

Terms + Conditions of Transport ERS Railways B.V.

Version: 12/2018

Validity: 1st January 2019 until further notice



ERS Railways B.V.
Headquarters
Albert Plesmanweg 107 C
3088 GC Rotterdam
Netherlands

Telephone : +49(0)40 / 756687-0
E-mail : info-de@ersrail.com
Website : www.ersrail.com

ABN AMRO Bank N.V.
Account: 24.00.36.832
VAT: DE268126447
BIC: ABNANL2A
IBAN: NL93ABNA0240036832

Chamber of Commerce Rotterdam 24288127

All our activities are subject to the "General Terms and Conditions ERS Railways B.V." dated 1st May 2009, and as the case may be, pursuant to article 2 of these conditions, the terms and conditions of any party engaged within the scope of ERS' activities (which may include the conditions laid down in the CIM and the FENEX conditions).

Content

1. General	3
2. Service Portfolio	3
3. Offers and quotations	3
4. Seaport Terminals	4
5. Loading tackle	4
6. Liability	4
7. Terms of delivery	4
8. Payment conditions, compensation	4
9. Claims	5
10. Temporary storage at inland rail terminals and alternative locations	5
10.1. Import	5
10.2. Export	6
10.3. Storage outside the rail terminals (including transfer for train departure)	7
10.4. Delivery stops at German hinterland Terminal	7
11. Truck conditions	8
11.1. Waiting time / unhitch chassis	8
11.2. Special equipment	8
11.3. Multistop, customs stop	8
11.4. Weighing in the inland / determination of container gross weight	9
11.5. Shuntings in the seaport (per truck)	10
11.6. Depots	11
11.7. Maximum weights for border crossing traffic	11
12. Heavy Weight Surcharge	11
13. Handling (Pick-up/Drop-off)	12
14. Container Sealing	12
15. Transportation under customs Union transit procedures (non-Union goods)	12
15.1. Issuing of T1-documents	12
15.2. Restrictions	13
15.3. Wrong data / not compliant finalisation of customs transit procedures	13
16. Transportation and Handling of special goods (i.e. dangerous goods, waste)	13
16.1. Transportation exclusion	13
16.2. Dangerous goods	13
16.3. Handling of Dangerous Goods at the terminals	14
16.4. Waste	14
17. Cancellation and Changing Fees	14
18. Energy and additional costs	15
19. Right of revocation	15
20. Severability Clause	15

1. General

For all services provided by ERS Railways B.V. the following Terms + Conditions are applicable with validity from 1st July 2018 until further notice.

The service portfolio of ERS Railways B.V., branch office Hamburg (place of jurisdiction: Hamburg) includes the combined transport via rail (CTR, terminal-terminal-traffic), combined transport rail/road (including possible door pick up / delivery service by truck: CT) and ancillary services related to CTR and/or CT.

Any deviation to these Terms + Conditions need to be agreed in written form, especially changes made by the customer shall only be valid if these are expressly agreed by ERS Railways B.V. in writing.

These Terms + Conditions are an appendix to the General Terms and Conditions of ERS Railways B.V. which are available for download here: <http://www.ersrail.com/downloads.html>.

Unless otherwise agreed, all offers for truck transportation include the applicable (currently valid) national toll fee.

ERS Railways B.V. reserves the right to advice possible adaptations of the toll fee in case of and in accordance to legal toll fee adjustments.

2. Service Portfolio

- Combined Transport Rail / Road, including door pick up or delivery services by truck in the inland (CT)
- Combined Transport Rail (Terminal-Terminal-Traffic: CTR)
- Terminal- & Depot services

3. Offers and quotations

Our offers are based on presently valid tariffs and all other applicable costs. The offers are subject to operational feasibility and are not binding until receipt of your written approval prior to transportation, latest until end of the validity period.

All rates are offered in Euro and are subject to local VAT and/or other local applicable taxes.

