



**Subject: SETTLEMENT OF FUNDS FOR PARTICIPATION SHARES IN MAINTENANCE COSTS FROM 2011 TO 2014 AND FUNDS FOR MAINTENANCE SHARES IN 2015.**

**\*Special attention to point number VI for users in an irregular situation within the Marina.**

Dear User, Mr.

We would like to inform you that, like every year, we are currently withdrawing funds from all the registered users of the Empuriabrava Marina for participation shares in the maintenance costs of the Empuriabrava Marina corresponding to 2015.

We remind you that the company “**MCS Marina d'Empuriabrava, S.L.**” has been specially authorised by the concessionaire of the Marina, “Port d'Empuriabrava, S.A.”, to take responsibility for all the general management of the Marina, including charging users funds for participation shares in maintenance costs and the implementation of the Marina's annual budgets. The aim in everything relating to the general maintenance of the Marina, which affects all the users, being managed by a company that is not the concessionaire is to ensure that there is total transparency and to avoid the private activities of the concessionaire, with its own sources of income and expenses, being merged with those other activities relating to the general maintenance of the Marina, which affect all the users.

In order to facilitate understanding of the different concepts and calculations contained in the documentation attached the most important aspects to consider are:

**I. The quotas for conservation and maintenance of the marina.**

As expressly composed, Articles 91 and 92 of the Rules of Exploitation and marine police of Empuriabrava provide:

-Holders of rights of use and enjoyment of a mooring or other element that integrates the inner marina, including holders of concessions, are required to help support the overhead costs of repair and maintenance of marine internal with a participation share approved by the port authority.

- The share-holding or maintenance corresponding to each user is according to a fixed percentage share of those costs, which is calculated based on the square meters of water surface occupied by the jetty or the area occupied by the element for exclusive use.



-Users must pay to the request of the concessionaire or the company to which it delegates, the corresponding amount in respect of maintenance fee or marine conservation each year or provision of funds in the same in accordance with the maintenance budget approved by the Administration.

-The concessionaire or the company to which it may delegate, should produce an annual invoice to the user, in respect of maintenance fees or marine conservation each year or provision of funds for the same. The user must also settle the amount paid in respect of provision of funds each year within the first two months of the year immediately following.

In this case, participation rates in overhead of each user were favorably reported by the Directorate General of Ports, Airports and Coasts, Department of Territorial Policy and Public Works of the Generalitat of Catalonia, dated July 8, 2009 Budgets and Maintenance of the marina for years 2011-2021 were approved by order of the Directorate General for Transport and Mobility Department of Territory and Sustainability of the Government, of February 22, 2013

A copy of this documentation is available to all users on the website of the marina, ([www.marinaempuriabrava.com](http://www.marinaempuriabrava.com)), in the User Services Office, located next to the Captancy building and in the User Community of the marina of Empuriabrava.

**II. Provision of funds for maintenance shares for 2015.**

As is clear from the above documentation, the maintenance budget of the marina approved by the Administration for the year 2015 amounted to **€1,399,167.00 (one million three hundred and ninety nine thousand one hundred and sixty seven EUR)**. According to that amount, the provision of funds for the maintenance fee you pay in the year 2015 is the product of multiplying **€7.16** per square meter of water surface occupied by the mooring or the area occupied by the element of private use.

**III. Settlement funds providing maintenance fees for the years 2011, 2012, 2013 and 2014.**

As is also clear from the documentation, the maintenance budgets of the marina for years 2011, 2012, 2013 and 2014 were approved by the Administration in the amount of €1,324,808, €1,338,056, €1,354,781 and €1,375,103 respectively. For each of these exercises, the Administration set the amount 6.78 €/m<sup>2</sup>, 6.85 €/m<sup>2</sup>, 6.94 €/m<sup>2</sup> and 7.04 €/m<sup>2</sup> respectively, to determine the amount of the reserve fund share of corresponding maintenance paid by each user, based on the square meters of water surface occupied by his mooring or private use element surface area.



Upkeep and maintenance of the marina during the years 2011, 2012, 2013 and 2014 amounted to €396 863, €1,383,098, €956,215.00, €603,437.92 respectively. Such expenditure has been duly audited by a specialized company.

All certifications issued by the audit firm are available to users on the website of the marina, ([www.marinaempuriabrava.com](http://www.marinaempuriabrava.com)), in the User Services Office, located next to the Captaincy building and in the User Community of the marina of Empuriabrava.

To carry out the liquidation of the budgets of conservation and maintenance of the years in question, the items approved by the Directors regarding the deficit of maintenance and repairs to piers and walls have been added to the expenses actually incurred, these workings figure the amount apportioned over several years to provide funding. Concretely, these items amounted (items for the repair of movable bridges not be considered to be the responsibility of the City Council of Castelló d'Empúries nor users of the marina), to € 312,225 in 2012 and € 312,225 in 2013.

#### **IV. Liquidation of funds for participation shares in the maintenance costs of the Empuriabrava Marina for 2011 to 2014 inclusive.**

Depending on whether funds have been withdrawn from you for participation shares in the maintenance costs of the Empuriabrava Marina during the period 2011 to 2014, you will find yourself in one of the following situations:

**A: Users from whom funds have never been withdrawn for participation shares in the maintenance costs of the Empuriabrava Marina corresponding to the period 2011 to 2014.**

These users will find enclosed with this letter the invoice corresponding to the funds of their participation share for 2015, which also includes the calculation of participation shares in maintenance charges corresponding to the period 2011 to 2014.

