



Porto de Lisboa

**Rules and Regulations for the Exploitation and Use
of the Recreational Docks of the Port of Lisbon**

The Port of Lisbon, which harbours over 1,100 vessels at its four recreational docks, Alcântara, Santo Amaro, Belém and Bom Sucesso, has been placing a focus on the promotion of recreational nautical activity and maritime tourism, boosting the growth of this type of activity at European level.

Recreational nautical activity has developed over the years, whereby Portugal in general and the Port of Lisbon in particular have registered a growing trend in relation to the same, with a greater number of vessels flying a foreign flag and an increase in the number of larger vessels looking to use the recreational docks of the Port of Lisbon.

At the meeting held on 12 January 1995, the Board of Directors agreed to approve the Rules and Regulations for the Exploitation and Use of the Recreational Docks of the Port of Lisbon, and which came into force on 01 January 1995 on the publication of Service Order N° 8/95 dated 17 January and the purpose of which was the exploitation and use of the APL recreational docks.

Seventeen years later, we need to make substantial improvements to the Rules and Regulations for the Exploitation and Use of the Recreational Docks of the Port of Lisbon, in light of the growth of nautical activity in the Tagus estuary and the challenges faced today.

The Board of Directors of APL - Administração do Porto de Lisboa, S.A., in accordance with the terms set forth in Article 3 of Decree-Law 336/98 dated 03 November, Article 10, paragraphs c), d), m) and p) of the bylaws of APL - Administração do Porto de Lisboa S.A., elected in accordance with the same, is required to approve the rules and regulations needed for the exploitation of the Port of Lisbon, in addition to ruling on port activities and those directly associated with the same.

Hence, APL, in accordance with the aforementioned legal provisions, is responsible for ruling on the terms and conditions in relation to the exploitation and use of the APL recreational docks under its jurisdiction:

Article 1

Purpose

The provisions of these rules and regulations shall govern the exploitation and use of the Recreational Docks managed directly by APL - Administração do Porto of Lisboa, hereinafter referred to as APL.

Article 2

Recreational Vessels

1. For the purposes of these rules and regulations a recreational vessel shall mean an apparatus or craft of any nature used or capable of being used as a means of surface transport in nautical sports or for simple leisure.
2. Exclusions to this definition include:
 - a) Vessels designed exclusively for competition, including competitive rowing boats acknowledged as such by the respective federations;
 - b) Canoes, kayaks, dinghies, pedal boats, and other beach vessels with no engine or sail and which navigate up to 300 metres from the shoreline;
 - c) Sailboards;
 - d) Experimental vessels.

Article 3

Operating Hours

The services and facilities described in these rules and regulations shall operate in accordance with the times defined by APL under the terms of Article 35.

Article 4

Use of the Recreational Docks

1. Only recreational vessels falling into the categories defined in these rules and regulations may remain within the APL recreational docks and associated areas.
2. In exceptional cases and subject to the prior authorisation of APL, other floating units belonging to official or other entities or vessels

used for other activities may remain in within the APL recreational docks and associated areas.

3. APL is required to authorise the presence of vessels in the water and on land for this purpose, subject to a prior written standard form application from the owners or the legal representatives of the same delivered to the offices of the recreational docks.
4. Authorisations in relation to the previous item are issued on a provisional basis, whatever the type of scheme applicable to the same, and in accordance with the regulatory fees in force and the conditions set forth in these rules and regulations.

Article 5

Mooring Berths for the Exclusive Use of APL

Berths regarded as necessary for the exclusive use of APL shall be reserved in each recreational dock.

Article 6

Restricted Access

APL may, for reasons of security or operability, restrict access or the circulation of vehicles or individuals in the port area comprising the recreational docks.

Article 7

Reduction of Mooring Fees

1. APL may grant reductions in mooring fees to customers who have concluded a certain number of regattas included in the calendar of the Associação Regional de Vela do Centro, to be defined in accordance with the fees in force, provided the same are not in debt.
2. The reduction in relation to the previous item shall be subject to payment via direct debit.

