

# **REGULATIONS ON THE MANAGEMENT AND OPERATION OF THE SEASONAL BUOY FIELDS MANAGED BY PORT DE ROSES S.A.**

## **SECTION ONE**

### **GENERAL PROVISIONS**

#### **CHAPTER 1 – OBJECT AND SCOPE OF APPLICATION**

##### Article 1 – Object of the Regulations.

The objective of these regulations is to establish the general rules of management, usage and operation of the buoy fields located in the bays and along the beaches of Roses, managed by Port de Roses S.A. (hereinafter, 'the Management Company') in accordance with the service order approved by Roses Town Council on 27<sup>th</sup> April 2015.

The regulations also cover the rules of service and supervision of the use of the buoy fields, without prejudice to all other regulations that may be applicable and, in particular, Law 5/1998, of 17<sup>th</sup> April, on Catalan Ports, Decree 258/2003, which regulates this law, and the Port Police Regulations, approved by Decree 206/2001 of the Department of Regional Policy and Public Works.

##### Article 2 – Scope of application.

2.1. The present Regulations apply to the following parties and require compulsory compliance from them in the mooring zones stipulated in the Seasonal Usage Plan, approved by Roses Town Council:

- a) Any people and vessels that use the waters of the buoy fields, the access channels, buoys and other water services.
- b) The company Port de Roses S.A.
- c) Any private and public organizations that conduct any type of activity within the service area of the buoy fields.

#### **CHAPTER 2 – PURPOSE AND ZONING OF THE BUOY FIELDS**

##### Article 3 – Zoning

3.1. The service area of the Roses buoy fields managed by Port de Roses S.A. is the area defined in the Seasonal Usage Plan of the Public Marine and Land Areas of the municipal area of Roses, approved by Roses Town Council on 23<sup>rd</sup> January 2015, and includes the zones and areas indicated on the map attached to these regulations, specifying the purpose of each of them.

3.2. The aforementioned Zoning Map includes the following zones and areas, duly identified.

## LIST OF BUOY FIELDS:

- Canyelles Petites
- Bonifaci
- L'Almadrava
- Montjoi
- Calitjàs
- La Pelosa
- Jóncols

### Article 4 – Purpose

The main purpose of the Roses buoy fields is use by sports and leisure and vessels, including rental vessels.

## **CHAPTER 3 - SAFETY**

### Article 5 – Safety

5.1. There is no permanent surveillance service in place at the buoy fields managed by Port de Roses S.A. and, by no means, any individualized surveillance service, which, as stipulated in Article 88 of the Catalan Ports Act, is an optional service and is not provided by Port de Roses S.A. As such, neither the Management Company nor any of its agents are liable for any thefts or robberies of the vessels or their accessories and belongings. The owners of the vessels are responsible for taking the security measures required to prevent such theft and, in particular, for taking out an insurance policy that covers such risks.

5.2. Safety factor: A wave less than one metre in height has been set as a safety limit, while for lengths of under 18 m, a wind force of under 25 knots and for lengths of over 18 m, a wind force of under 20 knots have been set. If these conditions are exceeded, Port of Roses accepts no responsibility for any damage caused to vessels.

5.3. In order to guarantee maritime safety within the area of private buoys and/or those belonging to companies under tender, MP Port de Roses S.A. may issue an urgent notice and/or 8–12-hour notice requiring users to vacate the area, whenever the weather conditions are unfavourable and may pose a risk of accidents, incidents, or hazardous situations for users of the buoy fields.

MP Port de Roses S.A. is exempt from any liability arising from the client's disobedience and reserves the right to take legal action against the client in the event of any accident or incident.

If the user fails to comply with the prior notice and/or order to vacate the field, MP Port de Roses S.A. may also disclose the client's details to third parties to initiate further legal action.

## **CHAPTER 4 – GENERAL RESPONSIBILITIES.**

### Article 6 – Responsibilities of the Management Company

6.1. In terms of the port users and the owners of any usage right, the Management Company is only liable for acts that are directly attributable to it or staff in its service, in accordance with current legislation.

6.2. In terms of the Authorities, the Management Company shall bear the liabilities stipulated in the Catalan Ports Act and Port Police Regulations, Law 14/2014 on Maritime Navigation, Resolution 4091 of 22<sup>nd</sup> March of the Palamós Port Administration regarding Instructions for Navigation in the Maritime Waters of the Province of Girona.

