

REPUBLIC OF COLOMBIA
TRANSPORT MINISTRY
NATIONAL INFRASTRUCTURE AGENCY
RESOLUTION No. 228 OF 2020
(14 FEB 2020)

“Whereby the Technical Operation Conditions’ Rules of the company called SOCIEDAD PORTUARIA PUERTO NUEVO S. A. are approved”

THE VICE – PRESIDENT FOR CONTRACTUAL PERFORMANCE OF THE NATIONAL INFRASTRUCTURE AGENCY

Pursuant to the provisions of Law 1 of 1991 and its regulatory decrees, as well as Resolution No. 850 of the 6th of April of 2017 of the Transport Ministry, pursuant to its legal competences and powers, particularly those contained in item 9 of Article 4165 of the 3rd of November of 2011 and Resolution No. 1096 of the 25th of June of 2018, and

WITNESSETH

1. Whereas, according to Article 3 of Law 1 of 1991 it is the duty of the General Superintendence of ports “ *... to define the technical operational conditions of the ports, in subjects such as denomination, procedures for the inspection of port facilities and ships regarding storage, loading and stevedoring, cargo handling, invoicing, receipt, storage and delivery of the cargo, services to the ships, precedence and rules on slots, docking and undocking of vessels, mooring periods, services’ use time, documentation, industrial safety and all other that have been the responsibility of the company Puertos de Colombia, to the extent that they are not opposed to the provisions of this Statute.*”
2. Whereas, on its part, article 27 of the same of Law 1 of 1991, when it establishes the duties of the General Superintendence of ports, item 27.3 states: *“To issue, through resolutions, the technical conditions of operation of the Colombian ports”*.
3. Whereas, by virtue of the foregoing, the General Superintendence of Ports defined, in Resolution 071 of the 11th of February of 1997, the Rules of Technical Operation Conditions’ Rules of the Ports.
4. Whereas, Decree 101 of 2000 *“whereby the structure of the Transport Ministry is modified and other provisions are enacted “* as amended by Decree 2741 of 2001, passed to the Transport Ministry the competences regarding port concessions, and Article 30, item 16 of the aforementioned Decree gave to the Transport Regulation Commission – CRTR the duty to issue the Rules that contain the Technical Operation Conditions’ Rules of the public ports in Colombia.
5. Whereas, Decree 2741 of 2001 amended paragraph 2 of article 44 of Decree 101 of 2000, passing to the to the Transport Ministry the duties of the former General Ports’ Superintendence regarding concessions and other port activities. With the exception of those of inspection, control and oversight.

6. Whereas, Decree 1800 of the 26th of July of 2003 created the National Concessions' Institute, with the purpose of *"planning, structuring, contracting, executing, and managing the transport infrastructure deals developed with participation of private equity and in particular the concessions, in the road, riverine, maritime, railway and port modes"*.

7. Whereas, Decree 087 of 201 *"whereby the Structure of the Transport Ministry is modified and the functions of its instrumentalities are determined"*, in its items 2.4 of Article 2 and 6.3 of Article 6 assigns to the Transport Ministry the duties to formulate the technical rules regarding traffic and transportation in the road, railway and port modes.

8. Whereas, Decree 4165 of the 3rd of November of 2011 changed the legal nature and the name of the National Concessions' institute – INCO, which passed from being a public establishment to a National Agency of a Special Nature called the National Infrastructure Agency attached to the Transport Ministry, which expressly states in Article 25 that the rights and obligations that the National Concessions' Institute – INCO may have on the date of enactment of the aforementioned Decree shall continue in the favor and on the charge of the National Infrastructure Agency.

9. Whereas, on the 31st of March of 2011, Port Concession contract No. 001 of 2011 was entered into by the National Concessions' institute – INCO and the SOCIEDAD PORTUARIA PUERTO NUEVO S. A., in which it is stated, in item 16.32 of the Sixteenth Clause, that the concessionaire has the obligation to *"...submit to the INCO for its approval and updating, the Port Technical Operation Conditions' Rules and it must enforce it, once approved by the INCO"*.

10. Whereas, in Resolution No. 334 of the 12th of April of 2013 the National Infrastructure Agency approved the Technical Operation Conditions' Rules of the company called SOCIEDAD PORTUARIA PUERTO NUEVO S. A.

11. Whereas, the project has an Environmental License in force according to the provisions of Resolution 0435 of the 2nd of March of 2009 of the Ministry of the Environment, Housing and Territorial Development.

12. That the Transport Ministry issued Resolution No. 850 of the 6th of April of 2017, *"whereby the contents of the Technical Operation Conditions' Rules of the Maritime Ports are established, and other provisions are enacted"*, provision that revoked Resolution No. 071 of 1997 of the former General Superintendence of Ports.

13. Whereas, according to Article 2 of Resolution No. 850 of the 6th of April of 2017, the Technical Operation Conditions' Rules *"(...) shall apply to the holders of port concessions, homologations, temporary authorizations, permits, port licenses or any other type of port permit established in Laws 1 of 1991, 1242 of 2008 and their regulatory decrees"*.

14. Whereas, Resolution No. 850 of the 6th of April of 2017, in its 15th Article states:

"Article 15 – Contents: the Technical Operation Conditions' Rules of each Port must include, as a minimum, a detailed description of the following general aspects:

- 1) *Port services that it provides;*
- 2) *Conditions of the provision of the services;*
- 3) *Quality and access policies;*
- 4) *Verification of information and documents;*
- 5) *Safety for the handling of cargo, of liability for accidents, of damages and averages of the cargo and of the port infrastructure and equipment ;*
- 6) *Industrial Safety Rules;*
- 7) *Provisions regarding the physical protection of the port facilities and other aspects the subject matter of the International Ship and Port Facility Security Code for the facilities that serve international maritime traffic vessels;*
- 8) *Requirements of technical capacity and professional suitability adequate for each service;*
- 9) *Quantification of the cargo, criteria for the revision of said quantification, as well objective, transparent, proportional, equitable criteria, non – discriminatory between the service providers;*
- 10) *Material elements for the provision of the services and their characteristics;*
- 11) *Minimum human resources for the provision of the services and the qualification thereof;*
- 12) *Requisites for the access and permanence of persons, vehicles and equipment in the port facilities;*
- 13) *Fee structure according to the regulations in force;*
- 14) *Term of the port concessions, homologations, temporary authorizations, permits, port licenses or any other kind of port permit granted by the competent authority;*
- 15) *Documentation needed for the entry and the provision of the services;*
- 16) *Reserves in the provision of services and access to the port facilities, which must include those related to the non – compliance with the public service obligations, the safety requirements in the provision of the services and the obligations of protection of the environment that may be applicable;*
- 17) *Systems for the handling of the cargo determined by the type of cargo and modality of foreign trade operation done (import, export, etc.);*
- 18) *Hours of attention to the public, procedures and requisites that must be complied by those authorized and by those who perform port activities, as per the provisions of this resolution;*
- 19) *Obligations of the port operators and users of the port terminal”.*

15. Whereas, Resolution No. 850 of the 6th of April of 2017, in its 18th Article states:

“Article 18 – The Technical Operation Conditions’ Rules of each Port terminal must include, as a minimum, a detailed description of the following aspects related to the port:

- 1) *Maritime and / or riverine accesses with maritime vocation;*
- 2) *Description of the public – use zone granted in concession, maneuvering, mooring and unmooring zones, maintenance programs and information about bathymetries as per the port concession contract;*
- 3) *Access channels, navigation aids, dangers in the navigation of the maneuvering area, as well as the information regarding width, length, turning diameter, maximum minimum and average depth of the private access channel and its turning basin, which will be referred to in their WGS – 84 geographic coordinates;*
- 4) *Access to anchoring and maneuvering areas;*

- 5) Car, rail, and pedestrian accesses, which must be properly signaled;
- 6) Description of the physical characteristics of the docks available at the port terminal, stating the number thereof, mooring bitts, dimension, depth, and specialty cargo served, type of dock, type of material of the structure, length, width and strength of the slab, depth alongside the ship, berthing dolphins and buoys, which will be referred to in their WGS – 84 geographic coordinates;
- 7) Description of the physical characteristics of the existing yards and warehouses, type of cargo served, capacity and location inside the terminal;
- 8) Facilities for the receipt, storage of cargo, description, dimensions, capacity;
- 9) Port operation equipment. List of the equipment and the technical characteristics thereof, available at the port terminal to serve the ships and the types of cargo received;
- 10) Description of the facilities for the receipt of waste, trash and other polluting products.”

16. Whereas, Resolution No. 850 of the 6th of April of 2017, in its 20th Article states:

“Application – The authorized entities must submit an application for the approval of the Technical Operation Conditions’ Rules before the granting entity in both physical and electronic versions, incorporating all the requisites and prior approvals the subject matter of this resolution.

Paragraph 1 – It shall be necessary to obtain the favorable opinion regarding the contents of the Technical Operation Conditions’ Rules, of the maritime authority in aspects related to the integral maritime and port safety according to its competences.

Paragraph 2 – It will be necessary to have the prior favorable opinion regarding the contents of the Technical Operation Conditions’ Rules, of the Superintendence of Ports and Transportation, or whoever takes its place, in issues related to the provision of the service according to its competences.

Paragraph 3 – Regarding the approval of an amendment of the Technical Operation Conditions’ Rules of a port contract in execution and of the other authorization modalities, the granting entity must request the opinion from the environmental authority that approved the environmental management plan, or that issued the environmental license of the port project prior to the signature of the respective concession contract.

Paragraph 4 – The prior approvals the subject matter of this resolution must be issued within a term of fifteen (15) business days after the date in which the request for approval was filed by the interested parties, or otherwise it shall be treated as a positive response” (underlining and highlights not in the original text).

17. Whereas, Resolution No. 850 of the 6th of April of 2017, in its 21st Article states:

“Approval and Term: The granting entities shall approve by motivated resolution, the Technical Operation Conditions’ Rules, provided that the same comply with the requirements set forth in this administrative act”.

18. Whereas, Resolution No. 850 of the 6th of April of 2017, in its 22nd Article states:

“Article 22 – Demands and Terms for the approval of the rules: No port facility may operate or provide services without the Technical Operation Conditions’ Rules , duly approved by the competent entity.

Paragraph – If the authorized parties do not comply with the provisions of this article, the Superintendence of Ports and Transportation – SUPERTRANSPORTE will enforce the control and oversight actions and will start the administrative investigations that may be appropriate”.

19. Whereas, in Resolution 0004159 of the 6th of October of 2017¹, the Transport Ministry ordered to establish new terms of (sic) Resolution 0850 of 2017 to adjust the Technical Operation Conditions’ Rules of the maritime ports, based on the following considerations:

“Whereas, paragraph 1 to Article 21 of Resolution 850 of 2017 has established the terms to adjust, to submit the documentation and subsequent approval of the Technical Operation Conditions’ Rules of the maritime ports by the granting entity

Whereas in official letters 2017409103986 – 2 of 2017, 201740910215 – 2 of 2017, 2017409103699 – 2 of 2017, e – mail of the 3rd of October of 2017, Petr6leos y Derivados de Colombia S. A., Coremar Shorebase S. A, Ecopetrol S. A. Cenit Tumaco, asked the National Infrastructure Agency to extend the term to submit the Technical Operation Conditions’ Rules of the ports.

Whereas, also in e – mail dated on the 28th of September of 2017, Atunamar Ltda. also requested the National Infrastructure Agency to extend the term to submit the Technical Operation Conditions’ Rules of the ports.

Whereas the Superintendence of Ports and Transportation and the General Maritime Directorate – DIMAR, the competent entities to issue the opinions about the rules by official letters 20176001 16391 1 of the 28th of September of 2017 and 29201705985 MD – DIMAR – SUBMERC of the 29th of September of 2017, respectively, propose to amend the terms established in Paragraph 1 to article 21 of Resolution 850 of 2017, defining new ranges of years and months to prevent the backlog of documents for review and to prevent expiration of terms, taking into account the availability of personnel available at the entity for the review of rules, adjustments requested and issue an opinion.

Whereas, the Acting Director of Infrastructure of the Transport Ministry, in memorandums 20175000164323 of the 04th of October of 2017, 20175000165403 of the 6th of October of 2017 and 20175000166093 of the 06th of October of 2017 issued a technical justification of viability to establish new terms for the adjustment of the Technical Operation Conditions’ Rules of Maritime Ports and submitted the new terms that have to be granted, adjusting the ranges of years.

Whereas, according to this, it has been deemed that it is pertinent to establish new terms for the adjustment of the Technical Operation Conditions’ Rules of Maritime Ports according to the provisions of Resolution 0850 of 2017”.

20. Whereas, Article 1 of Resolution 0004159 of 2017 established that the authorized persons shall have the Technical Operation Conditions’ Rules approved and that they must adjust it to the

¹ *“Whereby new terms are established to adjust the Technical Operation Conditions’ Rules of maritime ports”*

operation conditions the subject matter of Resolution 0850 of 2017, they must file the required documentation before the competent authority, according to the years in which the Concession was granted, within the terms therein established.

21. Whereas, pursuant to the legal and contractual conditions mentioned above, SOCIEDAD PORTUARIA PUERTO NUEVO S. A., in letter No. 2018EBTA00284 filed with the ANI under number 2018 – 409 – 072158 – 2 of the 18th of July of 2018 submitted to the ANI the Technical Operation Conditions' Rules for approval and attached the following items:

21.1. Communication recorded under number 20186000685461 of the 3rd of July of 2018, signed by the Delegate Superintendent for Ports, stating:

“The General Attorney of Sociedad Portuaria Puerto Nuevo S. A., Mr. Oscar Eduardo Gómez Colmenares, in written document filed before this Superintendence under No. 20185603675732 dated on 29 / 06 / 2018 submitted to the SUPERTRANSPORTE for its opinion the Technical Operation Conditions' Rules in reference, duly adjusted according to the requirements of this Superintendence , made by filing No. 20186000667021 dated on 27 / 06 / 2018.

This office, having carefully reviewed the contents of those rules, in particular regarding the issues related to provision of port services, as determined by paragraph 2 to article 20 of Resolution 0000850 of the 06th of April of 2017, issued a favorable opinion to continue with the approval proceedings”.

21.2. Communication No. 29201804354 MD – DIMAR – SUBMERC – ASIMPO of the 17th of July of 2018 signed by the General Maritime Director, which states:

“...

In the process of evaluation of the Technical Operation Conditions' Rules performed by the Maritime Authority to the document submitted by Sociedad Portuaria Puerto Nuevo, and having held a work meeting with the aforementioned Port Company to submit and verify the corrections suggested by the Integral Maritime and Port Safety Area held on the 9th of July of 2018, the Company submitted a final version of the document in official letter dated on the 9th of July of 2018, which was filed with the DIMAR under SGDEA No. 292018105609.

In this line of thought, and having verified that the document did indeed include the observations made by the General Maritime Directorate, it is considered that the Technical Operation Conditions' Rules in the version submitted under the filing number reference is adjusted to the maritime regulations in force, attached hereto.

Based on the foregoing, the National Infrastructure Agency is hereby advised that the General Maritime Directorate has issued a FAVORABLE opinion for the Technical Operation Conditions' Rules of the Puerto Nuevo Port Company before that entity.

22. Whereas, by virtue of the provisions of the third paragraph of article 20 of Resolution 0000850 of 2017 of the TRANSPORT MINISTRY, in memorandum 2018 – 303 – 0237401 – 1 of the

30th of July of 2018 the ANI asked the National Environmental Licensing Authority for its opinion regarding the Technical Operation Conditions' Rules of the SOCIEDAD PORTUARIA PUERTO NUEVO S. A.

23. Whereas, the National Environmental Licensing Authority – ANLA in letter No. 2018184696 – 2 – 000 filed with the ANI under number 2018 – 409 – 136681 – 2 of the 27th of December of 2018 gave its opinion making some observations to the text of the rules, observations that were informed by the concessionaire in memorandum No. 209 – 303 – 002170 – 1 of the 30th of January of 2019 to make the respective adjustment.

24. Whereas, in letter filed with the ANI under No. 2019 – 409 – 0122077 – 2 of the 6th of February of 2019, the SOCIEDAD PORTUARIA PUERTO NUEVO S. A. forwarded to the ANI the adjusted text of the Technical Operation Conditions' Rules, which was sent, once again, to the environmental authority for its final opinion as evidenced in the memorandum filed under No. 2019 – 010281 – 1 of the 2nd of April of 2019.

25. Whereas, in letter No. 2019060741 – 2 of the 13th of May of 2019, it attaches to the letter filed with the ANI under No. 2019 – 409 – 081854 – 2 of the 8th of August of 2019, the Office of the Assistant Director for Evaluation and Follow Up of the ANLA made a pronouncement regarding the Technical Operation Conditions' Rules of the SOCIEDAD PORTUARIA PUERTO NUEVO S. A. stating that the adjustments suggested in the letter No. 2018184696 – 2 – 000 of the 27th of December of 2018 had indeed been done.

26. Whereas, being a document of an eminently technical and operational nature, it is the job of the Internal Port Work Group of the Office of the - vice President for Contractual Performance, pursuant to its duties established in items 3 and 16 of Resolution 1096 of the 25th of June of 2018², to make the evaluation and verification of the Technical Operation Conditions' Rules submitted by the concessionaire and that the same is adjusted to the special regulations in force contained in Resolution No. 000850 of the 6th of April of 2017 of the Transport Ministry.

27. Whereas, the Management of the Internal Port Work Group of the Office of the - vice President for Contractual Performance of the ANI, in memorandum No. 2019 – 303 – 019565 – 3 of the 17th of December of 2019 issued a favorable technical opinion regarding the Technical Operation Conditions' Rules submitted by the Concessionaire, in the following terms:

² Resolution No. 1096 of 2018 *"Whereby the Specific Manual of Description of Functions and Labor Competences for the jobs of the staff of the National Infrastructure Agency and other provisions are enacted"*, Office of the - vice President for Contractual Performance – Port Projects' Manager, Essential Duties.

"(...) 3. To evaluate, control and make the follow – up of the technical and operational aspects of the concession contracts and all other forms of public – private partnerships, according to the provisions of the contracts (...).

16. To perform the follow – up of the application by the concessionaires of the technical appendixes of the manuals and regulations in force that correspond to the operation of the transport infrastructure concessionaires in the port mode, without prejudice to the obligations and responsibilities of the inspectors". (Page 31 – 32).

“... 3. TECHNICAL ANALYSIS

Having reviewed the Technical Operation Conditions’ Rules submitted to the Entity by the SOCIEDAD PORTUARIA PUERTO NUEVO S. A., (...) we have the following:

- i. The Technical Operation Conditions’ Rules have the favorable prior opinion of the National Environmental Licensing Authority – ANLA, complying, in that way, with the provisions of the third paragraph of Article 20 of Resolution 830 of 2017.*
- ii. The Technical Operation Conditions’ Rules have the favorable prior opinion of the maritime authority and of the Superintendence of Ports and Transportation, according to the provisions of the first and second paragraphs of Article 20 of Resolution 850 of 2017.*

“CONCLUSIONS

From a technical viewpoint, this Office considers that it is viable to proceed and approve the Technical Operation Conditions’ Rules submitted by the SOCIEDAD PORTUARIA PUERTO NUEVO S. A., filed with the ANI under No. 2019 – 409 – 0122077 – 2 of the 6th of February of 2019, as it now meets all the requirements established by the applicable technical regulations in force”.

Whereas, by virtue of the foregoing,

DECIDES

FIRST ARTICLE – To Approve the Technical Operation Conditions’ Rules of the SOCIEDAD PORTUARIA PUERTO NUEVO S. A. by virtue of Port Concession Contract No. 001 of 2011, the text of which is attached to this Resolution to become integral part hereof.

FIRST PARAGRAPH – The operation that is regulated through the Technical Operation Conditions’ Rules the update of which is approved by this administrative act is circumscribed to the purpose, scope and technical specifications established in Port Concession Contract No. 001 of 2011 and its addenda.

SECOND PARAGRAPH – The approval of the update of the Technical Operation Conditions’ Rules of the SOCIEDAD PORTUARIA PUERTO NUEVO S. A. the subject matter of this resolution cannot be construed whatsoever as an authorization of amendment of the terms and conditions of Port Concession Contract No. 001 of 2011 and its addenda.

SECOND ARTICLE – Pursuant to the provisions of Article 6 of Resolution 000850 of 2017 of the TRANSPORT MINISTRY, the SOCIEDAD PORTUARIA PUERTO NUEVO S. A. must affix a printed copy of this Resolution and of the Port’s Technical Operation Conditions’ Rules hereby approved in a place visible to the general public in the port terminal, and to guarantee the free access to the electronic version thereof via web. Is excepted from this obligation the reserved and confidential data of the SOCIEDAD PORTUARIA PUERTO NUEVO S. A. according to the regulatory framework in force.

THIRD ARTICLE – To notify this Resolution to the company called SOCIEDAD PORTUARIA PUERTO NUEVO S. A. through its legal representative or special attorney in the terms set forth in Article 67 et seq. of the Administrative Procedure and Contentious Administrative Code.

FOURTH ARTICLE – To Communicate this Resolution to the Superintendence of Ports and Transportation, to the National Environmental Licensing Authority – ANLA and to the General Maritime Directorate – DIMAR, for the issues pertaining their competence.

FIFTH ARTICLE – This invoice is in force as from the date of enactment and repeals and leaves without effects the Technical Operation Conditions’ Rules approved by Resolution No. 334 of the 12th of April of 2013.

SIXTH ARTICLE – The reversal petition can be filed against this Resolution.

