent shall notify this to the port authority. Notification must be given at least 24 hours before arrival.

(2) Notification must be accompanied by at least the following:

- 1) Details of the ship's data, expected time of arrival and expected duration of stay in harbour.
- 2) Details of the purpose of the call, including whether a berth is required at a secure harbour facility.
- 3) Information on whether the ship is carrying hazardous goods, the nature and quantity of such goods, whether they are to be unloaded in the harbour, or whether hazardous goods are to be loaded in the harbour. Hazardous goods are goods covered by the rules on sea transport of hazardous goods in force at any given time.
- 4) Notification of ship-generated waste and cargo residue, which is expected to be disposed of in the harbour pursuant to the rules in force at any given time.
- 5) Information on whether waste is otherwise expected to be disposed of and, if so, how this is to be done.

(3) The deadlines in subsection (1) do not apply to ships in regular service with a berth in the tunnel harbour

(4) When the port authority so requests, the ship's master, broker or agent must present the ship's official papers and provide all relevant information on the ship, its cargo and ownership. The port authority may require all or part of the ship's papers and certificates to be deposited with the port authority during the ship's stay in the harbour.

(5) The port authority may make it a condition of the visit that the ship's owner, user, broker or agent provides satisfactory guarantee to the port authority towards any claims that may be raised against the ship.

Condition of the ship

Section 2. At the time of notification and during its stay in the harbour, the ship must be seaworthy and issued with all necessary certificates in accordance with the ship's class and applicable Danish and international regulations.

Berths

Section 3. A ship which is carrying hazardous goods and does not comply with the applicable Danish or international environmental and safety rules, occupational health regulations and conditions for such shipments, may be rejected by the port authority.

(2) In consultation with the local emergency services onshore the port authority may refuse a ship if the necessary safety measures for handling hazardous goods cannot be taken.

(3) The port authority will allocate berths to the arriving ship. The port authority may determine that parts of the harbour should be reserved for specific types of ships. The port authority will at all times decide the order in which the ships should be allocated berths. As a rule, the ships will be allocated berths in the order in which they arrive. Ships in regular service with fixed berths shall be exempt from this rule, just as the harbour authority may grant a ship priority to a berth close to the storage facilities where the ship is to load or unload goods, or to a berth at a secure harbour facility, cf. Section 1(2), no 3.

(4) The port authority can reject to allocate berth at a secure harbour facility under the rules in force at any given time.

(5) Ships shall be moored at the berth allocated by the port authority, and ships are not allowed to change their berth without permission from the port authority. The port authority are entitled to request a ship to shift its berth and have a ship moved at the ship's own expense and risk if such an order is not complied with.

Anchoring

Section 4. Anchorage is not allowed within the approaches and fairways to the harbour unless in case of emergency, unless the port authority has given specific permission for this.

(2) A ship at anchor within the approaches to the harbour shall retain on board a crew appropriate to the size of the ship and maintain proper radio vigilance.

(3) The port authority may demand that ships anchoring within the approaches to the harbour be moved if the port authority considers that they are obstructing free and safe passage.

(4) If anchorage has not ended at the time designated by the port authority, the port authority may have the ship moved at the ship's own expense and risk.

(5) No ship shall lie with warps out or obstruct channels or the harbour basin with moorings without specific permission from A/S.

Navigation in the harbour

Section 5. Unauthorised navigation near a secure harbour facility is prohibited, cf. Section 1(2), no 3, when the port authority has indicated by posting signs, buoying or in another conspicuous manner that unauthorised navigation is prohibited within a specified area.

(2) Navigation within the port area shall be done with a speed not exceeding the speed limits posted or, the minimum maneuvering speed for safe handling of the ship. All handling of the ship is to be done in such a manner that no risk is imposed on harbour installations, other ships or their moorings.

(3) Navigation within the harbour area is otherwise subject to the applicable provisions of the Danish Maritime Authority on navigation, etc. in certain Danish waters.

(4) Ships used by the police, defence, state or municipal rescue services are exempt from speed restrictions under these regulations and the Standard Regulations for the Maintenance of Order in Danish Commercial Ports when deemed necessary for police duties, rescue of persons, fire, pollution accidents, maritime accidents or the prevention of extensive damage in general.

Mooring

Section 6. Ships shall only moor to the bollards, hooks or rings intended for that purpose. Ships shall be equipped with adequate fendering against the quay to ensure that the quay construction, fenders or other ships are not damaged. Any instructions on mooring from the port authority shall be observed. The ship shall ensure that there is a safe and illuminated gangway, which does not obstruct free passage, including for the harbour cranes.

