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DECISIONS

<u>No T/9803</u> General Operating Rules of Greek Marinas.	(1)
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**THE MINISTERS OF
DEVELOPMENT - MERCANTILE MARINE**

Having regard to:

- The provisions of article 38 of Law 3105/2003 by which the new article 31a was added after article 31 of Law 2160/1993.
- The provisions of Law 2160/93(Chapt. C articles 29-37), as amended and in force.
- The provisions of the Presidential Decree 27/96(GG 19/A/1.2.96) on the merger of the Ministries of Tourism, Industry, Energy and Technology and Commerce in the Ministry of Development.
- The provisions of the Presidential Decree 388/24.10.2001(GG254A) on the appointment of Ministers, Deputy Ministers and Secretaries of State.
- The provisions of the Presidential Decree 142/12.6.2001(GG123A) on the establishment of a General Secretariat of Tourism in the Ministry of Development.
- The Joint Decision No T/4202/9.7.2001(GG 196 C) of the Prime Minister and the Minister of Development on the appointment of a General Secretary at the General Secretariat of Tourism.
- The Presidential Decree 313/19.9.2001(GG211A) on the transfer of responsibilities from the Greek National Tourism Organization (EOT) to the Ministry of Development and to the Regions, the establishment of services and offices at the General Secretariat of Tourism and at the Regions, the transfer of funds and regulation of the necessary details.

8. The Joint Decision No 485/31.10.2001(GG1484B) of the Prime Minister and of the Minister of Development on the delegation of powers to the Secretaries of State.

9. The fact that the provisions hereof entail no expenditure under the national budget.

Article 1
Scope

1. The present Regulation is valid and applies to the sea and land area of all Greek marinas including the berthing area, the place of refuge of tourism vessels and port hotels regardless of their managing body (public or private) falling within the responsibility of the General Secretariat of Tourism and the date the business was opened.

2. The parties in the transaction in any way or circulating in the marinas must follow the instructions and suggestions of the staff of the managing body of the marina and comply with the instructions and orders of the competent bodies.

3. The General and Special Operating Rules of the Marinas, for which the Ministry of Mercantile Marine is responsible, referring to issues that are not regulated herein, as well as the customs legislation are valid and apply to the rest of the marinas as well.

4. Any provision that is contrary to the provisions of the present Regulation is abolished.

Article 2
Provided Services

1. The managing bodies of the marinas, additionally to the services mentioned herein, shall provide the users and the recreational crafts with at least all the services provided for in the Ministerial Decisions on siting by which the land-use was approved, in the approved studies as well as in the Ministerial Decisions and the concession contracts for their use and exploitation.

2. All the services provided in the marinas are described in the Special Operating Rules prepared by their managing bodies and submitted for approval to the Ministry of Development, in accordance with the provisions of article 31 of Law 2160/93, as in force.

The Special Operating Rules also describe the organization of the services of each marina as well as its staffing with members that are suitable, specialized and adequate in order to ensure

the smooth operation of the marina and the service of the users twenty-four hours a day.

The managing body of the marina must prepare an internal operation manual of the marina including instructions to the staff members for the exercise of their responsibilities.

3. The managing body of each marina shall collect from the person liable for paying the applicable fees for the provided facilities - services of the marina to the berthing vessels.

The relevant tariffs are submitted by the managing bodies and approved by a decision of the Ministry of Development, in accordance with the provisions of article 31a of Law 2160/93, as in force.

4. The person liable to pay the above fees is the shipowner or the legal representative or the user of the vessel who is severally liable with the shipowner as a principal debtor.

For the calculation of the fees to be paid for berthing or placement of the vessel on land, the twenty-four hours starting from the midnight when the vessel entered the marina shall be considered as the first day.

Vessels seeking refuge in the marina due to bad weather shall be exempt from the obligation to pay berthing fees until the prohibition to proceed to sea is removed, in accordance with the announcements of the Port Authority.

Article 3

Safety Measures and Protection against fire

3.1 The managing bodies of the marinas must take the necessary protection measures for the vessels and have a full and applicable measures plan for the prevention and protection of the facilities of the marinas, of the persons, of the vessels and of the vehicles inside the marina against emergencies such as explosion, fire, extreme weather phenomena, etc. and have such plan communicated to the staff and the users of the marina.

3.2 More specifically, the managing bodies of the marinas must take all the preventive measures against fire as well as all the measures to extinguish fires as they are specified in the Fire Provision 10/2002, as in force, as well as in the relevant provisions, regarding the prevention of fire and accidents and the rescue of persons and items that are and circulate in the sea and land area of the marinas.

