

General Regulations of Operation of Tourist Ports*

1. Number T/9803/03 (Official Gazette 1323 B'/16.9.03, Correction in Official Gazette 1751 B/03): General Regulations of Operation of Tourist Ports.

THE MINISTERS OF DEVELOPMENT – MERCHANT MARINE

Amendment of the General Regulations of Operation of Tourist Ports

Having regard to:

1. The provisions of article 38 of Law 3105/2003 under which a new article 31a was added following article 31 of Law 2160/1993.
2. The provisions of Law 2160/93 (Section C articles 29-37) as amended and applicable.
3. The provisions of Presidential Decree 27/96 (Official Gazette 19/A/1.2.96) on the merging of the Ministries of Tourism, Industry, Energy and Technology and Trade into the Ministry of Development.
4. The provisions of Presidential Decree 388/24.10.2001 (Official Gazette 254 A) on the appointment of Ministers, Deputy Minister and Under-Secretaries.
5. The provisions of Presidential Decree 142/12.6.2001 (Official Gazette 123 A) on the establishment of the General Secretariat of Tourism within the Ministry of Development.
6. Joint Decision No. T/4202/9.7.2001 (Official Gazette 196 C) issued by the Prime Minister and the Minister of Development on the appointment of the Secretary General at the General Secretariat of Tourism.
7. Presidential Decree No. 313/19.9.2001 (Official Gazette 211 A) on the transfer of powers from the National Tourism Organization to the Ministry of Development and the Regions, establishment of services and personnel positions in the General Secretariat of Tourism and the Regions, transfer of resources and arrangement of the necessary details.
8. Joint Decision No. 485/31.10.2001 (Official Gazette 1484B) issued by the Prime Minister and the Minister of Development on the delegation of power to the Under-Secretaries of Development.
9. The fact that no expenditure is generated for the State Budget under the provisions hereof.

ARTICLE 1

SCOPE

1. The present Special Regulations are valid and applicable to the land and marine zone of all tourist ports, including anchoring zones, refuges for tourist vessels and ports of hotel units irrespective of their management body (public or private) falling under the authority of the General Secretariat of Tourism and irrespective of the time their operation commenced.
2. All parties howsoever doing business or moving within tourist ports are required to follow the instructions and advice given by the personnel of the tourist port management body and comply with the instructions and orders of the competent officials.
3. The General and Special Regulations of a Port, falling under the authority of the Ministry of Merchant Marine, with respect to matters not regulated by the present Regulations, as well as the customs legislation are applicable to the tourist ports as well.

4. Any provision which is in conflict with the provisions of the present Regulations is abolished.

ARTICLE 2

SERVICES-FACILITIES OFFERED

1. In addition to the services and facilities stipulated in the present Regulations, the management bodies of tourist ports shall as a minimum provide to users and recreational craft all the services and facilities provided for in the Ministerial Decisions authorizing the land uses, in the approved studies and in the Ministerial Decisions and contracts conceding the use and operation thereof.

2. All services and facilities provided in a tourist port are described in the Special Regulations prepared by the management bodies and submitted for approval to the Ministry of Development as per the provisions of article 31a of Law 2160/93 as applicable from time to time. The Special Regulations also describe the organization of the services of each tourist port as well as its staffing with suitably qualified and sufficient personnel ensuring, on a 24-hour basis, the smooth operation of the port and the provision of service to users. The management body of the tourist port is required to prepare the internal operation manual of the tourist port containing instructions to personnel for the performance of their duties.

3. For the services-facilities offered by tourist ports to vessels mooring thereat, the management body of each tourist port collects the corresponding fees. The relevant rates are submitted by the management bodies and are approved under a decision of the Minister of Development, in accordance with the provisions of article 31a of Law 2160/93, as applicable from time to time.

4. The party liable for payment of the said fees is the ship owner or the legal representative or the user of the vessel, who is severally liable with the ship owner as a primary debtor. The fees for mooring or placing a vessel on land are calculated on the basis of days such services are used with the first day being the 24-hour period (starting on midnight) within which the vessel sailed in. Vessels taking refuge in the port, due to bad weather, are exempted from mooring fees until the bad weather warning is lifted, as announced by the competent Port Authority.

ARTICLE 3

SAFETY AND FIRE PROTECTION MEASURES

3.1 The management bodies of tourist ports are required to take all necessary measures for the guarding and protection of vessels and to have in place a complete and practicable prevention and protection plan for the tourist port facilities, people, vessels and vehicles located within the tourist port zone, against emergencies such as explosion, fire, extreme weather conditions, etc. advising such plan to personnel and users.

