

MINUTES OF THE ORDINARY ASSEMBLY OF THE EMPURIABRAVA INLAND MARINA USERS ASSOCIATION

In Empuriabrava (Castelló d'Empúries) on 7 December 2020, at 10.30 a.m., the general assembly of the Empuriabrava Inland Marina Users Association (CUMIE) began, which was held via video conference due to the situation created by the Covid-19 pandemic, with the following agenda:

1. Opening of the Assembly meeting by the CUMIE Chairman.
2. Liquidation of 2019.
3. Preview of the current 2020 budget.
4. Information on the new budget for 2021.
5. Information on the work on the inlet.
6. Any other business.

List of virtually connected users:

Total percentage of users attending with a right to vote: 85.29%

Total percentage of users attending without a right to vote: 14.71%

| Name | % | representative |
|-------------------------------------|---------------|----------------------------|
| EMPURIAPORT S.L. | 14.0185 | |
| PORT NAUTIC CASTELLÓ S.L. | 0.425 | |
| CEGRA 2019 S.L. | 0.0517 | |
| PARK D'OR SA | 0.0340 | Eduardo Martín |
| JOSE M PARDO SANCHEZ | 0.0047 | |
| DUPRAT ALAIN | 0.0243 | |
| MARINA PARÉS SOLIVA | 0.0052 | |
| BORY LAURENT | 0.0192 | |
| BEYENS ALAIN | 0.0376 | |
| MASSARD PASCAL ANDRE RENE | 0.0209 | |
| DE SENILLOSA ROSALES, ARCADIO | 0.0511 | |
| VIDAL, MICHEL | 0.0258 | Magda Fuixart Ramirez |
| MAR Y SOL HISPANIA SL | 0.0383 | Stephan Sanchez |
| BELTRAN ESTOP ROBERTO | 0.0439 | |
| LEBER HELLMUT | 0.0196 | |
| ANJOUGON S.L | 0.0767 | Jose A.Hurtado |
| CHASSAGNE, ERIC | 0.0834 | |
| MERINO FERNANDEZ FERRAN | 0.0126 | |
| JOUAN PIERRE DANIEL | 0.0196 | |
| INGELBEEN JAN ALBERT | 0.0329 | Kristien Cuvelier |
| STRUCK-MAJEWSKI HELGA | 0.0952 | Heide Struck |
| HELGA STRUCK SLU | 0.1074 | Heide Struck |
| GENOVÉS JULIÀ | | IMMOBILIARIES |
| OLIEROOK, THEODORUS | 0.0235 | |
| HUSEDYLA S.L. | 0.0532 | |
| CASTEEL, CATRIN NICOLE | 0.0196 | |
| RIO ESPAÑA | 0.0876 | Stefano Scarani |
| ERIOGANIL SA (ERIKSSON LOPEZ, ANNA) | 0.0564 | Susanne Hoffmann |
| VAN AERDEN, BENOÏT WILLY | 0.0391 | Susanne Hoffmann |
| BECKER, BERTHOLD | 0.0172 | Annegret Becker-Hammer |
| ROUILLER, RAYMOND | 0.02 | Susanne Hoffmann |
| DELHALLE, JACQUES | 0.0106 | Susanne Hoffmann |
| LOHDE, HARALD | 0.0203 | Susanne Hoffmann |
| BRORHILKER, JOCHEN | 0.0155 | Susanne Hoffmann |
| BRIGITTE ANQUETIL | | Brigitte Anquetil/ Sr Poch |
| WIND ROSE BROKERAGE SLU | 0.0584 | Pedro Perez Morell |
| | 15.669 | |

1. Opening of the Assembly meeting by the CUMIE Chairman.

The meeting begins with the introduction and opening by Pedro Pérez Morell, Chairman of CUMIE, pointing out that it has been a year where there have been agreements with the users associations, being on a good path to sorting out the anomalous situation that the users association concession holder has had, hence he underlines the importance of this meeting.

He gives the floor to José Manuel Arrojo Botija, Managing Director Administrator of Empuriaport, S.L.

Mr Arrojo thanks the users who have been able to connect for attending, pointing out it is not easy to hold an assembly by video conference.

Despite that, he wanted to be at the meeting today, as a representative of the new concession holder, which, as they know, is also the administrator of the users association.

In the last meeting a desire to hold the assembly meeting at Easter was stated, at a time when there are more users and which, due to the circumstances caused by Covid this year, could not take place, but true to the commitment to transparency, he deemed it a good idea to stream this meeting to provide information on what has happened in 2019, preview 2020 and what 2021 may hold, as well as to answer your questions.

2. Liquidation of 2019.

Next they explain the definitive liquidation for 2019, on the one hand costs, and on the other, income, which is the correct method and not how it was done by the previous concession holder.

