



Ajuntament de Roses

**SUMMARY OF THE MANAGEMENT AND
EXPLOITATION REGULATIONS FOR ROSES
LEISURE MARINA
&
EMERGENCY ACTION PLAN**

NON BINDING DOCUMENT

THIS ENGLISH VERSION IS A TRANSLATION FROM THE ORIGINAL IN CATALAN, THE LANGUAGE IN WHICH THE REGULATIONS HAVE BEEN APPROVED AND REGISTERED BY THE DIRECTORATE-GENERAL OF PORTS AND TRANSPORT OF THE GENERALITAT OF CATALONIA (2-11-2004). SHOULD THERE BE A DISCREPANCY, THE ORIGINAL CATALAN VERSION WILL PREVAIL.

P O R T  O S E S

SUMMARY OF THE MANAGEMENT AND EXPLOITATION REGULATIONS FOR ROSES LEISURE MARINA

CHAPTER 1. OBJECT AND SCOPE OF APPLICATION

Article 1. Object of the Regulations.

The object of these Regulations is to establish the general rules of management, use and exploitation of the Roses Leisure Marina, in the municipality of Roses, granted in concession to the Town Council by resolution of the Executive Council of the Generalitat of Catalonia (Catalan autonomous government), by virtue of the agreement made by it in session on 29th May 2001.

The rules of service and policing of the use of all the elements forming it are comprised of, without prejudice to all other laws which may be applicable, in particular, Law 5/1998 of 17th April, of Ports of Catalonia, the Regulations it provides and the Port Police Regulations, approved by Decree 206/2001 of the Department of Territorial Policy and Public Works.

Similarly, they regulate the relationships between the Grantee and the Marina Manager and the owners of preferential rights of use of the Marina elements including within the ambit of the administrative concession granted in their favour.

Article 2. Scope of application.

2.1. These regulations are of obligatory application and compliance within the Marina Services Area, and other elements and areas comprising the administrative concession and affect:

- a) The people, vehicles and machinery found inside the Marina Services Area, whether of a permanent or temporary nature, or which use the docks, lanes, quays, jetties, car parks, bunkers, business premises and any other facilities.
- b) The people and boats that use the internal waters, outport, access canals, moorings and other services in the water or on land.
- c) The owners of rights of use or joint shares over a right of use, and all the users of any of the elements that form part of the Marina Services area.
- d) Roses Municipal Sailing Centre
- e) The company "Port de Roses S.A."
- f) The public or private entities that carry out any type of activity within the Marina Services Area.

2.2. Ownership of a right of use over a Marina element located within the Roses Leisure Marina or the request for the provision of a service, or its receipt, implies tacit acceptance of the rules contained in these Regulations.

Article 27. Assignments between individuals.

27.1. The owners of a preferential right of use over any Marina element included in the Marina Service Area, who are up-to-date with their payment obligations before the Grantee, may assign it to third parties, for more than one week, or transfer it definitely to third parties.

Port de Roses, S.A. must be previously and reliably notified of these assignments between individuals. The notification must indicate the name of the assignor and the assignee, the period of the assignment, and its agreed price, which will be freely settled between the parties.

27.2. Port de Roses, S.A. must be previously and reliably notified of definitive transfers between individuals, which will handle the grant, if appropriate. Port de Roses, S.A. in the name of the Grantee may exercise the right of first refusal and revocation within 30 days from its notification and failing that, of the date on which it has knowledge of the grant. If it does not exercise the right of first refusal and revocation, Port de Roses, SA will have the right to receive, as rights of transfer, the following percentages of the grant price:

definitive grants of moorings: Port de Roses, S.A. may receive 2% of the grant price from the first transfer between individuals and 10% of the grant price in subsequent transfers.

Definitive grants of business premises: Port de Roses may receive 10% of the grant price in all transactions.

In these situations the new user will be informed of the rules that regulate the management, exploitation and policing of the marina and its services, so they may be accepted.

27.3. In transfers of a temporary nature, the assignor must notify Port de Roses, S.A., of the transfer in accordance with that established in the first paragraph of this article. Should Port de Roses intermediate in the transfer, at the request of the assignor, it will receive consideration for these services of 10% of the price of the transfer or the percentage that the Port de Roses, S.A. Administration Council approves each year.

In these types of transfers, no matter what their duration and legal nature, the owner of the right of use is the sole person responsible before the Grantee even in the event that the Manager has agreed, out of courtesy and following the indications of the owner of the right of use, to send the bills, which have not been paid, directly to the user. Failure to pay in any of these situations and having notified the owner of the right of use of this failure to pay, the latter will be bound to immediately cancel the outstanding amounts.

27.4. Once the new user has accepted the terms of use, for temporary transfers as well as for the entire term of the grant of use, the transfer of the right of use may be completed; it must be documented in a private or public document showing, in either case, the agreement of the Port de Roses, S.A.

Article 28. Conditions so that the transfer has effects before Port de Roses, SA

28.1. In all transfers, whether definitive or temporary, it is necessary that:

- a) The assignor is up-to-date with the payment of the economic obligations contracted with the Manager.
- b) The purchaser assumes, in writing, the rights and obligations of the title which is the object of the transfer, signing the new contract with the Manager.
- c) All the procedures envisaged in article 27 of these Regulations are followed.
- d) The rights of transfer and/or intermediation referred to in article 27 of these Regulations have been paid.

28.2. The failure of fulfilling any of these requirements means that the Grantee and on his behalf the Manager, will not recognise any right of the new user, suspending the provision of services to him.

Article 29. Lucrative title transfers between individuals

29.1. Transfers by gift or Judgment

The gift of a right of use will only be valid and admitted by the grantee if it is in favour of ascendants, descendants or the spouse of the owner of a right of use.

These transfers by gift or originating from a firm Judgment will not imply the application of the tariff for the rights of transfer between individuals referred to in article 27 in favour of the Manager.

29.2. Transfer mortis causa

The heirs of the principal owner of a right of use must communicate, within 6 months from the date of death, the information about the new adjudicatee. In the event that the adjudicatee is not interested in keeping the right of use, it must be transferred in accordance with the legislation that regulates inter-vivos transfer.