TO BE NOTIFIED, COMMUNICATED AND COMPLIED WITH

Given in the city of Bogotá, D. C., on the 14 FEB 2020

Signed Illegibly

LUIS EDUARDO GUTIÉRREZ DÍAZ

Vice President for Contractual Performance
National Infrastructure Agency

Projected by: Marcela Urquijo – Lawyer GAG1 VJ

Technical Review: Miguel Landínez Santos – Technical Supervision Leader – Ports VPRE

Environmental Review: Álvaro Pavón Lozano – GIT Environmental Professional – VPRE

Legal OK: José Román Pacheco Gallego, Contractual Performance Advisory Manager 2 VJ

Technical OK: Fernando A Hoyos E – Port GIT Manager VCG

Environmental OK: Luisa Fernanda Tamayo – Environmental GIT Manager VPRE (A)

**PORT TECHNICAL OPERATION CONDITIONS' RULES
SOCIEDAD PORTUARIA PUERTO NUEVO S.A
RESOLUTION 228 OF 2020**

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**PORT'S TECHNICAL OPERATION CONDITIONS' RULES OF PUERTO NUEVO
SOCIEDAD PORTUARIA PUERTO NUEVO S.A.**

CHAPTER I - GENERAL ISSUES.

1.1 Objective

By virtue of the obligations established in Law 1 of 1991 for the holders of port concessions, Resolution 850 of 2017 issued by the Transport Ministry, as amended by Resolution 4159 of 2017 and related provisions, as well as in Concession Contract No. 001 of the 31st of March of 2011, Sociedad Portuaria Puerto Nuevo S.A. (hereinafter "PNSA") issues these Technical Operation Conditions' Rules (hereinafter the "Rules") for the efficient and safe operation of the port facility "Puerto Nuevo", based on international maritime and port operation standards, as well as on the regulations established by the Colombian State and the domestic and international regulations applicable.

1.1.1 Location of the Port

Puerto Nuevo is located in the municipality of Ciénaga, department of Magdalena, Republic of Colombia. The areas in which its facilities operate are made up by (i) onshore and offshore public use, exclusive occupation zones the use and exclusive occupation of which were awarded to PNSA by virtue of the Concession Contract and (ii) privately owned adjacent onshore zones in an approximate area of 328 hectares. The location, boundaries and coordinates of the onshore and offshore zones mentioned above are described in the document called "*Exhibit – Location, Boundaries and Coordinates*" of these Rules (**Exhibit 1**).

1.1.2 Background of the Port Concession.

Puerto Nuevo is a public service port and in consequence in the terms of Law 1 of 1991, the services will be rendered to any one who is willing to pay the fees and to comply with the operational conditions established by PNSA in both these Rules and its Access Policy.

PNSA and the INCO (now the National Infrastructure Agency - ANI) entered into Concession Contract No. 001 of 2011, as amended by Addendum No. 01 of the 27th of February of 2012, the purpose of which is the construction, administration and operation of Puerto Nuevo for a thirty (30) years term.

In the terms of CONPES Document 3540 of the 25th of August of 2008, (ii) the Memorandum of Understanding entered into on the 12th of June of 2008 between the National Government and several coal producing companies, (iii) the ex – officio offer issued by the then called National Concessions' Institute – INCO by Resolution 548 of 2008, (iv) the approval of the Ex Officio Proceedings in Resolution 135 of 2009, and (v) the granting of the concession to PNSA by Resolution 333 of 2010 confirmed by Resolution 433 of 2010, the Puerto Nuevo project was structured based on a Take or Pay scheme, and therefore PNSA is enabled to enter into of Long [- Term] User

Agreement under the Take or Pay modality according to the Access Policy and all other applicable regulations.

1.2 On the Applications of the Technical Operation Rules

The provisions contained in these Rules are mandatory for PNSA, in its capacity as owner, manager and operator of Puerto Nuevo, for the Port Operators who carry out activities and / or provide services at Puerto Nuevo, and for the Shipping Agents duly registered with PNSA. Likewise, it shall be applicable to all individuals and legal entities who, in their capacity as Users according to the definition contained in Article 5 of the Ley 1ª of 1991 and in these Rules, use the Facilities of Puerto Nuevo.

The compliance with the provisions established in these Rules, does not release the Users of the Puerto Nuevo Facilities from the obligation to comply with all other national and international provisions applicable, including other regulations applicable to Puerto Nuevo.

The control of the maritime traffic in the jurisdictional waters and in the national ports is the competence of the General Maritime Directorate - DIMAR. The individuals or legal entities that carry out maritime operations at Puerto Nuevo have the obligation to comply with the provisions issued for the purposes of the control of the maritime traffic that are issued by the Maritime Authority in coordination with the provisions established in these Rules.

Pursuant to its legal competences, the Superintendence of Ports and Transportation will oversee the performance of the Port Operators and of the Users of PNSA to prevent the abuses and monopolistic and unfair competition practices.

PNSA has the obligation to allow, at all times, the free access to their facilities of the officers of the National Infrastructure Agency – ANI, Superintendence of Ports and Transportation, National Environmental Licensing Agency - ANLA, and the General Maritime Directorate – DIMAR, or whoever takes its place. Likewise, PNSA has the obligation to render, in a timely manner, the usual reports that these entities require and those requested for special reasons, in conformity to the provisions of the legislation in force.

All the visitors, Users and / or representatives of the Colombian Authorities who enter or use the facilities at Puerto Nuevo, must comply with all the requisites, standards and provisions established in these Rules and to with all other that may be in force and that have been enacted by the Colombian Authorities that have functions regarding, and that are competent in respect to, the port activities and services performed by PNSA, such as migration, health, phytosanitary, antinarcotics or environmental control authorities among other. Likewise, no individual or legal entity can disembark or embark any other type of elements at Puerto Nuevo without meeting, beforehand, the requirements of the Maritime Authority and of the Port Authority.

1.2.1 Compliance with Codes, Standards and International Agreements

In order to guarantee the safety of the bulk coal loading operations carried out at Puerto Nuevo, PNSA and the Users shall comply with the environmental, safety, operational, prevention and all other measures established in the ISMBC Code, the SOLAS and MARPOL Conventions, which will be applicable to the operations of PNSA as well as to the Ships to which the loading service is provided at Puerto Nuevo.

1.3 Definitions

For the correct construal and application of these Rules, the following definitions shall be taken into account, used in the singular or plural according to the context:

Port Activity	It shall have the meaning given by Article 5.1 of Law 1 of 1991, which establishes that, among other things, the construction, operation and management of ports and port terminals are considered as port activity
Storage	It is the port service provided by PNSA that consists of storing the Cargo at Puerto Nuevo's stockpiling Yards in an orderly manner, to have it available for whenever it is required, arranged or agreed, before the Loading.
Shipping Agent	It is the individual or legal entity that represents the Ship Owner in the Republic of Colombia for all purposes related to the Ship, pursuant to the provisions of the Commerce Code and other standards that govern its activity.
Ship Owner	It is the individual or legal entity, who owns the Ship or not, who rigs, arms and operates the Ship at its own name, at its own cost and risk and who receives the profits from the Ship and supports the responsibilities that affect it.
Customs Authority	It is the National Taxes and Customs' Bureau – DIAN
Environmental Authority	It is the Ministry of the Environment and Sustainable Development and the Environmental Licenses' National Authority – ANLA -
Maritime Authority	It is the General Maritime Directorate – DIMAR
Port Authority	Are, individually or jointly considered, and within the scope of their competences, the Transport Ministry, the Superintendence of Ports and Transportation, and all other authorities that according to the Colombian Law are considered as port authorities.
Colombian Authorities	Refers as a whole to the Customs Authority, the Environmental Authority, the Maritime Authority, the Port Authority, and any other authority or private party that discharges public duties in the Republic of Colombia, at any national, departmental or municipal level, including the ministries, superintendencies, institutes, agencies,

	administrative departments, secretary offices, councils, municipalities, departments, districts, regional autonomous corporations, courts and judges.
Air Draft (DWLTHC or Air Draft)	Distance between the Ship's flotation line and the coamings (upper part of the cargo hold hatches)
Access Channel	It is the maritime Access Channel located in the coordinates set forth in " <i>Exhibit - Access Channel Coordinates</i> " attached to these Rules, which allows the access to Puerto Nuevo's Loading dock, as well as to other docks already built or eventually built by third parties in the area. The Access Channel is of a public nature and it will be maintained, managed and operated according to the Law and the Concession Contract and its amendments, as the case may be.
Port Captain	It is the local representative of the General Maritime Directorate – DIMAR – for the discharging of maritime and port duties in the jurisdiction of Santa Marta, which comprises the port zone of Puerto Nuevo.
Cargo	For the purposes of these rules, the definition of cargo will be limited to bulk coal.
Ship Loader	It is the equipment that loads the coal directly onto the Ships.
Loading	It is the port service provided by PNSA at Puerto Nuevo through which the bulk coal is directly deposited into the Ships.
Official Marine Surveyor	It is the authorized independent person in charge, among other things, of making the initial inspection of cargo holds as well as the Inspection of Drafts to determine the weight of the Cargo. The Official Marine Surveyor is appointed by a certification laboratory hired by the User.
BLU Code	It is the Code of Practices for the Safety of the Bulk Ship's Loading and Unloading Operations, issued by the IMO.
ISM Code (<i>International Safety Management Code</i>)	It is the Ships International safety management and pollution prevention code issued by the IMO.
PBIP Code (<i>International Ship and Port Facility Security</i>)	It is the International Ship and Port Facility Security issued by the IMO, adopted by Colombia by Decree 730 of 2004, " <i>whereby Chapter XI – 2 of the International Convention for the Safety of Lives at Sea of 1974 – adopted by Law 8 of 1980 – is partially regulated</i> ".
Take or Pay Commitment	It is the percentage of the Guaranteed Volume that a User guarantees to handle through Puerto Nuevo during the term of its Long - Term User Agreement and the applicable Fee of which will be unconditionally paid by the User even if said percentage has not been exported in full through Puerto

	Nuevo. In the case of the Long - Term Agreements, the Take or Pay Commitment will be of 70%.
Bill of Lading	It is the document prepared by PNSA and confirmed by the captain of the Ship and the Shipping Agent, once the Loading has been made, and that, among other things, serves as receipt of the Cargo by the ship, evidence of the provision of the port operation service registration of the volume of cargo handled for the purposes of the payment of the port consideration and the support of PNSA'S invoice.
Contract	it is the Contract for the provision of Short - Term Port Services, the Long - Term User Agreement, or any other modality, for the provision of services at PNSA to be entered into by the Users and PNSA, for a term agreed by the parties, taking into consideration, among other factors, the term for the recovery of costs and expenses by PNSA, the technical, financial and commercial conditions of each operation, as well as the adequate remuneration of the equity of the shareholders of PNSA, in the terms established by law 1 of 1991.
Concession Contract	It is Concession Contract No. 001 of 2011 entered into on the 31 st of March of 2011 between PNSA and the National Concessions' Institute –INCO- (now the National Infrastructure Agency –ANI-), for the term of thirty (30) years as amended by Addendum No. 01 of the 27 th of February of 2012, and its future amendments, the purpose of which is the construction, management and operation of a Public Service Port located in the Municipality of Cienaga, Department of Magdalena, in the sector known as Hacienda Papare close to the Rio Toribio. The Concession Contract is included as exhibit to these Rules (Exhibit 2).
Long - Term User Agreement	It is the long term agreement for the provision of services in PNSA to be entered into by and between the Users and PNSA, as agreed by the parties, taking into consideration, among other factors, the term of recovery of the investment and of the associated costs and expenses by PNSA, as well as the technical, financial and commercial conditions of each operation, including a Take or Pay Commitment.
Contract for the Provision of Short - Term Port Services	It is the short – term contract for the provision of services at PNSA to be entered into by the Users and PNSA, as agreed by the parties taking into consideration, among other factors, the term of recovery of the investment and of the associated costs and expenses by PNSA, as well as the technical, financial and commercial conditions of each operation including the guarantees for the compliance with the contract agreed by the Parties.

SOLAS Convention	It is the International Convention for the Safety of Life at Sea, incorporated into the Colombian Legal System by means of Law 8 of 1980.
MARPOL Convention	It is the International Convention for the Prevention of Pollution From Ships, of the 2 nd of November of 1973 including the London Protocol of the 17 th of February of 1978 and its subsequent amendments, into the Colombian Legal System by means of Law 12 of 1981
Turning Basin	It is the maritime area of the Port located at the coordinates described in the “ <i>Exhibit - Access Channel and Turning Basin Coordinates</i> ” (Exhibit 8) of these Rules and destined to the performance of the maneuvers of approach and subsequent departure of the Ship.
Demurrages	It is the amount payable by PNSA to the Ship for the permanence of the Ship at Puerto Nuevo for a time in excess of the Laytime period contractually agreed case by case, excepting for the exceptions agreed upon in these Rules.
Dispatch	It is the amount that the Ship must pay to PNSA for loading the Ship in a period shorter than that of the Laytime, which will be contractually agreed case by case.
DIMAR	It is General Maritime Directorate of the Republic of Colombia.
Laytime	It is the period of time agreed for the Loading of a Ship without the payment of demurrages. The Laytime must be calculated by dividing the weight established in the bill of lading by the guaranteed Loading rate established in here for each type of Ship, and it will be expressed in days, hours and minutes.
Statement of Facts	It is the written report made following the form provided by PNSA for those purposes that must be kept by the captain of the Ship, the Shipping Agent and PNSA recording, with indication of date and time, of all the facts related to the Loading operation.
ETA (<i>Estimated Time of Arrival</i>)	English anagram that indicates the estimated time of arrival of the Ship in the port.
ETD (<i>Estimated Time of Departure</i>)	English anagram that indicates the estimated time of departure of the Ship from the port.
Special Holidays	Are the Christmas, New Year and Good Friday that go, in that order, between 15:00 of the 24 th of December until 09:00 hours of the 26 th of December; from 15:00 of the 31 st of December to the 09:00 hours of the 2 nd of January, and from 15:00 hours of Maundy Thursday until 09:00 hours of Easter Saturday.
Force Majeure	It is any event defined in Article 9.3 of these Rules.

Draft survey	It is the procedure carried out by the Official Marine Surveyor to determine the weight of the respective Cargo. The Draft Survey will take place in up to three inspections, an initial, an intermediate one and a final inspection. The Draft survey in its initial and final phase will be performed by the Official Marine Surveyor and its cost will be on the charge of the User. The Draft survey in its intermediate phase will be directly made by the persons responsible for the Ship with the purpose of determining the amount yet to be loaded in the holds.
Facilities	Are Puerto Nuevo's Port Facilities made up by the Port Elements in the terms of Article 5.11 of Law 1 of 1991 and the Concession Contract.
Free Platique	It is the authorization of the Colombian Authorities that a Ship requires of to enter a port, to embark or disembark. To load or unload goods, allowing it to start activities of embarking and / or disembarking of passengers and crew members, as well as to start operations to load or unload goods or supplies, as correspond.
Environmental License	It is the Environmental License granted by Ministry of the Environment, housing and Territorial Development (today Ministry of the Environment and Sustainable Development) and by the National Environmental Licensing Authority (ANLA), in resolutions 435 and 729 of 2009; 447, 448, 759 and 2765 of 2010; and 1493 and 1817 of 2011; and 314 and 601 of 2012; 1337 of 2015; and 416 of 2016, and all other administrative acts that amend, supplement and / or repeal them enacted by the Environmental Authority, for the construction, operation and maintenance of Puerto Nuevo. For the purposes of these Rules, the Environmental License also comprises the Environmental Impact Study approved by the above-mentioned resolutions, as well as the data sheets, plans, programs and, in general, the instruments that establish requisites, obligations and conditions that PNSA must meet to prevent, mitigate, fix, compensate and manage the environmental effects of the activities authorized and developed in Puerto Nuevo.
Wharfage	It is the port service provided by PNSA that consists of providing a mooring point at a dock of Puerto Nuevo and destined to the attention of Ships and tug boats.
Ship	Vessel that receives and transports the Cargo at Puerto Nuevo.
Ship with equipment for the handling of cargo	It is a ship that has on – deck equipment, such as towers, cranes, conveyor belts, hoppers, hatchets and rigging in general..

Spot Ship	It is a Ship that has not been previously Nominated, namely that it has not requested port access beforehand, and that has not received instructions of PNSA to arrive in the Port, and therefore it does not have an assigned Laycan.
Nomination	It is the notification that the Users or Shipping Agents must make to PNSA regarding the Ship must arrive in Puerto Nuevo in an agreed Laycan
NOR – (Notice of Readiness)	English anagram that means notice of readiness and which means that the Ship is ready in every way to start the Loading, including the timely delivery of the correct documentation.
IMO	It is the International Maritime Organization – IMO, an entity attached to the United Nations’ Scheme, that promotes the safety of life at sea and the care of the marine environment, and that has official and permanent presence in more than 150 member countries, including a representative from DIMAR.
Port Operator	It is any business enterprise registered with the Port Authority and with PNSA that provides services in Puerto Nuevo directly related to the Port Activity, such as Loading and unloading storage, platique, stevedoring, onshore handling, local handling of cargo, dredging, emptying and filling of containers, classification, recognition and use services, sampling, mooring and Unmooring, boat service, opening and closing of cargo holds, minor repairs, tally, lashing, rental of equipment and any other activity carried out in a port.
Other Services	Are the services other than the Port services and the Integral of Port operation Services including, but not limited to services of sampling of coal or maintenance of railway equipment.
PNSA Website	http://www.puertonuevo.com.co
Laycan	It is the period of time that corresponds to ten (10) calendar days, in which a Ship must arrive in the dock or, if the same is occupied, to the designated anchoring zone, and send a valid NOR.
Pilot	It is the person expert in the knowledge of the meteorological, oceanographical and hydrographic conditions of the jurisdiction of the Santa Marta Port Captaincy with jurisdiction over Puerto Nuevo, of the international regulations to prevent collisions, of the nearby navigation aids and trained to handle the queries of the captains of the Ships, among other activities, who must be accredited and qualified with the license issued by the National Maritime Authority, in the relevant category.

Loading plan and sequence	It is the procedure agreed between PNSA and the captain of the Ship to carry out the operation of Loading of the Ship, identifying the order of the cargo holds, the number of tons to be loaded in each one of them, in each sequence, which will establish the conditions necessary to do the Loading with the maximum safety for the Ship and its crew, preventing damages thereof, optimizing the port occupancy times and keeping the Demurrages in Puerto Nuevo to a minimum.
Access Policy	Is the Access Policy issued and disclosed by PNSA pursuant to Resolution 2734 of the 10 th of July of 2013 of the Transport Ministry, which sets forth the rules under which it will be possible to have access to port services at Puerto Nuevo, according to the provisions of Law 1 of 1991 as amended, supplemented and repealed from time to time as well as in the Concession Contract and which has been published in PNSA'S website.
PNSA	It is the acronym of Sociedad Portuaria Puerto Nuevo S.A., the company that is the holder of the Port Concession granted by virtue of the Concession Contract, as well as of the Environmental License.
PSC (Ports' State Control.)	It is a ship inspection program whereby foreign ships that come to the territorial waters of a State are boarded and inspected to ensure that they comply with the quality and safety standards for vessels required by the maritime international conventions in force, in particular: SOLAS Convention, MARPOL Convention, the International Convention on Training Standards, Certification and Guards for Sailors (STCW), Loading Lines Convention (LL), international convention on Regulations to Prevent the Collisions at Sea (COLREG) and Agreement No. 147 of the International Labor Organization on Merchant Navy (Minimum Standards) (ILO 147).
Port	It will have the meaning assigned by Article 5.11 of Law 1 of 1991, according to which <i>"It is the set of physical elements, including works, access channels, facilities and services that allow benefiting from a coastal area or an area of the embankment of a river in favorable conditions to perform operations for the Loading and unloading of all types of vessels, exchange of merchandise between overland, maritime and / or river transit. The port terminals, wharfs and docks are located inside the Port."</i>
Puerto Nuevo	It is the public – service port for the export of coal granted in concession to PNSA by virtue of the Concession Contract for the export of coal.

Rules	Are these Puerto Nuevo's Port Technical Operation Conditions Rules.
Rules for the Pilots' Service	Are the rules of the Maritime Authority for the training and issuance of the license that acknowledges the suitability of the Pilots.
Rightship	It is a company that provides vetting services respecting the ships and inspections thereof. For further information consult the following website: http://www.rightship.com
SATSEX (Saturdays, Sundays, Holidays Excluded)	English Acronym that means Saturdays, Sundays, Holidays excluded, used as framework of the laytime.
SSHINC (Saturdays, Sundays, Holidays Included)	English Acronym that means Saturdays, Sundays, Holidays Included, used as framework of the laytime.
Port services	Are the use of facilities to the cargo, storage, wharfage and public utilities' services.
Integral Port Operation Services	Are those other than the Port services and Other Services, such as (i) services provided onshore including those required by the access of the railway equipment or ships to Puerto Nuevo, or the handling and loading of the cargo or (ii) services related to the distribution such as, for example, the unloading of coal, the handling of the cargo at the yard and the transportation on conveyor belts in Puerto Nuevo.
Fees	Are the fees applicable for Puerto Nuevo, including the Regulated Fee and the Non - Regulated Fee. According to Law 1 of 1991, the Fees must cover the costs and expenses of the Port, as well as to adequately remunerate the equity of the shareholders of PNSA.
Regulated Fee	Are the fees that PNSA, in its capacity as port company and public service port, shall charge to the Users for the provision of Port services, according to the regulation in force at each moment, issued by the Superintendence of Ports and Transportation published in PNSA'S website.
Non - Regulated Fee	Are the fees that PNSA will charge to each User for the Integral Port Operation Services.
Ton	Metric Ton, equivalent to 1.000 kg.
Trimming	Leveling of the cargo inside a cargo hold.
TRM	It is the representative market rate of the U. S. Dollar and the Colombian Peso, as certified by the Financial Superintendence of Colombia.
Turn time	It is the maximum time established to start the Loading operation after the NOR is accepted by PNSA and which, once expired, means the start of the Laytime. In the case of Puerto Nuevo are 12 hours, but it can be extended to 18 hours depending on the ship and on PNSA'S criterion.