The managing bodies are responsible for the maintenance and smooth operation of all the fire protection systems and means in the marina.

3.3 Tables in Greek and in at least one other official language of the European Union must be posted on easily visible places containing the actions that must be carried out by the staff and users of the marina in the event of fire or other emergency, while the managing body must ensure that information materials in Greek and in at least one other official language of the European Union are available with regard to such actions.

3.4 The managing bodies must accept and ensure the application of the required harmonization of the General Operating Rules of the Marinas with the requirements of the national and European legislation on relevant issues.

Article 4

Protection of the Environment - Cleaning - Waste and residue management

4.1 The managing bodies of the marinas, mooring vessels and

any person using the facilities of the sea and land area of the marina, must observe the laws on the protection of the environment and, more specifically, avoid the pollution of the sea environment and of the shores with oil, oil blends, harmful substances or blends of such substances, and any kind of waste, waste water and garbage.

Managing bodies must ensure that:

a) The marinas have and operate adequate and suitable facilities for the reception, collection and final legal disposal of both oil residues-lubricants and the other useless materials-waste and water waste of the mooring vessels.

b) The marinas are equipped for the prevention and protection of the sea from pollution with oils (floating barriers, absorbent materials, etc.) in accordance with the instructions of the Port Authorities, and that they have prepared a Contingency Plan, approved and compatible with the Local Plan of the Port Authorities, for the handling of any incidents of sea and shore pollution.

In this case, the local Port Authority is notified as well as the owners/procedural representatives of the mooring vessels.

c) A plan for the reception and management of the oil residues, used lubricants and waste, meeting the requirements of article 5 in conjunction with Annex I of the Directive 2000/59/EC of 27 November 2000 of the European Community and the application of the Joint Ministerial Decision 3418/07/2002 (GG 712 B) on the "Measures and requirements of the port facilities for the waste produced in the vessels and load residue", has been prepared.

Such plan shall constitute an integral part of the Special Operating Rules of the Greek marinas.

The above plan shall mention specifically the unit or the area of the final disposal of the specific amount of oil residue and lubricants.

Moreover, the contact details of the contracted companies/bodies that collect and transport the above materials must be posted on an announcement table at a visible place.

4.2 Vessels with no wastewater retention system or biological treatment systems cannot be accepted inside the marina.

In any case, no items or liquids that may cause any kind of pollution can be discharged in the sea and land area of the marina.

4.3 During their mooring vessels must maintain their waste in hermetically closed, well-sealed containers or sacks made of synthetic material.

The waste can be transported to the land area of the marina only during the hours specified by the managing body of the marina.

4.4 The managing bodies must ensure that

- a) There are enough sanitary spaces.
- b) The land area of the port facilities and the sea area of the marina are cleaned every day.
- c) The garbage are regularly transported, any useless items collected and disposed to appropriate spaces.

- d) They have obtained the required permits (connection to sewage network, waste disposal etc.) for the legal disposal of the waste and garbage coming from the facilities of the marina and the vessels moored in them.

Article 5

Good order - Obligations of the users - Circulation of wheeled vehicles

5.1 All or part of the land area of the marina may be fenced, in order for safety and order inside it to be ensured.

5.2. The following activities are prohibited inside the marina:

- The installation by the owners, representatives, captains or crew of the mooring vessels of any kind of constructions made by them, whether fixed or not, on the platforms, quays or other spaces in order for them to store any small items, marine tools, cordage, chains, without the approval of the managing body.

- Any large scale maintenance and conversion works of the mooring vessels. Prior notification of the managing body of the marina and the granting of the relevant permission is required for any maintenance works of the vessels.

The managing body of the marina shall specify the hours in which daily cleaning and small scale repairs of the vessels as well as charging of their batteries are allowed.

- Any noise that disrupt the quietness and smooth operation of the marina.

- Posting on walls, posting of advertising posters, the placement of plaques, notes or notices of any kind in the facilities of the marina or in places other than the ones designated by the managing body.

- Leaving on the vessels in the land area of the marina animals without the presence of their keepers or of members of the crew.

Pets are allowed on the vessel only if they are under the control of their keepers, they do not cause any noise and do not soil the areas of the marina. The managing body can, if it deems that it is necessary, request that the animals be removed by their keepers, especially if such removal is required for sanitary reasons or because inconvenience is caused to the other users.