USE OF THE MARINA FACILITIES

CHAPTER 1. GENERAL RULES

Article 34. Accesses, roads, and other elements for free and public use.

These will be used in accordance with that provided for in article 3.3 of these Regulations: "The Entrances and Promenade, the docks, quays and lanes are for free, public use for pedestrians." with the limitations of use referred to in the article: "The commercial premises, the moorings not assigned for paid public use nor directly exploited by the Grantee are areas reserved for owners of rights of use." (Article 3.5) "The terraces, marina Administration building, service station, shops, departments assigned for meters and services and any other space that is not named or granted in a right of use to third parties is reserved for the Grantee, for its own use and direct exploitation." (Article 3.6)

Article 35. Elements of reserved use or access.

35.1. Visitors are prohibited from entering the areas that Port de Roses, S.A. has established as exclusive and reserved areas for owners of a preferential right of use and the Grantee and/or Manager.

35.2. People who carry out a professional or working activity within the port installations must previously accredit that they are authorised to exercise this activity, that their operators are duly legalised in accordance with labour and tax legislation, and that they have taken out insurance for third party public liability and fire for a value covering the possible damage caused to the marina.

To the contrary, the Managing-Director of the Marina may order the immediate discontinuance of the activity until compliance with the labour, tax and relevant insurance coverage has been accredited.

Article 36. General Marina installations.

Use of the Marina installations, whether by owners of rights of use or by visitors, must always be in accordance with the prescriptions of the Law of Ports of Catalonia, the Port Police Regulations, the rules in these Regulations and the instructions of the Marina Management team and always following payment, if it is the case, of the prices, fees and/or extraordinary contributions which may be established.

All users are obliged to obey the instructions and indications of the Port Authority, the Manager, the Marina Management team, the Harbour Master, their delegated agents and the rest of the Marina staff.

The owners of a right of use over a Marina element are obliged to pay, in accordance with the participation fees, the proportional part of the real estate tax, rates, the conservation and maintenance fees, and other amounts that may be demanded in accordance with that provided in Heading Five of these Regulations.

The provision of services will imply payment of the tariffs annually set by the grantee.

Article 37. Suspension of services.

37.1. The Managing Director of the Marina may suspend the provision of a service, following written request that the user makes rectifications within the fixed period, with the warning that to the contrary he will proceed with the immediate suspension of the service, in any of the following situations:

- a) If the cost of the service has not been paid in accordance with the tariffs, and with the due punctuality.
- b) For failure to pay the amounts resulting from the liquidation of damages.
- c) In all case where the user makes use of the moorings, premises, vehicle parking areas or any other installations, in a manner or for uses other than those established in the Regulations or titles of the transfer, following a warning from the Marina Director.
- d) When the user does not allow entrance to the boat, premises or any other marina installation, during normal working or contact hours, of personnel attempting to review the installations by authorisation of the Marina Director.
- e) For general negligence by the user regarding the conservation of the boat, premises or installations.
- f) If the fees, taxes, prices and contributions to general costs are not paid with due punctuality in accordance with these Regulations.
- g) For non-compliance of the rules of use of the Marina installations described in the previous article.
- h) For non-compliance with the obligations specifically set out in article 21 of the Port Police Regulations of the Generalitat of Catalonia.

37.2. In these situations the Management team will proceed in accordance with that established in article 25 of the aforementioned Port Police Regulations.

37.3. The suspension of the service allowed by the Marina Director, the adoption of the measures envisaged in article 25 of the Port Police Regulations of the Generalitat of Catalonia and the opening of a file for terminating the right of use.

Article 38. Prohibitions

The following is forbidden throughout the entire Marina area:

- 38.1. Smoking during the supply or transfer of fuel.
- 38.2. Lighting fires or bonfires or using naked flames.
- 38.3. Collecting shells or gathering shellfish or fish inside the marina and the harbour mouth
- 38.4. Do water-skiing, use jet skis, bathe or swim in the basin, canals and maritime accesses to the marina. However, the entrance of motor artefacts may be authorised at the permitted speed in order to access the quays and petrol station.
- 38.5. Carry out works or modifications to any Marina installation without written authorisation of the Marina Management team.
- 38.6. Dispose of debris, rubbish, residual liquids, paper, peels and shells and materials of any kind, contaminated or not, on the ground or in the water, outside the residue deposit area. Rubbish must be deposited in the containers provided for this purpose and in closed bags.

Only oils and other residual liquids, oil filters and other objects which do not have a volume exceeding sixty-four cubic centimetres may be disposed of in the residues deposit area.

The violation of this rule, which particularly affects the hygiene and health of the Marina, will empower the Management team to file the relevant claim with the competent authority. The recurrence of the violation will authorise the Manager to forbid the violator's access to the port.
- 38.7. Use of megaphone apparatus and music players by individuals, which disturbs part of the Marina with the noise.
- 38.8. Holding meetings, gatherings or celebrations which require special use of a Marina service area, without prior authorisation from the Harbour Master who will assign the area in which the event may be held and the terms of use.
- 38.9. Similarly, the circulation of vehicles supplying fuels, unless they supply fuels to the marina service station, and the direct supply of fuels to boats outside the service station area, unless the Management team have exceptionally authorised the circulation and supply for justified reasons.

Article 39. Abandoned boats, vehicles and objects.

39.1. In the event of abandoned boats, vehicles and objects, the procedures envisaged in article 28 of the Port Police Regulations of the Generalitat of Catalonia will be followed.

39.2. Once the petition for the declaration of abandonment has been lodged with the Directorate-General of Ports and Transports of the Generalitat, the Managing Director of the Marina will be authorised to remove the boat, vehicle or object, transferring it to a place he deems convenient and which does not interfere in the normal activity of the Marina.

Article 40. Pets

The entrance, accommodation and circulation within the Marina area of pets is allowed as long as they are on leads and the applicable sector legislation is respected; all dogs must also wear a muzzle.

CHAPTER 2. MOORINGS

Section 1. General rules for all moorings

Article 41. Classes of moorings

Moorings are divided into two classes: those for paid public use and those reserved for the owners of preferential rights of use.