UKC	English anagram of Under Keel Clearance or draft tolerance between the keel of the ships and the sea bed.
Use of Facilities	It is the service provided to the Users of Puerto Nuevo and for which PNSA receives the relevant Regulated Fee.
Users	Are the Ship Owners, the owners of the cargo, the Port Operators and, in general, any person who uses the Facilities or receives services at Puerto Nuevo, according to the definition incorporated in Article 5 of Law 1 of 1991 including those Users who have a Contract in force signed with PNSA.
WIBON (<i>Whether in Berth or Not</i>)	English Acronym whether in Berth or Not
WICCON (<i>With Customs Cleared or Not</i>)	English Acronym meaning With Customs Cleared or Not
WIFPON (<i>With Free Platique or Not</i>)	English Acronym meaning With Free Platique or Not
WIPON (<i>Whether in Port or Not</i>)	English Acronym meaning Whether in Port or Not.
WWD (<i>Weather Working Day</i>)	English Acronym meaning working day in acceptable weather conditions

1.4 Requisites of technical capacity and professional suitability for the provision of the services.

The Users and Port Operators must accredit enough technical capacity and professional suitability for the compliance with the obligations resulting from the provision and / or development of port activities at Puerto Nuevo, in compliance with the requisites and following the procedures established for these purposes by PNSA, as well as by the Colombian Authorities if required because of the nature of the service and / or of the activity to be carried out.

1.4.1 Registration and Supply of Information by the Users.

The Users, Port Operators and Shipping Agents who intend to access, carry out activities and / or provide services at Puerto Nuevo must have previously registered with PNSA, and will be responsible for the veracity and update of the information provided. The presentation of the registration application before PNSA is a clear and express expression that the applicant authorizes the treatment of the information registered in the terms of Law 1581 of 2012, and who knows and accepts the conditions of liability and other standards of these Rules.

The information provided by the Users, Port Operators and Shipping Agents to PNSA has, for all purposes, the nature of confidential information, reserved for the exclusive use for which it was requested according to the laws and according to the policies and standards in force about safety of the information.

1.5 Obligations

1.5.1 Obligations of the Port Operators

Without prejudice to the obligations planned for the Users of Puerto Nuevo established in these Rules, the Port Operators that will operate, provide services and / or carry out activities at Puerto Nuevo must be duly registered with PNSA and will have the following special obligations:

- a. Maintain in force their registration as Port Operator with the Superintendence of Ports and Transportation, according to the port activities performed.
- b. Perform only the operations, services and port activities for which it has been registered with PNSA.
- c. To register with PNSA the equipment and the dependent and / or subcontracted personnel that it requires for the adequate provision of the services on their charge.
- d. To comply with all the standards and regulations established by the Colombian Authorities, as well as with the procedures and instructions given by PNSA, for the safe, adequate and efficient development of its operations.
- e. To comply with the environmental obligations derived from the Environmental License and from the environmental standards applicable to the operations and services provided at Puerto Nuevo. For these purposes, PNSA shall carry out the required activities within its reach to disseminate and make known to the Port Operators such environmental obligations as well as to verify their performance.
- f. To inform to PNSA any irregularity that it may detect in the performance of its activities and of those observed in the provision of the services by other operators that affect the safety and efficiency of Puerto Nuevo.
- g. To comply with the obligations, to fill the forms and to abide by the procedures defined by PNSA regarding the personnel used for the provision of the services, social security and occupational health, regarding the tools and equipment implemented, guarantees and insurances, invoicing and payments, use of facilities and payment of public utilities' services.
- h. The Port Operators who provide services to the Ships must be registered with DIMAR as companies that provide maritime services.
- i. To comply with the other provisions and obligations derived from these Rules and with the regulations in force.

1.5.2 Obligations of the Shipping Agent

Pursuant to the provisions in force regarding this subject matter, the Shipping Agent represents onshore to the owners or Ship Owners of the Ships that arrive and Load at Puerto Nuevo and have, for all legal purposes, the powers and obligations established in the Articles 1489 et seq. of the Commerce Code.

The Shipping Agents appointed by the Ship Owners or charterers will strictly comply with these Rules and must be previously registered with PNSA.

The Shipping Agents have the obligation to coordinate, see to and supervise all the services requested by the Ships represented by them, throughout the entire time in which the same stay at Puerto Nuevo, and they must provide to PNSA all the information required for the scheduling, coordination, provision and supervision of the services requested and to see to those services according to the schedule established. Likewise, the Shipping Agents are responsible before PNSA and / or third parties for the damages derived from their negligence in the timely attention of the services that the Ships may require.

When there are changes in the representation of a Ship during the permanence of the Ship at Puerto Nuevo, the new Shipping Agent shall be responsible before PNSA for the payment of all services rendered to the Ship as from the notification of the change of agent. The new Shipping Agent must serve notice to the Maritime Authority and to PNSA of the change of representation of the Ship stating the date and hour as from which the change takes place, and submitting the supporting data that evidence the change.

The process of registration of Shipping Agents before PNSA, as well as the list of Shipping Agents registered with the Port, shall be available at PNSA'S website.

1.5.3 Obligations of the Users

The Users of Puerto Nuevo shall have the following obligations:

- a. To comply with the standards and instructions established by PNSA for the normal performance of the activities at Puerto Nuevo.
- b. To maintain in force the permits or licenses required by the law for the performance or provision of their services and to accredit them before PNSA upon their expiration and / or when so requested.
- c. The Users who provide port services or who carry out activities at Puerto Nuevo have the obligation to comply with all the labor related and contractual obligations with their workers according to the Colombian legislation in force, including the payment of salaries, legal benefits, self - appraisal of the general integral social security system, para - fiscal contributions and all other legal and extralegal employment benefits. PNSA may demand at any time the evidences of payment and certifications that prove the

compliance with these obligations and order the suspension of the Port access if there are irregularities or defaults in this regard. Under no circumstances there will be any involvement or joint and several liability between PNSA and the personnel hired by the Users.

- d. Prior to the start of activities at Puerto Nuevo, all the Users must have the approval of PNSA, after completing their registration according to the requisites established by the Port. The registration of a User does not mean that PNSA assumes any liability whatsoever towards third parties regarding the suitability of the persons registered, or regarding damages caused in the activities that it carries out at the port.
- e. To update the information provided to PNSA upon the expiration stipulated and / or whenever this is requested.
- f. To provide the services and to carry out only the activities and works for which it has received the authorization of PNSA.
- g. To inform to PNSA any irregularity that it may detect in the performance of its activities and those observed in the provision of the services, that affect Puerto Nuevo's safety and efficiency conditions.
- h. To answer before PNSA and before third parties for the conduct and the performance of the personnel on its charge while in Puerto Nuevo, be them direct employees, subcontracted, supplied or independent contractors, as well as for the damages caused by that personnel.
- i. To abide by the instructions given by PNSA for the compliance with the obligations and requirements derived from special customs' and tax schemes granted by the DIAN, in particular the Free Trade Zones regime of which PNSA is a beneficiary.
- j. To pay in a timely manner to PNSA the invoices generated by the services provided, areas assigned and obligations acquired directly due to their activity at Puerto Nuevo.
- k. To purchase the insurance policies and / or to provide the securities that allow covering the risks derived from the services and activities carried out at Puerto Nuevo, according to the classification and risk studies performed by PNSA.
- l. To comply with all other provisions and obligations derived from these Rules and from the applicable regulations.

1.5.4. Protection of Ships and Port facilities (PBIP).

Puerto Nuevo is a certified port facility according to the regulations of the PBIP Code endorsed by the Maritime Authority. In consequence, the safety standards for the Port, the Cargo and the Ships are the ones established in the PBIP Code of Puerto Nuevo, as determined in these Rules.

CHAPTER II - ORGANIZATION AND MANAGEMENT OF PUERTO NUEVO

2.1 Organization

2.1.1 Description of PNSA

PNSA is a corporation incorporated by private document of the sole shareholder dated on the 10th of March of 2009, amended several times, identified with the NIT 900.273.253-2, with its main place of business in the municipality of Ciénaga, department of Magdalena and registered with the Santa Marta Commerce Chamber under No. 1500043.

The main corporate purpose of PNSA includes the promotion, construction, maintenance, administration, operation and the provision of port services for the export of coal, from a public service port in jurisdiction of the municipality of Ciénaga, department of Magdalena, as well as the performance of typical activities of an industrial user of services exclusively in the Permanente especial Free Trade Zone declared inside the geographic area in which Puerto Nuevo is installed.

2.1.2 Functions of PNSA

The following are the functions of PNSA according to the provisions of the Concession Contract and the applicable provisions:

- a. To manage and operate Puerto Nuevo in a safe and efficient manner.
- b. To carry out the works necessary for the adequate maintenance of the Facilities.
- c. To carry out the works for the expansion of Puerto Nuevo whenever necessary and within the framework of the Access Policy.
- d. To guarantee the efficient rendering of the public maritime transportation service.
- e. To render the port service according to the provisions of the Concession Contract, these Rules, to Resolution 0850 of 2017 of the Transport Ministry and the provisions that amend, clarify or replace them, the service agreements entered into with its users and with the rules issued for such purposes.
- f. To cooperate with the vigilance and control duties discharged by the Superintendence of Ports and Transportation.

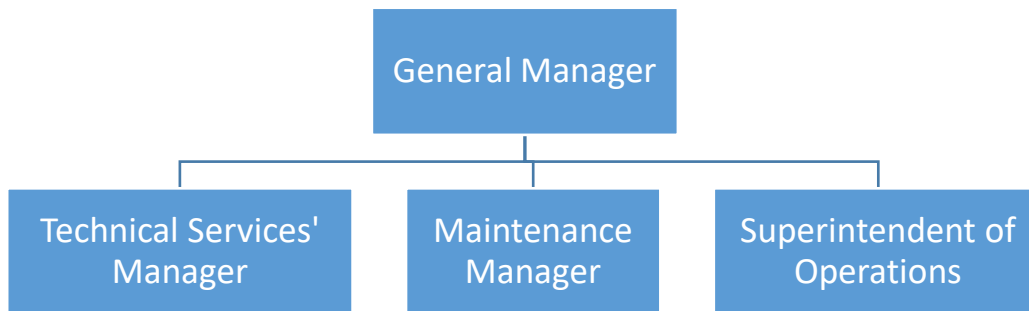
- g. To comply with its obligations before the Colombian Authorities.
- h. To comply with the environmental standards, the Environmental License and the SOLAS Convention. In the event that amendments of the activities authorized and contemplated in the Environmental License are required, PNSA will make the relevant report to the Environmental Authority for its evaluation and approval, according to the legislation applicable.
- i. To comply with the obligations derived from the Concession Contract.
- j. To carry out, subject to the Concession Contract and its amendments and throughout the term of the port concession, the maintenance of the Access Channel and the Turning Basin. This obligation includes to carry out the dredging or cleaning of the accessory and maneuvering zones comprised within the public use zone granted in concession and in the public use zone in which PNSA built the Access Channel in the terms of the Concession Contract.
- k. To comply with the international treaties, conventions and agreements ratified by the Republic of Colombia related to the port activities carried out by PNSA, as well as to see to the recommendations and guidelines adopted by the Colombian Authorities, related to the operations and port services that are provided at PNSA.

2.2 Administration of Puerto Nuevo.

2.2.1 Administration and Operation Model

For the functioning and operation of Puerto Nuevo, PNSA adopted a management system that allows it to provide efficient and safe services aimed to make of it a competitive port facility in the international theatre. For these purposes, PNSA utilizes management systems that involve personnel, equipment, infrastructure, information systems and in general all the resources and technology available that so require.

The administration of Puerto Nuevo shall be in the charge of the General Manager, of the Maintenance Manager, of the Technical Services' Manager and of the Superintendent of Operations and their respective support areas, according to the organizational chart and the functions set forth below:



- a. **General Manager:** It is the person responsible for the approval of the plans in the areas of Operations, Maintenance, Environmental, Safety and Community Development, also, of the financial management of the operation for which it must assess and approve the costs of operation, maintenance, environmental and social management and safety.

The General Manager will see to the due compliance with PNSA'S environmental regulations, including the commitment of the environmental obligations set forth in the law, in PNSA'S Environmental License and in the obligations described in the Rules.

- b. **Maintenance Manager:** for performing, implementing and executing the preventive maintenance and major repairs in the Port Facilities, including the major equipment ensuring the availability of the equipment and of the infrastructure for the adequate, efficient and safe operation of Puerto Nuevo.
- c. **Technical Services' Manager:** Is the person responsible for the performance, implementation and execution of the preventive maintenance and major repairs on the Access Channel, the Turning Basin and the navigation aids' plan guaranteeing the availability of the equipment and of the infrastructure for the adequate, efficient and safe operation of Puerto Nuevo.
- d. **Superintendent of Operations:** It is the person responsible for the coordination and coordination with the DIMAR of the entry and exit of ships through the Access Channel, the coordination and control of the sequence of the Loading of ships, coordination of activities and operation with the Maritime Authority and the coordination of activities and documentation with the Users, Port Operators and Shipping Agents.

2.2.2 Relationship with the Users.

The relationships between PNSA and the Users are on the charge of the Superintendent of Operations or of the person delegated by him.

2.2.3 Fee Structure

PNSA shall charge the Fees that may be applicable for the Port services, for the Integral Port Operation Services and the Other Services provided, as well as for the access and the use of the

Facilities of Puerto Nuevo, according to the provision of the respective Contracts, the Access Policy and the Colombian law. Those Fees shall be set in Dollars of the United States of America and the payment thereof shall be subject to the procedure set forth in the following article.

The Regulated Fees and those applicable to the use and access to the Facilities of Puerto Nuevo are attached to Rules as **Exhibit 53** "Fees". The Non – Regulated Fees shall be established in the respective Contracts that PNSA may enter into with the Users, as the case may be.

2.2.4 Invoicing Protocol

The invoices shall be issued by PNSA in Colombian pesos, for which the fee amount calculated in dollars according to the Fees will be converted into Colombian pesos using the TRM of the day on which the relevant invoice is issued, with the exception of the case of invoices and payments made using compensation accounts, in which case the invoicing and payment will be directly made in dollars.

PNSA may agree with the Users that the invoicing and payment of the services provided by PNSA to be made in US Dollars subject to the foreign exchange regulations applicable in Colombia. In this case both PNSA and the User will be individually liable for the compliance with all the foreign exchange obligations on their charge derived from the payment modality subject to the foreign exchange regulation applicable, including, but not limited to, the compliance with the obligations regarding the Colombian Central Bank ("Banco de la República" and before any Governmental authority.

The invoices will be payable in Colombian Pesos, or in Dollars of the United States of America in the cases in which such invoicing and payment is defined subject to the foreign exchange provisions applicable in Colombia, within thirty (30) calendar days after the date in which the User has received the invoice.

In the case of delay in the payment of one, several or all the invoices due by the User, either because it expressly or tacitly accepted the invoice, or because it was rejected in an unjustified manner, the User will pay to PNSA late payment charges of mora calculated at 1.5 times the current banking interest starting on the date in which the payment should have been done and until the Day in which the payment finally takes place.

2.2.5 Quality management system.

The quality management system implemented at Puerto Nuevo is based on Standard ISO 9001 and comprises a management system by processes to achieve efficiencies and permanent improvements in the Port's processes.

2.2.6 Access Policy

Puerto Nuevo is a public service port and therefore PNSA will grant permanent or temporary access to Puerto Nuevo, provided that there is available capacity in the terms of the Access Policy and the terms and conditions of operation established by PNSA both in these Rules and in that Access Policy are complied with. The Access Policy of Puerto Nuevo is incorporated to these Rules as **Exhibit 52**.

2.2.7 Communication and Information System

The exchange of information required to carry out the operations can be made by means of written communications, personalized attention, e - mails, phone attention and through the IT systems defined by PNSA, seeking swift and reliable processes that allow the access, control, safety and conservation of the data.

2.2.8 Corporate Governance Scheme

PNSA will comply with the provisions set forth in the regulations in force and in its by – laws, in relation to Corporate Governance issues, pursuant to the provisions of the “*Exhibit - Scheme of Corporate Governance*”, which is part of these Rules (**Exhibit 3**).

CHAPTER III – INFRASTRUCTURE AND ACCESSES

3.1 Access Channel.

The maritime access of the Ships to the dock of Puerto Nuevo is made through the Access Channel.

The Ships will approach to the position of mooring of Puerto Nuevo or to the mooring position of other ports located in the area, through an Access Channel approximately eight (8) kilometers long, two hundred and forty (240) meters wide and twenty point three (20,3) meters deep.

The maximum depth of the Access Channel is of approximately 22 meters and the minimum depth of the Access Channel is of approximately is of 20.3 meters.

Any material change in the average depth of the Access Channel detected based on the bathymetry studies will be informed to the Port Authority and to the Maritime Authority, to the Shipping Agents and to the User. Pursuant to the foregoing all the bathymetry studies, cleaning campaigns, maintenance dredging and other activities required to maintain the minimum depth established for the transit of the vessels according to the Concession Contract and subject to the conditions established in the Environmental License for those purposes,

The plan and the coordinates of location of the Access Channel are incorporated in **Exhibit 7** “*Maritime Area - General Plan*” and in the **Exhibit 8** “*Access Channel and Turning Basin Coordinates*”.

3.2 Turning Basin.

The Ships that come into the Access Channel to receive Cargo at Puerto Nuevo's Loading dock according to the access procedure applicable for such purposes will perform the required maneuvers in a turning basin of approximately 600 meters x 1.350 meters and a depth of approximately 20,3 meters, the location coordinates and plan of which can be found in **Exhibit 7** "Maritime Area - General Plan" and in **Exhibit 8** – "Access Channel and Turning Basin Coordinates".

In the terms of item 3.5 of these Rules for the entry and exit of the vessels, the Turning Basin will have the navigation aids approved by the Maritime Authority in agreement with the provisions of the Environmental License for the management of the signaling of the basin and the maneuver areas.

3.3 Berthing Areas.

The Ships' berthing areas are described below:

Length	347 Meters
Width	60 Meters
Depth	20.3 Meters
Type of Bottom	Silt and Clay, Not Rocky

3.4 Loading Jetty and Dock.

The direct loading system to the Ships has a jetty of approximately 1.7 kilometers and an average height of approximately 6 meters above the level of the sea.

The system utilized for the construction of the dock is that of concrete slabs on steel piles (*deck on piles*). The design of the slab was made according to standard ACI 318 (*Building Code Requirements for Structural Concrete*).

The calculations of the strength of the dock and of the jetty were made by the firm Saipem SA, that was in charge of the design and construction of the structures, utilizing the software SAP2000 version 14.20 and according to the standards of the *American Institute of Steel Structure AISC-ASD*, and the maximum strength of the structure is of 170 tons, utilizing as reference the maximum capacity of the crane used in the maintenance of the structure.

The Loading dock has approximately three hundred and forth seven (347) meters and the Ship loader is on it. The Loading dock has two (2) berthing positions, each one with thirteen (13) mooring points, and has the defenses adequate to absorb the minor impacts of the Ship against the dock, without prejudice to the liability assumed by the Ship in the terms of these Rules.

The dock defenses can absorb 1500 kJ at a reaction force of 2000 kN each. On its part, the Mooring Bollards and Quick Release Hooks are designed to support 1500 kN each.

Below is the list of the elements that make up the dock:

Defenses	Bitts	Quick Release Hooks for the lines of the vessels:
<p>Loading dock</p> <p>Twenty Six (26) defenses brand Quayquip model QCN1600. Thirteen defenses on each side.</p>	<p>Loading dock</p> <p>Fourteen (14) bitts brand Quayquip model ETG BOLLARD D350 1500kN GA. Seven bitts on each side.</p>	<p>Four (4) quadruple hooks, brand Straininstall model H.1500.HN.HRC.01</p>
<p>Tug Boats' Dock</p> <p>Thirty three (33) defenses brand Quayquip model QPA500.</p>	<p>Tug Boats' Dock</p> <p>Seventeen(17) bitts brand Quayquip model ETG BOLLARD D270/200 500/150kN GA.</p>	<p>Eight (8) dual hooks brand Straininstall model H.1500.HN.HRC.01 (B)</p>

3.5 Navigation aids.

The navigation aids installed on the Access Channel and on the Turning Basin were approved by the Maritime Authority in Resolutions Nos. 0023 of the 29th of January of 2013, 0561 of the 12th of November of 2013 and 0078 of the 21st of January of 2016, as well as those that amend, supplement or repeal them from time to time, in compliance with the exigencies of the International Association of marine Aids and Lighthouse Authorities (*IALA*). The navigation aids installed in Puerto Nuevo include (i) one (1) sea buoy for the access to the Access Channel; (ii) fourteen (14) marker buoys that demarcate the Access Channel; and (iii) three (3) marker buoys that demarcate the Turning Basin.

The location and characteristics of the navigation aids installed at Puerto Nuevo can be found in Exhibit 7 "*Maritime Area - General Plan*" as well as in Exhibit 10 "*Description and Location of the Navigation aids*" of these Rules.

No private marking or mooring buoy may be installed on the Port's waters, excepting with the prior authorization of PNSA and of the Maritime Authority and according to the conditions that PNSA and the aforementioned authority establish. In the event that the installation of buoys is authorized, be them marking or mooring ones, the same must be maintained on the owner's sole cost and risk, keeping them in good conditions at all times.

The updated information related to the approach to Puerto Nuevo will be available at PNSA'S website.