### Article 7 – Liabilities for damages in the public domain.

In accordance with Article 112 of the Catalan Ports Act, and Article 17 of the Port Police Regulations, whoever causes damages in the public domain through their actions or omissions shall be liable for replacing the damaged items or returning them to their former condition, with compensation for damages and losses incurred and, if applicable, for any corresponding fines.

### Article 8 – Liabilities for damages caused to the goods and rights of the Management Company and any other private property.

8.1. The owner of the usage rights for buoys, and any third parties, shall be liable, in accordance with private law, for any damages and losses that they may cause through their actions or omissions to the goods and rights of the Management Company or the private property of third parties.

8.2. The owner of the usage rights for buoys, and any third parties, shall be considered guilty of negligence when their conduct has breached legal or regulatory precepts and/or orders and instructions of the Port Administration.

8.3. The Management Company may proceed with the reparation of the damages caused, with the party responsible being liable for all costs involved.

### Article 9 – Liabilities for damages caused to public services.

Without prejudice to the penalties and liabilities indicated in the previous articles in these regulations, third parties and users of the port's services and/or facilities who, through their actions or omissions, responsibility or negligence, impair the provision of any services, they will be liable for compensation for all of the damages and losses incurred by the Management Company or the users of the affected service.

9.1. The Port Administration and, as applicable, the crew of vessels, may demand to see proof of valid insurance coverage from the aforementioned people at any time.

#### Article 10 – Liability.

The owner of vessels and other property located within the buoy fields and the owners of usage rights are liable to Port de Roses S.A. for all financial obligations contracted with the company and for any damages and losses caused by anybody (users, skippers, crew members, drivers, employees, renters, etc.) that uses the vessels, buoys, vehicles or any other facilities that they own.

The owners of the vessels, along with their captains or skippers, will be responsible for the actions of those on board who, when under the influence of alcohol, psychotropic substances, toxic drugs, or narcotics, endanger the safety of the boats and other users.

To ensure the safety of other boats and/or vessels and the people within the area of private buoys and/or those belonging to companies under the tender and jurisdiction of MP Port de Roses S.A., the person in charge of the boat, along with the skipper and/or captain responsible for all manoeuvres within the aforementioned area, must maintain a blood alcohol level of 0.0 at all times, with zero tolerance, and test negative for narcotics.

In the event that the blood alcohol level exceeds 0.0, or a positive drug test is recorded, MP Port de Roses S.A. is exempt from any liability arising from the client and reserves the right to take legal action against the client in the event of any accident or incident.

MP Port de Roses S.A. may also disclose the client's details to third parties to initiate further legal action.

#### Article 11 – Obligation of the Port Administration to report information and process claims

The Port Director is under obligation to report all incidents to the Port Authority in relation to the protection and maintenance of the port's assets and service provision. To this end, the Port Director must report any claims that may be required and process the claims lodged by third parties.

#### Article 12 – Procedure for claiming and determining liabilities to the Concessionaire or Management Company.

Any third parties and users who, as the result of the operation of the public service, incur damages to their assets or interests that are directly attributable to the Management Company, they must first notify the Company of their claim and, if the Company does not respond to the claim within 30 calendar days, the claimant can take any legal action that they consider appropriate.

#### Article 13 – Notifications.

13.1. For all intents and purposes, all notifications and requests will be sent to the address and/or e-mail address that the interested party indicated when contracting a service. Changes of address and/or e-mail address will only take effect when notification of the changes is received in writing and receipt has been confirmed by the Port Administration.

13.2. If the interested party no longer uses this address and/or e-mail address, or cannot be located, being deemed as such on return of the written notification by the postal service, the notification shall take full effect when posted for a period fifteen days on the notice board of the Port offices.

13.3. MP PORT DE ROSES S.A. will send messages via the booking application, as well as to the email addresses and telephone numbers provided at the time of booking. Communications sent in this manner will be fully effective and binding on the user.