Article 42. Conservation and safety of boats

42.1. Boats may only be moored to the assigned moorings and during manoeuvring, to the relevant bollards; always in a suitable manner to avoid damage to the installations and other boats; always installing the necessary fenders.

Boats can only be moored to moorings corresponding to the correct length and breadth measurements. The length of the boat can be, as a maximum, the same as that of the mooring, whilst the breadth of the boat should be 10% less than that of the mooring, and 15% less in moorings with a "finger", so that the fenders may be used. The boat measurements are deemed to be those really resulting from its measurement including fenders, lengthened sterns or rims and other possible incorporated accessories. In any case, the Managing Director of the Marina or the Harbour Master will decide on the convenience of using each mooring based on the conservation and safety of the boats and the installations.

It is up to the boat owner to provide the elements for mooring to the quay as the Marina only offers the mooring to the "deadman" and the metal elements for mooring to the quay. The mooring warps as well as the manoeuvre itself are the responsibility of the skipper.

42.2. All boats moored to the Marina must be kept in a good state of conservation, presentation, buoyancy and safety.

42.3. If the Director or the Harbour Master of the Marina observes that a boat does not comply with these terms, the owner or other person responsible for it will be warned and a period of 20 calendar days will be given to repair the highlighted defects or remove the boat from the Marina.

Once this period has passed without complying with the warning or if, in the opinion of the Director or Harbour Master, the boat is in danger of sinking or causing damage to other boats or the Marina installations, the necessary measures will be taken, at the owner's expense, to avoid possible damage.

The Marina Director or Harbour Master will also be authorised, in this situation, to remove the boat, launch it and deposit it on land without prior warning.

In any case, the costs of lifting it out of the water, making it float once again, cleaning obstructions and any others that may be incurred as a result of the actions employed will be at the boat owner's expense and may be demanded in accordance with the applicable legislation.

Article 43. Change of mooring of the boats

For the successful operation of the entire Marina, the Marina Director has the right, at all times, to carry out manoeuvres for changing boat moorings.

For this purpose, the relevant instructions must be given to the crew. If the crew cannot be found, the Director, via his agents may carry out the operation directly.

The change of mooring does not generate any right of indemnity or charges for the boat owner or the owner of a preferential right of use.

Article 44. Prohibitions

As well as the general prohibitions established in article 38 of these Regulations, mooring users are prohibited from:

44.1. Having inflammable, explosive or dangerous material on board boats except for the rockets, regulatory signal flares, the reserve fuel supply and the essential gas containers for on board supply.

44.2. Carrying out any works or activities onboard the boat which could disturb or be dangerous to other users. For these purposes, the works or activities will have to be suspended after a justified request from the Management team, or adapt to the times it indicates.

44.3. Running the engines when the boat is moored to the quay or jetty.

44.4. Leave halyards loose in such a way that they hit against the mast.

44.5. Using anchors or buoys in the basins, canals or Marina sea entrances, except in emergencies.

- 44.6. Connecting to the electricity and water networks using different means other than those established by the Manager.
- 44.7. Sailing at a speed of over three knots within the Marina area.
- 44.8. Using jet skis outside the areas and access canals assigned by the Harbour Master.
- 44.9. Sailing dinghy boats outside the canals and areas assigned by the Marina Director.
- 44.10. Except in the event of a motor breakdown, sailing cruisers under sail inside the Marina.

Article 45. Obligations of the users of moorings

All users of a mooring, whether of paid public use or those corresponding to owners of a preferential right of use, a part from the general obligations established in these Regulations, are obliged to:

- 45.1. Obey any order or indication of the Marina Director and/or the Harbour Master and their agents.
- 45.2. Respect the installations, whether they are of public or private use.
- 45.3. Answer jointly, together with the owner of a right of use of a mooring and the boat owner and, if appropriate, the skipper for damages incurred; the cost of any repairs which must be carried out and the indemnities to be paid will be at their expense.
- 45.4. Use due care in the use of the mooring space and other installations, keeping it in a good state of conservation and in perfect use.
- 45.5. Pay the prices, tariffs and fees in accordance with that provided in Heading Five of these Regulations.

The boat itself, the boat owner, the skipper, the owner, and if appropriate the user, of the right of use of the mooring answer for the payment of the aforementioned prices, fees and tariffs.

- 45.6. Have the public liability, personal and boat insurances established in each case by the current legislation.
- 45.7. Comply, at all times, with the port and maritime safety rules approved by the relevant competent authority, carrying out the necessary actions to adapt to the corresponding rules with the established periods.
- 45.8. Notify the Marina Management team of the departure of the boat when this is for more than three days for that the Manager may use the mooring for passing trade.

Article 46. Suspension of the mooring services

46.1. A part from the causes envisaged in article 36 of these Regulations, the Marina Director may agree the suspension of mooring services in the event of non-compliance with the port and maritime safety rules and of some of the obligations mentioned in the previous article, whether regarding moorings for paid public use or moorings with rights of use granted definitively or temporarily.

46.2. The Management team, following written notice that the conduct be rectified within 20 calendar days and reliable notification of the suspension to the owner of the right of use, is authorised to remove the boat from the mooring and deposit it on land in the area it deems most convenient or immobilise it in its own mooring.

In this case the costs incurred, including those of its towing, raising, transport, hoisting, stay and removal, will be at the expense of the owner of the right of use, with the liability regime provided for in articles 20 "The owners of boats, vehicles and other goods which may be within the Marina, and the owners of rights of use, moorings, premises and other installations answer before Port de Roses, S.A. and/or the grantee, for the debts held with it, and for the damages caused to its belongings of to third parties which under any title (users, skippers, crew, drivers, employees, lessees, etc.) use the boats, moorings, vehicle, premises or any other installation of which they are owners." and 45.5 of these Regulations. The Grantee has the right to retain the boat until all outstanding debts and expenses incurred are paid.