3.2 In particular, the management bodies of tourist ports are required to take all those preventive and repressive measures and fire protection measures provided for in Fire Brigade Regulation No. 10/2002 as applicable from time to time, as well as in the applicable provisions on the prevention of fires and accidents as well as the rescue of persons and goods located and handled within the land and

marine zone thereof.

Management bodies are responsible for the good maintenance and operation of all fire protection systems and equipment of the tourist port.

3.3 In conspicuous locations of the tourist port, signs should be placed in Greek and in at least one other official language of the European Union, setting out how personnel and users shall proceed in case a fire or other emergency occurs, and information material must be made available, by care of the management body, in Greek and in at least one other official language of the European Union.

3.4 Management bodies shall approve and ensure the implementation of any necessary adjustments of the General Regulations of Operation of Tourist Ports to the requirements of the National and Community legislation for relevant matters.

ARTICLE 4

ENVIRONMENTAL PROTECTION-CLEANLINESS-MANAGEMENT OF WASTE AND RESIDUES

4.1 The management bodies of tourist ports, the mooring vessels and anyone using the facilities of the marine and land zone of the tourist port are required to observe the measures of environmental protection as prescribed in the applicable legislation and in particular care for the prevention of the pollution of the sea and coastlines from oil, oil mixtures, hazardous substances or mixtures thereof and all types of wastes and refuse. Management bodies are required to see to:

a) the establishment and operation of adequate and suitable residue reception facilities for the collection and final lawful disposal of both oily residues lubricating oils and other debris-refuse as well as waste from vessels accommodated.

b) the availability of equipment for the prevention and the combating of sea pollution from oil products (floating barriers, absorbents, etc.) as shall be designated by the competent Port Authority, as well as of a Contingency Plan compatible with the Local Contingency Plan of the Port Authority for the purpose of dealing with sea and coastline pollution incidents.

In this case, the local Port Authority as well as the owners/ agents of the mooring vessels shall be notified.

c) the elaboration of a plan for the collection and management of oily residues, used lubricating oils and refuse, meeting the requirements of article 5 in conjunction with Annex I of Directive 2000/59/EC of the Council dated 27 November 2000 and in application of Joint Ministerial Decision No. 3418/07/2002 (Official Gazette 712 B) 'Measures and conditions for port facilities intended for the reception of ship generated wastes and cargo residues' as applicable from time to time. Such plan is an integral part of the tourist port Special Regulations of Operation.

Such plan shall specify the facility or location of final lawful disposal of the collected amounts of oily residues and lubricating oils. Furthermore, the contact details, business hours and rates of waste contractors undertaking the collection and removal of such materials shall be made available via a notice board.

4.2 Vessels not having waste holding tanks or sanitary treatment systems shall not be accepted in the tourist port.

In all cases, it is not permitted to discharge to the sea and land area of the tourist port any objects and liquids that may cause pollution of any kind.

4.3 During their mooring, vessels are required to keep refuse in tight containers or bags of a synthetic material, well secured.

Refuse may be taken out in the land area of the tourist port only at the times specified by the management body of the tourist port.

4.4 Management bodies are required to care for:

- a) the establishment of adequate sanitation facilities;
- b) the daily cleaning of the land areas, port facilities and the marine zone of the tourist port;
- c) the regular collection of refuse, the removal of all types of debris and, until the removal thereof, its placement in special locations;
- d) obtaining the necessary permits (for connection to the sewage system, for disposal, etc.) for the disposal of refuse and waste generated from the port facilities and the vessels mooring in tourist ports.

ARTICLE 5

PORT ORDERLINESS-OBLIGATIONS OF USERS-MOVEMENT OF VEHICLES

5.1 It is permitted to enclose part or the whole of the land zone of the tourist port in order to secure the security and orderliness thereof.

5.2 In tourist ports, it is not permitted:

- for owners, representatives, masters or crews of mooring vessels, or any third party, to put up any structure, fixed or otherwise, on the quays, the jetties or other areas for the storage of small items, marine tools, ropes or chains, unless authorized by the management body.
- to perform large-scale maintenance and remodelling work on mooring vessels. For any maintenance work on vessels, the management body of the tourist port must be informed in advance and the necessary authorization must be obtained. The management body of the tourist port specifies the hours of day within which daily cleaning and minor repairs on vessels, as well as the charging of their accumulators may be carried out.
- to make noise disturbing the peace and upsetting the smooth operation of the tourist port.
- to post bills, put up advertisements, hang up signs, labels or other notices in all tourist port facilities or in areas other than as specified by the management body.
- to abandon animals on the vessels in the land zone of the tourist port, unattended by their owners or crew members. Animals are permitted on the vessels only if they are under the control of their owners, they do not make any noise and do not pollute the tourist port premises. The management body may, if it so deems necessary, to request of the pet owners the removal of their pets particularly when this is imposed for reasons of public health and disturbance of the users.
- to bathe in the vessel mooring or anchoring areas. Provided there are other

marine areas suitable for this purpose, the terms and conditions for bathing in such areas are specified by the management bodies.