The agreement parties commit themselves and all employees to confidentiality. Disclosure to third parties, also in extracts, is not permitted and entitles us to cancel the offer with immediate effect.

Our offers include the following services:	CT	CTR
Rail transport full (oneway) & empty to inland terminals and v.v. (roundtrip)	✓	✓
Containerhandling on/off the rail waggon at inland terminals	✓	✓
Truck transportation between loading point and empty depot respectively inland rail terminal (as basis for calculating this part of the service the postal code of the loading place is decisive)	✓	
Door delivery on standard chassis (FOT)	✓	
Issue of T1 document incl. 10 positions (see paragraph 15) (except for RTM)	✓	✓
Terminals in the port of Hamburg serviced per direct rail connection (FOR): CTA / CTB / Eurogate	✓	✓
Terminals in the port of Bremerhaven serviced per direct rail connection (FOR): CT1-4	✓	✓

4. Seaport Terminals

Following seaport terminals are serviced directly per rail by ERS Railways B.V.:

Port of Hamburg:

- Eurogate Container Terminal (HEK)
- Container Terminal Burchardkai (CTB)
- Container Terminal Altenwerder (CTA)

Port of Bremerhaven:

- CT 1 – 4

Port of Rotterdam

- ECT Delta
- Euromax
- APMT I/II

For servicing of further terminals within these seaports please refer to 11.5.

5. Loading tackle

ERS Railways accepts 20' and 40' Containers as standard means of transport.

45' Containers are special means of transport, which we can transport, but need to charge an additional of EUR 90/Unit.

All other Container types like 30' and other equipment types on request. A valid CSC plate and craneable conditions at all Terminals are a basic requirement. Additional charges (such as special handling at Terminal) will be charged as per disbursement. Liability for damaged tarpaulin of open Top Containers will not be accepted.

6. Liability

Rail transportation is based on CIM regulations, always latest version. For truck transportation ADSp in the latest version applies.

7. Terms of delivery

Terms of delivery or fixed appointments can not be guaranteed. This would imply unobstructed carriage conditions on rail and road.

Occurring costs for demurrage, detention or port storage at seaport or inland terminals will not be borne by ERS Railways B.V..

8. Payment conditions, compensation

Unless otherwise agreed, all ERS Railways B.V. invoices are to be paid within 15 days counting from invoice date without discount or deduction. Payment through setting off (compensation) is not permitted, counter invoices will not be accepted by ERS Railways B.V.. In case of late payments ERS Railways B.V. is entitled to charge interest for default of 9 %.

9. Claims

Any claim regarding invoiced costs can only be accepted within a range of 6 weeks as from invoice date. On request all relevant documents need to be provided to ERS Railways B.V. in order to verify the complaint. Please address your claim to: disputes@ersrail.com

10. Temporary storage at inland rail terminals and alternative locations

10.1. Import

The bottlenecks regarding available terminal capacities do increases continuously. Due to this capacities for short time storage at the rail terminals are limited. We recommend a prompt pick up of your container(s) after train arrival. Our customer service teams will be glad to inform you about possibilities best suitable for your requirements.

After the storage free times of the terminals following costs for temporary storage apply for **empty and loaded container(s) (no dangerous goods!)**:

- „handling“ - **once per unit and commenced storage**
- „storage charges“ - **per TEU und commenced calendar day**

The terminals in Ulm, Kornwestheim, Nuremberg and Munich defined a deadline for the temporary storage. When the deadline is exceeded, containers will be transferred to a separated storage area. The resulting costs

- „transfer extension facility“ - **once per unit**

will be charged by ERS Railways B.V.