Section 2. Preferential right of use of moorings

Article 47. Rights of owners of preferential rights of use of moorings

The owners of preferential rights of use of moorings, whether temporary or definitive have the following rights:

- 47.1. To have the permanently reserved right to berth in a mooring of the length and breadth of which he is owner, or in the event of a temporary assignment, that which has been assigned. This right affects any boat of a breadth and length equal or smaller than that allowed by the mooring, although the Marina Director must be notified in advance if a different boat than the usual one is to stay; this will not give rise to the application of new tariffs, fees or other amounts.
- 47.2. Embark or disembark personnel, as well as materials, utensils and objects needed for sailing.
- 47.3. Connect to the general water and electricity supply networks, using the elements approved by the Manager, paying the relevant tariffs, if appropriate.
- 47.4. Use the other Marina installations, in accordance with the prescriptions of these Regulations, and by paying the relevant rates and tariffs.

47.5. Grant their right of use to third parties, subject to the provisions of article 27 and following of these Regulations.

47.6. Temporarily grant their right of use to third parties, under the terms provided in the aforementioned article 27 of these Regulations.

47.7. The non-performance of that established in this article or the exercise of the preferential right of use, in a different manner to that authorised, will authorise the Marina Director to suspend the mooring service.

Section 3. Moorings of Paid Public Use

Article 48. Areas of paid public use

The grantee will reserve a number of moorings equal to 10% of the total number of moorings which will be assigned for paid public use for passing boats.

Article 49. Application of Services

49.1. The access, mooring and departure from the Marina of passing users' boats must be requested from the Marina Director by any of the means established by the Marina (fax, telephone, VHF, channel 9, or personally at the reception quay), indicating the services they wish to use. The request of the services, inside the Marina, may be made in the following way:

a) The skipper will provisionally moor at the reception quay or where indicated, or, if he knows which one, and he has been authorised, he may occupy the reserved mooring.

b) He will visit the Marina offices or the Harbour Master as soon as possible and identify himself and request the provision of the service, inscribing the characteristics of the boat, the duration of the stay and other required information. He will be informed of the Regulations, of the current tariffs, the duration of the stay that can be accepted, and he will sign the corresponding application form which will form the contract of services that binds both parties.

c) The Marina Director, or his agents, may demand a reasonable bond or security to cover the costs of the requested services, which must be deposited before occupying the assigned mooring or using the desired service.

d) Similarly, the above parties, before authorising the mooring, or at any time during the stay at the Marina, inspect the state of the boat and in particular everything regarding the environmental protection measures provided in these Regulations; in the event that the Marina provisions and rules are not met they may deny or suspend the provision of the service, obliging the immediate departure of the boat from the Marina waters.

e) For night time arrivals the Marina staff on duty may request that the boat's skipper deposits the muster roll or a cash deposit which covers the tariff for one day. The next day the corresponding payment will be made at the Marina offices with the return, if appropriate, of the roll.

f) Before leaving, the skipper must notify the Harbour Master or Marina offices of the time of departure, which must always be before twelve noon on the day of departure, and pay the costs of the services received.

49.2. In situations in which the applicant is not authorised to stay at the Marina or does not respect the terms that have been set out in the authorisation granted, he must leave the Marina waters.

49.3. All boats which remain at the Marina, even though their entrance has not been authorised, cannot leave without having paid the entire amount of the services used during the stay.

49.4. Refusal to pay the total amount of the tariffs indicated will authorise the Marina Director to retain the boat and suspend the services with the actions provided in article 37 of these Regulations. For this purpose, the Marina Director may request the help of the security forces.

Article 50. Refusal to provide the service

The Marina Director and/or his agents may deny entrance and provision of the service in the following situations:

a) When the person or entity which requests the service refuses to sign the aforementioned application.

b) In the event that the boat does not meet the Regulation safety conditions, in the Director's opinion.

c) When the person or entity requesting the service does not prove they have a current public liability insurance, to cover damage which may be caused to other boats or the Marina installations, or the general coverage that Port de Roses, SA has established for boats in the corresponding category.

d) When it is proven that the applicant for the service, or his boat, has not paid for services previously provided at any other Marina, even if regarding Marinas outside Catalonia, unless in that same act the applicant deposits, as well as the bond demanded for providing the requested service, the amount of the debt for the creditor Marina.

CHAPTER 3. LAUNCH SERVICE

Article 51. Provision of the launch service

The launch service will be provided by the Manager on the days and at the times set by the Marina Director, following request of the corresponding petition.

The Marina Director and/or his agents may allow the launch of jet skis as long as they are duly registered and comply with current legislation. The applicant for the launch and the boat owner will be responsible for complying with these terms before the Manager.

Art 52. Preferential use of the launch ramp

The launch ramp will be for the exclusive use of dinghies.

Article 53. Petition and provision of launch services

53.1. The launch services will be requested sufficiently in advance and in the established manner.

53.2. The hoisting of boats in danger of sinking will have priority.

The Marina Director will decide when it is convenient to carry out the operations, setting the approximate day and time; at that time the person requesting the service must have the boat ready to carry out the operation. If the Marina Director believes that to it is best to make use of the machinery and staff by grouping together various operations, the person requesting the service will not have any right to any claim for the time it takes to provide the service.

Article 54. Bond

Port de Roses, S.A. may demand that applicants deposit a bond equal to the cost of the operation of hoisting the boat, which is calculated using the tariffs and taxes according to the length and tonnage of the boat. The bond will be returned to the applicant minus the amount of payment which the grantee incurs from the services provided.

Article 55. Right of retention

The provisions of the service must be paid for at the time established by the Marina administration and, in any case, before the boat is freed.

The Marina Director has the right to retain the boat until the amount for the services provided to it has been paid, plus the tariffs for the stay corresponding to the additional days.

CHAPTER 4. ACCESS AND STAY OF VEHICLES IN THE MARINA

Article 56. Access

56.1. The access, circulation and stay of vehicles is limited to the owners of rights of use and other Marina users who have previously acquired the corresponding annual subscription and, if appropriate, those duly authorised by the Marina management team, and must be carried out in the areas assigned for this purpose.

Vehicles must comply at all times with the rules of road circulation and its complementary legislation and under no circumstances circulate above the speed limit set by the Manager.

56.2. The Marina Director is authorised to refuse access to those vehicles which, due to their state of conservation or characteristics, could be a danger to the Marina.

With the exception of the lorries that supply fuel to the Marina service station, duly authorised by the Marina Director, all vehicles which transport fuel or explosive or dangerous materials are forbidden from entering the Marina.

