

Berth Allocation Procedure

EVENTS

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NB: This document has been translated for your convenience. In case of dispute, only the original French version of this document is binding.

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1. PREAMBLE

The Vieux-Port de Cannes is a public port managed by the City of Cannes and operated by MARINA DU VIEUX PORT DE CANNES (MVPC).

During major events in Cannes, and as an exception to the concession's terms and conditions, vessels may be berthed to enable certain activities linked to these events to be carried out on board.

The purpose of this document is to specify the requirements and terms and conditions to allocate berths in the Vieux-Port de Cannes.

The actors

The allocation of a berth is part of an administrative file.

The following people are involved in the process of applying for a berth, allocating it and monitoring the stay at the port.

a) Ship's representative

Depending on the case, the ship's representative may be:

- its owner (natural or legal person),
- its captain, an employee of the shipowner,
- a qualified intermediary (yacht broker, shipping agent or equivalent),
- the ship's charterer or his duly authorized representative (natural or legal person).

b) Port concessionnaire (MVPC)

As the port operator, MVPC handles the contractual relationship with the ship's representative.

c) Harbour manager (Ville de Cannes)

The City of Cannes, represented by the Port Authority and its agents, is responsible for checking:

- the conformity of the ship's representative's declarations,
- that the Port concessionnaire has complied with the present procedure and approves the mooring plan.

2. PREPARATION AND RECEIPT OF APPLICATION DOCUMENTS

2.1. Blank files

Blank application forms are available:

- On the website: igymarinas.com : <https://www.igymarinas.com/fr/marinas/igy-vieux-port-de-cannes/>
- by e-mail, upon request to: congres.cannes@igymarinas.com

This procedure is also available under the same conditions.

2.2. Elaboration

It should be written in capital letters wherever possible. Attached documents (photocopies) must be usable. The original of any attached document must be available on request. Addresses must be complete (company, surname, first name, town, zip code, state, country, etc.), and must enable the person/company to be contacted. The same applies to telephone numbers.

2.3. Transmission

The exact date of first receipt of files is published on the website <https://www.igymarinas.com/fr/marinas/igy-vieux-port-de-cannes/>.

Once completed, the file should be sent to:

**Marina du Vieux-Port de Cannes
Bureaux du Port - 1^{er} floor
Promenade de la Pantiero
06400 Cannes**

with the wording on the envelope:
[Name of the yacht + name of event]

It can be delivered by:

- special carrier
- registered mail with acknowledgement of receipt,
- hand-delivered to the port reception desk. In the latter case, a receipt of deposit is given to the bearer.

It will also be possible to send the completed application by e-mail to congres.cannes@igymarinas.com **in PDF format, with all the required documents in a single file (multiple attachments will not be accepted)**. MVPC will return a receipt within 3 working days. This receipt will be the only proof of submission. For this type of shipment, only payment by bank transfer will be accepted.

A list of application received is maintained by the port, with a precise chronology of receipt.

2.4. Check

MVPC checks the compliance (cf. §3) of the application within 10 working days of submission. No documents will be considered in the 5 working days preceding each allocation committee. Should the application be submitted on the last possible day, and should it prove to be incomplete or non-compliant, analysis of the application will be postponed until the next committee meeting.

2.4.1. Incomplete application

A file will be considered incomplete or non-compliant in the following cases:

- One or more fields not filled in;
- One or more missing signatures;
- One or more missing, non-compliant, unreadable, documents ;
- Doubt about the veracity of declared information(s) or signature(s);
- Certificate of Status proving that the vessel belongs to the commercial or pleasure category, not up to date or provisional when the application is submitted;
- Missing annual class survey;
- Port and event application fees not paid;
- Special cases not included in the above list.

For any information and/or questions, please contact us at congres.cannes@igymarinas.com.

For confirmed non-compliant applications, a new application must be submitted with the missing information/documents requested, with an additional €500 application fee (a proof of payment is required).