Import temporary storage	ULM (DUSS)	Munich Kornwestheim (DUSS)	Nuremberg (TRICON)	Mannheim (Contargo)	Singen (TSG)
Free time (free of charge)	A+1	A+1	A+1	A+4	A+1
Additional handling charges (applicable after free time)	26 € / unit	26 € / unit	26 € / unit	30 € / unit	28 € / unit
Storage charges per calendar day	16€ / 20' 24 € / 40'	16€ / 20' 24 € / 40'	6,60 / TEU	6,60 € / TEU	12 € TEU
Additional charges for transfer to a separate extension facility	55 € / unit on Day A+2	55 € / unit on Day A+4	70 € / 20' 90 € / 40' on Day A+4 including Storage from Day A+4 until A+8	/	21 € / unit on Day A+2
Doubling of storage charges per calendar day as from A+4	24 € / 20' 36 € / 40'	24 € / 20' 36 € / 40'	As of A+9 50 € / TEU	/	/

A= day of arrival

Characteristics:

- **Containers** loaded with **dangerous goods** are **not allowed to be stored** and have to be picked up immediately after train arrival. If containers are not picked up immediately after train arrival default charges according to 16.3 will be charged.
- Units to be delivered to the inland terminals on Saturdays will be processed as if they arrived on the following Monday, units to be delivered on national holidays will be processed as if they arrived on the following working day.
- Storage of containers is always subject to space.

ERS Railways B.V. reserves the right to transfer units to a nearby storage area or Depot (as per 10.3.), especially in case of capacity bottlenecks at the inland rail terminals. Above mentioned storage charges remain unaffected.

10.2. Export

The bottlenecks regarding available terminal capacities do increase continuously. Due to this capacities for short time storage at the rail terminals are limited. We recommend a delivery of your container(s) within the storage free time shortly before the delivery deadline of the according train. Our customer service teams will be glad to inform you about possibilities best suitable for your requirements.

The possibilities and regulations for short time storage depend on the inland terminal. Currently following varieties apply:

- The delivery of containers is only possible within the storage free time.
- The delivery of containers before the storage free time is possible, storage charges will apply.
- The delivery of containers before the storage free time is possible to separated storage areas only. According charges apply.

Subject to capacity availability following costs for temporary storage apply **for empty and loaded containers (no dangerous goods!)**:

- **„handling“ - once per unit and commenced storage**
- **„storage charges“ - per TEU und commenced calendar day**

The terminals in Ulm, Kornwestheim, Nuremberg and Munich defined a deadline for the temporary storage. When containers will be delivered prior to this deadline, storage on a separated area with transfer to the train handling area takes place. The resulting costs

- **„transfer extension facility“ - once per unit**

will be charged by ERS Railways B.V.

Delivery and temporary storage of containers is always subject to space. Stops of delivery on short notice can not be excluded.

Export temporary storage	ULM (DUSS)	Munich Kornwestheim (DUSS)	Nuremberg (TRICON)	Mannheim (Contargo)	
Free time (free of charge)	A+1	A+1	A+1	A+4	A+2
Additional handling charges (applicable after free time)	26 € / unit	26 € / unit	26 € / unit	30 € / unit	28 € / unit
Storage charges per calendar day	16€ / 20' 24 € / 40'	16€ / 20' 24 € / 40'	6,60 / TEU	6,60 € / TEU	12 € TEU
Additional charges for transfer to a separate extension facility	55 € / unit on Day A+2	55 € / unit on Day A+2	70 € / 20' 90 € / 40' on Day A+4 including Storage from Day A+4 until A+8	/	21 € / unit on Day A+3
Doubling of storage charges per calendar day as from	24 € / 20' 36 € / 40'	24 € / 20' 36 € / 40'	As of A+9 50 € / TEU	/	/

A= day of arrival

Characteristics:

- **Containers** loaded with **dangerous goods** are **not allowed to be stored** and are only allowed to be delivered on the day of train departure.
- Units to be delivered to the inland terminals on Saturdays will be processed as if they arrived on the following Monday, units to be delivered on national holidays will be processed as if they arrived on the following working day.
- Storage of containers is always subject to space.
ERS Railways B.V. reserves the right to transfer units to a nearby storage area or Depot (as per 10.3.), especially in case of capacity bottlenecks at the inland rail terminals. Above mentioned storage charges remain unaffected.