(2) When several ships moor beside each other, ships lying on the shore side of the outside ship shall ensure free, safe and illuminated passage over the deck and from ship to ship.

(3) If required, ships shall have all discharge openings in the side of the ship equipped with appropriate discharge casings to prevent discharged water from running over other ships or over the quay.

(4) Ships suspected of having rats or other vermin on board shall mount metal screens to prevent such vermin from coming ashore.

Chapter 2. Loading and unloading

Hazardous goods

Section 7. The port authority may order a ship loading or unloading hazardous goods to leave the harbour immediately if it does not comply with Danish and/or international environmental and safety regulations, occupational health regulations and conditions for such transport. If load or discharge has already commenced the port authority can suspend this.

(2) In consultation with the local authority's emergency service, the port authority may order a ship to arrange for the necessary safety measures on board or ashore and to pay the costs arising from this.

Fire warning signal

Section 8. Ships that load or unload or transport hazardous goods shall display fire warning signal within the harbour area as long as the ships have such cargo on board.

(2) The fire-warning signal, which shall be displayed from the place on the ship where it can best be seen, shall be the international signal flag B during daylight hours and a lantern showing a red light visible 360 degrees during the hours of darkness.

Immediate departure

Section 9. The port authority may order a ship to leave a berth at a secure harbour facility in accordance with the rules in force at any given time, cf. Section 1(2), no 3.

(2) A ship displaying a fire-warning signal shall be prepared at all times to cast off for immediate departure under its own power.

(3) Moorings from tankers to land shall be established pursuant to international guidelines. Towing hawsers shall be made of non-flammable material, fastened on board and eased off to the water surface fore and aft. The crew required for the ship's departure shall be on board at all times.

Loading and unloading provisions

Section 10. If the loading and unloading of a ship does not take place at a pace deemed to be normal by the port authority, so the work cannot be completed within the time normally spent on the type of cargo concerned, the port authority may, after prior notification to that effect, demand that the ship shift berth or leave the harbour temporarily, at its own expense, if another ship is waiting for a loading or unloading berth.

(2) Although the work may have started in due time and continued without interruption, the ship shall, however, move to another berth if the port authority deems it necessary. In that case, the ship shall have a priority in the allocation of a berth where its loading or unloading can continue.

Spillage

Section 11. The ship shall take the necessary measures to ensure that cargoes are not discharged or spilled. If such a discharge or spillage occurs, the ship shall stop the discharge or spillage immediately and provide for effective clean up. The port authority shall without any delay be informed and the instructions from the port authority shall be complied with. This also applies to bunkering.

(2) In case of severe accidents with hazardous substances, the emergency service shall be notified by calling 112.

Tankers

Section 12. Wherever possible, loading and unloading of hazardous goods shall commence immediately after arrival, and pumping shall be executed as quickly as possible until loading or unloading has been completed.

(2) A tanker that is fully loaded with hazardous goods shall leave the harbour immediately unless it has obtained the express permission of the port authority to remain in the harbour. A fully loaded tanker, which is not free of gas or secured with inert gas, shall also leave the harbour immediately.

Chapter 3. Ship repairs, laying up, etc.

Ship repairs and maintenance

Section 13. While a ship is berthed in the harbour out with a shipyard area, any repair or maintenance of the hull, machinery, installation, etc., which is not prohibited pursuant to the current environmental legislation, shall not be initiated without the permission of the port authority.

(2) Repair and maintenance work on a ship or equipment lying in harbour shall be carried out in accordance with the applicable environmental and occupational health provisions.

(3) During repair or maintenance work on a ship, the work shall be conducted in such a manner that – at the port authority's discretion – third parties and the surrounding area are not inconvenienced, and that the harbour area is not polluted.

Laid up or abandoned ships

Section 14. Ships shall only be laid up in the harbour if prior permission from the port authority has been obtained. In that case, the authorisation shall contain the necessary practical instructions, conditions on financial security, compliance with time limits, inspection obligations, etc.

(2) Ships which are not under way, including scrapped ships, boats, barges, drilling rigs and other equipment and goods, shall not be abandoned or lie in the harbour area without the explicit permission of the port authority.

(3) Laid-up or abandoned ships or equipment shall not be used as warehouses, fuel storage, housing, restaurants, ect. without the permission of the port authority.