2.4.2. Compliant application

For a compliant application, a receipt is sent to the ship's representative within 5 working days. The application is then reviewed by the committee on the criteria described in chapter 4.

The issuance of a "compliant application" receipt doesn't prevent further verification (prior and during the event) of the documents/certifications provided with the application.

MVPC will review the first 50 compliant applications. The remaining applications won't be reviewed but integrated into a waiting list in a chronological ranking basis.

3. COMPLIANCE REQUIREMENTS

Allocation of a berth is conditional to the compliance of the below requirements.

3.1. Authenticity

MVPC reserves the right to verify the authenticity of the documents and signatures included in the application and to request the presentation of any document it deems necessary to verify the veracity of the information provided.

Any false declaration may result in a sanction to the identified responsible party.

3.2. Technical compliance of the vessel

The shipowner, or his duly authorized representative, must sign an undertaking of the ship's technical compliance with flag state certification.

This commitment must be accompanied by:

- a copy of the valid certification document (certificate of registry and/or registration) from the flag state
- the vessel's valid class certificate issued by a registered certification surveyor and its annual survey
- the ship's certificate of status (commercial or non-commercial) if applicable
- the International Sewage Pollution Prevention Certificate for ships > 400 UMS or with more than 15 pax on board.
- A stability certificate/document indicating the maximum number of pax that can be accommodated on board at berth. This is generally issued by a class, when the vessel is not classed a letter from the flag authority stating the acceptance of the number of pax onboard could be used. This document is compulsory for all party requests and must be sent to the port authority before any party is accepted in the port.

3.3. Vessel safety at quay

The ship's Captain must sign an undertaking that, during their stay in the port, the captain and crew, duly qualified and trained, will be always present on board and able:

- to maneuver or set sail,
- take the necessary measures in the event of an incident (fire, water ingress, etc.), including passenger evacuation,
- to ensure the safety of its passengers,
- to comply with the port's police regulations.

This commitment must be accompanied by a copy of the ship's insurance policy (P&I), covering the ship's activity during the event. It also includes a declaration of the maximum number of passengers authorized on board, to which the ship's captain is committed.

3.4. Environmental compliance of ship and practices

In accordance with the port regulations:

- The discharge of any liquid into the port is prohibited.
- Sewage collection is compulsory at the port and may be verified at any time during the stay.

The list of service providers approved by MVPC is available on request to :
congres.cannes@igymarinas.com.

In the event of non-pumping during the event, a penalty fee of €2,500 (corresponding to 5 times the amount of the application fee) will be charged and a pumping proof will be requested prior the departure from the port.

3.5. Commercial activity

The hirer's/charterer's activity must be linked to the event, with the necessary documentations.

The ship's representative must sign an undertaking in which he acknowledges having been informed and/or informs the user of his ship of the provisions of Book Four of the French Commercial Code and the provisions of article 1382 of the French Civil Code about commercial parasitism.

This commitment requires for the charterer:

- a. Official accreditations, and or yacht/event passes from the event organizer/and/or from MVPC.
- b. The validity of these accreditations, and or yacht/event passes (which could be verified by MVPC).
- c. Compliance with the requirement for each pax boarding or disembarking to wear an individual access badge (excluding crew members, brokers and ship's logistics staff), during the event's opening hours.

In all cases, the sale of food and accommodation services on board is prohibited.

MVPC recognizes the event organizer's right to monitor the compliance with the above points.

In all cases, the event organizer undertakes not to interfere with other vessels not taking part in the event.

If the name of the charterer is different from the brand displayed (see pages 1 and 2 of the berth application file), the link must be explained.

3.6. Mooring fees and administration costs

The individual or legal entity that submits the berth application to MVPC is responsible for all fees and charges relating to the use of the berth.

The application must include a proof of payment for all fees related to the event.

