



**CCI NICE CÔTE D'AZUR**  
**Port de Cannes**

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**CANNES PORT**

# **QUAI d'HONNEUR**

## **PROCEDURE FOR BERTH ASSIGNMENT during COMMERCIAL EVENTS**

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**Note:** This document has been translated into English for your convenience. However, in case of any dispute, legal or otherwise, only the original French version of this document is binding.

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# 1. INTRODUCTION

The Port de Cannes is a public port managed by the Conseil Général of the Alpes-Maritimes. The port is operated on their behalf by the Chamber of Commerce and Industry of Nice Côte d'Azur.

During important events in Cannes, the terms of the concession exceptionally allow ships to be berthed to carry out certain activities on-board linked to these events.

The purpose of this document is to set out the requirements for, and methods of, berth assignment for ships in the specific area called the Quai d'Honneur.

This document has been drawn up and approved by:

- the Conseil Général of the Alpes-Maritimes (CG06), represented by the Director of Transport Infrastructures
- the Chamber of Commerce and Industry of Nice Côte d'Azur (CCITNCA), represented by the Director of Riviera Ports.

Any modifications must be approved by the same bodies.

## **The parties to the contract**

The assignment of a berth constitutes a contract in administrative terms.

The participants in the process of berth application, assignment and management of the stay in port are the following:

### a) The ship's representative

Depending on the situation, the ship's representative can be:

- its owner (person or company),
- its captain, employee of the ship owner,
- a properly appointed intermediary (yacht broker, maritime agent or equivalent),
- the ship charterer or appointed representative (person or company).

### b) Concessionaire of the port (CCITNCA)

As operator of the port, the CCITNCA is responsible for the contractual relationship with the representative of the ship.

### c) The Port Authority (CG06)

The CG06, represented by the Director of Departmental Ports and his staff, are responsible for the checking and verification of:

- the declarations made by the representative of the ship,
  - the application of the present procedure by the CCITNCA,
- and for the approval of the mooring plan.

## 2. FILLING OUT AND SUBMITTING APPLICATIONS

### 2.1. Application forms

Forms for berth applications are available:

- on the website : **www.riviera-ports.com** (section: yachting - berth assignment during events)
- by e-mail from:  
**portdecannes-congres@cote-azur.cci.fr**
- at Cannes port Harbour Master's Office

This document is also available from the same sources.

### 2.2. Filling out the application form

Forms must be filled out in French using block capitals.

All handwriting must be clearly legible.

Attached documents (photocopies) must be clear enough to be reusable.

Originals of any attached document must be available on demand.

All addresses given must be complete (city, postcode, state, country ...), to allow contact with the person / company. This also applies to all telephone numbers.

### 2.3. Submitting the application

Application files are accepted approximately 6 months before the date of the event.

The exact opening date for applications for each event is published on the website « **www.riviera-ports.com** ».

**For the MIPIM exhibition, berth applications for the following year are accepted from the Monday after the end of the current year's event.**

Completed applications should be sent to:

**Port de Cannes  
Chambre de Commerce et d'Industrie  
Promenade de la Pantiero  
CS 60009  
06414 Cannes Cedex**

Marking the envelope:

**« QUAI D'HONNEUR [+ name of the event] »**

Applications can be sent by:

- special courier (e.g. UPS, DHL, Chronopost)
- recorded delivery mail,  
or hand delivery to the port reception desk.

In the latter case an acknowledgement of receipt (Appendix 2) will be given to the person delivering the form.

A list of submitted applications is kept, in precise chronological order of reception.

## **2.4. Checking**

Cannes port will check that each application file is complete and complies with all requirements (cf. §3) within 5 working days of its arrival.

No document will be considered during the last 5 working days before each Assignment Committee.

### 2.4.1. Incomplete or non-compliant file

If the file is incomplete or non-compliant, or contains unusable or not clearly authentic attached documents, the entire file will be returned to the ship's representative, with the reasons for its rejection. The application fee (100 €) will be charged (cf. 3.5).

### 2.4.2. Complete file

In this case, an acknowledgement slip for the reception of a completed application will be sent to the ship's representative, and the file will be admitted for consideration by the Assignment Committee, according to the criteria set out in Chapter 4 of this document. The application fee will not be processed, unless changes are requested at a later date by the ship's representative (change of ship, cancellation ...).