10.3. Storage outside the rail terminals (including transfer for train departure)

ERS Railways offers the storage outside the rail terminals at following locations. Our offer is subject to space and only valid with a booking in combined transport (including trucking services).

inland terminal service	Nuremberg	Kornwestheim	Munich	Ulm	Mannheim
Handling and transfer per unit	140 EUR/unit	300 EUR/unit	115 EUR/unit	110 EUR/unit	125 EUR/unit
Days free of charge [per unit and calendar day]	10 days	8 days	10 days	10 days	10 days
Storage charges [per calendar day]	6 EUR / TEU	6 EUR / TEU	6 EUR / TEU	6 EUR / TEU	6 EUR / TEU
Dangerous goods	The storage of dangerous goods (IMO) is not possible.				On request

- The charges for handling and transfer per unit include container moves and transfer per truck to the rail terminal before train departure.
- Calculation of storage times per commenced calendar day.
- The storage of units is always subject to space.

10.4. Deliverystops at German hinterland Terminal

In peak periods the Terminals in the German Hinterland are able to announce a delivery stop according to their side conditions. We need to ask for your understanding, that we as ERS Railways B.V. are not liable for any costs arising out of such a delivery stop. Arising costs will be charged according to 10.3.. Our Customer Service Team is always at your disposal to support you in finding solutions.

11. Truck conditions

11.1. Waiting time / unhitch chassis

For combined transports rail/road a free time of 2 hours for trucking per standard chassis will apply. The calculation starts with the beginning of (un-)loading, at the latest with agreed (un-)loading time.

Waiting time per each commenced half an hour 40 EUR

Free waiting times at Depot/Terminal are 30 minutes.

Waiting time costs for special equipment on request.

In case the truck chassis is required to stay at the place of (un-)loading (unhitch chassis) ERS Railways B.V. will charge a second truck trip. Costs are available upon request.

Free time: 30 minutes.

Chassis rental: 24 hours free of charge, thereafter per commenced 24 hours 50 EUR.

Please be aware that free waiting times are not clearable with each other.

11.2. Special equipment

Inland terminals: tipping chassis additional (only 20ft up to 26,0 t) 50 EUR

In general the free waiting time for special Equipment is limited to 30 Minutes.

Further special equipment, i.e. sideloader, 45 ft chassis additional as well as free times for special equipment on request.

ERS Railways B.V. is also offering transportation for Reefer-Containers, however ERS Railways B.V. is not taking any liability for possible claims or damages which are a result of not plugging the units. During the transport there is no possibility of cooling/warming or plugging the units. Furthermore not all terminals are equipped with Reefer plugs. More details on request.

11.3. Multistop, customs stop

The free time for a multistop or customs stop is 30 minutes. Thereafter every commenced half an hour will be charged as per paragraph 11.1.

The additional charges for a multistop/customs stop will be calculated on base of the additional kilometers of the truck due to the extra stop: distance terminal – multistop – unloading address – terminal minus distance terminal – unloading address in truck roundtrip.

Additional kilometers:	Germany/Austria
up to 10 km	50,00 EUR
up to 25 km	80,00 EUR
up to 50 km	110,00 EUR
up to 100 km	180,00 EUR
up to 150 km	255,00 EUR
up to 200 km	330,00 EUR

Based on PTV Map & Guide 2018

11.4. Weighing in the inland / determination of container gross weight

ERS Railways offers weighing of container in the hinterland. The order for the truck transportation in the hinterland is required to book this additional service. Furthermore a dedicated order for the weighing is obligatory.

Inland location	Additional costs for weighing
Munich	70 EUR / container
Augsburg	90 EUR / container
Ulm	85 EUR / container
Kornwestheim	90 EUR / container
Nuremberg	95 EUR / container
Mannheim	105 EUR / container

Included service parts:

- Drive to weighing station, multistop, weighing process to determine container gross weight, documentation.
- 30 minutes free time per operation, thereafter waiting time according to 11.1 occurs.