If the payment is made by a ship's representative other than the final customer (charterer), it must be accompanied by a copy of the transfer from the end customer (explicit name) to this ship's representative, constituting proof of payment by the charterer of the amount of the yacht charter (yacht charter contract). Credit card payments, such as receipts, are not accepted as proof of payment. In the absence of such proof, the application will be considered as incomplete.

3.7. Rental contract

The ship's representative must provide a copy of the charter contract. This contract must have the following characteristics :

- direct contract between owner and charterer, with their original signatures,
- charterer's name identical to that shown on pages 1 and 2 of the application and on the transfer order (§ 3.5),
- names of broker and head office (with signatures),
- date of the event for which the application is submitted,
- charter amount and payment terms,
- contract signature date,
- name and characteristics of the vessel.

If the owner's representative is authorized to sign charter contracts a copy of this authorization must be enclosed.

If the charterer's representative is also authorized by the charterer to sign charter contracts, a copy of this authorization must be enclosed.

In the case of "owner on board", and in the absence of a charter contract, a letter signed by the owner declaring strictly private use is required. In this case, branding signage onto the vessel is forbidden.

3.8. Professional qualifications

Intermediaries authorized to delegate and/or sign the charter contract must provide the following professional qualifications:

- Yacht broker, shipping agent:
 - nature of the company or establishment,
 - RCS extract from the trade register or equivalent document.
- Captain:
 - original letter from the owner that the captain is an employee of the shipowner he represents.

3.9. Debts

If the shipowner or his representative or charterer has previously contracted a debt with MVPC, this debt must be settled prior to submitting the application.

3.10. Length of occupancy

Requests for berths for less than the duration of the event are not permitted. This does not prevent a ship from leaving the event before its end date.

3.11. Sign regulations

The ship's representative must comply with the signage specifications set out in Part 2 of the berth application file during commercial events.

3.12. Reception tents ashore

A tent may be set up on the "quayside" strip in front of the ship as a reception and identity control structure. (subject to applicable rates)

The tent may under no circumstances be used for commercial purposes or catering activities. Tents may only be erected in accordance with Part 2 « rules and regulations : b) tents ».

The installer must draw up and submit a certificate of proper assembly and visual inspection for each structure installed, including those under 16m². This certificate must be sent to congres.cannes@igymarinas.com no later than 12 hours before the opening of the event with the name of the yacht and position.

3.13. Evenings on board

All events organized onboard a yacht must be comply with an official authorization. This request must be made at least 5 days before the event. Process and assistance at congres.cannes@igymarinas.com.

4. BERTH ALLOCATION

4.1. Definition

The present chapter defines the way in which berths made available to event participants are allocated. All allocations are subject to receipt of a compliant application notice, as described in § 2.4.2.

These allocations are made based on criteria (§ 4.2), by an allocation committee (§ 4.3), according to a procedure (§ 4.4), and give rise to the signing of minutes, with partial publication (§ 4.5).

The berth is assigned to the ship-charterer or ship-charterer-charterer's representative (see § 7 and 8 for modifications).

4.2. Selection Criteria

4.2.1 Ranking criteria

Applications received will be ranked according to 3 criteria.

Criteria 1: Chronological order of date of receipt of compliant applications (priority to oldest application): the reference indicator is the day only, not the hour.

In the case of two or more compliant applications submitted on the same day, the following additional criteria will be considered:

Criteria 2: The overall length of the yacht (in the case of equal ranking, the longest (overall) boat is ranked first);

Criteria 3: Date of payment of the charter deposit.