(4) Laid-up or abandoned ships or equipment shall remain in place at the owner's expense and risk in all respects, and may be required to be removed in accordance with Section 16.

Wrecks etc.

Section 15. A wreck, a ship with fire on board, a sinking or severely damaged ship, and the like may not be brought into the harbor without the special permission of the port authority. Such permission will, if granted, include the specific conditions, among others, that the port authority may require a security deposit at any time and also request the owner to immediately take the measures that the port authority considers necessary or required to avoid danger or risk of danger. Any such wreck or similar object shall lie at the expense and risk of the owner in every respect.

(2) The provisions of subsection (1) shall not apply to a harbour, which has been appointed as a place of refuge if it would conflict with its obligation as a place of refuge to apply these provisions.

Removal of laid-up ships etc.

Section 16. The port authority may require laid-up, abandoned, sunken or stranded ships or wrecks (and their equipment or accessories) or other goods or materials left behind to be moved within a reasonable period. If the port authority's order is not complied with and the port authority cannot continue to take care of the object without undue cost or inconvenience, the port authority may after due notice arrange for the item to be moved to another secure location and sold on the owner's behalf. Before such a sale takes place, the harbour shall wherever possible notify the owner to that effect.

(2) The proceeds from a sale may be used to cover all or part of the port authority expenditures in the matter.

(3) If an independent evaluator has declared that the object concerned is of no value, or of a value, which does not exceed the estimated costs of sale, the port authority may dispose of the object in a manner that is not in contravention of any legislation, after giving written notice to the owner. If the owner or the owner's place of domicile is not known to the port authority, notice may instead be posted on the ship or on the goods and by advertisement in a local newspaper or in the Official Gazette.

(4) Regardless of such sale or disposal, the owner shall continue to be liable for payment in full of the port authority's expenditures.

Chapter 4. Use of harbour areas

Storage of goods

Section 17. Goods, which are to be loaded or has been discharged shall not be left on quays, quay roads or connecting roads or in places assigned for storage without the permission of the port authority.

(2) The port authority may issue such orders or take such measures that it deems necessary for the goods in question, including allocating a storage location.

Removal of stored goods

Section 18. If the port authority so requires, stored goods shall be removed or moved to an assigned place within a reasonable time period determined by the port authority.

(2) If such an order is not complied with, or if goods are left without the consent of the port authority, cf. Section 17(1), the port authority may have the goods removed in accordance with Section 16.

Barriers

Section 19. The owner of ramp facilities, including passenger gangways, for Ro-Ro, passenger and cargo ships, including ferries, must establish gate barriers or other secure barriers to block off the facilities and fixed passenger gangways in their entire width

(2) The barriers shall be established in accordance with the provisions of the Danish Working Environment Act on technical aids. The user/owner shall lay down a procedure for operation of the ramp barring device. For ships in regular service, the ship owner or its representative shall be responsible for ensuring that the established procedures are complied with, to the effect that the barring device is correctly positioned and secured upon the ship's departure.

(3) Signs in a ferry harbour or a ferry harbour section shall be posted in collaboration with the police in accordance with the rules in force at any given time. The necessary fencing is the responsibility of the owner of the facility the harbour authority.

(4) Barring of particular areas shall only take place by agreement with the port authority unless otherwise provided by the rules on secure harbour facilities, cf. Section 1(2), no 3.

Traffic and parking

Section 20. The port authority may issue instructions concerning traffic in the harbour area, and may prohibit unauthorised traffic in certain areas.

(2) Vehicles may only be parked in the harbour area in accordance with the provisions of the Danish Road Traffic Act, in areas defined for this purpose and according to directions from the port authority.

(3) The port authority may assign parking areas in connection with special loading or unloading operations.

(4) Running and parking of railway wagons in the harbour area shall be subject to special agreement with the port authority.

Waste

Section 21. Unless otherwise agreed with the port authority, waste shall not be dumped or deposited in the harbour area. Bulk waste containers shall not be used for environmentally harmful or hazardous products, substances and materials. The containers are only intended for normal operational waste from ships, cf. subsection (2), and shall not be used by others.

(2) The provisions of the harbour waste plan shall apply to normal operational waste from ships, cf. Section 1(2), no 5. For other types of waste the directions of the port authority and the environmental authorities shall be complied with.

Cleaning and removal

Section 22. Upon completion of loading or unloading, the ship, the owner of the cargo or its agents shall clean the harbour areas used and remove all waste. If this obligation is not complied with, the port authority may have such work performed at the expense of the party concerned.