## **CHAPTER 5 – BUOY MOORAGE**

### **Section 1 – Common regulations for all people mooring on buoys.**

#### **Article 14 – Maintenance and safety of boats**

14.1. Boats must only be moored on the assigned buoys and always in an appropriate way to prevent damage to the facilities or other vessels, placing the necessary fenders, if required.

Boats may only moor on buoys that correspond to their length and beam, or larger. The dimensions of the vessel shall be taken to be those indicated in the boat's documentation. In all cases, Port de Roses S.A. and its authorized representatives decide on the appropriate use of each buoy based on the maintenance and safety of the boats and the facilities.

It is the vessel owner's responsibility to equip the vessel with all of the equipment required to moor to the buoy. Both the mooring periods and the manoeuvres are the responsibility of the vessel's skipper.

14.2. All boats moored to a buoy must be kept in good condition in terms of maintenance, appearance, buoyancy and safety.

14.3. If the Port de Roses staff responsible observe that a boat does not meet these conditions, they will notify the owner or person responsible for the vessel and give them a period of 20 calendar days to rectify the indicated shortcomings or remove the boat the buoy.

In the event that, at the end of the indicated period, the situation has not been rectified, or if the vessel is in danger of sinking or causing damage to other vessels or the mooring facilities, on the decision of the Port Director or Harbour Master, the necessary measures will be taken to prevent potential damages and the vessel owner will be liable for all costs involved.

In such circumstances, the Port Administration is also authorized to remove or ground the vessel, or leave it on dry land, without prior warning.

In any case, the cost of removing the vessel from the water, refloating it, or removing the obstructions and any other measure required as a result of

the actions taken will be the responsibility of the vessel owner, and payment can be demanded in accordance with the applicable legislation.

#### Article 15 – Changing the vessels’ buoys

For the smooth operation of the buoy fields as a whole, the Port Administration reserves the right to proceed to change which buoy is assigned to a vessel at any time.

To do so, they must give the appropriate instructions to the crew. If the crew cannot be located, the Director may order their staff to proceed with the operation directly.

Changing buoy does not give any right for compensation, nor is the Port administration liable for any costs incurred by the vessel owner or the owner of the right of usage.

#### Article 16 – Prohibitions

As well as the prohibitions established at a general level by the International Regulations for Preventing Collisions at Sea, the mooring users are also prohibited from doing the following:

16.1. Water skiing, bathing or swimming in the buoy fields, channels and sea accesses to beaches. However, the entry of motorized vessels may be authorized at the permitted speed for access beaches.

16.2. Throwing refuse, rubbish, liquid waste, paper, fruit peel, nutshells or materials of any kind, whether or not it is considered to be a pollutant, either on the land or in the water, except from in the allocated waste collection zone. Waste must be deposited in the containers allocated for this purpose on the ports or beaches, in sealed bags at all times.

Infringement of this regulation, which particularly affects the hygiene and health standards of the bays, shall entitle the Port administration to lodge the appropriate report with the competent authority. A recurring breach of this regulation shall entitle the Management Company to ban the party in breach from accessing the mooring site.

16.3. The use of megaphone music equipment by individuals when the sound causes a disturbance in the buoy fields.

16.4. Carrying inflammable, explosive or hazardous materials aboard except the regulation distress flares, full reserves and gas tanks required for provisions on board.

16.5. Carrying out work or activities aboard the boat that cause or may cause a disturbance or hazard to other users. In such cases, any works or activities must be suspended at the written request of the Port Administration, or rescheduled to within the stipulated timetable.

16.6. Leaving the motor running of a boat moored to a buoy.

- 16.7. Leaving the halyard loose so that it hits against the mast.
- 16.8. Using anchors in the buoy fields, channels or sea accesses, except in cases of emergency.
- 16.9. Sailing vessels faster than three knots within the buoy field.
- 16.10. Sailing boats with sails up within the buoy field, except in cases of motor breakdown.
- 16.11. Vessels of over 8 meters in length may not stay overnight at the beaches of la Almadrava, Bonifaci and Canyelles

#### Article 17 – Obligations of buoy users

As well as all of the general obligations established in these regulations, all buoy users, whether in transit or entitled to seasonal usage, are under obligation to do the following:

- 17.1. Obey any order or instruction from the Port Administration and/or Harbour Master or their staff.
- 17.2. Respect the facilities, whether they are for public or private use.
- 17.3. Accept joint liability with the owner of the usage right for the buoy, the vessel owner and, as applicable, the skipper, for any damage caused, being liable for all costs involved in the repair and any compensation required.
- 17.4. Act with due diligence with respect to the use of the buoy and other facilities, ensuring that they are kept in good condition in terms of maintenance and usage.
- 17.5. May payment of the necessary fees, tariffs and instalments, in accordance with the provisions of Section Three of these regulations.
- Payment of the aforementioned fees, tariffs and instalments is the responsibility of the vessel and its owner, skipper, owner of the usage right and, if applicable, the user.
- 17.6. Having the civil liability, personal and boat insurance required under current legislation.
- 17.7. Comply at all times with the maritime safety regulations approved by the competent authority in each case, taking the measure required in this respect to ensure compliance with the corresponding regulations within the stipulated time period.
- 17.8. Notify the Port Administration of any periods longer than three days during which their vessel will be away from the buoy field, so that the Management Company can make the buoy available to vessels in transit.

### **Section 3 – Buoys for use by vessels in transit.**

#### Article 18 – Buoys for use by vessels in transit.

18.1. The concessionaire will reserve a number of buoys equivalent to 10 percent of the total number of buoys for use by vessels in transit.

18.2. The maximum stay permitted by vessels in transit is 36 hours in the same bay. After this time limit, they must leave the buoy.

#### Article 19 – Requesting services.

19.1. For accessing, docking and leaving the mooring fields for vessels in transit, a request must be made to the port through any of the established channels (fax, internet, telephone, VHF, channel 9 or in person at the waiting dock), indicating the services that they wish to use. Once in the buoy field, requests for services must be made in the following way:

a) The skipper shall provisionally moor to a free buoy or where they are told to do so. Alternatively, if they have prior authorization and they know where it is, they can moor directly on the buoy they have reserved.

b) At the request of the Port staff, the skipper or owner must identify themselves and request the service, indicating the characteristics of their boat, the duration of their stay and any other information that may be required. They shall be informed of the applicable regulations, current fees and the maximum permitted duration of their stay. They must then sign the corresponding request form, which is a binding service contract for both parties.

c) The Port Administration or its agents may request a reasonable security deposit or surety to cover the cost of the services requested. Such deposits must be lodged before occupying the buoy that is assigned or before using the desired service.

d) In addition, the Port Administration or its agents may inspect the state of the vessel and, in particular, all aspects of environmental preventive measures stipulated in these regulations, before granting authorization for mooring or at any time during the vessel's stay on the buoy field, and they may refuse or suspend the service and demand the immediate removal of the vessel from the waters of the buoy field, in the event that they do not comply with the relevant provisions and regulations.

#### Article 20 – Ferry service.

20.1. The ferry service consists of transporting 2 people (skipper and companion) between the vessels and the land and vice versa, within the timetable set by the Management Company.

Timetable: preferably from 08:00 'til 10:00 and from 18:00 'til 20:00



In the case of all other passengers and/or crew members on a boat that use the ferry service, payment may be required for this service, in line with the tariffs set by the company providing the service.

20.2. The ferry service can be requested by radio on the channel specified for each bay, or by telephone to the number that is also indicated for each bay. In any event, it is also possible to contact Port de Roses S.A. directly and you will be given the channel/telephone number assigned for the service for each bay or beach.

20.3. Children under 16 years of age must be accompanied by a responsible adult.

20.4. The service cannot be used by unaccompanied animals. Animals must be accompanied by their owner and must be dry and wearing a lead and muzzle.

## **SECTION TWO**

### **ENVIRONMENT**

#### Article 21 – Environmental Policy of Port de Roses S.A.

In the buoy field facilities, Roses Town Council and Port de Roses S.A. have taken the necessary environmental measures to ensure sustainability and respect for the environment. Both in the case of the buoy fields located on town beaches and those located within the Cap de Creus National Park, special care must be taken to protect the environment.