4.3. Allocation committee

4.3.1. Meeting calendar

- **Cannes Film Festival:**
 - ^{1st} meeting: approximately 80 days before the start of the event
 - ^{2nd} meeting: approximately 50 days before the start of the event
 - ^{3rd} meeting: approximately 20 days before the start of the event
- **MIPIM:**
 - ^{1st} meeting: approximately 90 days before the start of the event
 - ^{2nd} meeting: approximately 40 days before the start of the event
 - ^{3rd} meeting: approximately 20 days before the start of the event
- **CANNES LIONS:**
 - ^{1st} meeting: approximately 90 days before the start of the event
 - ^{2nd} meeting: approximately 60 days before the start of the event
 - ^{3rd} meeting: approximately 50 days before the start of the event
- **TFWA:**
 - ^{1st} meeting: approximately 90 days before the start of the event
 - ^{2nd} meeting: approximately 60 days before the start of the event
 - ^{3rd} meeting: approximately 30 days before the start of the event

- **OTHERS:**

^{1st} meeting: approximately 30 days before the start of the event

The exact schedule for submission of applications and committee meetings is published on the <https://www.igymarinas.com/fr/marinas/igy-vieux-port-de-cannes/> website, subject to receipt of the event dates communicated by SEMEC. These dates may be subject to change by the respective event organizers.

4.3.2. Constitution of the allocation commission

Port authority : 1 representative of the Port Authority

MVPC: Yachting Department Manager + 1 representative

4.4. Allocation

Allocation consists of placing the boats according to the allocation criteria (§ 4.2.), on the event's mooring plan.

It is specified that this mooring plan, drawn up by MVPC and approved by the Port Authority, is under their sole authority, regarding:

- a) nautical safety and security criteria,
- b) a decision to allocate port space for this event,
- c) to choose the size of vessels admitted according to the technical constraints of the anchorage plan.

For each admission, the mooring plan is filled in with the vessels according to the ranking.

When the entire mooring plan is full, vessels are added to the waiting list.

If berths become available, they are allocated in the order of the waiting list (depending on availability on the mooring plan). If this is not sufficient, applications submitted but not checked (i.e. beyond the 5th application on the waiting list) will be processed (in order of submission) until the mooring plan is complete. Should such an application be incomplete or non-compliant, the applicant has 5 working days to provide a compliant application. After that, the next file is examined.

If a vessel on the waiting list cannot be placed due to its size, the next vessel on the corresponding list is examined, until the mooring plan is full. The unplaced vessel retains its position on the waiting list until a place becomes available.

4.5. Commission minutes

After each commission, the minutes are signed.

These minutes may be supplemented by specific requests, including:

- document verification,
- information to be passed on to charterers' representatives, on space availability opportunities conditional on a change in vessel size.

5. LATE ALLOCATIONS

In the 30 days (15 days for the IFF) before the event, positions may be allocated as follows:

- vacancies due to charter cancellations or vessel changes,
- late arrival of completed and compliant application.

Allocations are made by MVPC, without the need for an allocation committee, after validation of the application by the Port Authority:

- a) in waiting list order, according to ship size,
- b) if there is no waiting list (empty), on a first-come, first-served basis.

The members of the allocation committee are kept informed of these late allocations.

If no space is available, late applications are placed on the waiting list in chronological order.

When the charterer or his representative are informed that a space is available, they must confirm their acceptance or refusal of the position within 48 hours.

In the event of refusal, the boat will be considered as not having been allocated a position.

6. CANCELLATION

All cancellations must be received by MVPC, in writing (registered letter with acknowledgement of receipt) or by e-mail, at the address given at congres.cannes@igymarinas.com.

It must be signed by a duly authorized person. Cancellation by e-mail is only permitted if sent from the applicant's e-mail address.

The cancellation notice received is final and cancels the berth application.

If a counter-order is received later, the application is placed on the waiting list at the chronological rank corresponding to the date of arrival of the counter-order.

No refunds will be made for cancellations made within 60 days of the start of the event, whatever the reason.

If the cancellation is received by MVPC before the last commission of the event in question, the vacated place will be returned to the first ship on the waiting list.

If the cancellation is received by MVPC after the last commission for the event in question, the vacated place will be returned to the first ship on the waiting list in the same category as the ship requesting the cancellation.