3.6 Navigation Dangers

- a. The eventual risks to the navigation will be related to both the lack of coordination of the transit on the Access Channel as well as to the traffic of small vessels on the Access Channel and on the Turning Basin of Puerto Nuevo.

To minimize this risk, the Maritime Authority will see to the compliance with the procedure for the use of the Access Channel. PNSA will work with the communities of the area of influence of Puerto Nuevo to raise the awareness, according to the legal terms, in order to inform the dangers to the navigation of minor boats that transit through the Access Channel. The procedures to coordinate the transit of minor boats through the Access Channel and other facilities will be established in such awareness work.

- b. In case of accidents in the facilities of Puerto Nuevo, not limited to the Access Channel or to the dock, as well as in the maneuvering areas that may constitute a danger for navigation, it will be necessary to inform forthwith to the Port Authorities as well as to the Marine Authorities, indicating the geographic position in which the loss occurred, in order to coordinate, in a joint manner, the corrections required according to the Mutual Aid Plan in force in the port zone.
- c. If the Ship Owner, the Shipping Agent, or the owner of the Ship do not take the measures necessary to mark the danger and to remove the hazardous objects, PNSA, upon consultation with the Maritime Authority, can coordinate the hiring of the signaling and the removal on the charge of the Ship Owner, its Shipping Agent or the Captain of the Ship, as well as the other actions that could be implemented.

3.7 Anchoring Areas.

The Ships berthing in Puerto Nuevo shall anchor at the areas assigned and determined by the Maritime Authority, which will be plotted in the Official Nautical Cartography published by that Authority and divulged through the respective "Notices to the Seaman".

3.8 Conditions of Ballast, UKC and Operational Draft

The Ship must arrive in ballast conditions of that allow an optimal maneuverability. The draft tolerance between the keel of the Ships and the bottom (UKC) will be at all times of at least 10% of the maximum draft of the Ships, taking into account the meteorological conditions, the seat, the heel, the margin of error of the bathymetry and the sedimentation.

The maximum draft allowed of the Ships in all the maritime areas of Puerto Nuevo is of 18.4 meters.

Pursuant to the provisions of this item PNSA will perform the measurements for the water management according to the behavior of the flow in the channel and will report it to the Environmental Authority according to the provisions of the Environmental License.

3.9. Programs for the Maintenance of the Depth of the Access Channel and of the Turning Basin, and Bathymetric Information

Pursuant to the provisions of the Concession Contract, currently PNSA has the obligation to make, during the term of the Concession Contract, the maintenance of the Access Channel and of the Turning Basin. This obligation includes the monitoring of depths by bathymetries, the performance of dredging or cleaning works on the accessory zones and of comprised maneuvering one that so require inside the public – use zone of handed over in concession and in the public – use zone of the Access Channel (sector not handed over in concession as per the terms of the Concession Contract) to maintain the Facilities in optimal operational safety conditions, to allow the safe transit of the Ships.

a. Bathymetries

For the monitoring of the depths of the Access Channel and of the Turning Basin the performance of bathymetric surveys every 4 months, approximately, has been planned, which are performed with mono - beam echo sound and sub-metric positioning system. The longitudinal and transversal lines that cover the work the areas extend 40 m beyond the limit thereof.

b. Maintenance dredging

The campaigns for the maintenance dredging of the depths of the Access Channel and of the Turning Basin are planned to be carried out every 3 or 4 years. Without prejudice to the foregoing, and taking into account the erosion levels that occur in Puerto Nuevo's maritime zone of, the depths of these areas are regularly monitored to see to the safe navigation of the Ships and to have the information that allows programming the dredging maintenance in a timely manner. In any case PNSA will perform the dredging activities subject to the technical and operational criteria required to mitigate alterations of the geomorphology of the dredged zones, of the properties of the soil, changes of the dynamics of the marine waters, alterations of the marine communities, as well as to prevent the pollution with solid waste according to the provisions of the Environmental License for those purposes.

The results of the most recent bathymetric survey are attached to these Rules (**Exhibit 9**) and the same will also be available at PNSA'S website.

3.10 Vehicular, Railway and Pedestrian Accesses

a. Entry and Exit of personnel, Contractors and Visitors.

The entry and exit of the Facilities of the personnel who work Puerto Nuevo, contractors and visitors is through the pedestrian and vehicular entry and exit located at kilometer ten (10) of the national road that goes from Ciénaga to Santa Marta, in the department of Magdalena.

Exhibit 4 – *“Control of Entry and Exit of People, Vehicles and Goods”* incorporates the procedure implemented in PNSA for the control of access and exit of personnel and of vehicles.

b. Access of Elements and Goods.

The entry of elements and goods to Puerto Nuevo will mainly take place using the main gate located at the pedestrian and vehicular entry determined in the preceding paragraph, for which the security and protection measures described in **Exhibit 4 “Control of Entry and Exit of People, Vehicles and Goods”** will be implemented, as well as the procedures implemented for the entry and exit of goods according to the Free Trade Zone regime under which Puerto Nuevo operates, as per the provisions of these Rules.

c. Access of the Cargo.

According to the Environmental License and the Concession Contract, Puerto Nuevo receives the coal exclusively by railway. At PK 346 + 441 of the national railway line that goes from Bogotá to Santa Marta there is a railway junction that allows the entry of the train to the Facilities. Puerto Nuevo owns a *loop* or railway spur of approximately 10.7 kilometers enable to receive two trains, one in its unloading operation and another parked waiting for its turn time to start the unloading.

3.11 Stockpiling Yards and Coal handling Systems.

The storage of the Cargo in Puerto Nuevo is exclusively done in the yards built for those purpose in the Port in compliance with the provisions of the Environmental License for the air and particulate matter emissions’ management program.

The Stockpiling Yards have a practical capacity of one million three hundred and sixth thousand (1.360.000) Tons and the coal stockpiling system has a nominal capacity of eight thousand (8.000) Tons per hour.

The Stockpiling Yard is continued in an area surrounded by berms to the west, east and side thereof, lined with vegetation of a height of 17 meters, and have three sectors for the receipt of coal with an average length of 1.149 meters and an amplitude per yard of 40 meters, with the exception of the central yard, which has a stockpiling amplitude of 95 meters.

In the yards two (2) stackers/reclaimers with a nominal capacity of eight thousand (8.000) Tons per hour are installed, which travel along two parallel belts that enclose the central yard, which have systems for the control of the pollution and for the moistening of the cargo at the transfer points between the conveyor belts and along the Stockpiling Yard using water cannons aimed to the coal piles located at the yard.

The two (2) stackers/reclaimers have three operation functions, Stockpiling Yard stockpiling mode, bypass mode for the direct loading of ships and reclaim mode for loading from the Stockpiling Yard towards the Ship.

The coal handling system starts in the railcar unloading system, from where the coal is transported to the yard in which there are two (2) stacker / reclaimers and continues with the conveyor belts’ system that has an approximate length of seven (7) kilometers. The system also has a buffer silo

with a capacity of two thousand five hundred (2500) tons, which allows continuing the flow of coal when the Ship Loader is changing cargo holds.

The conveyor belts system used has weight scales at strategic points of the system, as well as equipment for the detection and extraction of metals.

3.12 General Description of the Facilities, Infrastructure and Main Equipment.

Puerto Nuevo has facilities for the receipt, storage, handling and Loading of coal directly to the Ships. The existing structures and Facilities of Puerto Nuevo for the adequate provision and development of the services and port activities include (i) the railcar unloading system; (ii) the Stockpiling Yards and the coal handling System; (iii) the jetty and the shipping dock; (iv) the direct loading system of Ships; (v) the Turning Basin; and (vi) the Access Channel.

In compliance with the requirement of Decree 3083 of 2007 according to which in all the maritime ports of the country, the loading of coal onto Ships must be made using a direct loading system utilizing for those purposes conveyor belts, at Puerto Nuevo no loading operations take place in the anchoring zone.

Without prejudice to the Puerto Nuevo's existing Facilities described in this Chapter, any material adjustment made to these and / or to the detailed information about them will be published in PNSA'S website, under the section "*Existing structure and Facilities*". In any case and seeing to the procedures established in the law, PNSA will inform and carry out the environmental proceedings required before making any modification to the existing structure and Facilities, which includes, but is not limited to, obtaining the Environmental License, in case that the modification so requires.

The facilities of Puerto Nuevo have adequate lighting and cleanliness conditions for the efficient provision of the port services.

These Rules incorporate **Exhibit 5** "*General Plan of the Facilities of Puerto Nuevo*", **Exhibit 6** "*Property Plot Plan - Puerto Nuevo*" and **Exhibit 7** "*Maritime Area - General Plan of Puerto Nuevo*".

3.12.1 Trains' unloading station

The entry of the Cargo to Puerto Nuevo is exclusively made by railway and the unloading of the coal is made only through the trains' unloading station ("*TUS*") of Puerto Nuevo. The TUS is the initial station of the conveyor belts' system that make up Puerto Nuevo. Said station has three levels. The first level is designed to receive the bottom discharge railcars, place from which the operation is monitored and performed from the TUS cabin by means of the regulation to a maximum nominal rate of (8.000) Tons per hour of the 8 (eight) hoppers for the receipt of coal that can be found in the lower level. That flow of coal is afterwards transported by an initial conveyor belt towards a third lower level in which the coal unloaded is transported on conveyor belts to the Stockpiling Yards or directly to the Ship located at the Loading dock. That station has systems for the monitoring and control of metals and pollution, as well as a system for the washing of railcars in the service of the Port Users.

3.13 Port operation Equipment – Direct System for the Loading of Ships (Shiploader).

Puerto Nuevo has a direct loading system with encapsulated conveyor belts for the coal export operations. The dock at Puerto Nuevo has two (2) positions for the berthing of Ships and one (1) Ship Loader with a nominal loading capacity of eight thousand (8.000) Tons per hour, which travels along the dock and has the capacity to load a ship in any of the two positions available at the dock.

The minimum distance between the Ship Loader and the coaming of the cargo holds shall be of one (1) meter. The Ship Loader also has systems for the control of pollution in its transfer systems, as well as around the bucket of the equipment, including schemes of supervision to control the dumping of material into the sea. The maximum Air Draft of the maritime zone of Puerto Nuevo is of 17,1 meters.

3.14 Facilities for the Receipt of Garbage from the Ships

Puerto Nuevo does not have facilities to provide the service of receipt of garbage from the Ships. In the event that a Ship requires this service, the captain must request it through the Shipping Agent, who will coordinate it, on its part, with a business enterprise duly registered with the Superintendence of Ports and Transportation as Port Operator, authorized by the Maritime Authority and by PNSA. Said business enterprise will be the one in charge of the handling, transportation and final disposal of the Ship's garbage subject and in compliance with the applicable regulations to the provisions of the MARPOL 73/78 Convention, pursuant to which it must have all the licenses and environmental authorizations required, as well as a system for the receipt, transportation, storage, handling and treatment of elimination and final disposal of the garbage approved by the Authorities and PNSA.

3.15 Other Facilities

Puerto Nuevo has other Facilities for the adequate provision of the services, as well as for the use of the administrative and operational personnel, visitors and Users, including (i) internal ways and bridges, (ii) equipment maintenance, (iii) administrative offices, (iv) sanitary batteries, (v) dining rooms.

3.16 General Characteristics of Puerto Nuevo.

The general characteristics of Puerto Nuevo are as follows:

Conditions	Meters / Description
Width of the Access Channel	240 m
Depth of the Access Channel in low tide	20,3 m
Length of the dock	347 m
Depth of the dock in low tide	20,3 m
Depth of the turning basin in low tide	20,3 m
Height of the dock in high tide	Approximately 6,6 m
UKC	Minimum 10% of the draft of the Ship

CHAPTER IV - GENERAL SERVICES TO THE SHIPS AND TO THE CARGO

4.1 Anchoring Areas.

4.1.1 Hours for the Provision of Administrative Services

The work hours the provision of administrative services will be determined by PNSA and will be available at PNSA'S website.

4.1.2 Hours for the Provision of Port services

The services to the Ships and onshore services to the Cargo shall be provided by PNSA and according to the demand of its services 24 hours a day, 365 days of the year, excluding the Special Holidays.

PNSA can change the times for the rendering of services according to the operational or maintenance needs of Puerto Nuevo. In that event, it will inform the Users, in a timely manner, of the amendments made. Any change to the hours of provision of services will be informed, in a timely manner, on PNSA'S website.

4.2 Conditions for the Provision of the Services

PNSA shall render port services to the general public according to the provisions of the Concession Contract, the Access Policy and these Rules.

The services that PNSA may provide include the activities of unloading of railcars, the storage of coal, the direct Loading of Ships, services to the cargo (onshore services), and all those typical of a Port Operator with railway facilities.

The Users and Ship Owners, through their Shipping Agents, may request the provision of port services additional or supplementary to those provided by PNSA, which will be provided by Port Operators registered with the Port Authority, who have satisfactorily completed PNSA's registration procedure described in **Exhibit 12 "Management of Port Operators"** and who assume the payment of the respective fees.

Pursuant to the obligations derived from the Concession Contract and for the benefit of the Users, PNSA maintains an adequate supervision of the operations and port services provided at Puerto Nuevo, as well as the surveillance of the different areas of the Port.

4.3 Documentation for the Provision of the Service

4.3.1 Documents Prior to the Start of the Loading.

Before the start of the Loading of the Ship the User, or the Shipping Agent, as corresponds, must present to PNSA, without prejudice to the documents that it must present to the Colombian Authorities, the following documents:

- a. DIAN's shipping Authorization
- b. Certificate of Inspection of cargo holds issued by the Official Marine Surveyor.
- c. NOR
- d. Initial reading of the Inspection of Drafts
- e. Loading plan and sequence
- f. PBIP Checklist and interface
- g. Safety Checklist.

Included as **Exhibit 15** of these Rules is the *"Checklist Prior to the Start of the Loading"* which is integral part thereof.

4.3.2 Documents at the end of the Loading.

At the end of the Loading of the Ship the User, or the Shipping Agent, as corresponds, must give to or confirm with PNSA, for statistical and invoicing purposes and without prejudice of the documents that it must present to the Colombian Authorities, the following documents:

- a. Loading Completion Note
- b. Results of the Ship's Final Drafts Inspection
- c. Statement of Facts
- d. Receipt of the quantity shipped
- e. Certificate of sub – aquatic inspection, whenever the authority so requires
- f. Bill of Lading or receipt of cargo signed by the Captain.

4.4 Verification of Information and Documents

PNSA shall verify the information and the documentation furnished by the User or by the Shipping Agent and it will refrain from authorizing the start of the Loading of the Ship if the documentation is incomplete or has errors or inconsistencies.

4.5 General Services

4.5.1 Use of the Access Channel and the Turning Basin

The Access Channel is of public service, and therefore it can be used by the Ships berthing at Puerto Nuevo and at the neighboring port facilities according to the access procedure applicable or these purposes and subject in all cases to the respective coordination of the Maritime Authority. On its part, the use of the Turning Basin is restricted to the Ships that will arrive in the dock of Puerto Nuevo. Both the Access Channel and the Turning Basin shall have the navigation aids approved by the Maritime Authority in agreement with the provisions of the Environmental License for the management of the signaling of the basin and the maneuver areas in the terms of item 3.5 of these Rules.

According to the law, the control of the maritime traffic in jurisdictional waters and in the national ports will be coordinated by DIMAR, in coordination with the National Navy and the Superintendence of Ports and Transportation.

Without prejudice to the foregoing, and considering that the Access Channel is of public use, PNSA will not be responsible for any act, loss, damage, delay caused to its users, arising from acts or omissions of third parties that are Users of the Access Channel or that provide services in the Access Channel or in the Turning Basin.

4.5.2 Control of the Maritime Port Operations

Puerto Nuevo has operational personnel that provide their services in shifts and in that way guarantees their availability twenty four (24) hours of the day, three hundred and sixty five (365) days of the year. Each shift team is led by a Supervisor of Operations who is the person in charge of seeing to the compliance with all the Health and Safety, environmental and operational policies required at the Port, coordinating the efficient execution of the activities related to the receipt, storage and loading of the coal onto the Ships and performing, among other, the following functions:

- a. See to the compliance with the planning of the services, in compliance with all the requirements stipulated in the integral planning of the respective operation, as the same is agreed between the User and PNSA.
- b. Supervise that there are no contaminations to the Cargo with metallic elements from its entry to Puerto Nuevo and up to its loading, in order to prevent any damage to the Port's equipment, as well as any claim of the Users due to Cargo contaminated with metallic elements, verifying the adequate operation of the systems provided for such purposes, such as metal detectors, magnetic separator, grills, etc.
- c. Control that the emissions of particulate matter generated by the handling of the Cargo at Puerto Nuevo do not exceed the maximum levels allowed of pollutants in the air according to the environmental regulations in force, through the moistening of the material to be shipped in PNSA without exceeding the *Transportable Moisture Limit* (TML) established by the User.
- d. Preserve the Cargo with the parameters of receipt of the User protecting the integrity of the equipment used in the operation, in compliance with the control and security, environmental, health and safety.

- e. Control the quantity of Cargo unloaded from the trains and loaded on board the Ships.
- f. Guarantee that the temperature of the coal to be loaded does not exceed the figure established in the IMSBC code, in compliance with PNSA'S health and safety at the workplace standards, the environmental regulations, and generating as little as possible impact on the operation.
- g. Guarantee the implementation of the critical controls during the maneuvers of berthing of Ships.

4.5.3 Security Surveillance in the Port's Areas

4.5.3.1 Security Measures for the Receipt of the Cargo.

Puerto Nuevo's security personnel may check the security station with a risen sentry station in which the personnel may check that no persons or things other than the Cargo are in the railcars and engines.

4.5.3.2 Access of vehicles and persons.

Every person who comes to Puerto Nuevo must present an identification document and allow the review of bags, rucksacks, boxes, luggage or any package that they carry. The visitor must be authorized by an employee of PNSA, who will be answerable and responsible for the visitor during his or her stay in the facilities.

The procedure shall be repeated at the operations gatehouse in the event of access to the Loading dock and of the personnel transportation vessels.

It is not allowed to carry firearms or explosive items in the facilities. Also, it is not allowed to bring sharp items or alcoholic beverages or narcotic substances.

To enter to Puerto Nuevo, the train locomotives, or any other vehicle, must be in optimal conditions of operation and safety (including maintenance conditions that prevent the leak and the emission of pollutant gases) and also comply with the requirements established in the traffic regulations, with the requirements established in the traffic regulations, in the PBIP Code, those required for the free trade zones by the Customs Authority and in PNSA's Industrial Safety Rules. Their owners and drivers will assume the risks while they are in Puerto Nuevo and will be answerable for their actions.

4.5.3.3 Circulation and Operation of equipment in the Facilities.

For the circulation in the Facilities the signaling provided by PNSA must be followed, as well as the safety measures set forth by the Port, which can be enforced by all personnel at PNSA, including security personnel.

It is forbidden to bring vehicles to the Cargo storage zones.

The Stockpiling Yard, the docks, the electric substations, and the stations for the operation of equipment are restricted access areas.

4.5.3.4 Infractions regarding Safety.

The persons or workers of companies registered with PNSA, as well as any user of Puerto Nuevo will be liable for the infractions to these Rules and have the obligation to follow the instructions given by PNSA pursuant to its function as manager of Puerto Nuevo in the terms of these Rules and according to the law. PNSA can take reasonable measures to prevent and sanction such infractions.

4.5.3.5 Detailed Description of the Security Systems.

Exhibit 51 “Description of the Security System” contains the main elements of protection and physical security implemented in Puerto Nuevo.

4.5.4 Conditions of Lighting.

Puerto Nuevo’s lighting system is made up by poles with luminaires installed on the different areas of the Port, as follows: (i) on the internal roads, concrete poles every 33 m with luminaires installed at a height of 10 m; (ii) at the loading jetty and dock, concrete poles every 33 m with luminaires installed at a height of 9 m; (iii) at the Tug Boats’ Dock, metallic poles with luminaires installed at a height of 6 m; and (iv)) in the perimeter, concrete poles every 33 m with luminaires installed at a height of 10 m.

4.5.5 Port’s Cleanliness Conditions.

The cleanliness conditions and the systems of the different areas of Puerto Nuevo are described in **Exhibit 11** of these Rules.

4.6 Services to the Ships

4.6.1 Types and Characteristics of the Ships for their Loading at Puerto Nuevo

The characteristics of the Ships that can be served at the Puerto Nuevo’s Loading dock according to their technical conditions are the following:

Maximum Average Length (LOA)	301 m
Maximum Width (beam)	50 m

Maximum displacement	240,000 t
Ships' size range	20,000 – 209,000 DWT

Puerto Nuevo has no restrictions to serve Ships because of their LOA (length between perpendiculars) or molded depth.

PNSA may, at its discretion, serve Ships with dimensions other than the ones set forth above subject to the operational and safety parameters of the Port. In this event the review and approval for the service of those Ships will be made for each particular case.

4.6.1.1 Requirements of the Ships for the utilization of Puerto Nuevo.

The Ships to which PNSA provides Loading services must comply with the requirements established by the Port Authority, as well as with the provisions of these Rules and other regulations applicable, without limiting to the environmental legislation applicable to the Ships.