Following possibilities for weighing – depending on inland location and service partner – are offered: per Reachstacker with integrated scale (lift of the container from chassis), per truck scale (weighing of chassis/loaded container minus empty chassis weight respectively the difference of weighing trailer truck/loaded container minus trailer truck empty). The choice about service providers for weighing shall be for ERS Railways to decide.

Weighing is subject to operational feasibility. The change of offered conditions is explicitly reserved in accordance to process optimization.

All weight specifications are not guaranteed. Additional costs for example due to delays, waiting times at weighing stations, rail dead freight, additional drive to weighing stations caused by limited opening times/highly frequented weighing stations a.s.o. will be charged and are to be borne by the ordering party. ERS Railways is not liable for circumstances resulting in non-loading in seaport, problems/delays in transmission of weights, deviations/ uncertainties regarding verified gross mass of the container, mistakes in documentation and any other problems in the process.

In case capacities of weighing stations are not sufficient and alternative weighing stations have to be used, all resulting additional costs will be charged.

11.5. Shuntings in the seaport (per truck)

Shunting within Hamburg port area	110 EUR/unit*
Shunting Progeco	130 EUR/unit
Shunting within Hamburg "city limit"	160 EUR/unit*
Shunting of loaded or emptied (uncleaned) tank containers (IMO)	220 EUR/unit
Shunting from/to CPA/Phyto Sanitary Control/VET Hamburg	225 EUR/unit
Shunting for customs examination (only trucking, excl. extra costs)	285 EUR/unit
Shunting within Bremerhaven	270 EUR/unit
Shunting from/to CPA/Phyto Sanitary Control/VET Bremerhaven <small>excl. terminal handlings</small>	210 EUR/unit
Shunting between Hamburg and Bremerhaven <small>excl. terminal handlings</small>	380 EUR/unit
Shunting within the port of Rotterdam	190 EUR/unit
Shunting between port of Rotterdam and port of Antwerp <small>excl. terminal handlings</small>	260 EUR/unit

* Hamburg "port area"	* Hamburg "city limit"
· Braun	· CDR
· Buss Hansa	· DUSS Billwerder
· CMR	· Hanse Repair
· Condaco	· Rixin / RCS
· CST	· Logoo Logistics
· CTT	
· DCP	
· HCCR	
· HCS	
· Medrepair	
· Tankfeld Dradenau	
· Progeco	
· Remain	
· SWT (C. Steinweg / Süd-West-Terminal)	
· UCS	
· Unikai	
· Unitainer	
· United	
· WCS	
· Wallmann & Co. Terminal	

Any other Depot/Terminal facility upon request.

11.6. Depots/Terminal

For container pick up or drop off 30 minutes at Depot or Terminal are free of charge. Thereafter charges according to 11.1 apply.

For bookings in combined transport road/rail (CT) via the according terminal the pick up / drop off at the inland depots will be charged as per following table:

Terminal	Pick up / drop off depot	
München	CLM, Parsdorf CDM, München Kloiber, München	0 EUR
Kornwestheim / Stuttgart	Deisser, Stuttgart	0 EUR
	DBIS, Kornwestheim	0 EUR
	DP World, Stuttgart	30 EUR
Mannheim	Contargo, Ludwigshafen	0 EUR
	Contargo, Mannheim	
	DBI Mannheim	
	DP World Mannheim	
Nürnberg	CDN, Nürnberg	0 EUR
	DBIS, Nürnberg	
Ulm	DBIS, Ulm	0 EUR

Any other depot facility upon request.

ERS Railways B.V. will not assume liability regarding type and condition of the released equipment. The container pick up / drop off requires a correct release/registration of the equipment at the depot/terminal by the carrier. ERS Railways B.V. will not accept any additional costs occurring due to lack of necessary equipment condition, wrong equipment and/or refusal of the equipment by the loading facility.

Please be aware that free waiting times are not clearable with each other.

11.7. Maximum weights for border crossing traffic

In case of border crossing traffics from/to Germany via Austria or Switzerland the maximum gross weight per container is limited to < 25 mt.