The sending of the acknowledgement «completed application" does not in any way imply that the validity and authenticity of attached documents and declarations will not later be checked.

If a document is found to be invalid or inauthentic, the entire application file will be declared invalid and returned to the ship's representative, and the application fee will be charged.

Cannes port will accept the first 75 complete and correct application files. Beyond that, the port will accept applications without examining them, and will simply add them to the list of applications received (a simple acknowledgement of receipt of the file -Appendix 2- will be given, as a chronological order of these applications is also kept, in case places on the list become available).

## **2.5. Communication**

Any element of an application file may be communicated to any party (organiser, broker, charterer) who has a justified reason for requesting it.

## **3. REQUIREMENTS FOR COMPLIANCE**

The assignment of a berth is subject to compliance with each of the conditions set out below.

### **3.1. Authenticity**

The names and signatures of all persons declared or mandated in the application file must be authentic.

Cannes port reserves the right to check the authenticity of documents and signatures presented in the file.

Any declaration found to be false will automatically result in a one-year ban from Cannes port, for the ship and the person responsible for the false declaration.

### **3.2. Taxation**

The charterer, or his appointed representative, must sign an undertaking of taxation conformity for the ship, its provisioning and the services provided on board (p 3/13).

### **3.3. Technical compliance of the ship**

The charterer, or his appointed representative, must sign an undertaking that the ship complies with the technical requirements of its flag state.

This undertaking must be accompanied by a copy of the current valid registration certificate from this state.

If copies of these documents have already been supplied for a previous event and will still be valid on the date of the current event, there is no need to submit further copies.

Please note that this registration certificate may not be replaced by any document from shipping classification companies (Lloyds, Rina, BV ...), except if these are allowed as substitute documents by the flag state (e.g. Small Ships Register).

In the case of unusual flag states, the charterer or his representative must be able to supply upon demand the registration regulations of that state.

### **3.4. Safety of the ship while berthed**

The ship's captain must sign an undertaking that, during the ship's stay in Cannes port, the captain and crew, properly qualified and experienced, will be on board the ship and ready at all times:

- to manoeuvre or get under way,
- to take the necessary measures in case of an incident (fire, flood ...), and in particular to ensure the evacuation of passengers,,
- to ensure the safety of passengers,
- and generally to comply with the regulations of port police.

This undertaking must be accompanied by a copy of the insurance policy of the ship, covering the event. It must also specify the maximum number of passengers authorised on board, with which the ship's captain must comply.

### **3.5. Environmental conformity of the ship**

In compliance with current regulations, and to maintain the cleanliness of the port water:

- The discharge of any liquids into the port harbours is prohibited.
- The vessel must leave from the port empty of all waste.

The collection of waste water is mandatory whilst at port.

The list of service providers approved by the port is available on request in accordance with the plan for the collection and management of waste at Cannes port.

The « declaration of collection of waste water during the event » is mandatory and must be provided with the application for berth assignment during events.

### **3.6. Commercial activities**

The business activity of the ship hirer/charterer must have a connection with the theme of the event, and documents must be available to prove this, if necessary.

The ship's representative must sign an undertaking in which he acknowledges having been informed and/or having informed the user of his ship of the statutory conditions concerning commercial parasitism set out in Book 4 of the Business Code (Quatrième du Code de Commerce) and in Article 1382 of the Legal Code.

This undertaking means that the charterer:

- a. has an official accreditation, number given by the event organizer, this number (or reference) will be written in the application form (please refer from the event organizer accreditation conditions).
- b. This number (or reference) will be submit to the event organizer.

In addition, in all cases, the charterer:

- c. will respect the requirement for the wearing of individual event entry badges by each person boarding or leaving the ship during the opening hours of the event (except for crew members, brokers and ship suppliers)

In all cases, the sale of meals and accommodation on board is forbidden.

Cannes port allows the event organizer to check that these requirements are followed, and, in accordance with the rules set out in Appendix 3 of this procedure, to put barriers in place along the "edge of the quay", in order to facilitate these checks. The event organizer must in all cases undertake not to disturb other ships not participating in the event.

If the name of the charterer is different from that of the brand displayed (cf. pages 1 and 2 of the berth application file), the connection must be clear.

If the activity on board the ship could become the subject of legal proceedings, in particular for commercial parasitism, Cannes port reserves the right to communicate all parts of the berth application file to the legal authorities.