- to fish in the marine zone of the tourist ports.
- to engage in any underwater activity unless authorized by the management body.
- for street vendors and other persons engaging in all types of commercial activity, to enter and remain in the tourist port unless authorized by the management body.
- to park vehicles of all types in areas other than the specified parking areas, designated with signs placed by care of the management body. The management body may not allow a vehicle to enter or park in the tourist port if its order and smooth operation are disturbed.

5.3 The hauling up or launching of a vessel, the cleaning of its bottom within the marine or land zone as well as the use of the inclined planes or blocks is allowed only at the areas designated for such works upon the authorization of the management body.

5.4 The users of tourist ports are not allowed to abandon ropes, chains, cables, apparatus or other parts or equipment of the tourist port during the mooring or during the sailing of their vessels, or to cause damage to the said equipment; the said users shall bear all costs incurred for equipment replacement or repair as a result of damage or loss caused by their fault.

5.5 The management body of the tourist port has no liability for any loss of or damage to objects belonging to vessels and abandoned in the port premises. The owners of the respective vessels shall bear any relevant transportation and safekeeping expenses.

5.6 If a vessel causes damage to the anchoring ground of its berth, to the tourist port facilities or to the adjacent vessels, it is required to restore such damage.

5.7 The crews and persons who, under any capacity, are onboard vessels mooring in a tourist port are required to conduct themselves with politeness and decency and not disturb the peace and smooth operation of the port.

ARTICLE 6

TOURIST PORT MAINTENANCE

Management bodies are required to see to the regular and extraordinary maintenance of the tourist port and the checking of the good operation of all its facilities, to make the necessary replacements and repairs of the land and port facilities, the lighting and other electromechanical installations as well as of all types of equipment and to observe the instructions of the competent officials, so that the port can be kept in excellent condition. All maintenance and repair work must be carried out in conformance with the rules of science and workmanship and in a manner minimising disturbance to the users. Management bodies shall care so that any damage or malfunction to the electromechanical installations and facilities of the tourist port be restored within twenty four hours or within the shortest time possible, as the case may be.

ARTICLE 7

SAILING IN–ANCHORING–MOORING–LAYING ALONGSIDE–

SAILING OUT

7.1 The Special Regulations specify, as per article 31a of Law 2160/93, the size (minimum-maximum) and the number of vessels in each specified category that each tourist port can accommodate as well as the manner that berths are allocated to vessels and the anchorage system thereof.

7.2 Mooring authorization is granted following acceptance, by the management body, of the relevant request and conclusion of the relevant agreement in which the applicant accepts the present Regulations, the Special Regulations of Operation of the tourist port and its approved rates.

(7.3 The management body of the tourist port may change the berths of vessels in accordance with the requirements and in the context of smooth operation of the port) – PARAGRAPH 7.3 IN PARENTHESES WAS DELETED

FOLLOWING AN ERROR CORRECTION IN OFFICIAL GAZETTE 1751 B/03).

7.3 Vessels moving and mooring in the marine zone are required to observe the provisions of the international regulation for the avoidance of collisions and the applicable provisions on safe navigation as well as the provisions of the Port General Regulations regulating the sailing in, anchoring and mooring or laying alongside and the relevant provisions of the Special Regulations of Operation of each tourist port regulating more specifically such matters.

7.4 Persons arriving in their vessels in the marine zone of the tourist port are required to notify to the management body of the port, in any expedient manner, the characteristic particulars of the vessel, wait for permission to enter and follow the instructions of competent personnel for the anchoring of the vessel in the port. The masters of the vessels fill out the forms delivered to them and produce the original of all the ship's documents (e.g. certificates of seaworthiness, safety, etc.) as specified in the applicable provisions, giving copies thereof to the management body of the tourist port. In all cases, ship owners are required to notify in writing to the management body of the tourist port the persons who represent them in their absence, submitting at the same time the acceptance, in writing, of such appointment by the said persons, and to notify in writing any appointment of a watchman who is not a member of the crew.

7.5 Ships are moored by the owners-masters at the locations indicated by the competent personnel of the tourist port. Any instructions given by the said personnel as well as the presence of the tourist port's auxiliary boat for mooring, do not release the owners-masters from their responsibility both for manoeuvring within the port and for the vessel's mooring in the permanent anchoring zone or the handling of the mooring ropes.

7.6 A vessel's anchoring, mooring or laying alongside at will, as well as the occupation of any space within the tourist port other than the one designated by the management body and agreed, is prohibited.