- Bathing in the berthing or mooring areas of the marina. If there are other areas suitable for bathing, the terms and conditions for bathing in them shall be specified by the managing body of the marina.

- Fishing in the sea area of the marina.

- Any kind of diving activities, without prior permission of the managing body.

- Entrance to small distributors and any person exercising any kind of commercial activity, without prior consent of the managing body.

- Parking of any kind of vehicles outside the specifically designated areas where relevant plaques have been placed at the responsibility of the managing body. The latter may not allow entrance or parking inside the marina of a vehicle where it deems that the order and the smooth operation of the marina are disrupted.

5.3 Launch and recovery of a vessel, cleaning of the vessel

in the sea or land area of the marina as well as the use of ramps or holders, is allowed only in the spaces that have been specified for these works after the relevant permission has been given by the managing body.

5.4 The users of the marinas are not allowed to throw any cordage, chains, wires, devices or other accessories or equipment of the marina during the mooring or at the departure of their vessels neither to cause any damage to the above equipment. The above persons shall be charged with all the expenses for the replacement or repair of the equipment resulting from such damage or loss due to their fault.

5.5 The managing body of the marina is not responsible for any loss or damage to the items that belong to vessels abandoned in the marina. The owners of the vessels to which such items or equipment belong, shall be charged with any expenses for their transfer and storage

5.6 In the event that the vessel causes any damage to the berth where it is moored, to the facilities of the marina or to the adjacent vessels, the person responsible shall be liable to remedy the damage caused.

5.7 The crew and the persons that under any capacity are onboard the vessel moored in the marina must behave politely and with decency in order to not disrupt the order and smooth operation of the marina.

Article 6

Maintenance of the marina

The managing bodies are obliged to ensure that maintenance works to the marina are carried out regularly and in case of emergencies and check the smooth operation of all its facilities, to replace and repair the necessary land and sea facilities, the lighting and other electrical and mechanical systems as well as the equipment of any kind and to comply with the instructions of the competent bodies, in order for the marina to be fully and well operational.

All maintenance and repair works must be carried out in accordance with the rules of science and technique in a way that causes the least possible inconvenience to the users.

The managing bodies must ensure that any damage or malfunctioning in the electrical and mechanical systems - facilities of the marina will be repaired within twenty-four hours or as soon as possible.

Article 7

Arrival - Berthing - Mooring - Side mooring - Departure

7.1 The Special Operating Rules specify, in accordance with article 31a of Law 2160/93, the size (minimum-maximum) and the number per vessel category that each marina can serve as well as the way in which berths are made available and the mooring system.

7.2 The vessel can berth after the managing body has accepted the relevant application and concluded the relevant agreement by which the applicant accepts these Rules, the Special Operating Rules of the Marina and its approved tariffs.

7.3 The managing body of the marina can change the berths of the vessels according to its needs and within the smooth operation of the marina.

7.3 Vessels in the sea area of the marina must observe the provisions of the international regulation for the prevention of collisions and the applicable provisions on safe navigation as well as the provisions of the General Operating Rules of Greek Marinas which regulate issues of arrival, departure, berthing, mooring and side mooring, and the relevant provisions of the Special Operating Rules of the marinas regulating specifically such issues.

7.4 Any person entering the sea area of the marina must communicate the details of the vessel by any appropriate means to the managing body of the marina, wait for a permission to enter the marina and follow the instructions of the competent staff members for the mooring of the vessel in the marina. The owners - captain of the marina shall fill in the forms given to them and present all the original documents of the vessel provided for in the relevant provisions (e.g. certificate of seaworthiness, safety certificates etc.) and submit copies of the above documents to the managing body of the marina.

In any case, the owner of the vessel must communicate in writing to the managing body of the marina the details of the persons that represent them when they are absent, submitting at the same time their acceptance in writing, and notify in writing any appointment of a guard that is not a member of the crew.

7.5 Vessels shall be berthed by their owner-captain at the berths designated by the competent staff member.

Any instructions by the staff or the presence of a berthing auxiliary vessel of the marina do not release the owner-captain of the vessel of their responsibility for both the operation of the vessel inside the marina and its mooring at the permanent berth or the operations of the stem of the vessel.

7.6 Arbitrary berthing, mooring or side mooring of the vessel are not allowed and neither is the occupation of any berth inside the marina other than the one designated by the managing body and agreed between the parties.

7.7 The owners must have the necessary equipment for the safe berthing and mooring of their vessel for which they bear sole responsibility while they must ensure that the vessel is always correctly tied-up at its berth. Hence, they must check the good condition of the mooring equipment and replace it when required.