Article 57. Stay

The grantee does not accept vehicles within the Marina area as a deposit and only authorises, via payment of an annual subscription, the occupation of a specific space in the assigned areas. Therefore, as mentioned above, it does not answer to damage to, break-ins or theft of parked vehicles, their accessories or property left inside.

Article 58. Removal of vehicles

58.1. The Marina Director is authorised to remove vehicles that are parked outside the assigned areas if they are an obstacle to circulation with the Marina area and whenever the vehicle makes maritime assistance tasks difficult or causes serious prejudicial consequences.

58.2. In the event of removing a vehicle, it will be deposited in an area assigned for this purpose in the marina area or, if appropriate, in the municipal deposit; the proprietor or user of the vehicle must pay any costs incurred before the vehicle is returned.

58.3. Should it be deemed necessary for the successful operation of the Marina, the Marina Director, under the aegis of article 23.4 of the Port Police Regulations of the Generalitat of Catalonia, may request the collaboration of the Town Council municipal services.

HEADING FOUR

ENVIRONMENT

Article 69. Roses Marina environmental policy

The Roses Marina grantee and Management company have adopted, in constructing the Marina, the necessary environmental measures to achieve sustainability and respect the environment.

Within the environmental policy the Manager will pay special attention to achieve the following aims:

1. Guarantee, at all times, compliance with the current environmental legislation and apply it in the planning of environmental actions as well as the use of the Marina elements and services; bearing in mind legislative tendency, particularly in areas where there is not applicable legislation.
2. Periodically and systematically review the actions to make an assessment and establish new specific and quantifiable aims which imply continuous improvement in the prevention and fight against pollution and in the conservation and respect of the surroundings.
3. Identify, characterise and minimise the impacts using a management system adapted to the environmental needs and the best possible technology.
4. Apply the principle of prevention from the planning and evaluation of decisions particularly when granting titles of transfer of rights of use, works authorisations and selection of suppliers.
5. Determine the relevant protective and preventive measures.
6. Apply the principle of "he who pollutes pays" and, in the event of negligence, file the relevant claims before the competent bodies.
7. Provide sensitisation and action procedures to users on environmental aspects.
8. Notify all staff of this policy and receive their commitment to achieving these aims.
9. Collaborate with the different authorities, NGOs, public and private entities in the search for more global solutions to environmental problems.

Article 70. Use and activities

70.1. The use of the Marina public domain comprising the Roses Leisure Marina and the activities carried out in its installations has to be done in accordance with the environmental legislation established by the Law of marinas, the regulations it develops, the Law of noise pollution, these Regulations and the rest of the sector legislation.

These rules are applicable in their entirety to the owners of rights of use, general users and people outside the marina who carry out work within the area, and visitors; all are subject to environmental directives.

70.2. The Marina public domain and other elements granted in rights of use or any other title may not be used for anything other than those authorised in the title granted by the Manager, which will respect the uses and project authorised by the Directorate-General of Ports of the Generalitat of Catalonia at all times.

70.3. Activities which affect the environment must comply with the rules of Law 31/1998, of 27th February of the comprehensive participation of the Environmental Authority and its regulatory requirements.

Article 71. Preventive measures

71.1. General

Roses Leisure Marina has a selective collection service for oils and hydrocarbons, using sealed containers.

Likewise, it has different types of containers (glass, paper, cardboard, organic waste and batteries) to facilitate the selective collection and assessment of the residues produced by the Marina.

To avoid anchoring boats and to preserve benthonic organisms, the Marina has provided a "deadman" anchorage system.

Drainage works carried out by the Marina will be done under the supervision of a specialist archaeologist.

71.2. Special measure for boats

All boats that moor at the Marina must have the corresponding filters and means of provision of sewage and bilge disposal in the Marina. The Marina staff are authorised to seal any boat output or installation for disposal directly into the sea and to refuse entrance, or not allow those boats which do not comply with these preventive measures to stay at the Marina.

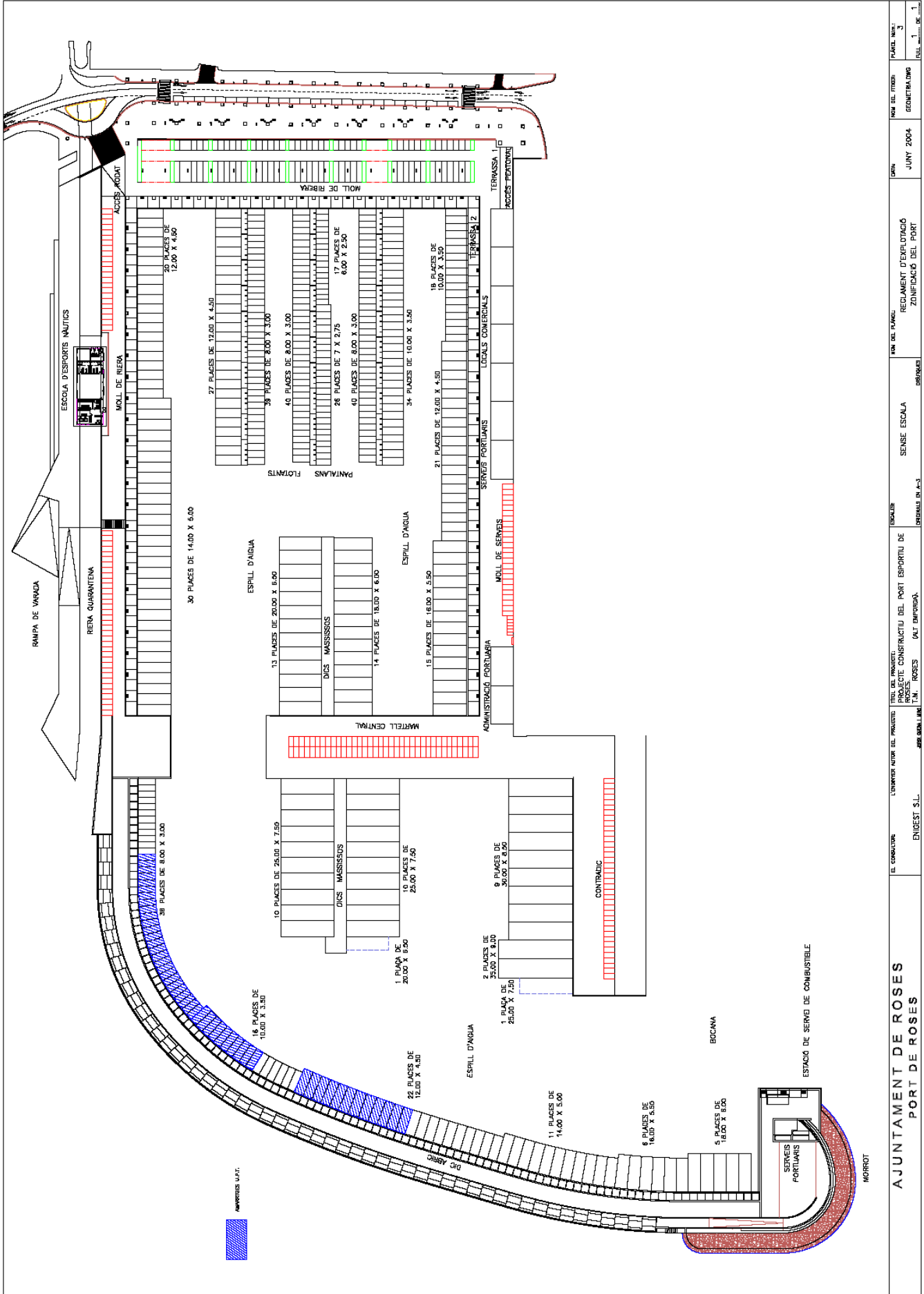
Similarly, they are obliged to respect the obligations listed in article 44 of these Regulations.