For a Ship to be accepted at Puerto Nuevo, its Shipping Agent must confirm that the Ship complies with the following requirements:

- a. The Ship must not be older than twenty (20) years.
- b. The Ship must be insured with P&I (Protection and Indemnity) insurance and comply with the PBIP Code and the ISM Code.
- c. The Ship must comply with the minimum requirements established by PNSA in respect to the risk rating of the ship granted by Rightship or following international standards, according to the information published in PNSA'S website.
- d. The ship can unballast only waters from the Caribbean Sea and the Central Atlantic, in the terms established in the Law and in the regulations issued by the Maritime Authorities. PNSA reserves the right to reject future nominations of a Ship that carried out unballast activities that Puerto Nuevo that may cause environmental risks, operational demurrages or involve maritime safety risks.
- e. In the case of a Ship with Cranes or booms, it must previously coordinate the compatibility of its Ship with the Loading conditions of Puerto Nuevo.
- f. The Ship must have a Safety Management Certificate and a valid copy of the Document of Compliance issued in the terms of the ISM Code.
- g. The Ship must carry an International Ship Security Certificate as well as all other certificates and requirements established by the IMO.
- h. The ship must be equipped with rat barriers or other adequate methods to prevent the transit of rats between the ship and the dock.

- i. The Ship or the State of its flag cannot be vetoed or catalogued as substandard under any recognized international organization, and it cannot be in the list of Ships that have been considered by PNSA as incompatibles or unsafe to load at Puerto Nuevo.
- j. The Ship, or its Owner, cannot be or have been included in the lists of the U. S. Treasury, the European Union, the United Nations or any other official entity governing or enforcing the application of international sanctions, as amended from time to time.
- k. The Ship Owner, directly or through its Shipping Agent is responsible for the payment of all the fees and rates of Puerto Nuevo, and the money must have been received prior to the arrival of the Ship in order to authorize the mooring and the cargo services.
- l. Any additional cost arising from or related to the services to be provided by PNSA to the Ship (including but not limited to the conditions of arrival and the inspection of the Ship) must be exclusively paid by the Ship and / or the Shipping Agent.

No Ship, of whatever tonnage, class and nationality can arrive in Puerto Nuevo, without prior notice and without the due coordination with PNSA. Notwithstanding the forgoing and provided that a Ship meets all the requirements of the Colombian Law and does not breach any of the requirements of an environmental nature described in this Article and in the Colombian law, PNSA can accept, case by case and in its own discretion, Ships that do not meet the requirements set forth in this article. Specifically, the authorization to be granted by PNSA cannot be granted whenever such authorization may have environmental impacts that cannot be mitigated or compensated.

4.6.1.2 Laycan and Nomination of the Ship.

- a. Without prejudice to the provisions of these Rules, the Laycan for the Loading must be agreed between the User and PNSA at least thirty (30) days in advance from the first day of validity of the respective Laycan.
- b. Anyway, no less than fourteen (14) days before the start of the Laycan, the User must make the Nomination of the respective Ship. Any Ship that is not nominated with such notice shall be declared a Spot Ship.
- c. For the purposes of the Nomination, the respective PNSA needs to have all the relevant documents to nominate a Ship including, but not limited to, the following information:
 - i. Name and nationality of the Ship (including its previous name, as the case may be)
 - ii. Net Registered Tonnage (T.N.R.), Gross Registered Tonnage (T.B.R.), Dead Weight Tonnage (DWT)

- iii. Length, width, draft and Air Draft, number, size and type of cargo holds and Loading doors
 - iv. The names of the Ship Owner, the captain and Shipping Agent
 - v. ETA in PNSA and position at the time of Nomination
 - vi. Estimated Time of Departure (ETD)
 - vii. Estimated Loading Capacity
 - viii. Type of Ship, class and classification of society, P&I club, and build year
 - ix. Daily Fee of Demurrage and Dispatch
 - x. The list of hazardous cargo on board and its classification based on the Hazardous Goods International Code
 - xi. Number of crew members
 - xii. Duly filled Puerto Nuevo Entry Form, to be provided by PNSA
 - xiii. List of the last four (4) ports visited by the Ship
 - xiv. Information related to the cargo transported in the last four (4) trips
 - xv. Any other information and / or certificates timely requested by PNSA, or that the captain of the Ship considers as important for the management of the Cargo or the safety of the Ship at Puerto Nuevo.
- d. The notifications delivered in respect to a ship before that ship is nominated to PNSA will only be considered as received at the time of Nomination of said Ship.
 - e. The nominated Ships, and any Replacement Ship, shall be accepted or rejected by PNSA, within twenty four (24) hours SATSHEX after the receipt of the Nomination of the Ship, provided that all the information of the Ship required in this article has been delivered to PNSA.
 - f. The Ship that has been announced and confirmed, that arrives in the Port at the time announced, will have precedence over the Ships that had not complied with these requirements and the other provisions established by PNSA.
 - g. The Nomination of a Ship by the User means the acceptance of the content of these Rules.

- h. The User may request the substitution of a Ship up to five (5) days before the ETA of the Ship initially nominated and confirmed. As from the receipt of the substitution request, and in case that the substitution is accepted by PNSA, PNSA will have five (5) days to accept the NOR of the substitute Ship. The substitute Ship must have characteristics and dimensions of cargo similar to those of the Ship initially nominated. PNSA may, at its own discretion, accept substitute ships with demurrages rates different to those of the Ship initially accepted and nominated. In any case, if the ETA informed in the notice substitution is subsequent to the start of the Laytime time and the User seeks to remain within that period, the Nomination of the substitute Ship must occur at least five (5) business days before the end of the Laytime. The acceptance of PNSA of the nominated Ship is final and subsequent substitutions will take place.

4.6.1.3 Loading plan and sequence.

The Captain of the Ship must: (i) timely send to PNSA a Loading plan and sequence, in any case, before seventy two (72) hours before the ETA of the Ship and (ii) reach an agreement with PNSA about the final Loading plan and sequence forty eight (48) hours before the berthing of the Ship.

The Loading Plan must be filled following the form provided by PNSA, which must be available in PNSA'S website. Said Loading Plan must consider, among other aspects, the following: (i) if the Ship will not be loaded with full holds, empty holds or not completely full ones must be available; (ii) must be prepared based on the habitual stowage factor of Ship Owners without guarantee; (iii) it must indicate if the Ship has restrictions regarding maximum draft or tonnage loaded; (iv) must include any particular instruction or restriction to be taken into account during the Loading process; and (v) must point out if the intention is for all the cargo holds to be loaded at the maxima capacity.

The Captain of the Ship will be liable for the movements of the Ship during the respective Loading process and the Trimming of the cargo holds.

The Loading plan must consider a maximum of two passes (2) for every cargo hold and the Trimming of a maximum of two (2) cargo holds.

The Ships will be loaded following the guidelines of the International Maritime Solid Bulk Cargoes Code (*ISMBC Code*) according to the requirements of the Captain, under its supervision and liability and according to the terms agreed between PNSA, the Captain and the User.

All the coal contained in the conveyor belts must be deposited in the ship upon the termination of the Loading.

If there is any event that means the alteration of the Loading plan and sequence, the Captain of the Ship must inform it through a revised Loading plan and sequence and it will be subject to the respective approval of PNSA.

4.6.1.4 Notification of ETA and information prior to arrival.

The captain of the Ship, or the Shipping Agent, once the Ship receives the instructions of the Ship Owner or leaves the port of origin, must: (a) send the first ETA notice to PNSA; and (b) send additional ETA notices 10, 7, 5, 3, 2 and 1 day (s) before the arrival of the Ship in Puerto Nuevo. These notices are in addition to any other notice established in the respective charter agreement. Likewise, the Captain or the Shipping Agent must inform, in an immediate manner, any difference of more than the twenty four (24) hours to the ETA notified in the aforementioned terms.

4.6.1.5 Conditions of arrival and Inspection of the Ship.

- a. All the Ship's cargo holds must be clean before the arrival in Puerto Nuevo's Loading dock.
- b. The Ships will be anchored or moored by their captain and crew with the assistance of the Pilot, in the place determined by PNSA, after the designation of the mooring area by the Maritime Authority.
- c. Upon the Arrival of the Ship in Puerto Nuevo and before PNSA authorizes the Loading operations, an official visit will be made to the Ship by the competent Colombian authorities, according to the applicable regulations. Once the visit is ended and if there are no situations and motives preventing it, the Port Captain will declare the Free Platique for the Ship. The foregoing, without prejudice to the provisions of Decree 910 of 2017 as amended or replaced from time to time, regarding the early authorization for the start of the Loading operations of the Ships before the official visit of arrival takes place and in compliance with the instructions given by the Colombian Authorities.
- d. Before the start of the Loading operation, the User will appoint an Official Marine Surveyor to make a cleanliness inspection, which should issue a certificate stating that the Ship is clean and free from pollutants and that its holds are free from residues of any previous cargo, heavy oxide, or loose materials that could pollute the coal.
- e. If upon the arrival of the Ship the holds are not clean, PNSA can order the Ship to leave the dock at the cost of the Ship Owner and it will only be accepted for Loading after it has received a certificate issued by the Official Marine Surveyor at Puerto Nuevo indicating that the Ship's cargo holds are clean, dry and free from pollutants. In this case, the NOR must be sent once again in the terms of these Rules.
- f. If because of congestion upon the arrival of the Ship it is sent to anchorage, PNSA will try to make the cargo holds' cleanliness inspection no later than twenty four (24) hours after sending the valid NOR within the laycan. If such cleanliness inspection is made within twenty four (24) hours after sending the valid NOR within the laycan and the cargo holds do not pass the cleanliness inspection, the ship will only be accepted for Loading after receiving the certificate of the Official Marine Surveyor in PNSA indicating that the Ship's cargo holds are

clean, dry and free from pollutants. In this case, the NOR must be sent once again in the terms of these Rules.

- g. If the cleanliness inspection is made after twenty four (24) hours after sending a valid NOR within the laycan and the cargo holds do not pass the cleanliness inspection, the time count will be stopped from the moment in which it is determined that the cargo holds are not clean and it shall only be counted once again once the certificate of the Official Marine Surveyor in PNSA indicating that the Ship's cargo holds are clean, dry and free from pollutants and ready in all aspects for Loading, is received.

For the avoidance of doubt, if the cleanliness inspection made in the terms of this Article 43.5 of these Rules is made in the dock and the Cargo Holds do not pass the inspection, PNSA may order the Ship to leave the dock at the Ship Owner's cost.

- h. In case that the Cargo Holds do not pass the cleanliness inspection, all the costs derived from said circumstance, including, but not limited (when applicable) leaving the dock, new inspections, hiring of launches to make inspections and loss of the Turn, will be on the Ship Owner's charge. Any additional expense will be assumed by the ship.
- i. The Ships will not be coal cleaned at the dock or in the sea in any case whatsoever.
- j. No hazardous goods can be brought into the Port, unless: (i) they have been declared according to the provisions of these Rules and PNSA has expressly authorized their entry in the Port, and (ii) it is certified, in original and copy, the compliance with the IMO rules regarding packaging, markings, labels and tags according to the International Maritime Code on Dangerous Goods (IMDG), in the terms of the Industrial Safety Rules and of the Contingency Plan.
- k. The Ships at the dock must have one or more real scales tied to the ship and duly lit during the night. The Captain of the Ship is responsible for the adequate lighting of the Ship to prevent accidents of persons and damages to the Facilities.

4.6.1.6 Forwarding of the Notice of Readiness - NOR.

It shall be considered that a Ship regarding which a Nomination has already been presented pursuant to these rules has arrived in Puerto Nuevo only as from the moment in which it is moored at Puerto Nuevo's dock and when it is ready in all respects to receive the cargo. This is the position in which a valid NOR can be sent.

If at any time the Ship cannot enter Puerto Nuevo due to deficiencies of the Ship or other causes or obstacles, the NOR cannot be sent. If the dock is occupied, the Ship will be sent to the anchorage zone, where the Captain must send its NOR and inform if it is WIPON, WIBON, WICCON, WIFPON.

If the Ship is not ready in all aspects for the Loading and /or the cargo holds do not pass the cleanliness inspection, the conditions of arrival of the Ships set forth in these Rules must be applied.

In this case, PNSA may order that the respective ship leaves the dock at the Ship Owner's cost and that it loses its Turn (in case that another Ship, that is also within its Laycan, is awaiting to moor at the dock).

Also, if a ship sends its NOR without having the certificate of compliance of the PBOP Code, the NOR must be sent once again, once that certificate is received by PNSA to its satisfaction.

4.6.1.7 Determination of the Turn time, the Laytime and Demurrages.

- a. The Turn Time of a Ship that is within its Laycan will last up to twelve (12) hours as from the time in which PNSA received a NOR, unless any of the following exceptions occur:
 - i. That the ship arrives before its Laycan, in which case the Turn Time will not start before the 00:01 hours of the first day of the Laycan.
 - ii. That the ship arrives within five (5) days after the replacement of the Ship to be loaded, in which case the Turn Time must not begin before the 00.01 hours of the fifth day after the replacement.
 - iii. That the ship arrives within seventy two (72) hours after the receipt by PNSA of the information of the Loading Plan and Sequence required in the terms of these rules, in which case the Turn Time will not start before the term of seventy two (72) hours have lapsed.

In the event that one or more of the aforementioned exceptions occur, the respective Turn time will start upon the expiration of the term applicable to the last of the exceptions that may have occurred. Under no circumstances the Turn time will start in an early manner.

The Turn time will be informed by PNSA to the Ship.

- b. The Laytime will start counting upon the termination of the Turn, unless the Ship arrives (i) without an agreed Laycan (*Spot* ship), (ii) without the notification of fourteen (14) days ETA, or (iii) after the termination of the Laycan, events in which the Laytime will be counted from the beginning of the Loading.

The Ships arriving after their Laycan must wait in the anchorage zone until called to the dock, as other ships that arrive within their laycan will have the priority.

Within fourteen (14) days after the date of issue of the Bill of Lading, PNSA will forward to the User the calculation to determine the Ship's Laytime.

- c. The Demurrages start upon the termination of the Laytime.
- d. Both the Laytime and the Demurrages stop when the Loading is ended.

- e. At all times, but not limited to when there are poor weather forecasts, the captains and crew of the anchored ships must remain on board, get the second anchor ready for anchorage, lift scales and get the machines ready to depart if necessary.

4.6.1.8 Exceptions to the Counting of the Turn Time, Laytime and Demurrage

- a. The following exceptions are applicable to the counting of the Turn Time and the Laytime:
 - i. In the Special Holidays, and before the first day of the Laycan, the only time counted shall be the time used during the Loading operation.
 - ii. If the Loading starts before the termination of the Turn Time, the time counted will be the actual time used in the Loading operation and up to the end of the respective Turn time.
 - iii. In case of weather conditions that pose dangers or involve risks to the Loading operation in the opinion of PNSA, of the Captain of the Ship or by order of the Maritime Authority, that make necessary to unmoor the Ship from the Loading dock. In this event PNSA will stop the Loading process and the Laytime will not be counted.
 - iv. In the Draft Inspections.
 - v. When there are failures in the power network that supplies electricity to PNSA that affect the Loading operations.
- b. The following exceptions apply to the counting of the Turn time, the Laytime and the Demurrages:
 - i. The time lapsed from the first of (i) anchorage; or (ii) the boarding of the Pilot and the moment in which the Ship is in the dock completely prepared in all aspects to be loaded, will not be counted.
 - ii. The times lost due to inefficiencies or any other cause attributable to the Ship, its captain, crew or Ship Owner or Shipping Agent that affects the Loading or the mooring of the Ship shall not be counted.
 - iii. If the Loading is interrupted by the Ship to carry out activities on behalf of the Ship Owner, any time spent will not be counted.
 - iv. The Ship must have included in the Loading Plan and Sequence enough de – ballasting capacity to allow PNSA to achieve the nominal Loading rates established in these Rules. If the de – ballasting operation does not allow to maintain the continuous Loading operation, PNSA may order to suspend the Loading until the Captain of the Ship confirms that the Loading can be resumed with no further interruptions until its completion. Any time lost as a consequence if such interruptions will not be counted

and PNSA may transfer the Loading operations to another Ship if the Ship tries to stop the Loading Process to continue with the de – ballasting.

- v. If the cleanliness inspection of the cargo holds fails.
- vi. When the Ship Owner / the Captain of the Ship forbid the Loading at any time, unless such prohibition is made due to the existence of unsafe conditions derived from the use of the Ship’s Loading gear, provided that the Ship complies with the characteristics of maximum dimensions set forth in these Rules.
- vii. Any force majeure event.
- viii. Any visit for police inspections, judge inspections, or inspections of any other Colombian Authority that mean that the Loading operations must be stopped.
- ix. The occurrence of accidents beyond the control of PNSA that prevent or delay the Loading.
- x. Any judicial seizure or sequestration of the Ship.

4.6.1.9 Loading Rates and Conditions

For the purposes of the Loading operation at Puerto Nuevo, the following conditions must be met:

- a. The guaranteed Loading rates of a Ship are the ones specified in the below table:

Cargo Size in Mt	Guaranteed Volume (Tons per WWD)
25.000 to 35.000	20.000
35.001 to 50.000	25.000
50.001 to 70.000	30.000
70.001 to 90.000	35.000
90.001 to 120.000	40.000
120.001 to 150.000	45.000
In excess of 150,001	50.000

- b. The Demurrages and the Dispatch shall be calculated on the deviation from the ranges established in the preceding item.
- c. The Loading rates established above are for WWD of 24 consecutive hours SSHINC excluding Special Holidays.
- d. The Loading of one type of coal must be completed before the start of the Loading of a different type of coal.

- e. The Loading conditions below to 25.000 Mt, will be analyzed and approved by PNSA in each particular case.
- f. The Loading operation of must consider a maximum of two (2) for each cargo hold.

4.6.1.10 Loading of additional coal

The captain of the Ship, or its designate, is the one responsible for the safe Loading of the Ship. If the captain of the Ship requests it, and provided that it does not interfere with other Ships' Loading and Sequence Plans, PNSA can load additional coal in the Ship after the end of the scheduled Loading, and this Loading will not be considered Trimming.

For these purposes, no Loads of less than ten thousand (10.000) Tons will be loaded. Similarly, the procedure for the Loading of additional coal may require a minimum of twenty (20) minutes considering the location of the stockpiling yards in the Facilities.

PNSA shall not be responsible for loads of less than expected by the Ship Owner or the Ship when it complies with the Loading of the number of tons initially requested by the User. This means that PNSA will not be responsible for the dead freight that may generate because of the request of additional Loading, once PNSA has complied with the initial Loading.

Once the Loading operation of is completed according to the provisions of the Loading plan and sequence provided and for the purposes of determining the period of Laytime and of Demurrage prior to the Loading of additional coal, only the time actually used in the additional Loading will be taken into account.

4.6.1.11 Hiring of the Official Marine Surveyor

The User will hire, at its cost, an Official Marine Surveyor who will certify the number of Tons loaded onto the Ship.

4.6.1.12 Draft survey

The weight of the coal loaded onto a Ship shall correspond to the mass determined by the Ship's Draft Survey. To facilitate the performance of the Draft survey, the Ship must have access ladders at the place of the draft marks on the outside of the Ship. Also, the captain of the Ship must ensure the availability of a safety harness and adequate lighting for the use of the Official Marine Surveyor and the first mate of the Ship who perform the Draft survey. The draft marks on the Ship must be legible. The crew will refrain from doing operations with ballast pumps the purpose of which is to alter the results of the Draft Survey.

Each Ship will have the obligation to make an intermediate Draft Survey at 7:00 hours, local time, in order to determine the quantity of cargo at that hour, as the case may be, and the difference of cargo required to be loaded. This requirement is additional to the pre – final intermediate Draft Survey.

The maximum draft allowed of the Ships in the maritime areas of Puerto Nuevo is of 18.4 meters, unless if there is any particular restriction of the Maritime Authority. Taking into account that the Ship must be prepared to leave the berthing position at any time in the event of an emergency, during the time in which the Ship is moored at the dock of Puerto Nuevo its draft must not exceed 18.4 meters. Whenever there are favorable meteorological conditions and until there is agreement in that regard between PNSA, the Captain of the Ship and the Maritime Authority, drafts of more than the one determined above may be accepted, on a case by case basis.

The minimum draft required during the navigation in the Access Channel and the Turning Basin is the one that allows having 100% of the propeller and the 75% of the helm submerged for an optimal control of the Ship.

PNSA may, at its sole discretion, facilitate the use of its security launch to carry out the Draft Surveys, provided that this boat is available and in the understanding that this generates no obligation whatsoever on the charge of PNSA.

4.6.1.13 Statement of Facts.

During the Loading operation, the captain of the Ship, the Maritime Agent and PNSA shall keep a Statement of Facts.

4.6.2 Pilot Service

The use of the Pilot is mandatory for all Ships of national and foreign flag of more than of two hundred (200) tons of Gross Registration Tonnage (T.R.B.). In this context, the pilot service is mandatory for the Ships that arrive in Puerto Nuevo and comprises the advice to the Captain in the steering of the Ship for the entry and exit of the Port, mooring, unmooring, towing, traveling to and from the anchoring zone and, in general, any maneuver or motion within the Turning Basin and the Access Channel.

- a. The pilot service will be rendered according to the legal and regulatory provisions applicable, under the oversight and supervision of the Maritime Authority.
- b. The Pilot companies that provide services at Puerto Nuevo must be duly registered as Port Operators with the Superintendence of Ports and Transportation, as well as to meet the procedures arranged by PNSA for its registration.
- c. The Pilots must have all qualifications required by the regulations in force in this regard, have a high level of fluency in the English language and comply with the procedures and requisites established by PNSA for the provision of the Pilot service at Puerto Nuevo.
- d. The training and issuance of the license that recognizes the suitability of the Pilot will be the competence of the Maritime Authority according to the Rules of the Pilots' Service in marine, river and port zones of the Republic of Colombia.