7.8 Blocking of the navigation and circulation channels from and to the berths or overtaking of any vessel entering or departing from the sea area of the marina are not allowed.

7.9 Sailing of the vessels perpendicular to the perceived axle of the entry to the marina is not allowed.

7.10 The staff of the marina has the right to check the way in which the vessels are berthed and give instructions to the owner-captain of the vessel in order for them to take more safety measures according to the marine experience and technique.

In the event that the above persons do not comply with the instructions of the staff, the managing body has the right to carry out the necessary actions regarding the

safety measures of the vessel and charge the owner of the vessel with the relevant expenses or even terminate the berthing agreement.

7.11 The provisions that apply to the circulation of vessels in the Greek ports (departure permission, lists of the staff members and of the passengers, endorsement of the maritime documents etc.) shall also apply to marinas.

Article 8

Berthing - Mooring - Shift

8.1 The managing body of the marina shall grant berthing right to a vessel only after approval in writing by the managing body provided that the required documents have been filled in.

8.2 The owner, captain, representative or user of the vessel must be in a position to present the valid insurance contract of the vessel issued by a legal and recognized insurance company, which covers the risks in accordance with the law, otherwise the vessel is not allowed to berth.

8.3 Mooring vessels must, throughout the mooring period inside the marina, have a valid seaworthiness certificate.

8.4 The owner, captain or representative of the vessel must inform in writing the managing body of any change in the ownership-representation (address, telephone, etc.) and in the vessel (flag, register etc.)

8.5 In case of any change in the ownership of a vessel berthed in the marina, the seller must inform the managing body in writing of such change, mentioning the name, the address of permanent residence of the purchaser, the details of the representative as well as the date of transfer. The purchaser has the same obligation, who in any case is jointly and severally liable with the seller for the repayment of any outstanding payments relating to the vessel acquired by him/her.

8.6 If the managing body of the marina deems it to be necessary, it can request the shift-transfer of any vessel to another area inside or outside the marina. Shift or transfer to a land area is deemed necessary if:

a) The mooring of the vessel inside the marina prevents the operation (safe entry and departure of vessels) and use of the marina.

b) There is a likelihood of shipwreck or damage to other vessels or pollution.

c) The vessels has arbitrarily occupied the berth of another vessel.

As regards the above conditions, the managing body of the marina prepares minutes in which it specifies a five day deadline from the date of notification of the shift-transfer of the vessel.

In the event of case (b) of this paragraph, a three-day deadline is provided.

At the responsibility of the managing body of the marina, the minutes shall be communicated against a receipt to the captain or the owner of the vessel, natural or legal person or the representative or procedural representative appointed by the relevant declaration, to the address that the above persons have stated, provided that such details have been stated to the managing body of the marina. If the managing body does not know such details, the minutes shall be posted on a visible place.

If the set deadline lapses, the managing

body of the marina has the vessel refloated or shifted. The relevant expenses shall be borne solely by the owner or the representative of the vessel. If the above persons refuse to pay the relevant amounts, these shall be paid by the managing body of the marina and then be claimed by the above persons who are jointly and severally liable.

8.7 The managing body bears no responsibility for the security of the vessel that was shifted-transferred compulsorily or for any damage during such shift-transfer or during the mooring of the vessel at another berth inside or outside the marina.

8.8 In case the vessel is in a dangerous situation due to an explosion, fire, leakage etc., and the persons, vessels or facilities of the marina are directly at risk, the provisions provided for in the port regulations on emergencies shall be applied.

In the event of a shipwreck, the relevant provisions shall be applied.

8.9 If the vessel is to depart definitively from the marina, the owner, captain or legal representative of the vessel must declare so in time and in writing to the managing body, otherwise the latter does not bear any responsibility for the charging of the vessel until it is notified in writing of its departure.

Article 9 Penalties

9.1 Mooring vessels must repay the tariffs for the provided services timely and in accordance with the provisions of the Special Operating Rules of the marina and the Ministerial Decisions that approve the tariffs, otherwise they will be charged with the legal late payment interest additional to any other penalties.

9.2 The penalties provided for in article 157 of the Code of Public Maritime Law shall be imposed by the competent Port Authority to the persons that do not observe articles 4, 5, 7 and 8 hereof, regardless of any other penalties that may be specified.

This decision is to be published in the Government Gazette.

Athens, 5 September 2003

THE MINISTERS

State Secretary of Development	Commercial Maritime
D. GEORGAKOPOULOS	G. PASCHALIDIS