Article 8

Entry

1. On entering the recreational docks vessels should be flying the Portuguese flag and that of their own country of origin, in addition to featuring the respective name and registration in a clearly visible location on the hull of the vessel.
2. Access to the recreational docks is denied to any person who has not been duly authorised for the purpose.
3. Access to the pontoon by persons authorised in accordance with the terms of these rules and regulations is conducted using an automatic control system.
4. APL reserves the right to deny access to the recreational docks to any person who has previously disturbed the smooth running of the same, who is indebted to APL or whenever deemed necessary for reasons of security or other valid factors.

Article 9

Duties of the Users of the Recreational Docks

Vessel owners or the legal representatives of the same should, at all times whilst present in the recreational docks:

1. Effect payment of due fees within the timeframes defined by APL;
2. Comply with rules of good neighbourliness, courtesy and mutual respect, both in relation to the users of the recreational docks and the general public;
3. Keep vessels clean, well-maintained and in perfect floating order;
4. Keep vessels duly moored in order to ensure no part of the same collides with the floating pontoons or other vessels, or impedes the free passage of individuals;
5. Ensure vessels are properly fitted with appropriate fenders in order to protect other vessels and property belonging to APL or third parties;
6. Maintain access to areas containing cranes, ramps, fuel pumps and other equipment free, in addition to the surrounding areas so as not to cause obstructions or increase operational risks;

7. Provide APL with evidence that the documentation and certification of vessels are duly regularised in accordance with the applicable national legislation in relation to the same;
8. Comply with the rules established under the applicable legislation or APL regulations in relation to mooring, noise and other forms of pollution;
9. Maintain information in connection with the vessel and owner of the same updated, specifically registration-booklet, insurance, address, contact persons and other data required for billing;
10. Take out and renew third-party liability insurance to the minimum legally established amount, in addition to other insurance required under the legislation in force;
11. Notify APL of any amendment to the ownership of the vessel, specifically in the case of the sale or hire of the same;

Article 10

Sale of the Vessel

1. Whilst APL has not been officially notified of the sale of the vessel and amended the respective register, the previous owner shall continue to be liable for the payment of mooring fees, without prejudice to the terms of item 1 of the previous article.
2. When presentation of the updated registration booklet is not possible, the presentation of the application to amend the register submitted to the port authorities shall suffice for the effects of the terms of the above item.
3. The acquisition of a vessel already moored in the recreational docks shall not imply the allocation of a berth to the new owner.

Article 11

Prohibitions

Customers on the recreational docks facilities are expressly forbidden to:

1. Navigate in the recreational docks or in the surrounding waters of the same at a speed of over three knots, or at a speed which causes a wake which might undermine the safety of persons, vessels and infrastructure, in addition to the well-being of other customers;

2. Dispose of or throw any waste or harmful waste substances which might cause pollution into the waters of the port, onto the ground, pontoons or wastewater networks, and as such, should ensure the following:
 - a. The appropriate storage of urban solid waste and the correct disposal of the same in equipment provided by APL, in accordance with all the specific regulations involving the management of such waste;
 - b. The appropriate disposal of used oil, filters and oily waste in the labeled equipment provided, to be collected, transported and dispatched to a suitable final destination by APL;
 - c. The recovery of spent batteries and accumulators on the acquisition of new similar equipment, or where this proves impossible, delivery of the same to the recreational dock facilities;
 - d. The use of toilet and bathing facilities in the recreational docks, if available, and avoiding the generation of sanitary water on board vessels, in addition to the disposal of the same directly into the river;
3. Dispose of any objects in the recreational docks or outside the suitable receptacles placed on certain pontoons or nearby;
4. Light fires or place heavy or cumbersome objects on floating platforms or within any other area of the dock facilities;
5. Use mooring systems including shackles or other metal parts to connect to cleats;
6. Fasten objects or equipment to the platforms, except with the express authorisation of APL;
7. Conduct repairs and work which might cause noise or pollution within the berths or beyond the facilities intended for this purpose, except with the express authorisation of APL
8. Use spotlights, except in emergencies;
9. Bathe, swim or engage in water sports of any nature, amateur diving or any type of fishing in the recreational docks;
10. Make electrical connections to power outlets with plugs other than those recommended by APL;
11. Use motorised vehicles or bicycles on the floating pontoons;

12. Keep pets, unless it is assured the same are not a nuisance to other customers and are not let loose, provided the sanitary requirements in force are complied with.
13. Moor beyond the location authorised by APL;
14. Exercise any commercial, industrial, services or advertising activities whatsoever on the pontoons, quay and walkways and on board vessels, except with the express authorisation of APL;
15. Moor alongside the fuel quay for longer than is required to refuel, or a maximum of 1 (one) hour;