Article 72. Protection of the environment and the quality of the sea water

72.1. Disposal of oils, hydrocarbons, materials in suspension, plastics or any other contaminant material or product, including earth, rubbish, debris, fishing waste, rubble, nor products resulting from cleaning the boat bilges into the Marina water or unauthorised places is not allowed.

72.2. The user of the Marina installations must adopt, at his own expense, the corrective and environmental protection measures and apply the programme of environmental surveillance established in the terms of his title, in these Regulations and other applicable provisions. Similarly, he is obliged to provide the information requested of him by the competent bodies.

72.3. In the event of non-compliance of the aforementioned environmental rules and the specific ones in these Regulations, the Marina Management team may order the immediate suspension of the service and/or activity and, a part from the sanctions which may be incurred, demand the violator remedy the damages incurred pay the relevant indemnities. If this is not carried out, the Manager will proceed with the subsidiary execution at the expense of the responsible parties.



TÍTOL DEL PROJECTE: PROJECTE D'EXPLOITACIÓ I ZONIFICACIÓ DEL PORT ESPORTIU DE ROSES (A.T. DIFERIDA). T.M. ROSES	EL CONSULTOR: ENQUEST S.L.	L'ENCOMANADOR AUTEOR DEL PROJECTE: SERVEIS U.P.T.	TÍTOL DEL PROJECTE: RECLAMANT D'EXPLOITACIÓ ZONIFICACIÓ DEL PORT	DATA: JUNY 2004	NOM DEL PLANEJADOR: SENSE ESCALA	PLANEJADOR: GERMÁN	NÚM. DE L'ITER: GENERAL D'OPS	PLANEJADOR: 3
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SUMMARY OF THE ROSES LEISURE MARINA EMERGENCY ACTION PLAN

GENERAL ADVICE REGARDING RISKS WHICH MAY GIVE RISE TO AN EMERGENCY ACTION

6.8. Emergency actions: General procedure

The Plan will be activated when, due to information available from the Communications Centre and the alarm, it is so decided by the Roses Leisure Marina Emergency Response Coordinator (Cap d'Emergències), or in his absence by the Harbour Master (Cap de Mariners) of the Marina, who are in charge of the Plan (the second due to the absence of the first). For this reason detection of any situation of risk must be immediately transmitted to the Leisure Marina offices, or failing that to the night time staff on duty, who will take charge of the emergency situation while the Managing Director (Director-gerent) is not there. In the absence of both, the Roses Leisure Marina security guard or the Marina users will be responsible for raising the alarm as soon as an emergency situation arises, calling for outside help if the situation requires it and, in any case, forming an intervention team.

b) The Emergency Response Coordinator (Cap d'Emergències) of the leisure quay of Roses Leisure Marina, or in his absence the Harbour Master (Cap de Mariners) will carry out an initial assessment of the available information, once the alarm has been verified, and will classify the situation according to the following criteria:

1. Incidents with imminent risk to people
2. Incidents with potential risk to people
3. Incidents with imminent risk to public property
4. Incidents with imminent risk to personal property
5. Incidents with potential risk to the environment
6. Incidents with imminent risk to the environment
7. Other minor incidents

and in view of the assessment and its imminence, will declare a state of preventive alert or, directly, an emergency situation, in which case specifying whether it is a partial or general emergency; immediately informing the members of the intervention team and the competent authorities; in any case informing the Ports Authority of the Generalitat, the Directorate-General of Civil Defence (Direcció General de Protecció Civil) and Roses Town Council, and the Maritime Authority if it is a maritime emergency.

c) Once information has been received and an initial assessment has been carried out, the Emergency Response Coordinator (Cap d'Emergències) will go to the site of the incident, where possible, to inform the abovementioned authorities of the nature of the incident in as much detail as possible.

d) The Emergency Response Coordinator (Cap d'Emergències), or failing that, the Harbour Master (Cap de Mariners), will communicate this information via VHF and megaphone to all personnel in the Marina, issuing either a preventive alert or emergency warning message which will also be transmitted by megaphone or directly.

e) In any case, priority will be given to the safety of the people who are or may be affected by the disaster. For this reason it will be necessary to make a decision regarding the total or partial evacuation, confinement or closure of the Marina.

The corresponding SPECIFIC PROCEDURE, listed in the following point, will be followed for each of the possible emergencies.

In the event of a general emergency immediately inform the Fire Brigade (Bombers) first.