- e. The training of the Pilots will be made according to the provisions of the Rules of the Pilots' Service of the Marine Authority and based on the additional requirements established by PNSA, in order to maintain the highest safety standards in the Facilities, and specifically in the service providers within the Port's Access Channel.
- f. Any Pilot wishing to provide its services in PNSA must have a valid license and comply with the legal and regulatory requisites for the development of the Pilot activity. PNSA shall have the power to demand from the Pilot, at any time, the accreditation of the requisites mentioned above.
- g. The request, hiring and coordination of the pilot service will be directly made by the Shipping Agent representing the Ship Owner.
- h. The Ships, of whatever nationality, classification, length, draft and gross registered tonnage, for the purposes of entering, docking, departing and making any movement or maneuver at Puerto Nuevo, must comply with the applicable provisions regarding the use of the Pilot.
- i. The Ship shall have a ladder for the Pilot. The shipping zone and the ladder must have convenient lighting during the night.
- j. The Pilot go on board of and disembark from the Ship in the points established by the Maritime Authority for those purposes, in compliance with the safety measures in force a PNSA and by the Ship.
- k. The advice of the Pilot does not release the Captain of the Ship from his responsibility and command in the navigation and during the maneuvers. His presence on board is his capacity as advisor of the captain of the Ship, who can accept or reject its recommendations.
- l. The captain will give to the Pilot all the information and support required for the performance of his duty.
- m. In the cases in which there is limitation for the pilot services because of tides, currents, winds, drafts, visibility or any other circumstance, PNSA and the Shipping Agent will determine, by mutual consent, the hour for the provision of the service.
- n. The category of the Pilots is that of an officer. Hence, the Ships' Captains have the obligation to give them room and board whenever necessary because of the provision of the service and pursuant to their duties, or when due to reasons of force majeure they must remain on board after the conclusion of their work.
- o. The supervision of the performance of the pilot service will be made by the Maritime Authority, based on the reports directly filed by the Pilots. In the event of faults or

infractions committed by the pilots' personnel, PNSA will inform the Port Authority in a timely manner so it can carry out the respective investigation.

- p. The Pilots who provide their services at PNSA are responsible for verifying the good operation of the navigation, propulsion and steering instruments, prior to the start of a maneuver.

4.6.3 Tug Boat Service

The use of Tug Boats for the maneuvers of the Ships is subject to the rules and rules issued by the Maritime Authorities, the Port Authorities and to these Rules. Every ship with Gross Registration Tonnage in excess of two thousand tons (2.000 ton.) has the obligation to use tug boats, with exception of the suction dredges in movement. The Ships with tonnage equal to or lower than two thousand tons (2.000 ton.) of Gross Registration Tonnage, may perform their maneuvers without the use of the tug boat, unless the Pilot so advises as necessary or PNSA expressly authorizes it.

According to the provisions of article 29 of Decree 1466 of 2004 and in order to guarantee the marine safety of the port zone of Ciénaga taking into account the characteristics of the Access Channel and the dimensions of the Ships that load at Puerto Nuevo, the number of Tug Boats and other elements for the support of the maneuver to be used will be those established in the regulations enacted by the Maritime Authority.

Without prejudice to the foregoing, in normal meteo - marine conditions, PNSA recommends to use the minimum number of Tug Boats set forth in the following table:

Item	Length (M)	# Tug Boats Berthing	# Tug Boats Sail M/V Moored with bow towards the Channel	# Tug Boats Sail M/V Moored with stern towards the Channel
1	Motor Ships of a length of more than 245 m	4	3	4
2	Motor Ships of a length between 200 m and 245 m	3	2	3
3	Motor Ships of a length of less than 200 m	2	2	2
4	Motor Ships of a length of less than 245 m and bow propeller with authorization for operation with bow propeller.	2	2	2

All the Tug Boats that provide assistance to the Ships at PNSA must comply with the national regulations as well as the international ones adopted by Colombia, and the standards for the safety

of the human life at sea, to have the equipment required for the authorization of the operation permit, to make the type of maneuvers for which they have been authorized and to have the navigability and safety certificates in force, issued by a Classification Society duly registered, authorized and recognized by the Maritime Authority.

4.6.3.1 Protocol for the Provision of the Tug Boat Service

The provision of the Tug Boat service at Puerto Nuevo will be subject to the following rules, according to the provisions of Exhibit No. 14, which is integral part of these Rules:

- a. The use of Tug Boats for the maneuvers of the Ships is subject to the rules and rules issued by the Maritime Authorities, the Port Authorities and to these Rules. Every ship with Gross Registration Tonnage in excess of two thousand tons (2.000 ton.) has the obligation to use tug boats, with exception of the suction dredges in movement. The Ships with tonnage equal to or lower than two thousand tons (2.000 ton.) of Gross Registration Tonnage, may perform their maneuvers without the use of the tug boat, unless the Pilot so advises as necessary or PNSA expressly authorizes it.
- b. The request, hiring and coordination of the Tug Boat service will be directly made by the Shipping Agent representing the Ship Owner. The Tug Boat companies that provide services at Puerto Nuevo must have and comply with all the standards and regulations enacted by the Maritime Authority, by the Superintendence of Ports and Transportation and by any other Authority, as well as to comply with the procedures and requisites established by PNSA for the provision of the Tug Boat service at Puerto Nuevo.
- c. The direction of the towing maneuver corresponds to the Ship that receives such service. In consequence, during the towing maneuver, the captain and the crew of the tug boat will be under the command and responsibility of the captain of the Ship.
- d. The Ship Owner and / or charterer of the Tug Boat and its captain are responsible for the damages caused by it during the operation of the Tug Boat due to its fault or negligence. The Ship Owner and the captain of the Tug Boats are liable for maintaining their equipment in full compliance with all the regulations of the Maritime Authority in order to safeguard the safety of the personnel.
- e. The Tug Boats shall be inspected, classified and qualified to operate by the Maritime Authority, according to the regulations issued by that Authority in this regard.
- f. Either the Maritime Authority or the Port Authority may request that a Ship, maneuvering in PNSA or that requests access to the port or that uses the facilities, to use the Tug Boat services if it so considers, in order to have a greater navigation security.

- g. In emergency situations, the Maritime Authority and the Port Authority, if they consider it as necessary for the safety of the navigation or the prevention of environmental damages, may order the tug boats to assist and provide services to the Ships.
- h. The Port Operators of Tug Boats that wish to provide services at PNSA must present to PNSA information related to the insurance certificates, technical data of the Tug Boats, and general inspection report regarding their condition, for each one of the Tug Boats in an annual manner. PNSA will evaluate this information of each one of the Tug Boats before authorizing their entry to PNSA, which must be in agreement with the law and the safety rules applicable to Puerto Nuevo. PNSA reserves the right not to admit Port Operators that endanger the safety of the facilities and of the maritime operations, situation that shall be brought to the knowledge of the Maritime Authority and of the Port Authority.
- i. The Port Operators who provide the service at Puerto Nuevo must have enough Tug Boats to remain with the Ship (or have the availability of Tug Boats at a maximum navigable distance of fifteen (15) minutes while the ship remains at Puerto Nuevo in order to have the possibility to empty the turning basin in an immediate manner, upon the notification of PNSA. The Tug Boats must be available to give assistance to the Ships during their stay at Puerto Nuevo until the time of shipping.

4.6.4 Mooring and Unmooring

The User will request the mooring and unmooring service through the Shipping Agent. The mooring and unmooring service shall be directly provided by qualified Port Operators and with the assistance of Tug Boats.

4.6.5 Wharfage

The User will request the wharfage service and the Ship may have a berthing point at the dock of Puerto Nuevo, provided that the conditions and requisites for the arrival of the Ships set forth in these Rules are met.

4.6.6 Opening and Closing of Cargo Holds

The opening and closing of the cargo holds of the Ships to proceed with the Loading activity are directly done by the captains of the vessels.

4.6.7 Conditioning of Cranes, Booms and Riggings

The User can request the service of conditioning of cranes, booms and riggings through the Shipping Agent and it shall be directly provided by Port Operators qualified and registered with PNSA.

4.6.8 Minor repairs

The User may request the services of minor repairs to the Ships through the Shipping Agent, which will be directly provided by Port Operators previously qualified and registered with PNSA, and which under no circumstances will affect the operationality of the Ship and of the Port. Those repairs will be approved and supervised by the Maritime Authority or its delegate.

4.6.9 Provisioning and Use services

The User may request, through the Shipping Agent, the supply or delivery of groceries, water or other provisions for the Ships, service that shall be directly provided by Port Operators qualified and registered with PNSA.

4.6.10 Receipt and / or Supply of Ballast waters

The service of receipt and / or supply of Ballast waters is not a service provided in the Port. Without prejudice to the foregoing, both the Port Operators who provide this service and the Ship that requires it must comply with the BMW Convention (*International Convention for the Control and Management of Ships' Ballast Water and Sediments*), Resolution DIMAR No. 477 of 2012 and all other regulations that deal with the handling and management of Ballast waters.

4.6.11 Fuel Supply

The User may request, through the Shipping Agent, the fuel supply service, which will be directly provided by Port Operators qualified by the Authorities and registered with PNSA according to the procedure included in **Exhibit No. 56** – Procedure for the Request, Handling and Supply of Fuel.

4.6.12 Launch Service

The User may request, through the Shipping Agent, the launch service for the transportation of passengers, service that shall be directly provided by Port Operators qualified and registered with PNSA.

4.6.13 Receipt of liquid waste and discharges

The User may request, through the Shipping Agent, the service of Receipt of liquid waste and discharges, service that will be directly provided by Port Operators qualified by the Authorities for those purposes and registered with PNSA.

4.6.14 Receipt of Solid waste

The User may request, through the Shipping Agent, the service of receipt of solid waste, service that will be directly provided by Port Operators qualified by the Authorities for those purposes and registered with PNSA.

4.6.15 Service of Surveillance and Security of the Ships

For the purposes of the security of the Ships, the crew and the Cargo, the ship will be recommended to have watchmen on board at all times while it remains in the area of Puerto Nuevo. In addition, PNSA shall have a security boat that will make routine inspections around the Ships, when the circumstances so warrant.

4.6.16 Public utilities' services

The User may request, through the Shipping Agent, the provisioning of the services of electricity and drinking water for the Ship, which shall be directly provided by Port Operators qualified by the Authorities for those purposes and registered with PNSA.

4.6.17 Fumigations

The User may request, through the Shipping Agent, the service of fumigation of the Ships, service that will be directly provided by Port Operators qualified by the Authorities for those purposes and registered with PNSA.

4.6.18 Rental of Equipment

The User may request, through the Shipping Agent, the rental of equipment, which shall be directly supplied by Port Operators qualified by the Authorities for those purposes and registered with.

4.6.19 Security of the Ships

- a. The Colombian Authorities may make deck and cargo holds' inspections, with or without dogs, as well as underwater inspections at the time of arrival of the Ship, before its departure from Puerto Nuevo, and at any time during its stay in it. During the underwater inspections, the propeller of the ship must be turned off and blocked and no pumping or discharge over board can be made. An alpha flag of the International Signaling Code must be raised, indicating the presence of divers underwater. The lost time for Loading operations during such inspection shall not be counted towards Laytime or Demurrages' time. The aforementioned measures shall also be applicable to the Ships anchored outside the designated Loading zone and that are waiting for Mooring.
- b. Notwithstanding the foregoing, the Ship Owners and the captain are ultimately the ones responsible to ensure the safety of the Ship and of the crew and the full compliance with these Rules and the norms of the Republic of Colombia.
- c. When the Ship is in PNSA'S facilities, those responsible of it must proceed with due diligence, maintaining a low speed so she can be decelerated and halted in the shortest time possible. The predominant conditions and the safety of the Ship are determinant in the speed to be used.

- d. The captain of the Ship shall have the obligation to comply, at all times, with the instructions given by the Port Authority, the Maritime Authority and / or PNSA, not limited to the berthing, mooring, anchoring and unmooring of the Ship.
- e. The captain of the Ship has the responsibility to apply the path rules when sailing inside the port or nearby, not limited to the Access Channel.
- f. In the terms established by the law and according to what has been implemented by DIMAR, the Ships that maneuver to exit the Port have the precedence over those approaching to enter the Access Channel. No Ship can cross the bow or in any way prevent the movements of the Ships that sail in the Port, and must give them all the space possible.
- g. The propeller system must be permanently available and enabled during the stay of the ship at the port, to be able to depart at any time. No major repairs can be made to the propellers without the authorization of Puerto Nuevo.
- h. No Ship is allowed to anchor in forbidden places or restricted zones, as informed by PNSA or the Maritime Authority or the Port Authority. The use of the anchor in the maneuvering zones is allowed only in the case of emergency during a mooring or departure maneuver or to facilitate the completion thereof.
- i. For nautical safety reasons, no Ship can anchor or remain, under threat of sanctions in the terms of these rules, in:
 - i. The restricted zones established by the maritime authority.
 - ii. The Access Channel.
 - iii. Any position that obstructs the approach to a anchoring zone or dock used by other Ships.
 - iv. The areas in which there are underwater cables or pipes.
 - v. Any position that can damage another Ship anchored or moored at a buoy.
- j. The steam or air sirens or similar instruments of whatever nature can only be used as signal of emergency or danger or during the maneuvers of the Ships according to the path rules.
- k. PNSA will keep a continuous and permanent monitoring of all the Ships that go to the port in order to coordinate their port operation.
- l. For the purposes of the security of the Ships, the crew and the Cargo, the ship will be recommended to have watchmen on board at all times while it remains in the area of Puerto Nuevo. In addition, PNSA shall have a security boat that will make routine inspections around the Ships, when the circumstances so warrant.

4.6.20 Additional Services to the Ships.

From time to time, PNSA may provide additional services to the Ships and Tug Boats, against a fee that will be previously informed according to the applicable provisions. Those additional services must be requested to PNSA through the Shipping Agent and may include:

- a. Transportation of personnel and equipment to the Ship.
- b. Supply of electric power to Tug Boats.
- c. Cleanup of the work front.

The Ship must coordinate with the Agent the payment of the sums of money applicable in case that it must remain in anchoring zone.

The scrapping of Ships within the facilities and the control thereof requires of the express written permit of PNSA and of the Maritime Authority. Once the prior authorization of PNSA and of the Maritime Authority has been received, the person requesting the scrapping must guaranty to PNSA and to the Maritime Authority the indemnification for the damages that may occur or the pollution that it may generate and that affect the Facilities, not limited to the port, the Access Channel, Turning Basin, anchorage and other access ways.

4.7 Services to the Passengers

Puerto Nuevo is a port facility exclusively dedicated to the handling, loading and export of bulk coal. In consequence, the port services provided at Puerto Nuevo, either directly or through Port Operators, do not include the embarkation and disembarkation of passengers, or the loading and offloading of luggage or vehicles in passage regime.

4.8 Services to the Cargo

4.8.1 Conditions of the Cargo.

PNSA will receive the Cargo free from pollution of rocks, clay, metals, stone, garbage or any other type of alien matter. PNSA shall not receive cargo with temperatures and granulometry that exceed the maximum values allowed by the industrial safety rules applicable.

4.8.2 Receipt

PNSA will receive the Cargo in the hours established in these Rules and according to the schedule that PNSA establishes for such purposes. Anyway, the total Cargo must have been delivered to PNSA not earlier than one (1) week or later than six (6) hours before the ETA of the Ship associated to that Cargo.

If the cargo has not been received or completed within that time, PNSA has the right to (i) change the order for the Loading of the ships; (ii) charge demurrages; and (iii) charge the storage fee associated to that cargo: and (iv) discount from then laycan the wait due to lack of Cargo.

4.8.3 Quantity and Quality of the Cargo Received.

The quantity of Cargo received is the one registered by the scales at PNSA, less the approximation margin of each scale, which is fixed at two per cent (2%).

PNSA shall deliver to the User daily records of the quantity of Cargo received by train.

PNSA guarantees that the coal for a given Loading operation will be placed in a different lot than other Cargo. The Cargo delivered by the Users to PNSA in its Facilities shall be kept until the Loading thereof onto the Ship. PNSA shall make the handling of the cargo in lots separated by machines and it will endeavor to maintain its condition, excepting for the normal wear caused by the pass of time and the exposure of the Cargo to rains and to the water used for the control of emissions.

The Integral Port services of PNSA do not include the determination of the quality of the Cargo during the process for the receipt thereof. In this context PNSA will not be liable for claims related to eventual alterations of the quality of the Cargo during the process of receipt, storage or Loading.

4.8.4 Documentation of origin of the Cargo.

The operator of the trains that take the Cargo to Puerto Nuevo must present to PNSA the following information:

- a. Name of the railway operator
- b. Name of the owner of the Cargo
- c. Mine of origin
- d. Quality of the coal certified by an independent laboratory
- e. Quantity of the coal determined in the train loading station
- f. Rain report
- g. Identification of the engines and the first railcars
- h. Complete identification of the crew of the train both coming in and going out.

4.8.5 Period of free storage of the Cargo.

The Cargo shall have a free storage period that will end ninety (90) calendar days after the date in which it was received.

When the permanence of the load at Puerto Nuevo exceeds the free storage period herein established a storage fee per ton and time of permanence will accrue.

Without prejudice to the foregoing, the Users are liable for the planning of their deliveries and shipments of Cargo in a way that the extended storage of remnants of the Cargo in PNSA is avoided.

4.8.6 Moistening and other measures of environmental protection.

PNSA shall control the emissions of particles suspended in the air with the application of moistening systems on the Cargo at the receipt stations, transfers of the conveyor belts, and at the Stockpiling Yard. For these purposes, PNSA will apply the environmental protection measures described in the environmental laws and in the Environmental License.

PNSA shall assume no liability whatsoever towards the User for the quality of the Cargo that results from a change in the moist by means of the application of the control of emissions or rain.

The User is responsible for the adequate moistening of the coal from the mine or place of origin or otherwise at the trains Loading so as to be able to control the emissions of particles suspended in the air during the processes of unloading of trains, preparation of the Cargo for reclama and the Loading onto the Ship.

4.8.7 Temperature Control.

PNSA shall comply with all the regulations regarding the control of the temperature of the Cargo from the time of receipt of the same and until the moment in which Loading onto the ship starts.

The Users are responsible for delivering the Cargo with a temperature lower than 45 Celsius degrees.

PNSA will monitor the temperature of the Cargo during its storage in the yards. If necessary and at the User's expense, PNSA will control the temperature level with compaction and cooling activities. For these purposes, PNSA will apply the criteria established in the Industrial Security Rules and in Contingencies' Plan, including but not limited to (i) the system for the control of the height and compacting of the piles, (ii) the help of a bulldozer to push fresh coal onto the affected coal to extinguish the flame, (iii) in case of contingency, through the subtraction and isolation of the material affected by the fire outbreak and (iv) control of the emissions of particles during the cooling of the coal with the application of water.

The Ship will be responsible for the temperature of the Cargo as from the start of the Loading. The Official Marine Surveyor will control the temperature of the Cargo throughout the Loading of the Ship.

In the event that the temperature of the Cargo exceeds the requirements established in the regulation applicable, PNSA shall be entitled, as it deems it appropriate, to (i) stop the receipt of the additional cargo until it controls the temperature of the Cargo and / or (ii) to have available a given quantity of cargo until controlling the temperature of the Cargo.

4.8.8 Detailed Description of the Receipt and Onshore Services to the Cargo.

Any adjustment made to the receipt and to the onshore services to the cargo as well as the information detailed thereof will be published in PNSA'S website under the section "*Receipt and Onshore Services to the Cargo*".

4.8.9 Communications.

Any event or situation related to the Loading operation in Puerto Nuevo must be immediately informed by the captain of the Ship to the Supervisor of Operations of PNSA through the Shipping Agent, to the email address published in PNSA'S website.

Puerto Nuevo is communicated by radio in the frequency mentioned in PNSA'S website.

4.8.10 Demurrages and Dispatch.

The rate of the Demurrages will correspond to the one established at the time of the Nomination. In any case, the rate of Demurrages must be in line with the market at the time of Nomination of the Ship and PNSA can refuse the access to Puerto Nuevo of the Ships that do not comply with this requirement.

The value of the Dispatch will correspond to 50% of the rate of Demurrages.

After the Loading is ended, PNSA will submit to the User the calculation of Demurrages or Dispatch.

The payment of the Demurrages or the Dispatch will be made no later than thirty (30) calendar days after the presentation of the invoice.

The Demurrages will be paid or assumed by the Ship unless in the case that they were caused exclusively because of PNSA'S fault or due to failure of the equipment during the Loading.

4.8.11 Ships under judicial or administrative injunction.

Any Ship that occupies or becomes an obstacle of the Loading dock or the maritime access thereof due to judicial or administrative order because of attachment, arrest, or any other action of a legal, police or judicial nature, shall pay to PNSA the sum determined by PNSA as fine per hour or fraction of hour of occupation or blocking, as well as the additional damages that it may cause. The total

sum payable shall be figured out for the entire term that the ship remains in the anchorage zone and under judicial or administrative order and it will be additional to any other legal or other cost caused to PNSA as a consequence of the occupation or obstructing of its dock or of the maritime zone for the access thereof.

The charge will be alternatively made by PNSA to the Ship Owner, charterer, Shipping Agent, or to the User of Puerto Nuevo, who will be joint and severally responsible for the payment of the fine herein established.

The sum charged for that concept shall be a minimum estimation of the damages caused to PNSA by the occupation or obstruction of its dock or the maritime zone for the access thereof and it does not prevent the claim of higher or additional sums of money as correspond due to losses and damages.

PNSA reserves the right to unmoor the Ship on which there is a judicial order because of attachment, arrest, or otherwise, employing the resources and methods that it consider as necessary. The relevant costs shall be payable by the Ship and in such case the Ship will have to issue a receipt or confirmation of the quantity of cargo that it was able to load, if such is the case.

Likewise, PNSA reserves the right to refuse the Mooring of the Ship if it is aware that it is the subject or that it is or may be the subject of attachment, arrest or court or administrative order, or similar.