### **3.7. Mooring and application fees**

As specified in paragraph 1, last subsection, of Article 1 of the general conditions applying to the table of charges for the use of public facilities, *"the agency, or the authorised representative acting for a third party, is acting as the applicant and is therefore responsible for the payment for the usage of facilities."*

This means that the person or corporation who applies for a berth in Cannes port is responsible for all charges and fees connected with the usage of that berth.

The application file must enclose evidence of payment for the mooring fees for the length of the event. This payment may be a cheque made out to the CCI-Port de Cannes, or a bank transfer.

If the payment has been issued by a ship's representative different from the end-user client (charterer), it must be accompanied by a copy of the financial transfer from the end-user client (named explicitly) to this ship's representative. This financial transfer must provide proof of payment by the client for the amount of the yacht charter (charter contract). Please note that debit/credit card receipts will not be accepted as sufficient proof of payment by the end-user client to the ship's representative. Without acceptable proof, examination of the application will be deferred until the following Assignment committee.

The file must also be accompanied by payment of the €100 application fee.

### **3.8. Charter contract**

The ship's representative must supply a copy of the charter contract. This contract must include the following:

- a direct contract between the ship owner and the charterer, with their original signatures
- the name of the charterer identical to that appearing on pages 1 and 2 of the application file, and on the bank transfer (§ 3.5)
- the names of the broker and central agency (with signatures)
- the cost of the charter and payment terms
- the date and signature of the contract
- the name and description of the ship

If the ship owner's representative is authorised to sign the charter contract, a copy of this authorisation must be enclosed.

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

If an "owner on board" berth application is made, and no charter contract exists, a letter must be sent, signed by the owner, declaring on his honour that the ship will only be used privately. In this case, the display of any brands or signs on the ship is prohibited.

### **3.9. Professional qualifications**

Intermediaries having been given the right to representation and/or to sign the charter contract must supply the following proofs of professional qualifications:

- Broker, maritime agent, yacht broker :
  - type of company or business
  - copy of business registration document or equivalent
- Captain :
  - original statement from the owner, certifying that the captain is the employee of the owner of the ship he captains



### **3.10. Debts**

If the ship owner or his representative or his charterer has previous debts with the Chamber of Commerce and Industry of Nice Côte d'Azur, these debts must be settled prior to the submission of the application file.

### **3.11. Length of stay**

Berth applications for a period shorter than the length of the event are not allowed. However, ships may leave before the end of the event.

### **3.12. Regulations: signs and displays**

The ship's representative must undertake to respect the regulations on signs and displays set out in Appendix 3 of this document.

### **3.13. Reception tents on land**

It is authorised to erect a tent on the "edge of the quay" opposite the ship, to function as a reception and identity checking area.

In no case may this tent be used for activities that may be regarded as commercial parasitism, or to serve meals.

The tent may only be erected in accordance with the conditions set out in Appendix 6 of the application file.

## **4. BERTH ASSIGNMENT**

### **4.1. Definition**

This chapter defines the way in which berths are assigned to event participants. Each assignment has been preceded by the issuing of a "complete and correct application" statement, as set out in § 2.4.2.

These assignments are carried out according to criteria (§ 4.2), by an Assignment Committee (§ 4.3), following a procedure (§ 4.4), and result in the signature of a written record, with partial publication (§ 4.5)

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

### **4.2. Assignment criteria**

Assignment criteria are as follows, in decreasing order of priority:

- Criterion 1      List A: ships registered as commercial, or regularly authorised by their flag state to carry out charter activities.  
List B: non-commercial ships other than those belonging in List A. Ships currently undergoing technical compliance are automatically classed as List B.  
List C: "double application" ships, corresponding to a 2nd or nth berth application by the same charterer (same company or person).
- Criterion 2      Chronological order of receipt of application files (priority given to the oldest application).  
Application files arriving the same day are sorted by:
- 1) date order of the charter contract,
  - 2) the date of the bank transfer or cheque acceptance for the deposit (the amount listed on the charter contract). This date determines the position of the file.

