ASSOCIAÇÃO NACIONAL DOS EXPORTADORES DE CEREAIS
(NATIONAL ASSOCIATION OF GRAIN EXPORTERS)
AV. BRIG. FARIA LIMA, 1656 – CJ.8ª – CEP: 01451-001 – SÃO PAULO (SP) - BRASIL
TEL. (011) 3039-5599 – Email: contracts@anec.com.br

Annex 1

Contractual Annex 1

Rules to Calculate detention for shipments in the Port of Paranaguá
Application: ANEC Contracts 41, 42, 43, 44, 45, 71, 73
Effective from 01st March 2024

This Annex shall apply to future shipments as from the above Effective Date only.

This Annex does not exclude the application of the respective ANEC Standard Contract and the APPA Service Order effective at time and place of shipment, however in case of divergence the terms of the Annex shall prevail.

Provided that (i) obligation to load has started and (ii) vessel is ready to load in all respect as provided in the respective ANEC Contract, Detention will apply whenever:

Section 1: APPA's Standard Reasons where detention apply:

The vessel is called at "*APPA – Reunião de Line Up*" and is kept on the waiting list, meaning the vessel does not move to the Official Lineup of the Export Corridor, by any of the three reasons standardized by APPA in accordance with Service Order valid at the time of shipment registered by APPA in the respective Port Meeting (" Appa Minutes") which are below summarized.

Reason 1:

"Non listing of the entire cargo by the Charterer, represented on this list by the Maritime Agency, responsible for the vessel

This means that all or part of the cargo has not been identified by the respective Terminal(s) and appear as "TBN".

Calculation for Reason 1:

a) Detention is counted from the date at which the vessel is retained due to Reason 1 in accordance with the information inserted in the APPA Minutes in the field "*Observações*" and ends only when the total contractual volume nominated by the buyer is fully identified and cargo is indicated as "OK" at Nomination Field ("*Nomeação*") and/or "carga" field without being subject to Reason 2 or Reason 3.

b) The amount determined for detention shall be prorated among all exporter(s) identified by
   i. comparing the list of exporter(s) and volumes set out on the date in which the Minutes for Reason 1 was inserted, with the list of the minutes prior to the inclusion of the vessel in the Official Line-up of the Export Corridor,
   or
   ii. when the Reason 1 is no longer applicable.

Reason 2:

"The Cargo is not available, in accordance with the nomination commitment, by the exporter(s):"

This means that:

a) exporter is identified but have not given OK to load;
b) exporter(s) and/or terminal listed in the field "*OBS and/or Observações*" of the APPA Minutes had a load forecasting availability date informed by the Terminal(s) chosen by it incompatible with the berth availability.

Reason 3: "*The Cargo is not available by the exporter(s), by exceeding the logistic capacity of the Terminal(s), until the berth opening, fact known to the exporter(s) who takes the responsibility for the cargo not being ready, even when it is able to substitute the lots, in accordance with the respective exporter(s)´s convenience":*

This means the exporter(s) listed under a Terminal that in the field "*OBS and/or Observações*" of the APPA Minutes had a date provided for availability of the cargo informed by the Terminal(s) chosen by it incompatible with the berth release due to logistic capacity of the Terminal(s), however, still a fact falling under the responsibility of the exporter(s) as it is the contracting party of the Terminal(s).

Calculation for reason 2 and 3:

a) With regard to the Reason 2 and Reason 3, the exporter(s) identified in the fields "*OBS and/or Observações*"and/or the exporters' identified as shipping from the relevant terminal also identified in the fields "*OBS and/or Observações*" of the APPA Minutes are responsible for detention from the date of insertion into Reason 2 or Reason 3 to
   i. the day the exporter(s) is no longer listed by Reason 2 or Reason 3, and is classified as "OK"

   In the absence of above registrations ("a)i" detention will apply to the day before the vessel is added into the Official Line-up of the Export Corridor.

b) In case, at any time due to a reason beyond Buyer´s control, the "OK" given by an exporter(s) for any quantity of cargo is withdrawn, the calculation will be revised and shall be done as provided in this clause "b". Seller will be responsible for detention from the Loading Obligation Date or NOR, whichever later, to
   i. the day the exporter(s) is/are no longer listed by Reason 2 or Reason 3, and is classified as "OK",
   or
   ii. the day the exporter(s) gives its/their "OK" and such "OK" remains valid, meaning, it is no longer withdrawn,

   In the absence of above registrations ("b)i",[or "b)ii" detention will apply to the day before the vessel is added into the Official Lineup of the Export Corridor.

Section 2: Other reasons where detention apply:

Reason 4: After being placed on the Official Lineup of the Export Corridor, at the request of the Terminal(s) and/or Shipper the vessel is DECLINED from its position.

Calculation for Reason 4:

Detention is counted from the date and time at which the vessel is DECLINED to the day before the vessel berths.

Responsible for detention will be:

i. In case a Terminal(s) declines: All the exporter(s) having cargo in the Terminal(s) that declined the vessel.
ii. In case one or more exporter(s) declines: The specific exporter(s) who has declined.

Detention shall be applied pro-rata between the relevant exporter(s) above where there is more than one of them.

Reason 5: After being berthed, the continuous load of the vessel is interrupted due to lack of cargo.

Calculation for Reason 5:

Detention is counted from date and time at which continuous load of the vessel is interrupted due to lack of cargo to the day and time the loading is resumed according to the information provided in the Statement of Facts.

Responsible for detention will be:

i. In case a Terminal(s) is the cause of interruption: All the exporter(s) having cargo in the Terminal(s) that interrupted continuous loading of the vessel.
ii. In case one or more exporter(s) interrupted: The specific exporter(s) who has interrupted.

Detention shall be applied pro-rata between the relevant exporter(s)s above where there is more than one of them.