Within the framework of its environmental policy, Port de Roses S.A. will particularly strive to achieve the following objectives:

1. Ensuring compliance with the current environmental legislation at all times and apply this legislation when planning environmental initiatives and using port equipment and services, taking into account the regulatory trends, particularly in areas in which there is no legislation currently applicable.
2. Regular and systematic revision of the operations to evaluate them and set new specific and quantifiable objectives that lead to continuous improvement in terms of prevention and the fight against pollution, and respect for the environment.
3. Identifying, defining and minimizing impacts using a management system adapted to the Port's environmental needs and the best possible technology.
4. Applying the principle of prevention in the planning and decision assessment stage, particularly when granting ownership of usage rights, issuing permits for work to be done and selecting suppliers.
5. Identifying the appropriate preventive and protective measures.

6. Application of the principle that whoever pollutes, pays. In the event of negligence, the appropriate reports will be submitted to the competent authorities.

7. Implementing procedures and initiatives to raise awareness of environmental matters among users.

8. Notifying all staff of this policy and counting on their commitment to achieve these objectives.

9. Cooperation with the various authorities, NGOs, public and private organizations dedicated to research into more global solutions for environmental problems.

#### Article 22 – Use and activities

22.1. The use of the public maritime domain that comprises the Roses buoy fields and the activities carried out within its facilities must be conducted accordance with the environmental regulations stipulated by the International Convention for the Prevention of Pollution from Ships, MARPOL 73-78, the Port Act and regulations that enact it, the Noise Pollution Act, the Seasonal Usage Plan of Public Marine and Land Areas of the Roses Town Council, these regulations and all other sector regulations.

These regulations apply fully to the owners of usage rights, users in general and third parties, who are subject to the environmental regulations.

#### Article 23 – Preventive Measures

##### 23.1. General Preventive Measures

The Roses Marina provides a selective waste collection service for mineral oils and hydrocarbons in hermetically sealed containers, and other special waste: lead batteries, paints and solvents, metal anodes and oil filters.

There are two places provided for the collection of greywater from boats, so that they can empty their tanks.

Different types of containers are also provided (glass, paper, cardboard, organic waste and batteries) to facilitate recycling and recovery of waste collected at the port.

To reduce the need for mooring and anchoring operations for vessels and to protect benthonic organisms, the port os equipped with a deadman mooring system, some of which are ecological.

##### 23.2. Especial preventive measures for vessels

All vessels that moor to the buoys must be fitted with the corresponding filters and security equipment for discharging wastewaters to the sea and from the bilge. The port staff is authorized to seal any outlet or installation found on vessels for direct discharge into the sea, and to refuse to let the

vessels that do not comply with these preventive measures stay on the buoy field.

#### Article 24 – Protection of the environment and seawater quality

24.1. It is not permitted to discharge the following materials into the waters at the mooring site or any unauthorized place: oils, hydrocarbons, material in suspension, plastic or any other pollutant material or product, including dirt, rubbish, fishing remains and rubble, or any residue resulting from cleaning the bilge of the boats.

24.2. At their own cost, the user of the mooring facilities has to take the corrective and protective measures required with respect to the environment and apply the environmental monitoring programme stipulated in the conditions of their deeds, these regulations and any other applicable legislation. Furthermore, they are under obligation to provide any information requested by the competent authorities.

24.3. In the event of non-compliance with the environmental regulations and those specifically stipulated in these regulations, the Port Administration may order the immediate suspension of the service and/or activity and, as well as any penalties that may apply, it will demand that the party in breach pays for the repair of any damages incurred and the corresponding compensation. If the party in question does not do so, the Management Company shall proceed with the subsidiary enforcement, with the party in breach being liable for all costs involved.

### **SECTION THREE**

#### **FINANCIAL REGIME**

##### **CHAPTER ONE – FINANCIAL CONSIDERATION.**

#### Article 25 – Accreditation of fees.

The use of a buoy mooring service shall entitle the Management Company to receive the corresponding fees.

At the proposal of the Port Administration, the fee amount shall be approved and set by the Executive Committee of Port de Roses S.A. and duly announced on the notice board at the port offices.

### **FINAL PROVISIONS**

#### **ONE – Announcement and dissemination of the Regulations**

These regulations, with which all users must compulsorily comply, are available to the users at the port offices.

## **TWO – Amendment of the Regulations**

The Management Company reserves the right to amend the present Regulations of Port Operation and Surveillance to adjust to the operating conditions and needs at any given time, duly announcing such amendments.