7. CHANGE OF VESSEL

Changes of vessel, justified by technical unavailability or sale, or by simple cancellation of the rental contract by the owner, are examined as follows.

Any change of vessel by a charterer who has submitted a complete and compliant application, must be the subject of a written request and a new berth application to MVPC (§2).

A change is only possible under the following 2 conditions:

- a) that the new vessel meets the compliance requirements of §3,
- b) All characteristics of the replacement boat won't change the mooring plan.

In all cases, the rate applied will be that of the highest category.

Case 1 - Vessel already admitted to the anchorage plan

If the new vessel is at the same berth category (length, beam, and draft) as the previous one, she will be positioned on the same berth.

If the new vessel is of a lower category, after taking note of all its characteristics (overall length, beam, air and water draught, maneuverability, etc.), the replacement may be accepted. The rate applied will be that of the original category, plus application fee.

If the new vessel is of a higher category, after having taken note of all its characteristics (overall length, beam, air draft and draught, maneuverability, etc.), the replacement may be accepted only if this is possible within the mooring plan. The rate applied will be the difference between the original category and the replacement vessel, plus an application fee.

No change of vessel is authorized in the case of an owner on board for private use, except in the case where the new vessel is also his property, and under the size and classification conditions described above.

Case 2 - Vessel on waiting list

The new vessel is then considered with the chronological rank of the initial application in the list corresponding to the new vessel's ranking.

8. CHANGE OF CHARTERER OR CHARTERER'S REPRESENTATIVE

Due to the intuitu personae nature of the allocation of berths between the charterer, or the charterer's representative and MVPC, changes of charterer, brand or charterer's representative, at any stage during the berth application process, are prohibited, **except** in the duly justified case of takeover or merger of the company chartering the vessel for the event (the necessary supporting documents must be provided).

In the event of substitution of charterer, charterer's representative or brand, the vessel illegally occupying the berth will be invoiced, with a penalty of 200% of the applicable rate. The shipowner and his duly authorized representative are responsible for paying the sums due. Port fees collected on behalf of the original charterer will not be refunded.

The port authority is informed of this substitution.

9. CLOSING OF ACCOUNTS

Payment for fluids and other port services must be made **before** the yacht departs.

10. SHIP EXCLUSION PROCEDURES

If :

1. Communications to lead others to believe a company has one or more berths in the MVPC when it has not been communicated yet by the committee,
2. There has been an attempt to re-rent the berth obtained for the original customer/vessel pairing to a customer different from the one in the original application, following a cancellation or for any other reason,
3. The port observes during the event that the customer and brands on board do not correspond to the customer initially declared in the application,

A penalty of 10,000 euros will be imposed on the individual or legal entity having submitted the initial application.

In the event of a recurrence, an ad hoc committee with the participation of a representative of the port, a representative of the Port Authority and a representative of the brokers and agencies will be organized. The purpose of this committee will be to assess the appropriateness of a one-year exclusion from all booking requests linked to the Event procedure. This exclusion will apply to the individual or legal entity who submitted the initial application.

Exclusion will be notified by letter signed by the Port Manager.

11. RECOURS

11.1. Details :

All requests for appeal must be addressed solely by the file custodian, by post or e-mail, to:

Marina du Vieux Port de Cannes - Dossier QH
Bureaux du Port -1^{er} floor - Promenade de la Pantiero
Maritime Station
06400 CANNES

E-mail: congres.cannes@igymarinas.com

This request must be accompanied by all the information and supporting documents required to examine the appeal.

No oral or telephone requests will be accepted.

The Appeals Committee's response will be issued 10 working days from the date of receipt of the appeal request.

11.2 .Waiver of recourse clause:

The ship's representative(s), as described in preamble 1 "actors § a", waive any recourse relating to:

- The choice of location allocated to the vessel under the mooring plan,
- Traffic, parking and access control procedures for pedestrians and vehicles on port areas, medians, roads and quays.