Article12

Liabilities

1. The customers of the recreational docks are liable to APL and third parties for any loss and damage caused in accordance with the general terms of the law.
2. For the effects of the previous item, customers should use the recreational dock facilities and take the precautions in order to prevent the occurrence of accidents, paying attention to the inherent risks such facilities are subject to.
3. APL shall not be held liable for loss, damage or accidents suffered by vessels and all those who frequent the recreational docks, except in the event the same may be attributed to APL in accordance with the legislation in force.
4. APL shall not be held liable for theft or robbery, neither in the recreational dock facilities and the vessels moored in the same, nor other locations in relation to recreational nautical activity, whereby owners should be insured against the same.
5. APL shall not be held liable for any loss arising from the removal operations described in Article 31.

Article13

Formalities on Departure

1. Vessels may leave at any time provided the owner or person in charge has settled up with APL.

2. The payment of outstanding fees shall be effected at least 1 (one) hour in advance and in compliance with current operating hours.

Article14

Allocation of Mooring Berths

1. The allocation of a mooring berth is subject to registration by the owner or legal representative of the same, and the presentation of the following documents and information:
 - a. Of the owner or the legal representative of the same - identity card and taxpayer enrollment card or citizen´s card, proof of domicile (water, electricity or telephone bill) for billing purposes, commercial registration certificate or permanent certificate number in the case of a legal entity; telephone or mobile telephone number for urgent communication;
 - b. Of the vessel - registration booklet with up-to-date inspection, evidence of the existence of third-party liability insurance to the minimum legal amount.
2. Failure to submit any of the aforementioned documents shall imply payment of the daily rate whilst the issue remains unresolved.
3. When the person interested in acquiring a mooring berth is not the owner, but the hirer of the vessel, the same should also submit the respective hire agreement.
4. APL reserves the right to occupy berths allocated to customers when the same remain empty or available for periods equal to or greater than 5 (five) days.
5. For the effects of the previous item, the owner undertakes to notify APL of the periods of over 5 (five) days during which the respective berth will be empty or available, and of the respective date of reoccupation at least 48 (forty eight) hours in advance.
6. In the case of failure to comply with the terms set forth in item 5 of this article, APL shall not guarantee the berth originally allocated until the same becomes vacant once again;

7. Depending on availability, customers may apply for a berth which is bigger than their vessel, whereby the corresponding fee shall be charged.
8. The management of the availability of berths is the exclusive responsibility of APL.

Article15

Nautical Clubs

1. Nautical clubs with facilities in the APL recreational docks may be granted berths on an annual basis up to a limit of two vessels, the size of which does not exceed those of a Class VI, exempt of fees, whenever required.
2. For the effects of the previous item, the allocation of mooring berths is subject to the decision of the APL Board of Directors.

Article16

Validity

1. The allocation of a berth is only valid for the title holder and vessel registered under the same.
2. Customers are forbidden to use the berth they have been allocated for vessels other than that registered, even when those vessels are the property of the same, in addition to occupying other berths in the same or different recreational docks, without the prior authorisation of APL.
3. Whenever a vessel belongs to more than one person, APL shall require one of the co-owners to assume sole responsibility for the use in question, without prejudice to the general terms of the law applicable to co-ownership.

Article17

Transfer

Transfer of a mooring berth may only be conducted with the prior written authorisation of APL at the express behest of the interested party.

Article18

Change of Vessels

1. Whenever the holder of a berth changes vessel, the same should provide APL with advance written notice including the characteristic of the new vessel.
2. Change of vessel to another owned by the same holder shall be subject to the availability of a berth compatible with the characteristics of the new vessel.
3. When a vessel is changed for one of a smaller class, there shall be no refunding of payments effected in relation to the previous mooring period.
4. When the vessel is changed for one of a larger class, there shall be no refunding of payments effected in relation to the previous mooring period.

Article19

Mooring Period

1. The periods defined in Article 21 shall apply for the effects of the payment of mooring fees.
2. Customers under the daily, monthly and six-monthly mooring schemes intending to extend their stay should notify APL services of the fact at least 24 (twenty four) hours in advance, the same being subject to the availability of mooring berths.