Charges for Customs Stop at the German/Switzerland Border are not included in our rates. Please mention the relevant border crossing in your booking details. Our prices are always based on the shortest way and already have a defined border crossing, in case the instructed border crossing through your booking is differing additional charges may occur as per Multistop calculation (as per 11.3.)

12. Heavy Weight Surcharge

For the transport of Heavy Weight Containers exceeding the categorized gross weights as per our quotations ERS Railways B.V. will charge a surcharge as follows:

Rail - as from 30,5 mt gross - Heavy Weight Surcharge 100 EUR/unit

Truck - as from 30,5 mt gross on request

13. Handling (Pick-up/Drop-off) Seaport / Storage at Port

Additional handlings at the seaport rail terminals, valid if container is delivered in customers care and/or if storage charges will apply:

Terminal-handling KTH	40 EUR/unit
Terminal-handling Eurokombi	40 EUR/unit
Terminal-handling Burchardkai	75 EUR/unit
Terminal-handling Bremerhaven	220 EUR/unit
Terminal-handling ECT Delta	70 EUR/unit
Terminal-handling APMT I & II	60 EUR/unit
Terminal-handling Euromax	70 EUR/LE

Container will be subject to storage charges if delivered before / picked up after the storage free period. Occurring costs will be charged as per quay tariff.

To guarantee the planned train departure import containers shall be delivered to the rail terminal one day prior to departure. Our customer service provides details on request.

Terminal Storage charges Rotterdam Maasvlakte exclusive of RWG per commenced 24 hours

Day 1-7	6 EUR/TEU
Day 7-14	12 EUR/TEU
Thereafter	24 EUR/TEU

If container are already picked-up / dropped-off and need to be picked-up / dropped-off again (handling truck-terminal-truck) charges for handling and storage differ from above mentioned conditions. These costs will be charged as per disbursement.

14. Container Sealing

For the sealing of export-containers ERS Railways will charge 15 EUR/unit

15. Transportation under customs Union transit procedures (non-Union goods)

15.1. Issuing of T1-documents

HAMBURG/BREMERHAVEN

One T1 document per container - up to 10 positions	free of charge
Every additional T1 document per Container – up to 10 positions	25 EUR/document
As from position 11 per document	2 EUR per position

ROTTERDAM

One T1 document per container – up to 10 positions	30 EUR/document
Every additional T1 document per Container – up to 10 positions	30 EUR/document
As from position 11 per document	2 EUR per position

For the issuing of a T-1 document ERS Railways requires all relevant data in time.

The T1-documents are valid for 7 calendar days and will be issued generally 1 day before train departure.

15.2. Restrictions

The transportation of the following goods is not possible if customs Union transit procedures take place:

Live animals, meat and side products of slaughter, fish/shellfish, milk and milk products, bananas and sugar as well as tobacco and cigarettes.

If not transported under customs control but as Union goods ERS Railways B.V. is able to forward named goods as well.

Goods to be controlled by authorities according to §55 passage 1 no. 3 LFGB (German Food and Feed Code, i.e. goods like palm oil, nuts, mushrooms, spice powder) can be transported as non-Union goods if special regulations will be followed.

Our customer service teams will be glad to inform you regarding your individual request.

15.3. Wrong data / not compliant finalization of customs transit procedures

In case of missing EX1 Documents at Terminal APMT I/II in Rotterdam or missing delivery reference we need to charge costs, due to the fact that we need to discharge at an alternative Terminal and shunt to APMT after clearance. 350 EUR / unit

In case of wrong data within the T-document or discrepancies in customs clearance ERS Railways B.V. will support to clarify the incident.

For the administrative effort (e.g. communication with German customs authorities) we will charge a lump sum of 60 EUR / incident

Possible additional (customs) costs like dunning charges, caution fines or tax assessments will be charged as per disbursement and are not included in the lump sum rate.