General provisions:

1. Calculation of the detention under Section 2 does not affect the detention which might apply as result of Section 1 above (APPA's Standard Reasons where detention apply). Detention under Section 2 is additional to detention under Section 1. Both calculations must be added-up to calculate the total detention liability of a shipper.

2. Calculation of the detention must be based on the quantity(s) identified via the string(s) linked to exporter(s) whose names are mentioned in the relevant APPA Minutes. If the exporter of referred quantity(s) changes, then this string (until actual exporter of corresponding quantity(s) loaded), will be the one liable for calculation.

3. The detention charge, even if received via string, must be individually checked (terms of the contract, nomination date, date of obligation to load, pro-rata calculation, strings, APPA Minutes) before being forwarded to the respective seller.

4. Parties cannot withhold payment to their buyers because they were not paid by sellers in string.

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Glossary

Table 1

REF #	TITLE in Portuguese	TRANSLATION to English	Meaning
n.a.	APPA	APPA	*"Administração dos Portos de Paranaguá e Antonia"* – Paranagua and Antonina Port Administration
n.a.	Ordem de Serviço APPA	APPA Service Order	Regulation of the Port Administration to determine vessel's berthing, scheduling and operations.
01	ANUNCIO	Announcement	When the vessel was announced to port authorities
02	CHEGADA	Arrival	Vessel's arrival at port
03	SITUAÇAO	Status	When vessel's status is shown as "line up" means that the vessel has risen to the line-up with 18 vessels ("18")
03A	SITUAÇAO	Status	When vessel' status is shown as "sem prog" means that the vessel already arrived but is still waiting at pre-lineup
03B	SITUAÇAO	Status	When vessel' status is shown as "habilitado" means that all the shippers were identified, although, the vessel is not in condition to rise on the line-up due to logistics reasons.
04	NAVIO	Vessel	Vessel
05	AGÊNCIA	Agency	Maritime agency responsible for this vessel
06	Nº PROG	Programming number	Number given to the vessel once port authorities receive her announcement
07	DATA DE APTIDÃO	Acceptance date	As from this date the vessel is accepted and can be called at port meeting
08	PRODUTO	Product	This box shows the product that will be loaded in the vessel
09	SOJA	Soybean	If the cargo loaded is soybeans, then this box will show the quantity
10	FARELO	Meal	If the cargo loaded is meal, then this box will show the quantity
11	MILHO	Maize	If the cargo loaded is maize, then this box will show the quantity
12	TRIGO	Wheat	If the cargo loaded is wheat, then this box will show the quantity
13	NAVIO	Vessel	Vessel
14	AGENTE	Agents	Maritime agency responsible for the vessel
15	PRODUTO	Product	Product
16	OPERADOR	Operator	Port operator responsible for the vessel
17	MER	Product	If the product has different specification, than it's mentioned in this column (gmo/ngmo, pellets, hipro, etc.)
18	EXPORTADOR	Exporter	Exporters
19	OPERADOR	Operator	Logistic operator responsible for the parcel
20	TERMINAL	Terminal	Terminal abbreviation
21	TON	Ton	Metric tons expected to load

22	CARGA	Cargo	When this box is marked as 'ok' means that the terminal confirmed cargo availability
22A	NOMEAÇÃO	Nomination	The port minute of vessels waiting in pre-lineup shows this column as “nomeação”. Once vessel rises to the 18, then the column is seen as “cargo” and refers to cargo availability (22).
23	TOTAL	Total	Total quantity confirmed by terminal
24	OBS	Observation	Any comment concerning the parcel in this line, such as cut (24A), last parcel to load (24B), obligation date (24C), etc.
25	TERMINAL	Terminal	Terminal name
26	TOTAL DO NAVIO	Total of vessel	Total quantity as announced to port authorities
27	TOTAL PROGRAMADO	Total programmed	Total quantity programmed to load
28	TOTAL EM CONDIÇÕES	Total in conditions	Total quantity that the terminals have given their “OK” confirming cargo availability
29	TOTAL SEM CONDIÇÕES	Total without conditions	Total quantity without conditions to load (“SC”)
30	TOTAL EM TBN	Total to be nominated	Total quantity which has no shipper found yet
31	OBSERVAÇÕES	Observations	Any remarks that port authorities find pertinent to be stated.

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Example of APPA minutes

Table 2

			01	ANUNCIO						
			02	CHEGADA						
03 SITUAÇÃO	04 NAVIO	05 AGÊNCIA	Nº PROG	06 DATA DE APTIDÃO	07	08 PRODUTO	09 SOJA	10 FARELO	11 MILHO	12 TRIGO
LINE UP										

LINE UP - 2ª PREFERÊNCIA

13 NAVIO:				PRODUTO: 15				
14 AGENTE:				OPERADOR: 16				
17 MER	EXPORTADOR 18	OPERADOR 19	TERMINAL 20	TON 21	CARGA 22	TOTAL 23	OBS 24	
25 Terminal								
					OK			
Terminal								
					OK			
Terminal								
					OK			
Terminal								
				0,000		0,000		
26 TOTAL do Navio				-				
27 TOTAL Programado				-				
28 TOTAL em Condições				-			OK	
29 TOTAL sem Condições				-			0,000 SC	
30 TOTAL em TBN				-			0,000 TBN	

Observações.:31

03A

SITUAÇÃO
SEM PROG

03B

SITUAÇÃO
HABILITADO

22A

PRODUTO: FARELO	
OPERADOR:	
TON	NOMEAÇÃO
1.000,000	OK
1.000,000	OK
1.400,000	OK
4.000,000	OK

24A

OBS
CORTE - 1700 t

24B

OBS
5000 t - (ULTIMO LOTE)

24C

OBS
01/jul
01/jul
01/07/2023