Article 20

Allocation of Open Water Mooring Buoys

1. The allocation of a mooring buoy depends on the express application of the interested party on a standard form delivered to the service desk in the recreational docks.
2. The documents listed in Article 14 of these rules and regulations should be presented on application for allocation.

Article 21

Mooring Schemes

The recreational docks offer the following types of temporary mooring schemes:

- a. Daily mooring: corresponds to non-divisible 24 (twenty four) hour periods beginning at 12:00 (noon) each day.
- b. Weekly mooring: corresponds to 7 (seven) consecutive days. The time is calculated from 12:00 (noon) on the first day to 12:00 (noon) on the 7th day.
- c. Monthly mooring: corresponds to non-divisible periods of one calendar month, beginning at 00:00 (zero) hours on the first day of the month and ending at 24:00 (midnight) on the last day of the month.
- d. Six-monthly mooring: Corresponds to non-divisible periods of six calendar months, beginning at 00:00 (zero) hours on 01 (the first) January and 01 (the first) July and ending at 24:00 (midnight) on 30 (the thirtieth) June and 31 (the thirty-first) December respectively;
- e. Annual mooring: corresponds to the calendar year, beginning at 00:00 (zero) hours on 01 (the first) January and ending at 24:00 (midnight) on 31 December.

Article 22

Reservation of Mooring Berths

1. Customers may apply to reserve a mooring berth and the same may be changed up to 5 (five) days prior to the date of the application.
2. For the effects of the previous item, APL shall cancel the reservation if the berth is not occupied on the date provided.
3. Any changes made beyond the deadline defined in the previous item shall imply payment of the daily fee for the berth from the date of the application to the date on which the berth is occupied.

Article 23

Annual Mooring

1. The allocation of mooring berths on an annual basis is conducted by means of the express application of the interested party and settlement of the fee for the year.
2. Holders of annual mooring berths should notify APL of their interest in renewing under the same scheme, whereby they should present their application at the recreational docks between 01 and 31 December, without prejudice to the terms of Article 32 and provided the same have no outstanding debts with APL.
3. Failure to submit the aforementioned application shall imply payment of the daily rate on termination of the authorised mooring period.

Article 24

Six-monthly, monthly, weekly and daily mooring

1. The allocation of mooring berths on a six-monthly, monthly, weekly and daily basis is conducted by means of the express application of the interested party and full settlement of the corresponding mooring fee.
2. The aforementioned fees have no bearing on the additional payment of any fee updates which may occur during the mooring period.
3. Holders of six-monthly, monthly, weekly and daily mooring berths should notify APL of their interest in renewing under the same scheme, whereby they should present their application at the recreational docks 24 (twenty four) hours prior to termination of the authorised period, without prejudice to the terms of Article 32 and provided the same have no outstanding debts with APL.
4. Failure to submit the aforementioned application shall imply payment of the daily rate on termination of the authorised mooring period.

Article 25

Fees

1. A non-divisible fee is payable for the mooring of vessels.
2. There shall be no reimbursement when a customer decides to relinquish his berth prior to the end of the term.

3. The applicable fees are defined on an annual basis by APL and placed in full view of the public, in addition to publication in Service Orders and on the APL website.
4. The fees for the use of the recreational docks include the supply of water and electricity available on the pontoons, the collection of waste, the use of the toilet facilities where available, and any other services created for common use.
5. Payment of the aforementioned fees does not exempt the user from payment of any other fees in the tariff regulations or other regulatory APL norms, in addition to all the fees, taxes and charges, state or not, owed.

Article 26

Payment

1. Payment of the fees is effected on the act of filling out the standard form, to the total amount of the type of mooring scheme selected or for the estimated length of stay.
2. Credit invoices must be paid by the deadline and in accordance with the conditions defined in the same.
3. Default interest at current rates shall be charged on invoices which are not paid by the agreed upon deadline.
4. In the event the user intends to extend his stay beyond that declared on arrival, the same should notify the recreational dock services of the fact and proceed with the respective payment on the day immediately preceding the end of the original period.
5. Payment may be effected in cash, a nominal cheque to APL, at the ATM located in the recreational docks, via bank transfer, direct debit or a credit card authorized by APL.