16. Transportation and Handling of special goods (i.e. dangerous goods, waste)

16.1. Transportation exclusion

ERS Railways B.V. is not allowed to transport arms and munitions.

16.2. Dangerous goods

16.2.1. Surcharge for transportation: 15 EUR/unit

16.2.2. Dangerous Goods exemption

Hazardous cargo of classes 1, 5.2 und 7 can not be transported via rail.

Furthermore dangerous goods with a high risk according to ADR/RID, table 1.10.3.1.2 are prohibited for transport by ERS Railways B.V. This includes goods of class 4.1 as well as certain goods of classes 2, 3, 4.2, 5.1, 6.1, 6.2 and 8.

16.3. Handling of Dangerous Goods at the terminals

The temporary storage of hazardous goods at rail terminals is not allowed to exceed 24 hours. Because of this restriction it is required and expected that units are picked up on the day of arrival or delivered at day of departure from/to the terminal (within opening hours).

In case units exceed the 24 hours deadline ERS Railways will charge following costs per calendar day:

day 1	25 EUR/unit
day 2	60 EUR/unit
As from day 3* - per day	100 EUR/unit

*These costs are in addition to the general storage charges as per paragraph 10.

16.4. Waste

Waste corresponding to the so-called „green list“ can be transported. The relevant information and documentation has to be made available to ERS Railways B.V. when booking takes place respectively prior to start of transport.

16.4.1 Surcharge for transportation: 12 EUR/unit

Waste classified as hazardous cargo according to the list of wastes (AVV) / § 48 of the recycling management and waste law (KrW-AbfG) can not be transported by ERS Railways B.V. We will be glad to check transportation possibilities on base of the waste code number.

17. Booking deadline and booking requirements

Import in general previous day to loading day until 13:00 o'clock

Export in general previous day to loading day until 15:00 o'clock

Exceptions need to be agreed with Customer Service in advance.

All import units need to be cleared with all documents present at terminal previous day to planned departure. All relevant data in order to transport the unit, such as Pin, Customs data etc. must be available without further request, at ERS previous day to taking over or planned departure of the unit. All charges arising due to missing or erroneous data will be charged separately. Affected units will be postponed to the next available departure.

18. Cancellation and Changing Fees

We reserve the right to apply an Administration fee of EUR 30 for multiple changes in existing bookings.

Changes and/or cancellations one day prior to loading day (independent if by rail or by truck) until 12:00 o'clock are free of charge. All kind of changes and / or cancellations after deadline are charged as follows:

In case of any changes after delivery at the departure terminal ERS Railways B.V. will charge a changing fee:	25 EUR/unit
--	-------------

In case of a non-loading per rail ERS Railways B.V. will charge a dead freight of	105 EUR/TEU
--	-------------

In case of a cancellation of a truck delivery / pick up for the following working day ERS Railways B.V. will charge a dead freight	as per individual notification
--	--------------------------------

Reasons for the application of change / cancellation charges respectively dead freights:

- Non-loading at day of departure due to missing or wrong data of the order
- Non-loading due to
 - missing physical delivery
 - a damaged unit
 - missing release or commitment note
 - either customs clearance problems or missing/wrong accompanying documents
- Change of booking or relevant changes of the order details after booking deadline

19. Energy and additional costs

ERS Railways B.V. reserves the right to introduce surcharges based on additional fees according to the energy price development and the terminal / infrastructure bottlenecks.

Possible extra costs resulting from safety arrangements (e.g. subsequent attachment of dangerous goods labels or security seals at the terminal to achieve possibility of train transportation) will be charged as per disbursement without any further notice.

20. Right of revocation

The offers and quotations of ERS Railways B.V. do not consider possible additional costs based on legal decisions and regulations. ERS Railways B.V. reserves the right to cancel the offer in case such changes make it necessary.

21. Severability Clause

In case one of the clauses is invalid, this does not have any impact on the other clauses. The law which is as close as possible to the volition of the party will be considered as substitution to the invalid clause.