6.9. Specific procedures

A. Emergencies due to natural causes

A.1. Gales

- Check the moorings and anchorage of the boats and the correct positioning of the fenders. Take special care in the areas closest to the harbour mouth
- Inform the Marina users of the risk
- Limit access to the breakwaters

A.2. Floods - frost

- In the event of frost the Marina accesses must be kept permanently usable, removing the snow if necessary
- In the event of floods, the situation regarding the Marina accesses must be continuously monitored

A.3. Tides

- Inform the Marina users of the risk and check moorings and anchorage

A.4. Earthquakes

- It is worth bearing in mind that the Alt Empordà is a region with little seismic activity
- If an earthquake of some intensity occurs the gas and water facilities must be checked immediately
- A visual inspection of the structures should also be carried out

B. Emergencies resulting from accidents on land

B.1. Fire on land (facilities or buildings)

- In the event of a fire all individual actions have important consequences, particularly in the first few minutes of detecting a fire. That is why it is essential that everyone, especially Marina staff and the bar-restaurant managers, are given suitable information
- The evacuation routes must always be kept in good condition and correctly signed
- All staff available at the Marina will be mobilised and the security personnel will cordon off the affected area in order to limit access to it
- If a fire is discovered inside premises (offices, changing rooms, shop) first evacuate the people from the premises before closing the doors and windows and removing any combustible materials that are close to the site of the fire.
- Raise the alarm with the Fire Brigade (Bombers) if there is the slightest doubt that the fire cannot be immediately extinguished (general emergency). When the Fire Brigade (Bombers) arrives inform them of the situation; the members of the intervention team will be placed under the orders of the Chief Fire Officer (Cap de l'operatiu de bombers).
- A decision will be taken regarding the evacuation or confinement of the Marina users or the possible closure of the Marina.
- Be aware of the smoke
- Avoid propagation of the fire by removing or cooling inflammable, explosive products p xxx from the area.
- Try to limit the advance and increase of the fire and smoke by removing combustible material. Try to extinguish the fire using the available resources without taking personal risks.
- If the fire has been detected in time, the use of dry powder may be sufficient to extinguish it. Use the fire extinguishers on board the boat or in the Marina of 3.5, 5 or 50 kg on wheels as necessary including the pumps.
- Use water if dry powder is not enough. Do not forget that as well as the pump on wheels, there is a double water supply pipe along the jetties, although it has reduced jet.
- Once the fire has been put out, stay alert in case it reignites.
- If fire is declared in the bars – restaurants and business premises, managed independently from Roses Leisure Marina, it will be declared as an emergency and the Fire Brigade (Bombers) will be called.

B.2. Accidents and injuries

- Notify the Red Cross (Creu Roja) of the emergency, providing detailed and reliable information about the scope of the accident
- Help the accident victims whilst waiting for the Red Cross (Creu Roja) services to arrive
- Notify the Fire Brigade (Bombers) if someone is trapped inside a vehicle. In this case take special precautions to avoid the vehicle setting alight or exploding

B.3. Explosions

- Immediately cordon off the area
- If there are injured parties, take the same action as in B.2.
- If there is a dead person telephone the duty magistrate, the local police force and the "Mossos d'esquadra" regional police force.

B.4. Leakages or spillages of fuel and other inflammable products or other contaminants

- Firstly, try to stop it at the point of origin
- Prevent the risk of fire at all times
- Mark off the contaminated area to avoid propagation
- If it cannot be controlled using the Marina's own resources telephone the Civil Defence team (Protecció Civil)
- If it is necessary to move away due to the toxicity, this should be done in a perpendicular direction from the wind as much as possible or in the opposite direction from the wind without crossing the spillage area.

B.5. Other environmental accidents

- Firstly, try to stop it at the point of origin
- Then try to limit the propagation of the effects of the accident
- Notify Civil Protection (Protecció Civil) and follow their instructions

B.10. Structural problems.

- In the event of detecting a structural problem, immediately evacuate all floors of the affected building
- Mark out an inaccessible safety area
- Immediately inform the Fire Brigade (Bombers) so that they may assess the damage

C. Emergencies arising from accidents on the water

C.1. Fire on board a boat

- Raise the alarm with the Fire Brigade (Bombers) if there is the slightest doubt that the fire cannot be immediately extinguished (general emergency).
- Proceed with the evacuation of the people to a safe distance.
- If the fire has been detected in time, it may only be necessary to use dry powder. Use the onboard extinguishers or the 50 kg ones on wheels in the Marina as necessary.

- Use water if dry powder is not enough. Do not forget that as well as the pumps, the water supply pipes of the boats moored along the length of the jetties (D 63 mm) may be used immediately, both those on the jetties as well as the quays.
- Take precautions against the possible explosion caused by the boat's fuel, particularly if it is petrol.
- In the event that the fire cannot be controlled, avoid the risk of propagation, or remove the neighbouring boats or tow the boat that is on fire outside the Marina; if it is impossible to take it to an isolated place it may be sunk.
- Remember that a boat on fire is like a ball of fire giving off a large amount of toxic fumes. If it is towed, it is best to do so with a chain rather than a rope and fix it to a firm point, avoiding the risk that the towline comes undone inside the Marina.
- Once the fire has been put out, keep watch in case it reignites.

C.2. Water leak

- Try to stop water from entering
- Start the boat's own drainage equipment and the mobile pumps
- If the boat is outside the Marina, it must approach the nearest port immediately
- If the entrance of water cannot be controlled, take the boat closer to the ramp, the crane or a shallower area to avoid it sinking
- Take care to avoid polluting the water with spillages of contaminants

C.3. Sinking of a boat

- Firstly, check that there is no-one onboard. If there is they must be rescued immediately
- Then, ensure that there is no spillage of fuel and, if there is, try to stop it by blocking the escape and preventing the risk of a fire

C.4. Collisions and nautical accidents

- If it occurs in the immediate surroundings of the Marina notify the Port Authority and send out a boat from the Marina to the site of the accident
- If necessary ask for other boats and Maritime Rescue (Salvament Marítim) to help
- If necessary, call an ambulance

C.5. Grounding

- Try to remove the boat by towing it, if appropriate, after removing any heavy elements that may be on board
- Check that there are no leaks