Once the conditions of attachment, arrest or court or administrative order have been lifted, if the Ship is ready to resume the Loading and if there are no limitations to be moored once again, PNSA may, at its option, agree with the Ship Owner and the User the conditions for the restart of the Loading operation.

4.8.12 Detailed Description of the Services to the Ships and Cargo.

Without prejudice to the foregoing, any material adjustment made to the services to the Ships and Cargo and the detailed information thereof, will be published in PNSA'S website under the section "*Services to the Ships and Cargo*".

CHAPTER V – SAFETY PROTOCOLS, PROCEDURES AND STANDARDS

5.1 Procedures and protocols regarding port operation and safety of the Facilities.

The procedures and protocols listed below are integral part of these Rules and regulate the relevant aspects related to the operation, the services and the safety at Puerto Nuevo:

EXHIBIT No.	Contents
16	Maneuvers of Entry to the Access Channel, Mooring, Unmooring, Revolving, Anchoring and Sailing of Ships, Berthing Precedence and Rules on Turn times
17	Process for the entry of goods to the Free Trade Zone Puerto Nuevo

18	Process for the exit of goods of the Free Trade Zone Puerto Nuevo
19	Process for the temporary exit and the reentry of goods to the Free Trade Zone Puerto Nuevo
20	Process of nomination of ships
21	Scheme of levels of performance and quality of the services
22	Train unloading Process
23	Storage Process
24	Reclaim Process
25	Coal Recovery Process
26	Ships' Loading Planning Process
27	Ships' Loading Sequence Process
28	Process of cleaning and maintenance of the dock
29	Process of evacuation of water from dock
30	Process of control of metals in the cargo
31	Process of control of temperature of the cargo
32	Process of control of moisture and emissions of the cargo
33	Process of conditioning of material for reclaim
34	Protocol for the delivery of the cargo
35	Protocol of management objectionable and polluted loads
36	Protocol for the rescue of cargo, goods and (sic) that fall into the sea
37	Protocol for the prevention of the entry of animals
38	Port Safety Protocol
39	Light and medium equipment safety Protocol
40	Heavy equipment safety Protocol
41	Cranes and lifting equipment safety Protocol
42	Adverse atmospheric safety conditions Protocol
43	Procedure to be followed during tropical storms
44	Procedure of tropical cyclones and tsunamis
45	Safe driving safety Protocol
43	Safety Protocol for the design, construction and maintenance of roads
47	Signaling safety Protocol
48	Protocol for the handling of chemical and hazardous substances
49	Contingency Planes
50	Plan for the response to emergencies
51	Description of the Security System of Puerto Nuevo
54	Procedure for the Authorization of Entry of chemical and hazardous substances
55	Procedure for the disembarking of Crew members with health issues
56	Procedure for the Request, Handling and Supply of fuel

5.2 General Principle general and Description of the Security System.

The security standards for the Facilities, the Cargo and the Ship are those set forth in the legal, technical and of security standards, both national and international, in the PBIP Code, those required for the free trade zones by the Customs Authority, as well as the provisions issued by the Colombian Authorities for the ports qualified for the foreign trade of goods.

CHAPTER VI – RULES ABOUT TURN TIMES, MOORING, UNMOORING OF SHIPS AND PRECEDENCE.

6.1 Precedence for the Utilization of the Services, Berthing, Anchoring, Revolving, Sailing, Loss of the Turn time for Mooring and Unmooring of Ships

The Protocol established by PNSA regarding maneuvers for the entry to the Access Channel, berthing, anchoring, revolving and sailing of Ships, precedence of berthing and rules about turn times in Puerto Nuevo, is included as **Exhibit 16** to these Rules.

6.2 Precedence for the Arrival and Berthing of the Ships in Puerto Nuevo.

For the use of Puerto Nuevo the general criterion according to which the first to arrive will be the first to be served. Without prejudice to the foregoing and seeing to the operational needs of the Port, PNSA may amend this criterion of precedence and may resort to time windows, according to the order of priorities established in the standards in force regarding this matter, provided that the circumstances so warrant and under the oversight of the Port Authority. In any case, the Ships announced, confirmed and in the compliance with the requisites and documents required by these Rules will have the mooring precedence.

The precedence established may be amended provided that the situation of the Port facility so warrants, after communication given to those interested in the respective maneuver, in particular to the Shipping Agent, to the Pilots, Port Operators, captain of the Ship, among other.

PNSA will make an optimal management of its resources to guarantee the adequate planning for the handling of the Ships, giving the adequate precedence to achieve the most efficient use of its Facilities.

Without prejudice to the foregoing the conditions of precedence may be amended by PNSA subject to the operational conditions of the Port and in any case according to the priority of arrival of ships established in article 5 of Law 658 of 2001 in the following terms:

- a. Forced docking
- b. Ships of the National Navy
- c. Ships of the foreign navies in official visit
- d. Touristic passenger Ships

- e. Ships with perishable goods, with limitations for their conservation on board
- f. Car carrier ships
- g. Ships with general cargo
- h. Bulk carriers
- i. Tanker Ship
- j. Coasting Ships.

The berthing maneuvers will be carried out in compliance with the “Safe Berthing Conditions” incorporated in item 5.2 of Exhibit 38 “Port Safety Standard”, which is integral part of these Rules.

6.3 Precedence for the Pilots’ Service

The criteria for the arrival and berthing of Ships in Puerto Nuevo set forth in the preceding item shall be applicable for the utilization of the Pilots’ Service.

6.4 Allocation of dock

For the allocation of the dock, PNSA can take the following aspects into account:

- a. Time of arrival to the sea buoy
- b. Regularity or frequency of the service of the Ship in Puerto Nuevo
- c. Volume of the Cargo
- d. Type of Ship and its dimensions.
- e. Stay time.

The Ships will remain at the dock of Puerto Nuevo only during the time that has been authorized by PNSA.

6.5 Precautions of the Ships in the mooring and unmooring maneuvers.

The Ships shall berth at the dock of Puerto Nuevo in a way that they cause no damage or average to it, to the defenses, facilities or infrastructure of the Port, taking for that all the safety measures in their maneuvers, according to the provisions of these Rules, the instructions given by PNSA and the Pilot that assists the Ship in the respective maneuvers.

6.6. Unmooring

Once the Loading tasks are completed, the Ship must sail or go to anchorage in an immediate manner, excepting with the express authorization of PNSA to remain berthed for a longer time. If the Ship does not leave the dock within the term established, it will be responsible for any damage caused by its demurrage and will assume with PNSA the costs caused by its longer berthing.

PNSA reserves the right of assigning Pilots, Tug Boats and mooring service providers to unmoor the Ship, then the deadline mentioned above has been exceeded.

6.7. Unmooring Order

The order for the unmooring of the Ships shall proceed in the following cases:

- a. When the Maritime Authority orders the unmooring of the Ship for safety or public order reasons.
- b. When the Ship's Loading work affects the normal development of the port operations due to poor performance attributable to the Ship or to its representatives, or when they do not use during the operation the hours and resources assigned. The Ship will have the last turn time for the berthing in relation to the other Ships of its type that are anchored.
- c. When in Puerto Nuevo there is not enough Cargo that guarantees the continuity of the Ship's Loading operations. Once the causa of the unmooring is cured, the Ship shall recover its berthing priority provided that the commitments are respected, as well as the berthing turn times acquired by PNSA with other Ships.
- d. When the competent Authority detects in the Ship that is moored infectious – contagious diseases, it shall be declared in quarantine. In this case it must be transferred, forthwith, to the "quarantine anchoring area" established by the Maritime Authority. In this event PNSA will communicate to the Local Protection Committee with jurisdiction in the zone of Puerto Nuevo and to all other competent Authorities in order to carry out the functions of monitoring and evaluation of public health emergencies, according to the provisions of the International Healthcare Rules (RSI 2005).

6.8. Requisites for the unmooring and sailing.

No Ship may leave Puerto Nuevo without the sailing issued the Maritime Authority, pursuant to the legal and regulatory demands. Exhibit No. 16 incorporates the conditions for the Ships sailing maneuver.

The sailing request shall be filed with the Santa Marta Port Captaincy no less than twenty four (24) hours in advance. Any change must be justified to the Maritime Authority for its approval.

For Ships moored with the bow towards the Access Channel, the unmooring and sailing does not require the revolving maneuver. For vessels moored with the stern towards the Access Channel the unmooring and sailing do require the revolving maneuver.

The minimum number of Tug Boats for the unmooring and sailing maneuvers will be the one determined by these Rules.

The Pilot shall refrain from starting the sailing maneuver until the go ahead from the Maritime Traffic Control Station is received, confirming that the Turning Basin and the Access Channel are free from other Ships.

The Maritime Authority may order the unmooring of a ship for security or public order reasons, or due to deficient operation. When the work of loading or unloading a vessel affect the normal development of the port facility , due to low performance attributable to the ship or to its representatives or when they do not use during the operation the hours and resources assigned, PNSA shall file a protest letter due to Demurrage, in order to evaluate the terms of contracts.

When the competent Authority detects in a Ship that is moored, infectious – contagious diseases and it is declared in quarantine, the vessel must be transferred, forthwith, to the “quarantine anchoring area” established by the Maritime Authority.

Likewise, the unmooring of the Ship can be requested in the event of dissatisfaction with the equipment of the Ship, with the procedures of the crew or due to the loss of stability of the vessel, if, in the opinion of PNSA, it involves risks for the facilities, the personnel, the operations or the Ship. Once such issues have been fixed, the Ship must be subject to the new berthing schedule.

When PNSA makes the notification of unmooring maneuver for a Ship, this operation must take place within the time frame set forth in the order, but the maximum time cannot exceed of two (2) hours.

Once the loading or offloading operations are ended ,the Ship has two (2) hours to sail or to go to anchorage, excepting with the express authorization of PNSA to remain berthed for a longer time. If the Ship does not leave the dock within the term established, it will be responsible for any damage caused to the Ships scheduled to moor at Puerto Nuevo.

When, with the purpose of optimizing the utilization of the dock, PNSA orders a mobilization of a Ship from one dock to another or to anchoring, the expenses caused will be assumed by PNSA.

When a ship requires a specific dock for its berthing and this means to mobilize another Ship to another dock, the maneuver expenses shall be on the charge of the Shipping Agent that requested the change.

PNSA can order that the Ship leaves the dock free in the following cases:

1. When the lines are insufficient or inadequate.

2. When it arrived outside the Laycan and before the end of the Loading a Ship arrives within its Laycan.
3. When its documents are not complete or duly made or the information is inconsistent, or when the cargo holds are not clean or free from gases and in general when they are not ready for the Loading after sending the NOR.
4. When it discharges waste waters and solids.
5. When the laytime is interrupted due to the un – ballast operation.
6. When the laytime is interrupted due to suspension of the Loading by order of the User, the Captain or the Crew of the Ship.
7. When the laytime is interrupted due to inefficiencies of the Captain, the crew, the Ship Owner, the Shipping Agent or the User.
8. When the laytime is interrupted due to any cause attributable to the Ship.
9. When the laytime is interrupted due to accidents or damages beyond PNSA’S control.
10. When it is a Ship with Cranes, and these do not offer guarantees for a safe and efficient operation, in case that the Loading of a ship of that type was authorized.
11. When there is evidence that the low Loading rate in a given Loading operation is due to the conditions of the Ship, not limited to the low performance attributable to the Ship or its Representatives or when they do not use, during the operation, the times and resources assigned, PNSA may order the unmooring and anchorage of the Ship, informing so to the Port Authority, leaving evidence of the fact that motivates this decision.
12. When its seizure or impounding is ordered by a court.
13. When reasons of safety or public order so demand.
14. When the competent Colombian authorities detect crewmembers on board with infectious / contagious diseases.
15. After two (2) hours after the end of the Loading operations.
16. When so requested by the Port or Maritime Authorities.
17. When any competent Colombian authority orders the suspension of the Loading.

In all these cases the Ship will lose its Turn, the counting of all other laycan times and Demurrages will cease and the expenses caused by the unmooring movement will be on the Ship's charge.

For these purposes, PNSA will order the unmooring through the pilot of the Ship. The unmooring maneuver will be made within five (5) hours after the notification of the unmooring order. The unmooring maneuver and the stay of the ship in the anchorage zone will accrue against it and against the user damages as well as the cost for the stay as determined by PNSA. When the respective services' agreement does not establish the cost of the stay of the Ship in the anchoring zone, it shall be the one established by PNSA per hour or fraction, which will be published in PNSA'S website.

When the causes of the unmooring are attributable to PNSA, PNSA will assume the costs of the maneuver.

When the Maritime Authority or the competent Port Authority detect infectious – contagious diseases in an anchored Ship, and the Ship is quarantined, it must be transferred, forthwith, to the “quarantine anchoring area” established by the Maritime Authority.

6.9 Ships Berthed.

To fasten a Ship to the dock the facilities deployed for those purposes must be used, which shall be used by the Ship according to its length and taking into account the availability thereof. The Ships tied to the docks shall maintain at all times the signaling established in the International Regulations to Prevent Collisions - (RIPA).

6.10 Mooring.

The Ships must be moored subject to the international provisions according to their type and class of cargo in order to preserve the safety of the Cargo, of the Ship and of Puerto Nuevo, as well as of the port personnel that works in the Port. The Captain of the Ship will take the measures needed to oversee the tension of the lines, in the different states of the Loading and tide conditions.

6.11 Repair of Ships.

The repairs of the Ships moored at Puerto Nuevo must have the authorization of the Maritime Authority and of PNSA.

CHAPTER VII – CONTROL OF RISKS AND THE ENVIRONMENT

7.1 Health and Safety at the Workplace.

The Users, Port Operators, Shipping Agents , the personnel of PNSA and, in general, all those who perform activities within Puerto Nuevo, have the obligation to comply with the following safety provisions:

- a. Use the personal protection elements under the specifications and instructions given by PNSA.
- b. To use uniforms, badges and credentials that identify the business enterprise for which they work, to comply with the standards regarding industrial safety given by the Authorities and to comply with the provisions of the International Agreements ratified by Colombia.
- c. To report to PNSA'S Industrial Safety Department the hazard conditions and accidents that occur during the operations.
- d. To comply with the procedures and domestic and international standards related to the hygiene and occupational health at Puerto Nuevo, in order to maintain adequate work conditions and to prevent occupational diseases, the control of which is on PNSA'S charge.

7.2 Fumigations

Whenever the fumigation of an area within Puerto Nuevo is required, it must be authorized and carried out according to the Protocols established by PNSA, upon written request submitted by the interested party. Said request must specifically contain the activity and products to be used in it, place, day and time of the fumigation, zone of influence and special precautions to be observed, immediate and secondary effects due to poisoning with the products to be used and adequate medical treatment for it. Also, they will explicitly commit to the compliance with all the standards established as ordered by the International Sanitary Rules (RSI2005).

The fumigations of the solid waste generated at Puerto Nuevo will take place according to the measures planned in the Environmental License, regarding the characterization and capacity of said waste, as well as to the actions for the handling of the fumigations done at the sites for the temporal storage of hazardous and special conventional solid waste.

The measures planned for the fumigation activities of derived from the Environmental License shall be performed during the operational phase, closing and abandonment of Puerto Nuevo, both onshore and offshore.

7.3 Pollutant Waste coming from the Ships

Pursuant to the provisions of item 3.14 of these Rules, the Pollutant Waste coming from the Ship will be handled according to the rules of the MARPOL Convention Protocol 1978, under the authorization and following the instructions given by PNSA for those purposes. The captains of the Ships must abide by the rules in force contained in the aforementioned Convention on the existence of elements, amenities and documents on board for the prevention and control of the operations of evacuation of garbage or other substances.

7.4 Cargoes of Animal and / or Vegetal Origen

The Cargo handled at Puerto Nuevo is exclusively limited to steam coal. In consequence, these Rules contemplate no stipulation whatsoever regarding the handling of cargo of an animal and / or vegetal origin.

7.5 Cargoes of an Explosive or Radioactive Material

The Ships that transport explosive or radioactive material must carry out the loading and unloading according to the International Agreements ratified by Colombia in the Anchoring Areas established for such purposes by the Maritime Authority and the guidelines established by it.

7.6 Plans and Procedures for the Attention of Contingencies

According to the standards applicable to contingency plans, the Port has specific plans and procedures for the attention of contingencies related to (i) the attention of affected or injured personas, (ii) spillage of fuels and lubricants onshore, (iii) attention of terrorist acts, (iv) spillage of fuels and lubricants in water, (v) spillage of coal in the sea, (vi) fires at the port facility , and (viii) failures of the equipment as detailed the Exhibit 49 of these Rules.

7.6.1 Spillage of Fuels

The behavior of a fuel spillage into the sea mainly depends on the winds' regime and of the predominant waves in the maritime area of Puerto Nuevo, situation that will be handled by PNSA emergency Brigade according to the following procedure:

- a. The person who detects the spillage must give notice to PNSA'S Industrial Safety Supervisor at emergency line defined for that purpose.
- b. The Industrial Safety Supervisor will give notice to the Emergency Brigade of the occurrence.
- c. Evaluate the characteristics of the spillage, identifying the location of the damage and estimating the amount of fuel spilled.
- d. To determine the structural conditions of the work front and to establish the area affected.
- e. To define whether or not it is necessary to activate, the contingency plan, taking into account the magnitude of the spillage and the conditions of the weather at sea.
- f. In the event that it is necessary to activate the contingency plan, it will be necessary to apply its guidelines in all cases subject to the Environmental License carrying out the following activities:
 - i. Inform those involved or those possibly affected.
 - ii. Make sure that no other vessels come into the area of the spillage.
 - iii. Inform the authorities of the occurrence of the event.
 - iv. Protect the critical or sensitive areas.

- v. Carry out, in an immediate manner, the process of cleaning up and restoring the areas that had been affected, including the bottom of the sea if applicable.
- vi. Start the respective procedures for the attention of the spillage and the recovery of the fuel according to the volume spilled.
- vii. To apply Puerto Nuevo's plan for the management of the risk of disaster of adopted by PNSA pursuant to the provisions of the applicable standards.

7.6.2 Spillage of Coal into the Sea

The behavior of a spillage of coal into the sea mainly depends on the winds' regime and of the predominant waves in the maritime area of Puerto Nuevo, situation that will be handled by PNSA emergency Brigade according to the following procedure:

- a. The person who detects the spillage must give notice to PNSA'S Industrial Safety Supervisor at emergency line defined for that purpose.
- b. The Industrial Safety Supervisor will give notice to the Emergency Brigade of the occurrence.
- c. Evaluate the characteristics of the spillage, identifying the location of the damage and estimating the amount of coal spilled.
- d. To determine the structural conditions of the work front and to establish the area affected.
- e. To define whether or not it is necessary to activate, the contingency plan, taking into account the magnitude of the spillage and the conditions of the weather at sea.
- f. In the event that it is necessary to activate the contingency plan, it will be necessary to apply its guidelines in all cases subject to the Environmental License carrying out the following activities:
 - i. Inform those involved or those possibly affected.
 - ii. Make sure that no other vessels come into the area of the spillage.
 - iii. Inform the authorities of the occurrence of the event
 - iv. Protect the critical or sensitive areas.
 - v. Carry out, in an immediate manner, the process of cleaning up and restoring the areas that had been affected.
 - vi. Start the respective procedures for the recovery of the coal spilled.
 - vii. To apply Puerto Nuevo's plan for the management of the risk of disaster of adopted by PNSA pursuant to the provisions of the applicable standards.

7.7 Measures for the prevention of climatic change

PNSA will implement the measures aimed to control threats of a natural nature, such as the climatic change, that may cause a variation towards the external temperatures and cause fires according to the provision of the Environmental License for those purposes.

CHAPTER VIII – DOCUMENTATION AND COORDINATION ACTIVITIES

8.1 Documentation.

The Ships arriving in Puerto Nuevo have the obligation to present the documentation established by the International Maritime Organization (IMO), as well as the documents determined by Law 17 of 1991, whereby the convention to facilitate the international maritime traffic and the other related regulatory provisions were approved. The Shipping Agents , the Captains and the Ship Owners are responsible for the presentation of the documentation to the Colombian Authorities.

8.2 Facilitation of the Maritime Traffic.

The control of the maritime traffic in jurisdictional waters and in the national ports is the competence of the Maritime Authority, according to the provisions of the applicable standards, in particular, the provisions of the domestic standards and International Agreements related to the facilitation of the Maritime Traffic.

8.3 Official Visit

Upon the Arrival of the Ship in Puerto Nuevo and before authorizing Loading operations, an official visit will be made to the Ship by the competent Colombian authorities, according to the applicable regulations procedures in force.

8.4 Free Platique

PNSA shall refrain from authorizing operations if the “Free Platique” issued for such purposes by the Maritime Authority has not been already granted.

8.5 Reservations and Rights in the Provision of the Services.

PNSA may suspend the service to the individuals or legal entities, when they have not fully discharged their obligations, when they fail to comply with the standards established in these Rules or when the services to be provided pose a danger to the environment, the persons or the port facilities according to technical criteria previously established.

CHAPTER IX – OTHER PROVISIONS

9.1 Liabilities for damages to the Cargo and to the Facilities.

The Ship Owners, ship Captains, contractors, railway operators, overland transporters, or their representatives, Shipping Agents, Users, and other individuals or legal entities that carry out activities within the Puerto Nuevo Facilities, will be responsible before PNSA for the accidents, injuries to people, damages of the Cargo, as well as for the damages to the Facilities, when those occurrences are caused by unsafe conditions, poor conditions or deficiency of the equipment, rigging, and loose mooring lines in their charge or provided by them, as well as by the conditions of the Cargo, the poor visibility and obstacles that prevent their correct handling manipulation, or due to errors or lack of skills of its personnel, without prejudice to the provisions of the Colombian civil code and other applicable provisions in this regard.