(2) Containers, pallets, trailers, stevedore equipment, transport equipment, fishing tackle, fish crates, etc. shall not be left on quays, quay roads, piers and connecting roads unless a prior agreement has been made with the port authority.

(3) All abandoned equipment etc. shall be left at the owner's expense and risk.

Chapter 5. Miscellaneous provisions

Prohibited activities

Section 23. The following activities are prohibited in the harbour area:

- 1) Throwing overboard of waste of any kind, including cargo residues.
- 2) Burning, flushing out, pumping out or dumping of any kind of solid or liquid waste, including oil, chemicals, toilet waste, liquid waste from ship bilges, etc. and residue or water containing such substances. In the event of an accident, the port authority

shall be informed without delay, and the substances concerned shall be removed immediately, cf. also Section 11 on notification of the emergency service on 112.

- 3) Hunting and use of fire arms.
- 4) Activities that involve unnecessary smoke, dust, smell or noise, including unnecessary use of sirens and whistles.
- 5) Burning of fireworks. Burning of festive fireworks also requires permission from the police.
- 6) Fishing.
- 7) Retrieval or depositing of materials.
- 8) Water-skiing, racing, windsurfing, racing with jet skis, etc.
- 9) Bathing from ships or quays.
- 10) Mooring of houseboats.

Activities requiring a permit

Section 24. The following activities shall only take place with the prior permission of the port authority:

- 1) Engine testing, including use of side thruster. Where permission is granted for this, it will be on condition that testing is not performed with such power that the water depth is altered, harbour installations, other ships, barges, lighters, etc. are damaged, or passing ships lose control because of the screw current. Throughout the testing procedure there shall be a watch on board to ensure that the testing can be stopped if the port authority so requires. The watch shall listen to the harbour VHF channel. Before the engine is tested, the stern shall be shifted away from the quay if required by the port authority.
- 2) Unusual or strong lighting on board or illumination of the ship. Use of powerful lighting, e.g. from projectors, shall be appropriate and shall not disturb traffic at sea or on land, etc.
- 3) Open fire on board ships outside shipyard areas the port authority may demand fire watches in that connection.
- 4) Diving.

Lost property and salvage

Section 25. Anything found, picked up or salvaged within the harbour area shall immediately be reported to the port authority and handed over to the police in accordance with the rules in force at any given time.

Access to ships

Section 26. The port authority and any authorities appointed by the port authority shall have access to the ship at all times in matters concerning compliance with these Regulations. The master of the ship shall provide the necessary assistance in connection with inspection and review of the ship.

(2) If access to the ship is not possible due to rules on securing ships, the port authority determines how compliance with this regulation can be demonstrated. If access is otherwise denied or necessary assistance is not provided in accordance with paragraph 1, the port authority may require the ship to leave the port area immediately.

Operation Manager

Section 27. The port authority' personnel shall supervise the observance of good order in the harbour area.

(2) The personnel shall produce identification if so requested.

(3) Anyone present in the harbour area shall be obliged to comply with the directions and orders of the port authority.

(4) The police, the customs and tax authorities, the local authority's emergency service, and other authorities will perform tasks within the harbour area in accordance with the general provisions of Danish law.

The ship's master

Section 28. If a Master of a ship or others do not comply with the provisions of these Regulations or the orders of the port authority, the port authority may take the necessary measures.

(2) If the Master of a ship is not on board, orders to shift berth, moor, etc. may be given to the senior officer present or, if no officer is present, to another member of the crew.

(3) If all crew members leave a ship, the Master of a ship shall report the name, address, and telephone number of a person familiar with maritime matters who lives near the harbour. This person shall supervise the ship, and the port authority may issue orders to this person with the same effect as orders issued to the Master of a ship.

Private performance of some tasks in accordance with the Regulations

Section 29. The port authority may appoint private bodies to perform the tasks referred to in Section 1(1) and (4)-(5), Section 3(1)-(5), Section 4(1)-(5), Section 5(1), Section 6(1), Section 7(1) and (2), Section 9(1), Section 10(1) and (2), Section 12(2), Section 13(1) and (3), Section 16(1)-(4), Section 17(1) and (2), Section 18(1) and (2), Section 19(4), Section 20(1)-(4), Section 21(1) and (2), Section 22(1) and (2), Section 25, Section 27(1) and (3) and Section 28(1) and