7.7 Vessel operators are required to have the necessary equipment for the safe anchorage and mooring of their vessels for which they are solely liable, and to care so that their vessel be at all times securely moored. They should also check the good operation of the moorings and replace them if damaged.

7.8 It is not permitted to obstruct the passage and traffic channels of vessels to

and from their anchoring grounds and to overtake any vessel sailing in or out of the marine zone of the port.

7.9 Vessels are not allowed to sail perpendicularly to the imaginary axis of the tourist port entrance.

7.10 Tourist port personnel have the right to inspect the manner that the vessels are moored and instruct the operators-masters to take safer measures as imposed by seamanship. If the said persons fail to comply with such instructions, the management body may proceed with appropriate action for the taking of safety measures and charge the owner of the vessel with any relevant costs or even terminate the mooring contract.

7.11 The formalities applicable for the traffic of tourist vessels in Greek ports (ship's clearance outwards, list of crew and passengers, attestation of ship's documents, etc.) are also applicable in tourist ports as well.

ARTICLE 8

MOORING – STAY – SHIFTING BERTH

8.1 The management body of a tourist port grants to a vessel the right to moor only after the requisite documents have been filled out.

8.2 The vessel's owner, master, representative or user should be able to produce a valid insurance policy taken out with a legal and recognised insurance company, which shall cover the risks that must mandatorily be covered under the applicable legislation, otherwise the vessel shall not be accepted for mooring.

8.3 At the time of commencement and throughout their mooring, vessels should be seaworthy.

8.4 The vessel's owner, master or representative is required to advise the management body, in writing, of any change in the vessel's ownershiprepresentation (address, telephone No., etc.) and the vessel (flag, registry, etc.)

8.5 In all cases of change in the ownership of a vessel moored in a tourist port, the seller is required to advise the management body in writing of the change made, indicating the buyer's name, permanent address, the details of the representative as well as the date of transfer. The same obligation is incumbent on the buyer, who is in any case severally and jointly liable with the seller for the payment of any amounts already owed for the vessel acquired by him.

8.6 If so deemed necessary by the management body of the tourist port, it may be required of any vessel to shift berth-relocate to another location within and/or outside the port. Shifting berth or relocation to a land area becomes necessary when:

- a) the tourist port's operation (safe sailing in and out for vessels) and exploitation is impeded as a result of the vessel remaining in the port;
- b) the risk of wreck or of causing damage to another vessel or vessels or the risk of pollution is thought likely;
- c) The vessel has arbitrarily occupied a berth.

If one or more of the above applies, a report is prepared by the management body of the tourist port setting a deadline of five days following notification for the shifting of berth-relocation of the vessel.

In the case of the above subparagraph (b) a three-day deadline is set. By care of

the management body of the tourist port, the said report is communicated, delivery receipt requested, to the vessel's master or owner, a natural person or legal entity, or to the representative or attorney-in-fact specified in the relevant notification, at their address indicated therein, if such details have been notified to the management body of the tourist port. If the above details are not known to the management body, the report is posted at a conspicuous place on the vessel. Should the said deadline lapse, the management body shall proceed with the hauling up or shifting berth of the vessel. The associated costs are to be borne exclusively by the vessel's owner or representative; if such parties refuse to pay the relevant amounts, these are paid by the management body and are recovered from the said parties who are severally liable.

8.7 The management body has no responsibility for the guarding of the vessel the relocation-changing of berth of which was enforced, or for any damage caused to it during its transportation, berth shifting or stay in another area inside or outside the tourist port.

8.8 In case a vessel is in danger due to explosion, fire, leakage etc. and immediate risk is imminent for the safety of persons, other vessels or the port facilities, the provisions on the taking of emergency measures stipulated in the port regulations shall be applicable. In case of a wreck the relevant provisions are applicable.

8.9 When a vessel is to depart for good from the tourist port, its owner, master or legal representative is required to state so in writing and in a timely manner to the management body, otherwise the management body shall bear no responsibility for the charging of fees to the vessel until notified in writing of the vessel's final departure.

ARTICLE 9 SANCTIONS

9.1 Mooring vessels are required to pay the fees for the provided services facilities in a timely manner and in conformance with the provisions of the Special Regulations of Operation and the Ministerial Decision on the approval of rates, otherwise they shall be charged with the legal default interest without prejudice to other sanctions that may be stipulated.

9.2 Parties who are in breach of articles 4, 5, 7 and 8 hereof shall incur, without prejudice to other sanctions that may be stipulated, the sanctions provided for in article 157 of the Public Maritime Law Code.

The present Decision is to be published in the Official Gazette of Hellenic Republic.

***as this is presented at the Greek Marinas Association official site**

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