**B: Users from whom funds have been withdrawn for participation shares in the maintenance costs of the Empuriabrava Marina corresponding to the period 2011 to 2014, or to one of these years.**

These users will find with this letter 2 invoices and a sample summary, with the following contents:



- A corrected invoice which corresponds with the calculation of the funds of participation shares in maintenance costs for the period 2011 to 2014, or for one of these years, and which concerns those users from whom funds have previously been requested for maintenance shares for all or one of the years mentioned.
- Another invoice corresponding to the funds for maintenance shares for 2015. In this case, if the user has not received the request for funds for maintenance shares for one of the years from 2011 to 2014, the calculation of the participation share that the user must pay for those years will be included in this invoice.
- A summary extract of user balance on the date of issuance of invoices, in which the final amount to be paid each year in transaction and the final total balance due appears.

The first invoice, **(1.)** corresponds to the calculation of the funds of participation shares in the maintenance costs for the financial years 2011, 2012, 2013 and 2014, or of one of these years, which have already been invoiced. This calculation is undertaken in order to compensate for the difference between the sum of the invoiced funds and the sum of the maintenance shares that have eventually become payable once, at the end of each year, the items of income and expense have become known. This corrected invoice (1.) expressly states the invoice or invoices issued prior to correcting.

The resulting sum of the calculation of the funds will present an amount to be offset or deposited according to whether the user has effectively paid the funds initially charged.

In these cases, the resulting amount will be reduced or added to the amount payable listed in Invoice **(2)** as "Funds for Maintenance Shares for 2015". This invoice is created using the Budget and the maintenance fee for 2015 approved by the Government of Catalonia.

In the abstract summary (3.), personalised for each client, the annual breakdown can be clearly seen that the final balance after the settlement of the budgets for the years 2011, 2012, 2013 and 2014, the provision of appropriate funding corresponding to 2015, and the total balance due by the user of the date of the invoice.



#### **V. Payment date of issued invoices.**

Payment must be made *within 20 calendar days of the date on which the invoice is received*. If you have difficulties in making the payment before this date you must contact the Empuriabrava Marina Customer Service Office, located next to the Empuriabrava Marina Port Authority (Capitania) building, as soon as possible (address: Sector Club Náutico, edificio de Capitania, 17487 Empuriabrava, Girona, and tel.: + 34 972 451239; opening hours: Monday to Friday from 9 a.m. to 5 p.m. and Saturdays from 9 a.m. to 1 p.m.).

Non-payment of invoices issued in the name of the user will result in the possibility of enforcing any of the measures covered by the Operating and Policing Regulations of the Empuriabrava inner marina and any other applicable regulations.

#### **VI.- Legal actions to collect unpaid quotas.**

We hereby inform you that, as established in the Marina Police and Operation Regulation, and in order that all users pay their corresponding quotas, several legal processes are underway against users who have not liquidated their maintenance quotas and are therefore in an irregular situation. Once each legal process is begun, attorney, prosecutor and legal fees are accrued, which multiplies the cost for the user, given that along with payment of outstanding quotas and their interests, they must bear the aforementioned expenses. This is why we always insist to all users that they seriously reconsider their refusal to regularise their situation, given that the end cost that they must bear will be much greater than if they pay their maintenance fee when applicable. Due to its effectiveness, this legal action will increase this campaign in general fashion against all users not paying their corresponding quotas. If you are in said irregular situation, we advise that you regularise your situation with the Community of Users on the aforementioned dates to avoid a legal process being filed against you and multiplying costs.

#### **VII. - Payment methods for issued invoices.**

Payment may be made in any of the following ways:

- Direct debit: In the account supplied to the company "Manteniment, control i supervisió Marina d'Empuriabrava, S.L".



- Bank transfer:

- Bank: Banco de Sabadell
- Account: 0081.0177.14.0001688669
- IBAN/BIC: ES71 0081 0177 14 0001688669 / BSAB ESBB
- \*Reference: "Mooring no. \_\_\_\_\_"

**\* The mooring number that you have to state is that which is shown in the top part of the delivery slip/invoice sent, next to the client number.**

- Cash/credit card: At the Empuriabrava Marina Customer Service Office located next to the Empuriabrava Marina Port Authority (Capitania) building (address: Sector Club Náutico, edificio de Capitania, 17487 Empuriabrava, Girona, and tel.: + 34 972 451239; opening hours: Monday to Friday from 9 a.m. to 5 p.m. and Saturdays from 9 a.m. to 1 p.m.).

Any users who have any questions whatsoever regarding the content of this letter or of the invoices they have received may contact the Empuriabrava Marina Customer Service Office (the contact details of which are listed above), where they will receive any clarification they may require.

Empuriabrava, 27 mayo 2015

Yours sincerely,

Manteniment control i supervisió Marina d'Empuriabrava, S.L.

Manager

Signed: Mr. Joaquim Cruset i Buixó.