Article 27

Equipment for the Provision of Additional Services

1. The use of available equipment shall be authorised by APL upon request of the interested party and prior reservation of the service.
2. Payment of the service shall be effected prior to execution of the same.

3. APL shall not be liable for the impossibility of using equipment due to breakdown or if due to some other occurrence the same is temporarily unavailable.
4. APL may license the right to use certain equipment whenever it is ascertained this will improve the quality of the services provided to the customer.
5. Recreational dock customers may use equipment belonging to third parties to move their vessels subject to authorisation by APL.

Article 28

Other Services

The provision of any other services not included in the previous item shall be subject to the terms of the Fee Regulations or regulatory norms of a similar nature approved by APL.

Article 29

Monitoring

APL is responsible for monitoring compliance with the provisions of these rules and regulations, in addition to taking out proceedings in relation to infractions committed and imposing the respective fines and sanctions in accordance with the legislation in force, without prejudice to the powers entrusted to other entities.

Article 30

Security

For the purposes of security and without prejudice to the rights, liberties and guarantees of citizens, APL may take the following, amongst other, measures whenever deemed necessary:

1. To demand information on where vessels have come from and are heading, name, nationality, the number of people embarking and disembarking, estimated date and time of departure;
2. To identify the people using the docks and areas limited to the mooring of vessels;

3. To inform the pertinent authorities of the non-authorisation of the departure of vessels in cases justified by failure to comply with the established rules and regulations, specifically due to non-payment of fees.

Article 31

Removal of Vessels

1. Failure to comply with the conditions of these rules and regulations, specifically in relation to the safety of property or persons, the non-payment of fees and failure to obey orders issued by the port authorities shall result in APL notifying the transgressor of the need to immediately remove the respective vessel from the mooring berth, without prejudice to specific penalties.
2. When the aforementioned order cannot be delivered to the transgressor, or if the same fails to act promptly, APL shall have the right to remove the vessel at the cost of the owner.
3. In relation to requirements involving maintenance, conservation or the operability of the recreational docks, or when bad weather or other circumstances so dictate, the order may also be given to remove vessels in accordance with the terms set forth in the previous item.
4. In the event of incorrectly moored vessels hampering the smooth running of the recreational docks, or in the case of breakdowns which obviously will not be repaired in a reasonable period of time, the owner or legal representative of the same shall be responsible for removing the vessel, whereby APL may remove the same in accordance with the terms of the previous item if the situation is not dealt with promptly.
5. APL may order the removal of vessels from the recreational docks which have been abandoned or which have been on the premises for over 30 (thirty) days and where the owner has failed to pay the fees for mooring and services by the set deadline.
6. Costs incurred in relation to the removal and delivery of vessels in accordance with the previous items shall be borne exclusively by the respective owners.

Article 32

Sanctions

1. All applications shall be held as invalid and all authorisations cancelled in the event a customer provides false information.
2. The following shall suffice for the loss of all rights in relation to mooring berths, whatever the fee scheme involved.
 - a. Failure to submit regulatory documentation by the set deadlines or when requested by APL;
 - b. Failure to pay the fees defined by APL;
 - c. In the event the vessel is sold, except in cases duly justified and authorised by APL in accordance with Article 18;
 - d. Serious or recurrent failure to comply with the requirements set forth in these rules and regulations or the orders and instructions needed for the smooth running of the recreational docks.
3. For the effects of the previous item, serious or recurrent failure to comply shall mean when the transgressor fails to obey the orders or instructions passed on by APL within the time period allocated.

Article 33

Complaints and Suggestions

1. Clients may submit complaints verbally or in writing in relation to services, the state of facilities or any other issue concerning the smooth running of the recreational docks.
2. A complaints book shall be available at each recreational dock in accordance with the previous item and applicable legislation.

Article 34

Commencement

These regulations shall come into force as of 01 January 2013 and shall replace the Rules and Regulations for the Exploitation and Use of the Recreational Docks of the Port of Lisbon approved on 12 January 1995 and published in Service Order N° 8/95 on 17 January.

Article 35

Disclosure

These regulations and the operating hours of the recreational docks should be made available in both English and Portuguese at these facilities and on the APL website.

Article 36

Omissions

Notwithstanding the provisions of these rules and regulations, the Board of Directors may determine the implementation of special terms or clauses when the same deems appropriate.