C.6. Person, animal or vehicle falling into the water

- Should a person fall into the water immediately throw them a lifebelt and put an access staircase nearby to facilitate their exit from the water. If they go under water, a member of the intervention team will enter the water with a lifebelt to rescue the person
- In the event of a vehicle entering the water, first check if there are any occupants, in which case take the same action as above. If it is unoccupied call a tow-truck
- If someone drowns, call the duty magistrate, the local police force and the Civil Guard (Guardia Civil)

C.7. Spillages of fuel and other inflammable products or contaminants in the water

- Firstly attempt to stop it at the point of origin
- Avoid the risk of fire at all times
- Mark off the contaminated area to avoid propagation
- If it cannot be controlled using marina resources call Civil Defence (Protecció Civil)
- Sometimes the use of earth or sawdust to absorb the spilt product is very effective
- If necessary mobilise the containment booms

C.8. Displacement of load

- Try to correct the displacement by removing the load
- Control the stability of the boat. Remove any neighbouring boats which may be affected should it capsize

C.9. Boat adrift

- If the boat is outside the Marina advise the Maritime Authority (Comandància de Marina) and the Maritime Rescue Regional Coordination Centre (Centre de Coordinació Regional de Salvamento Marítim) and follow their instructions
- If the boat is inside the Marina or near the coast, in danger of running aground or colliding with rocks or the Marina docks, send out a lifeboat with ropes and means to tow it. Similarly, notify the Maritime Authority and, if appropriate, the Maritime Rescue Regional Coordination Centre (Centre de Coordinació Regional de Salvamento Marítim).

C.10. Cry for help from a boat

- Advise the Maritime authority and, if appropriate, the Maritime Rescue Regional Coordination Centre (Centre de Coordinació Regional de Salvament Marítim), and follow their instructions

D. Emergencies arising from supply failures

D.1. Failure of the water supply or a leak caused by broken pipes

- In the event of a failure in the water supply or a leak caused by damage to an external pipe (before the entrance water meter) call the Ports Authority of the Generalitat or, if appropriate, the supply company directly
- In the event of a leak try to isolate the area turning off the corresponding cockstops
- Inform the affected Marina users of the situation

D.2. Power cut

- Contact the FECSA - ENDESA breakdown services and find out information regarding the possible duration of the power cut.
- If a general power cut occurs during the night and is envisaged to last a long time and there is a large number of people around, limit access to the Marina and, depending on the circumstances and its evolution, proceed with evacuating the Marina buildings.

D.3. Telephone line failure

- Inform the exterior via a mobile telephone, radio (V.H.F.) of the situation, trying to contact the neighbouring ports (Empuriabrava; L'Escala)
- If the Marina mobile telephone equipment does not work find out if any of the users has an operative mobile communications systems in order to inform the exterior of the situation (firstly the local police force)

E. Other emergencies which affect people

Due to its location and characteristics, the Marina may be aware of an emergency situation outside its own Service Area and separate from it, but, in any case, the Marina staff must provide any information they may have to the relevant person and try to collaborate as much as possible with the administration forces and volunteers that intervene.

The most frequent cases are:

E.1. Missing children or elderly people from the nearby beaches

- Inform the Red Cross (Creu Roja) and the Roses local police force
- If the child appears, hold on to him/her until the parents, Red Cross (Creu Roja) or the Police arrive

E.2. Road accident near the Marina

- Inform the "Mossos d'Esquadra" and the Red Cross (Creu Roja)

E.3. Falls and accidents

- Carry out first aid and, depending on the severity call an ambulance to transfer the injured party to the Surgery or Hospital, as appropriate

F. Other emergencies

F.1. Problems with the accesses

- Contact the Roses local police force
- Discover the cause of the problems and their foreseeable duration
- Inform the Roses Leisure Marina users of the situation

F.2. Disturbance to Public order or bomb threat

- Limit access to the Marina and evacuate the place affected or the entire area, as appropriate
- Inform the State Security Forces and the "Mossos d'Esquadra" and local police forces
- Make yourself available to them and follow their instructions

6.11. Access control

Access control aims to control the entrances and exits of people and vehicles to the emergency area.

This control aims to:

- Facilitate the entrance and exit of the action groups and logistics units to the intervention area as well as the warning area.
- Avoid damage to people and vehicles
- Avoid access to specific areas of non-authorised personnel
- Avoid a greater number of people or vehicles to accumulate than that which is possible due to the capacity of the marina.

This control will be carried out whenever the Emergency Response Coordinator (Cap d'Emergències) so requires and, in any case, when an Emergency situation is declared.

6.12. Evacuation

Evacuation is defined as the transfer of a group of people affected by an emergency from one place to another, unaffected, place.

The aim of preventive evacuation is to protect people and property. When it arises spontaneously it must be controlled.

As the Marina area is a place with one access point that is suitable for vehicles but with an accessible perimeter for pedestrians, evacuation is not difficult and can be controlled. Although if the emergency situation precisely affects the access point, confinement will occur and, if necessary, evacuation by sea.

The most significant point is the communication of the order to evacuate to all people who are in the area to be evacuated.

If due to any emergency, the decision is taken to evacuate all or some part of the area, or these instructions are received from the State, Autonomous or Municipal Security Forces, do not forget:

- There may be people inside some of the boats
- To notify the bar of the emergency, always approach the manager or failing that its employees, before the clients
- The evacuation warning communication system must always be working.
- It is recommendable that members of the evacuation task force (mainly the order or intervention team personnel) wear some kind of easily identified distinguishing mark.

DIRECTORY

Staff on duty	630 025 311
Emergency Response Coordinator Sr. Antonio Valera	638 258 417
Fire brigade	085 972 256 772
Local Police	972 153 715
Mossos d'esquadra (Police)	972 541 850
Guardia Civil (Police)	972 256 272
Guardia Civil del Mar Maritime Service (Police)	93-443 05 09
National Police	091
Emergency Control Centre	112
Creu Roja (Red Cross)	972 256 828
Hospital of Figueres	972 501 400
CAP Roses	972 153 759
C.C.R.S. Barcelona (Maritime Pollution)	908 59 07 38