

Berth Control in France: What's Next?

SINCE FRANCE'S DECENTRALIZATION LAWS OF 1983 WERE IMPOSED, THE CREATION, MANAGEMENT, AND DEVELOPMENT OF MARINAS IN FRANCE WERE TRANSFERRED TO THE COMPETENCE OF THE LOCAL COMMUNES WHO THEN CHOSE HOW TO RUN LOCAL MARINAS — PUBLICLY BY A LOCAL AUTHORITY, BY CHAMBERS OF COMMERCE AND INDUSTRY, BY A SEMI-PUBLIC COMPANY, YACHT CLUB, OR ASSOCIATION.

As leasing agreements between communes and private companies contracted out a maximum of 35 years begin to expire along the French coast, there's some confusion as port officials and local businesses (not to say yacht owners and captains) wait to see what will happen next, particularly regarding the question of berth leasing, which has operated in the private marinas. Chances are, private marinas will become fully owned and managed by the public authority when their leases expire.

Port Director Franck Dosne of Chamber of Commerce and Industry Nice Côte d'Azur, which is responsible for running the Riviera Ports of Cannes, Golfe Juan, Nice, and Villefranche (all publicly run ports), says that if ports want to operate a similar berth leasing system as before, they will have to devise a new project that requires funding by the berth shareholders.

How actual turnover takes place still is uncertain. "It's going to be complicated from the point of view of information, for a start," says Dosne. "Say a wealthy Russian has a yacht at berth. How do you contact him and tell him that when the change happens, he needs to remove his yacht? You can't just turf a boat out, so there would need to be a period of temporary authorization, or *autorisation d'occupation temporaire*. There's also the question of the leases on the shops and restaurants in the port area."

Port concessions also are due to terminate over the next few years: Menton-Garavan in 2017, Beaulieu in 2018, Antibes in 2021, Mandelieu la Napoule in 2024, Saint Laurent du Var in 2025, and Cap D'ail in 2027. Harbormaster Julien Gasparro at Beaulieu, a private marina managed by *Société du port de Beaulieu*, hopes to continue in place after 2018, but nothing is clear beyond that point.

Jérôme Heilikman, president of the yachting association Legisplaisance, believes the berth leasing system will not continue due to the inconsistency it has created in offering exorbitant prices for exclusive use of a few select berths in a public area. "If authorities want to develop or build new marinas, requiring private funding, they could replace the leasing system with a *Garanties d'Usage* (guarantees of use), offering rights to berth in a port area, rather than a specific berth," he says.

Most ports have indicated that when the private concessions end and the ports return to state control, current berth holders will be offered priority. Instead of paying an annual fee for port management, they would pay rent to the *Mairie* (town hall) and, over time, the authorities will progressively apply seasonal or annual berth leasing contracts and let the old system die out. Stay tuned. — CLAIRE GRIFFITHS

Let's Go to Cuba

For those owners curious about taking the yacht to Cuba, the International SeaKeepers Society has created the E3 Cuba Experience, an educational program that focuses on ecology, environment, and education. Due to the 12 requirements for U.S. citizens to visit Cuba, this experience is permitted under the U.S. Office of Foreign Assets Control (OFAC) general license with humanitarian projects of an environmental/educational nature as the category.

Before Cuba completely opens up to the U.S. tourist market, SeaKeepers realizes that Cuba has a special marine and coastal ecosystem. With more than 20 percent of Cuban waters protected, SeaKeepers' goal is to support marine-related research and to strengthen scientific ties between the U.S. and Cuba. This is where yachts can help.



Using the educational exchange program, yachts can assist Cuban scientists by collecting data and imagery as part of the SeaKeepers DISCOVERY Yachts Program, which comprises scientific expeditions, instrument deployments, such as the SeaKeepers Drifter, and outreach events. S/Y P2 was the first vessel to sail to Cuba, enjoying scuba diving, Cuban cuisine, and sightseeing in between their contribution to marine research.

Five- to 14-day itineraries are available, each engaging with students and marine research scientists to document the marine environment.

SeaKeepers' appointed agent aboard the vessel ensures compliance, but recommends that the owner or captain contact the Moore & Company law firm to address any legal requirements and paperwork for OFAC compliance. A donation of \$5,000 will cover the 14-day excursion. www.seakeepers.org

IN BRIEF

- **BWA Yachting** has partnered with **Astilleros de Mallorca** and has opened a new office on site. BWA Yachting's global network of services complements Astilleros de Mallorca's refit and repair center for complete services in Spain. www.bwayachting.com
- **Northrop & Johnson** and Australia's **Bray Management** have joined together to bring the international superyacht world to Australia and vice versa, offering brokerage, charter management, and retail charter services. www.braymanagement.com.au
- **UKSA**, superyacht training center and youth charity, and **Nautilus International**, maritime professional trade organization, have teamed up to provide UKSA students with employment guidance and legal protection. www.uksa.org