

Regulation of APA-Administração do Porto de Aveiro, S.A. for the attribution of private uses of domanial land and buildings

1st Article

Scope of Application

- 1** The occupation under a private use regime of land and buildings in the port exploration and expansion areas under the jurisdiction of APA - Administração do Porto de Aveiro, S.A., hereinafter referred to as APA, S.A., shall be attributed to interested parties whose intention has as its object port activities or that are complementary, subsidiary or accessory to them and, in the remaining domanial areas, to interested parties whose intention is compatible with the planning instruments and other applicable legislation.
- 2** The occupation of land and buildings located in the public water domain under the jurisdiction of APA, S.A.:
 - a** shall be preceded by a public tender whenever the initiative to attribute private use comes from the port administration;
 - b** for a period of more than one year, will be attributed to the interested individual who expresses such intention if, after publicising his request for a period of 30 (thirty) days, no other requests are submitted dealing with the same domanial plot or, if requests of the same nature are submitted, through a public tender.
- 3** The occupation of land and buildings under the jurisdiction of APA, S.A., outside the public water domain:
 - a** which does not concern the last plot or building available for the intended use will be attributed to the interested party who requests it;
 - b** which concerns the last building or plot available and likely to be affected by the private use intended by the private individual will be preceded by the publicity of the interest for a period of 30 (thirty) days, being attributed to him/her in the event of the absence of other interested parties in the occupation until the end of such period;
 - c** if, by the end of the publicity period referred to in the previous paragraph, there is more than one interested party in the occupation in question, the attribution of the private use will follow a public tender procedure which will comply, with the necessary adaptations, with the provisions of Decree-Law no. 226-A/2007, of 31 May.

- 4** The private use of land and buildings within the area of jurisdiction of APA, S.A. is governed by a licence or concession.
- 5** The private use of land located in port terminals and in the Logistics and Industrial Activities Zone (ZALI) must be requested for areas equal to or greater than 1,000m² and for periods equal to or greater than 3 months.
- 6** The granting of a licence or concession will be subject to a decision by the Board of Directors of APA, S.A., at the request of the interested party, supported by all the elements necessary for the decision.
- 7** The granting of a licence or concession for the private use of domanial plots located in the terminals and expansion areas of the Port of Aveiro will be conditioned to the admissible port and logistics uses according to the typology of each terminal.
- 8** Exceptionally, the private use of domanial land or buildings may be authorised for periods of time equal to or less than 48 hours, subject to authorisation by the Chairman of the Board of Directors of APA, S.A..
- 9** The private use of land or buildings in the area of jurisdiction of APA, S.A., without authorisation, licence or concession from the port authority is prohibited.

2nd Article

Applicable fees

- 1** A fee is payable for the private use of domanial land and buildings within the area of jurisdiction of APA, S.A., in accordance with the attached tables.
- 2** The fee value referred to in the previous number is determined according to the localisation area of the land or building and its type of use.
- 3** For the private use of domanial land and buildings, the fee is set per square metre and per year.
- 4** For the private use of domanial land with the passage of pipes and cables, including overhead and underground, the fee is established per linear metre and per year.

- 5 For the private use of domanial land with advertising banners and illuminated screens, the fee is established per square metre of the surface of the banner or screen and per year.
- 6 For private buildings built on domanial land under a condominium regime, the fee is applied to each floor, according to the type of private use of the respective areas.
- 7 The invoicing period of the fee may be monthly, quarterly, half-yearly or annually, assuming the following periodicities, as a reference:

Private Use	Periodicity
Land or buildings with water or energy supply from APA, S.A.	Monthly
Land or buildings with annuities exceeding € 600	Monthly
Land or buildings with annuities below € 600	Annually

- 8 Interested parties who so request may choose to change the invoicing periodicity of the fee, which will be subject to the payment of late payment interest to APA, S.A. if it implies an extension of the deadline established in the previous number.
- 9 The provisions of the previous number shall not apply to the invoicing of fees for the private use of land or buildings with water or energy supply from APA, S.A..

3rd Article

Reserves of domanial plots

- 1 Private uses of plots intended for the construction of fixed installations, the licensing of which is expected to take more than 6 months, may be authorised by a Land Reservation Licence, to be granted for a period of one year, which may be extended.
- 2 The private use fees applicable to the situations provided for in the previous number are subsidised by 50%, and this subsidy is automatically extinguished in the event of an extension of the licences.

- 3** In the licensing of private uses of domanial plots intended for the construction of industrial units, the subsidy of 50% referred to in the previous number is granted for one more year, in case of extension of the licence.
- 4** The fee applicable to the reservation of plots located within dry cargo handling port terminals is not subsidised.

4th Article

Fee subsidies

- 1** The fees for the private use of domanial plots for the construction of fixed installations that will generate the handling of new cargo or additional cargo by sea through the Port of Aveiro will be subsidised by 50% during the following periods, depending on the contracted cargo handling rates, with reference to the duration of the concession:

Rate (ton/m²)	Industries (Years)	Others (Years)
6 to 7	2	1
8 to 9	3	2
10 to 11	4	3
12	5	4

- 2** The application of the subsidies in these cases, beyond the term of the Land Reservation Licence, is subject to the celebration of a concession contract.
- 3** For cargo handling rates higher than those referred to in number 1, subsidies shall be granted on a case-by-case basis by the Board of Directors of APA, S.A..
- 4** The Board of Directors of APA, S.A. may also decide to grant other subsidies, in exceptional and duly substantiated cases.

5th Article

Fee update

Unless otherwise decided by the Board of Directors of APA, S.A., the fees for the private use of domanial plots and buildings are updated in January of each year in accordance with the updating factor for non-housing rents, published by Notice of the National Statistics Institute in the Official Gazette in the previous year.

6th Article

Supplementary regime

It is the responsibility of the Board of Directors of APA, S.A., within the scope of its powers provided for, in particular, in Decree-Law no. 339/98, of 3 November and in the Regulation of the Tariff System of National Ports, approved by Decree-Law no. 273/2000, of 9 November, to decide on omitted cases that cannot be resolved by application of the other Regulations of APA - Administração do Porto de Aveiro, S.A..

Transitional provisions

Domanial land use titles in force on the date of publication of this Regulation shall remain in force under the terms of their respective clauses.

Final Provisions

- 1** The availability of domanial land and buildings for private use shall be publicised on the institutional website of APA, S.A., without prejudice to the adoption of other means of dissemination.
- 2** The port uses admissible for private occupation according to the typology of each terminal shall be publicised on the institutional website of APA, S.A., without prejudice to the adoption of other means of dissemination.
- 3** The minute of the concession contract for the private use of a domanial plot of land or buildings, providing for the rights and obligations of the contracting parties, is publicised on the institutional website of APA, S.A., without prejudice to its dissemination by other means.

- 4** APA, S.A. has the discretion, in compliance with the limits imposed by law, to set the concession period for private uses, which shall take into account the period necessary for the amortisation of the investment to be made, demonstrated through the presentation by the interested party of the appropriate economic and financial model of the business.

9th Article

Entry into force

This Regulation enters into force on 1 October 2015.

**Annex
(Fees)**