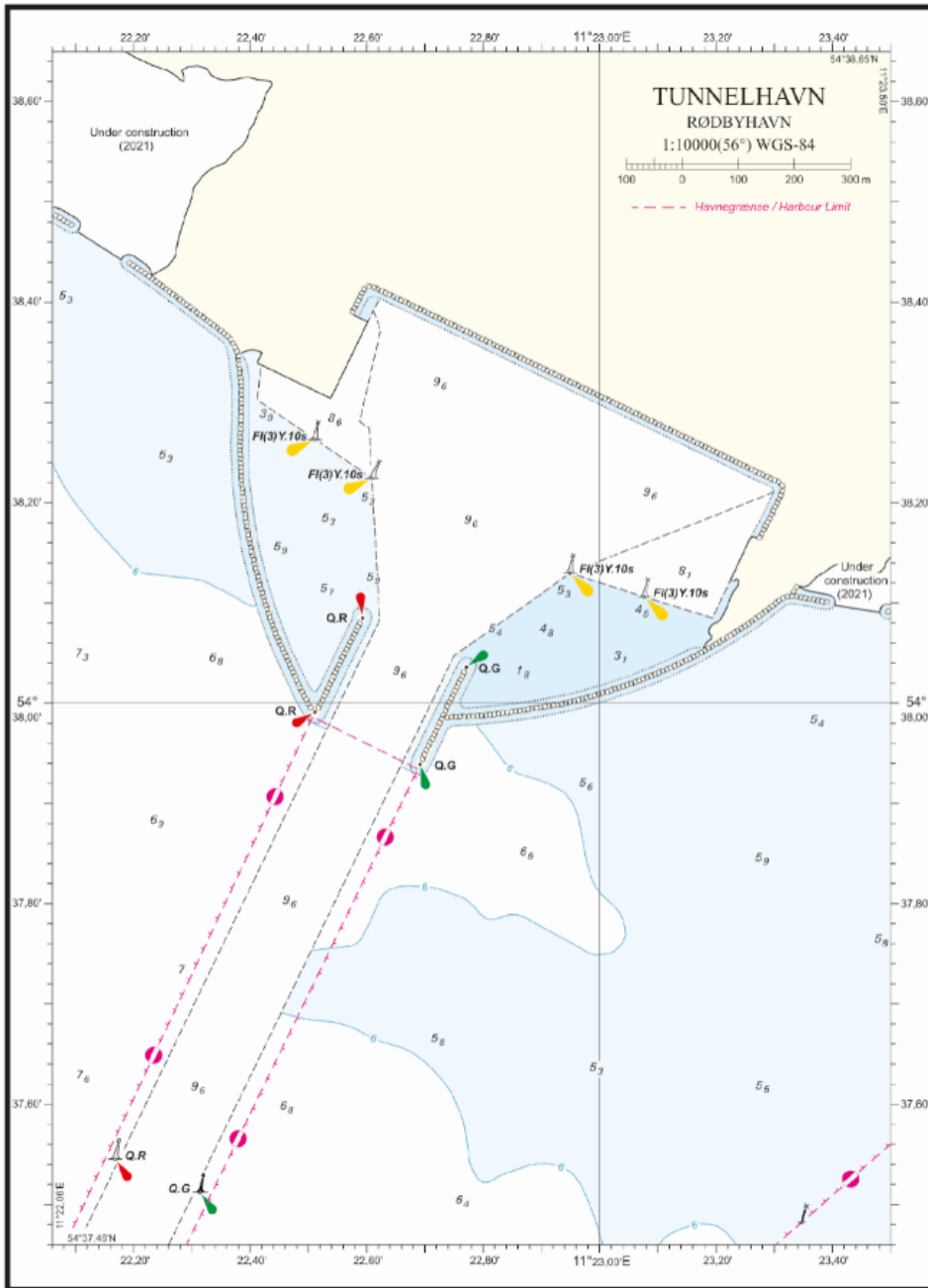
(3). The appointment of private bodies must be made in accordance with rules issued pursuant to section 14a of the Port Act.

Penalty provisions

Section 30. Infringement of Section 1(4), Section 4, Section 3(5), Section 4(1)-(3) and (5), Section 5 to Section 15, Section 19 to Section 21, Section 22(2), Section 23 to Section 24, Section 26, section 27(3) and Section 28 (3), shall be punished with a fine as stated in Section 29 in the Statutory Order on standard regulations for the maintenance of good order in Danish commercial ports

Executive Order on the Regulations for Tunnel harbour Rødbyhavn enter into force on 1st of March 2023. The port's current rules can be requested from the port authority at any time.

Annex 2.



Sea chart