Therefore the Ship Owners, ship Captains, contractors, railway operators, or their representatives, Shipping Agents, Users, and other individuals or legal entities that carry out activities within the Puerto Nuevo Facilities, must indemnify, protect, defend and hold PNSA harmless for any claim, cost, expense, action, procedure, lawsuit, and responsibility lodged by any person because of facts related to the performance of their work in the facilities of PNSA.

The Users that cause damages to the equipment or Facilities owned by PNSA or by third parties shall be answerable and will pay, forthwith, the amount of the damage. The Ship Owner, upon request of PNSA, will immediately reimburse PNSA the total amount of the cost of any repair to the dock required as a result of the damage or to furnish PNSA with a P&I guaranty or another guaranty acceptable to PNSA.

Likewise, in the event that the damage is caused to a Ship by PNSA, with prior requirement, supported, of the Ship Owner, together with the presentation of valid vouchers, PNSA, at its own discretion, (a) will repair the damage, or (b) will reimburse the Ship Owner of that Ship the cost of the repairs of the Ship that are directly related to the action of PNSA that caused the respective damage. The respective claim must be filed with PNSA in a term of no more than 24 hours after the occurrence of the damage and anyway before the departure of the Ship from Puerto Nuevo.

The responsibility for the damages caused to the Ships or to third parties because of the Captain, the Pilot, a crew member, or due to shared responsibility, will be defined according to the provisions of the Commerce Code, of Decree 1597 of 1988 and the other related provisions applicable. Hence, the captain, the Pilot, and any crew member must indemnify and hold PNSA harmless for any claim, costs, expenses, actions, damages, proceedings, lawsuits and responsibilities brought by any person due to events related to the performance of their duties in PNSA'S facilities.

In a specific manner, it is established that any Ship moored or in anchorage is under the sole and exclusive responsibility of the Captain of the Ship.

PNSA assumes no responsibility whatsoever originated by the defective or unsafe anchoring or mooring of the Ships.

9.2 Responsibility for the Cargo.

PNSA Shall be answerable for the difference between the quantity of the Cargo received and the quantity of the Cargo shipped, when this difference is greater than the causes or margins established in these Rules. It is expressly evidenced that when the permanence of the Cargo at Puerto Nuevo exceeds the Free Storage Period established in these Rules, these margins could be higher.

Anyway, the difference found between the quantity of the Cargo received and the quantity of the Cargo shipped due to justified atmospheric, physical or chemical phenomena or to leaks due to operational processes, shall not lead to any claim whatsoever by the User.

The variations between the quantity of Cargo received and the quantity of Cargo shipped will be determined at the end of the term of the agreement for the rendering of services between PNSA and the User.

In case of excesses not loaded onto the Ship, if the User does not have an export commitment within the term agreed after the Loading of the ship (s) associated to the initial Cargo, PNSA will have the right (i) to charge an additional fee for keeping the Cargo received in the terms agreed with the User, and / or (ii) reuse the storage lot for other User and the excess tonnage will be lost.

At any rate, PNSA will not be responsible for the cargo left in its Facilities beyond the time agreed after the Loading of the Ship (s) associated to that Cargo, or beyond the Free Storage Period established in these Rule, whichever is later.

Without prejudice to the provisions of Article 55 hereof, PNSA will not be responsible for the shipment of hot cargo or of its consequences since the beginning of the Loading. The control of the temperature of the Cargo during the Loading, the Loading of hot Cargo, and its consequences, are the responsibility of the User.

9.3 Force Majeure or fortuitous event.

PNSA will not be responsible for the Demurrages, or for any kind of interruption, or suspension temporary or definitive of the rendering of the services, due to Force majeure or fortuitous event, such as, but not limited to, actions of the authorities, civil or international war, revolution, riot, coup, strike, lockout, contractual default of its Users, or when there are weather conditions that, in its opinion, affect the safety of the operation of PNSA.

9.4 Occurrence of accidents.

In the event of the occurrence of accidents at Puerto Nuevo, PNSA shall proceed in the following terms:

- a. PNSA must inform the Port Authorities and the Maritime Authorities, of any occurrence in its Facilities that could become dangers for navigation. In this case, the respective corrections will be coordinated with the competent Colombian authorities.

- b. The Pilot shall submit the Pilots maneuvers control report (PILREP) to the Maritime Authority and to PNSA.
- c. In the event of an incident in the facilities of Puerto Nuevo, not limited to the Access Channel, dock or terminal, or the maneuvering areas and that may be a danger for the navigation, the Ship Owner, its Shipping Agent, or the captain of the Ship, have the obligation of:
 - i. Inform, in an immediate manner, the Port Authorities and the Maritime Authorities, of the occurrence, stating the exact geographic position where the incident took place, in order to coordinate the respective corrective measures in a joint manner.
 - ii. If the Ship Owner, its Shipping Agent, the captain of the Ship or the owner of the Ship do not take the measures necessary to signal the hazard and to remove the objects that cause the danger, PNSA, after consultation with the Maritime Authority, can hire the signaling and removal on the charge of the Ship Owner, its Shipping Agent or the captain of the Ship, without prejudice to the relevant sanctions.
- d. The Ship Owner, its Shipping Agent or the Captain of the Ship, have the obligation to remove the obstacles originated by the accidental fall of Cargo, equipment or material into the water. The removal will be on the charge of whoever is responsible for the object at the time of the accident. If the person responsible for the removal of the obstacle, does not take the pertinent measures, PNSA, upon consultation with the Colombian Authorities responsible, can hire the removal on the charge of the Ship Owner, its Shipping Agent or the captain of the Ship, without prejudice to the relevant sanctions.
- e. Whenever there are accidents at the Puerto Nuevo Facilities, minutes will be immediately written stating the pertinent information of the facts. The minutes must be signed by those involved in the accident.
- f. In the cases in which there is doubt about the responsibility for the accidents occurred in the Puerto Nuevo Facilities, PNSA shall only be answerable when the authorities so determine.

9.5 Powers of PNSA.

Pursuant to the Concession Contract and to these Rules, PNSA has the following powers:

- a. Not to authorize the entrance to its facilities or the provision of the services requested by the Users that have not settled their obligations with PNSA in full or that fail to comply with the standards established in these Rules and / or any other regulation applicable. Notwithstanding the foregoing, PNSA will have the right to take any other measure or to

start any other legal action to recover any sum of money owed by any user or third party for the use of the facilities.

- b. Not to authorize the entry of workers of companies that have not presented the payroll and benefits' slips, the evidence of the payments to the integral social security system (Law 100 of 1993), and other legal and extra – legal labor benefits, as well as when from the analysis thereof it is possible to deduce the failure to comply with the obligations that it has according to the law. This reserve is also applied to the contractors and to the individuals registered with Puerto Nuevo.
- c. Suspend the rendering of services to the Port Operators, Shipping Agents and other Users, when they fail to comply with the Colombian regulations in force with the provisions or the internal procedures established by PNSA and when the rendering of the services involves a danger for the Cargo, the environment, the persons and the Facilities.
- d. Suspend the operations when these involve the use of inadequate practices for the handling of the Cargo or when inadequate rigging, personnel and equipment is used, both in the ship and onshore, that may endanger the persons, the efficiency and the safety of the Cargo, the environment, the persons and the Facilities.
- e. Not to authorize the ship Loading operation or the unloading of railcars when the respective documentation has not been presented according to the regulation applicable and these Rules.
- f. Suspend, until corrective measures are taken, the operations on deck or holds of the Ships that have a deficient stevedoring, unsafe conditions, equipment and devices and inadequate rigging.
- g. Not to authorize the entry of persons and/or vehicles in conditions that may represent a danger or risk for the persons, cargo, Facilities and Ships at Puerto Nuevo.
- h. Not to allow the access to its Facilities of technical personnel, equipment operators who cannot prove their proficiency, experience or skill.
- i. To request to the Maritime Authority and / or any other Colombian authorities to take, according to their competences, all the measures needed for the terminals that are interested in using the Access Channel to carry out their activities without interfering with PNSA'S activities, according to these rules.
- j. Not to accept the Nomination of ships that were considered by PNSA as incompatible with the Loading at Puerto Nuevo due to their poor performance or because they do not comply with some requirement established in these rules.

- k. To suspend or remove personnel that fail to comply with the policies, standards, PNSA'S procedures and these Rules.
- l. To authorize, together with the Maritime Authority in a written manner, any inactive Ship to stay in the port. Once the permit has been given, PNSA will determine the anchoring place and it will apply the fees established for inactive ships in anchoring zones. For the purpose of these rules, the Ships that are ready for the Loading or that depart without cargo will not be considered as inactive.

In case that an inactive Ship has been authorized to stay, the captain in charge of the Ship must take all necessary precautions to (i) prevent that the Ship moves, for whatever reason, from the assigned anchorage, (ii) to prevent that the Ship in any wind or tide condition, may drag anchor or swing to a current going out the established limits, and (iii) it will maintain on board, on a permanent basis, the crew necessary to see to emergencies.

For the purposes of these rules, an Ship is inactive out of service if: (i) its safety and seaworthiness certificates have expired, (ii) if the Maritime Authority has declared it as such, and (iii) if by order of the Colombian Authorities it has been detained in port.

- m. To authorize in writing the transfer of liquids or liquid cargo between the ships anchored at the port or its approaches or between Ships moored or anchored and other Ships alongside it.
- n. To authorize in writing to carry out any type of repairs in the machines of the Ships or any other type of works that, in the opinion of PNSA, may (i) disable the Ship at port to move when required or (ii) endanger the normal operation of Puerto Nuevo.
- o. To carry out the Port Activities at PNSA'S Port according to the Concession Contract, these rules and the Law.

9.6 Safety Protocol on Hazardous Substances and Goods.

The loading, offloading, handling and segregation of hazardous goods and substances must comply with the provisions of the International Agreements and in particular with the Basel Convention on the control of the trans – border movements of the hazardous waste and the disposal thereof, the Recommendations Regarding the Transportation of Hazardous Goods (Orange Book) of the UN, the stipulations of the International Maritime Dangerous Goods Code (IMDG), the recommendations on storage and handling of hazardous goods / substances in port facilities and bays of the OMI.

At Puerto Nuevo it is only allowed to transport, unload, load, handle and store hazardous goods and substances according to the instructions given by PNSA according to the domestic and international standards in force. Those instructions adopt the recommendations established in the International Agreements including the regulations applicable both on board of the Ships and in venues and port facilities defined by the OMI.

Likewise, the entry of hazardous goods and / or substances and potentially pollutant cargo to Puerto Nuevo is not allowed, unless the same have been duly declared.

In case of emergency and to guarantee the safety of Puerto Nuevo, its facilities and the Ships, and provided such substances and / or goods are located in an area within its Facilities, PNSA may request from the competent authority the destruction of such substances and / or goods, or it may order it in a direct manner when the situation involves an imminent danger to the infrastructure of the Port, the personas or the environment.

The Shipping Agent of the respective Ship scheduled to load or unload hazardous goods and / or substances and potentially polluting cargo must ensure, before the sailing, that the same were loaded in full and, on its part, the Captain of every Ship that loads or unloads hazardous goods and / or substances and potentially polluting cargo must ensure the compliance with the International Agreements and in particular the recommendations made by the OMI in this regard.

Besides the compliance with the provisions established in the Industrial Safety Rules and the Emergencies and Contingencies Plan, the Captain of any Ship that has hazardous cargo on board must verify that all the precautions, including the firefighting service are taken on board the Ship while it is in the Port and during the Loading or unloading of hazardous products.

The Captain of any Ship that has hazardous cargo on board or when it has been unloading flammable liquids and the Ship has not been declared free from gases, will not allow the following activities:

- a. To carry out welding of whatever nature in the Ship
- b. To use hammers, iron or steel tools to open or close hatches or metallic tools in other operations
- c. To carry out repairs in any compartment that contains hazardous cargo
- d. To carry out actions that can generate sparks, such as the use of wire brushes, etc.

The Captain of any Ship that Loads or unloads hazardous cargo will ensure that during the operations there are good phone or radio communications, directly with the persons in charge of the operation on board and the receipt tanks.

Included as integral part of these Rules are: the Protocol for the handling of chemical and hazardous substances (**Exhibit 48**) and the Procedure for the Authorization of Entry of chemical and hazardous substances (**Exhibit 54**).

9.7 Leaks through the hull of the Ships.

When there are leakages of flammable liquids from a Shop that is Loading or unloading in the Port, the Captain must immediately inform so to PNSA and to the Maritime Authority.

The Captain of any ship with leakages while in the port must comply, forthwith and in a diligent manner, with all the instructions received from PNSA and from the Maritime Authority to mitigate the damages.

9.8 Prohibitions for the Ships during their stay at Puerto Nuevo.

- a. The discharge of oils, alcohols, flammable liquids or oily mixes into the sea or to dump bilge waters anywhere within the facilities is forbidden. For these purposes, this type of procedure must be made according to the receipt systems established by PNSA.
- b. It is forbidden to show, carry or shoot firearms on board the Ships. Any firearm on board must be kept under the Captain's custody while the Ship is berthed at Puerto Nuevo.
- c. The receipt of hazardous, infectious, radioactive waste as well as any waste that is harmful for the human health.
- d. The taking into the Ships of drugs or any other substance that affects the motor capacity of the crew is forbidden.

9.9 Fires in the Ships

The Ships that load at Puerto Nuevo must have systems and personnel prepared to control the fires that occur on board and must have implemented action stations' schemes and inspections the compliance of which can be verified by the Port's Governing State.

Any fire on board of the Ship must be immediately reported to the Maritime Authority by means of the Maritime Traffic Control Station.

In case that the Ship is close to Puerto Nuevo it must report the incident to the Maritime Traffic Station and request information about the Tug Boats fitted with firefighting equipment (FIFI) that may be available in the area in order to request their support. The FIFI Tug Boats are fitted with water cannons that allow attacking fires on board and the cooling of the internal fire zone.

In case that a Ship is moored at Puerto Nuevo it can, in addition, request the support required from the Port, the terminal of which has hydrants installed along the entire loading dock that can be used to tackle fires on the deck of the Ship or to cool the hull of the Ship. Likewise, it is possible to request through Puerto Nuevo the support of the Fire Department of the municipality of Ciénaga as well as of Santa Marta, to handle conflagrations of a greater complexity inside the Ship.

In the event of fire on board of a Ship moored at Puerto Nuevo the loading operations will be suspended and the Ship Loader will be placed far away from the fire so it does not obstruct the works to control the incident.

Depending on the magnitude of the fire and its eventual impact on the berthing position at the dock, the Operations Manager may authorize the unmooring of the Ship.

9.10 Cleaning of the Port

PNSA is responsible for the cleaning of the docks and in general of the zones utilized at Puerto Nuevo, which must be kept clean during the operations and also once these have ended. Also, the beach zones of Puerto Nuevo will be kept clean and activities for the collection of solid waste, bags and other undesired elements will be regularly performed, according to the provisions of the Environmental License.

9.11 Environmental Protection.

The operations of Puerto Nuevo must comply with the Environmental License and the environmental standards applicable, taking into account the procedures of prevention and mitigation of the environmental impacts during the operation procedures.

The internal roads of Puerto Nuevo must be moistened by means of the use of tanker trucks, fitted with aspersion systems, according to the provisions of the environmental regulations as well as in the Environmental License.

If amendments to the activities authorized and contemplated in the Environmental License are required, PNSA will inform the pertinent issues to the Environmental Authority for its evaluation and approval, according to the legislation applicable.

Also, PNSA, the Users of Puerto Nuevo, Port Operators, the Shipping Agents and anyone who provides services at Puerto Nuevo must:

- a. Prevent and mitigate the environmental impacts due to the operation processes.
- b. Comply with the Environmental License, the International Maritime conventions ratified by the Republic of Colombia and the environmental standards applicable.
- c. To permanently improve the performance, efficacy and efficiency of the environmental management.
- d. To promote the environmental awareness of its employees and contractors.

PNSA shall disseminate, by means of PNSA'S website, the environmental obligations that must be complied with by the Users of Puerto Nuevo, Port Operators, the Shipping Agents and anyone who provides services at Puerto Nuevo. PNSA has the liberty to verify the compliance with such obligations by the third parties.

The Colombian provisions and these rules categorically forbid the pollution of the Colombian ports, anchoring zones and, in general, territorial waters. Once the Ship enters territorial waters of the Republic of Colombia, the waste waters or solids cannot be discharged. If there is suspicion that a Ship is evacuating or dumping polluted water or other pollutant waste, all operations with such Ship

will be suspended until the issue is investigated. The lost time and all costs, damages or consequences of such fact will be on the charge of the Shop Owner.

In particular, it is forbidden to carry out hull scratching works at the PNSA'S Facilities.

9.12 Implementation of the International Sanitary Rules (RSI 2005)

Pursuant to the International Sanitary Rules (RSI 2005), structured as the set of rules and procedures aimed to limit the international propagation of epidemics and other public health emergencies and to reinforce the national, regional and global healthcare security, and taking into account that this is a strategic point for the international Maritime Traffic, Puerto Nuevo implemented the procedure for the disembarking of crew members of the Ships that come with health issues, which has been attached hereto as **Exhibit No. 55** to these Rules.

Likewise, PNSA'S protection systems allow to trace the personas who have been in contact with the crews of the Ships that evidence health issues.

9.13 Free Trade Zone.

The National Taxes and Customs' Bureau – DIAN – in Resolution No. 2470 of the 27th of March of 2013, clarified by Resolution No. 6094 of the 23rd of July of 2013 declared the existence as Special Permanent Free Trade Zone under the name of "Permanent Special Free Trade Zone Sociedad Portuaria Puerto Nuevo" of the geographic area in which Puerto Nuevo operates, also recognizing PNSA as Industrial user of services of that Free Trade Zone. In consequence, pursuant to the special regime applicable to the Special Permanent Free Trade Zones, the Ships, Ship Owners, Shipping Agents, Users, Port Operators and any other persons who enter the Puerto Nuevo facilities must take the measures established by the Colombian Authorities and particularly the Customs Authority in that regard to see to the internal procedures that, regarding the private person, are implemented by PNSA.

9.14 Publicity and Compliance.

PNSA will give publicity to these rules and to the amendments made to it, divulging it among its Users, Ship Owners, captains of the Ships and their crews, Shipping Agents, railway operators, Port Operators, and third parties in general, who, for the mere fact of entering Puerto Nuevo or the mere use of its facilities or services make an express representation that they know, and that they are bound to comply with and to enforce the compliance with the terms and conditions established in these rules and the legal and regulatory provisions of the port activity developed by PNSA.

9.15 Validity.

These Rules shall be in force as from the date in which it is approved by the National Infrastructure Agency – ANI. Without prejudice to the foregoing and pursuant to the provisions of Resolution No. 0850 of the 6th of April of 2017 of the Transport Ministry, the amendment by PNSA of each one of the Protocols and procedures listed in the next Article, may be made in an independent and modular

manner in relation to the other Protocols and procedures applicable, provided that such amendments are made known to the respective authorities and divulged through the mechanisms established by PNSA.

9.16 Documents, Exhibits, Protocols and Procedures.

The following documents are integral part of these Rules:

EXHIBIT No.	Contents
1	Location, boundaries and coordinates of Puerto Nuevo
2	Port Concession Contract Mo. 001 of 2011 and Addendum No. 01 of 2012
3	Scheme of Corporate Governance of PNSA
4	Control of access of persons, vehicles and goods
5	General Plan - general Puerto Nuevo facilities
6	Property Plot Plan - Puerto Nuevo
7	Plano general maritime zone Puerto Nuevo
8	Access Channel and Turning Basin Coordinates
9	Results bathymetry of maintenance of the Turning Basin and the Access Channel
10	Description and location of the navigation aids
11	Port's cleanliness Conditions and systems
12	Port Operators management Process
13	Ship loading Process
14	Protocol for the provision of the service of Tug Boats
15	Checklist Prior to the Start of the loading
16	Maneuvers of Entry to the Access Channel, Mooring, Unmooring, Revolving, Anchoring and Sailing of Ships, Berthing Precedence and Rules on Turn times
17	Process for the entry of goods to the Free Trade Zone Puerto Nuevo
18	Process for the exit of goods of the Free Trade Zone Puerto Nuevo
19	Process for the temporary exit and the reentry of goods to the Free Trade Zone Puerto Nuevo
20	Process of nomination of ships
21	Scheme of levels of performance and quality of the services
22	Train unloading Process
23	Storage Process
24	Reclaim Process
25	Coal Recovery Process
26	Ships' Loading Planning Process
27	Ships' Loading Sequence Process
28	Process of cleaning and maintenance of the dock
29	Process of evacuation of water from dock
30	Process of control of metals in the cargo
31	Process of control of temperature of the cargo
32	Process of control of moisture and emissions of the cargo

33	Process of conditioning of material for reclaim
34	Protocol for the delivery of the cargo
35	Protocol of management objectionable and polluted loads
36	Protocol for the rescue of cargo, goods and (sic) that fall into the sea
37	Protocol for the prevention of the entry of animals
38	Port Safety Protocol
39	Light and medium equipment safety Protocol
40	Heavy equipment safety Protocol
41	Cranes and lifting equipment safety Protocol
42	Adverse atmospheric safety conditions Protocol
43	Procedure to be followed during tropical storms
44	Procedure of tropical cyclones and tsunamis
45	Safe driving safety Protocol
43	Safety Protocol for the design, construction and maintenance of roads
47	Signaling safety Protocol
48	Protocol for the handling of chemical and hazardous substances
49	Contingency Planes
50	Plan for the response to emergencies
51	Description of the Security System of Puerto Nuevo
52	Access Policy
53	Fees
54	Procedure for the Authorization of Entry of chemical and hazardous substances
55	Procedure for the disembarking of Crew members with health issues
56	Procedure for the Request, Handling and Supply of fuel