### 4.3. Assignment Committee

#### 4.3.1. Meetings calendar

- **Cannes Film Festival**:  
1<sup>st</sup> meeting: approx. 90 days before the start of the event  
2<sup>nd</sup> meeting: approx. 60 days before the start of the event  
3<sup>rd</sup> meeting: approx. 30 days before the start of the event  
4<sup>th</sup> meeting: approx. 10 days before the start of the event
- **MIPIM**:  
1<sup>st</sup> meeting: as soon as **the first 60 applications** have been received  
2<sup>nd</sup> meeting: as soon as **the first 80 applications** have been received  
3<sup>rd</sup> meeting: approx. 60 days before the start of the event
- **MIPTV, MIPCOM, TFWA**:  
1<sup>st</sup> meeting: approx. 60 days before the start of the event  
2<sup>nd</sup> meeting: approx. 30 days before the start of the event
- **MAPIC, MIDEM, MARE & MODA, FI PUB**:  
1<sup>st</sup> meeting: approx. 30 days before the start of the event

The precise dates for the submission of applications, as well as for the meetings of the Assignment Committee, are published on the ports website **www.riviera-ports.com** from the first quarter of the preceding year, as soon as the event dates have been received from the SEMEC. These dates are subject to modification.

#### 4.3.2. Members of the Assignment Committee

**CG06**: Director of departmental ports + 1 supervisor of Cannes port

**CCITNCA**: Ports Director + 1 representative from Cannes port.

### 4.4. Assignment

Assignment consists of placing ships on the mooring plan for the event, according to the criteria for assignment (§ 4.2.).

It should be noted that this mooring plan is worked out by Cannes port and approved by the CG06, who have sole authority with regard to:

- a) criteria of maritime safety and security,
- b) decisions about area allocation in the port for this event,
- c) choice of the size of ships admitted.

For each assignment, the mooring plan is filled:

- in priority, by ships on List A (point 4.2 / criterion 1)  
in chronological order of receipt of application (point 4.2 / criterion 2).
- then by ships on List B,  
in chronological order of receipt of application (criterion 2).

When the mooring plan is full, ships are put on waiting lists:

- List A' for ships from List A,
- List B' for ships from List B.

At the second or third assignment committee meeting, recently received application files are placed in chronological order on lists A' and B', up to the 75th application

If berths are free, or become free (cancellation), they are assigned successively to List A' then to List B'. If this is not sufficient, application files received but not yet checked (i.e. beyond the 75th application) will be considered (in order of receipt), until the mooring plan has been filled. If such a file proves to be incomplete or incorrect, 5 days will be given for it to be completed and corrected. After that, the next file will be considered.

If a ship from either list cannot be given a berth because of its size, the next ship in List A', then in List B', will be considered, until all available berths have been allocated. The unplaced ship will keep its place on the waiting list until a suitable berth becomes available.

At the end of the final assignment committee meeting (D-30 days), if berths remain available after Lists A' and B' have been exhausted, they will be allocated to ships on List C.

#### **4.5. Committee meeting reports**

At the end of each committee meeting, a report will be signed (Appendix 5).

If required, this report can make specific requests, such as:

- for verification of documents,
- for information to be sent to charterer's representatives about possible berth availabilities, in the case of a change in ship size.

The list of accepted ships is posted on the website **www.riviera-ports.com** within 24 working hours following the committee meeting.

Information concerning berth assignments: **"Ship - charter company - brand represented"**

is sent to the event organiser at the end of each committee meeting.

## 5. LATE ASSIGNMENTS

In the 30 days preceding an event, berths can be assigned in the following conditions:

- berths become free due to cancellation or change of ships
- late arrival of complete and correct application files

These assignments are made, without holding an assignment committee meeting, by Cannes port (CCITNCA), after validation of the application file by the supervisors of the Port (CG06)

- a) in the order of the waiting list A', then B'
- b) if there are no ships on the waiting list, in the order of arrival of late applications.

The people who make up the Assignment Committee are kept informed of these late assignments.

If no berths are available, late applications are added, in chronological order of arrival, to Lists A' or B'.

When the charterer or his representative is informed that a berth is available they must confirm their acceptance or rejection of this berth within 48 hours. In the case of rejection, the boat will be regarded as not having been allocated a berth.

## 6. CANCELLATIONS

Any cancellation must be sent in writing (fax, registered letter with recorded delivery) to Cannes port, to the address given in §2.

It must be signed by the duly authorised person. Cancellations by e-mail are therefore not yet authorised.

A cancellation will take effect from the date of its arrival at Cannes port.

A letter of cancellation is final and cancels the berth assignment.

If a cancellation withdrawal is received at a later date, the application file is placed on the waiting list A' or B', in chronological order corresponding to the date of receipt of the cancellation withdrawal.

No refund will be given for any cancellation, made for whatever reason, within the 30 days preceding the start of an event.

## 7. CHANGE OF SHIP

Changes of ship, justified by technical problems or a sale, are treated as described below.

Any change of ship by a charterer, who has submitted a complete and correct application, must be requested in writing to Cannes port (§2). This request must be accompanied by all the supporting documents relevant to the new ship, which are required when applying for a berth during an event.

A change of ship is only possible under the following two conditions:

- the new ship fulfils the compliance conditions set out in §3,
- the dimensions of the new ship do not require any changes to the mooring plan

In all cases the fee charged will be that of the higher category of the two ships

### **Case no. 1 – Ship already accepted on the mooring plan**

If the new ship belongs to the same category and classification (commercial/non-commercial) as its predecessor, or if the change is from a non-commercial to commercial category, it will be accepted in place of its predecessor.

If the new ship is of a different category but the same classification as its predecessor the replacement will be accepted, after consideration of its dimensions (LOA, beam, height, draught) and manoeuvrability, if the replacement does not require any changes to the mooring plan.

If the change of classification is from commercial to non-commercial, the new ship will be placed at the head of the waiting list A' or B', corresponding to its category.

No change of ship will be allowed in the case of the owner being on board for private usage only, unless the new ship also belongs to him, and fulfils the conditions of size and classification set out above.

### **Case no. 2 – Ship on a waiting list**

The new ship will be placed in the chronological position of the initial application, on list A' or B, corresponding to the classification of the new ship.

## 8. CHANGE OF CHARTERER OR CHARTERER'S REPRESENTATIVE

The assignment of a berth represents a personal contract between Cannes port and the charterer or his representative. Any change of charterer, brand or charterer's representative at any stage in the application process is therefore not allowed, except in the duly documented case of the company chartering the yacht being bought, taken over or merged. (Confirmation documentation must be supplied.)

If a change of charterer, his representative or brand is found to have occurred, the ship will be billed as occupying the berth illegally, with a penalty of 100% of the current fee. The ship owner, or his duly appointed representative, will be responsible for the payment of sums owed. The port fees paid by the original charterer will not be reimbursed.

The port police authority will be informed of this substitution.

## **9. PROCESSING OF FEE PAYMENTS - CLOSURE OF ACCOUNTS**

### **9.1. Processing of fee payments**

Fee payments will be processed within 5 working days following the acceptance of an application by the Assignment Committee.

In the case of non-payment of fees within 5 working days after the sending of the first and only reminder to the berth applicant (copied to the owner, charterer, and their representatives), and if within this period no other party or charter contract is substituted for the berth applicant, the berth allocation will be cancelled.

### **9.2. Closure of accounts**

Payment for utilities and other port services must be made before the departure of the ship.

## **10. EXCLUSION OF SHIPS**

Any person who makes untruthful statements, in order to lead others to believe that he has one or more berths available in Cannes port, before the Assignment Committee has allocated him a berth, will be banned from berth applications for the period of one year. This exclusion will apply to all ships named in the statement that led to the exclusion.

The exclusion will be widely publicised.

## 11. CLAIMS

### 11.1. How to make a claim

Any claim must be sent by fax or e-mail to:

CCITNCA - Direction des ports  
20, quai Lunel  
06000 NICE

Fax : 04 92 00 43 60  
E-mail : franck.dosne@cote-azur.cci.fr

With a copy sent to:  
CG06 - Chef de service des ports départementaux  
CADAM \_ Bât. Chéron  
BP 3007  
06201 NICE CEDEX 3

E-mail : enobize@cg06.fr

This request must be accompanied by any supporting documents necessary to examine the claim.

No claim requests made orally or by telephone will be considered.

A response from the claims committee will be sent 10 working days after the date of reception of the claim request.

### 11.2. Waiver of claims clause

The ship's representative(s), described in the Preamble as "participants a)", waive all rights to make any claim based on:

- the position of the berth allocated to the ship on the mooring plan
- the organisation of traffic, parking, and entry checks for pedestrians and vehicles on roads, paths, open areas and quays