Regarding costs, they talk about a definitive liquidation up to July that corresponds to the liquidation of costs of the old concession holder and from August its corresponds to the liquidation of the current concession holder.

The difference between the two periods is that a part of the liquidation of costs after August that had already been generated previously, the previous concession holder did not pay/record the invoices at that time.

The high cost of legal assistance is emphasised, as there were pending invoices that were not recorded for 130,000 euros to claim pending fees and the idea is to settle that cost.

The rest of the items are in line with that forecast, except where accruals do not exactly correspond with the periods.

Regarding the liquidation of income via fees, 56.9% has been collected in the end, although in reality, it is more, bearing in mind that 13.14% of users are not registered.

The result is real costs are 895,000 euros, real payments collected are 518,000 euros, implying a real deficit for 2019 of 377,000 euros.

3. Preview of the current 2020 budget.

Regarding the deficit for 2019, it has been decided not to pass it on to the 2020 fees, the concession holder is going to finance it; in any case it could be compensated if the settlement process that is being carried out has a positive result. If that is not the case, it is never recovered, the current concession holder is going to cover it, which is an important decision as 1.93 euros per m2 has been practically 40% of the 2020 budget.

The budget for 2020, presented to the Generalitat and negotiated with the association, approved in March-April, is already consolidated.

If it had not been approved or if there had not been an agreement, we would be talking about an amount of 8.05 euros per m2, plus the deficit from the previous year, 1.93 euros per m2.

The ordinary costs have increased a little more than budgeted, around 11,000 euros, mainly due to the legal assistance, but in the end it approaches that set out.

Regarding income, assuming that 35% are not going to pay, a disappointing figure of 59.2% is going to be collected, less than budgeted, despite the efforts made to encourage the settlement of unpaid fees from previous years. This figure may vary upwards slightly, but we consider that it will not be a significant difference.

It is true that it has been a year in which users have visited their properties less, so it is understandable that it has not been easy to settle the payment of debts, but we expected it to be like that, for the benefit of all the owner users to reduce the amount per m2.

If there were no defaulters, instead of paying 4.83 euros per m2, they would pay 3.14 euros per m2.

4. Information on the new budget for 2021.

As the payment collection figure has not amounted to that budgeted, this generates a deficit estimated at 0.34 euros per m2, which will be incorporated into the 2021 budget.

Contribution to the Association costs must be a collective effort, insists Mr Arrojo. The definitive budget for the fee that will be issued next February will be approved in the Easter 2021 assembly meeting.

Mr Arrojo also talks about the state of the marina and the main objective has to be its improvement. They already have an engineering study to maintain the Marina in a reasonable state, prioritising safety, particularly regarding the breakwaters and canals, showing a schedule of investments for future years; if the current dynamic is followed, these actions could be done before 2028.

Mr Arrojo emphasises the commitment with the associations to talk about these works.

He gives the floor to Mr Miquel Arpa, from the port management team, to talk about the work that has been done on the inlet.

5. Information on the work on the inlet.

Mr Arpa reminds the meeting that this year, with storm Gloria, the inlet filled up with sand, leaving the central part with a depth of between 1 metre and 1.5 metres.

On 27 March they requested permission from the Generalitat Catalan Government to dredge it, but on 4 April the Generalitat informed them of the temporary suspension of the request due to Covid-19.

While waiting for this authorisation, a buoy has been placed in the centre to pass on the right when exiting the inlet.

They hope to have authorisation to begin this dredging work, which will last approximately one month once it starts. Mr Arpa is aware that the users often ask about this work, but he insists that the dredging cannot begin without authorisation.

Next, they talk about the repair of the western dock, necessary for the safety of pedestrians, which began on 7 May despite Covid restrictions, and which was not easy.

They entered with machines to unload a total of 4,500 tons of rock to replace those in bad condition. The first stage ended on 12 June with a satisfactory result. The path that goes to the end of the breakwater remains to be done. In the first stage, by law, the red beacon outside the transversal dock was temporarily transferred and a smaller beacon provisionally installed in its place. In the second stage the definitive red beacon was re-installed at the end of the breakwater, removing the temporary one.

Other urgent actions have been done on the central quay slabs, which was finished recently, as it was a danger to pedestrians due to its deterioration. A 25 cm slab has been installed, fastened with clamps, so that pedestrians can pass by safely.

To conclude, Mr Miquel Arpa encourages everyone to follow the works via Instagram, where they are published.

6. Any other business.

Finally, the Chairman of CUMIE passes on to the any other business part of the agenda, highlighting that users should not hesitate to contact the Marina regarding the proposals, budgets and improvements that are to be done.

Mr Arrojo also makes himself available, all year round, to those users who have queries.

- Mrs Marina Parés asks about the problem she has for accessing her mooring on Illa Cartago due to a pole and whether she can access the marina register participation rates.

The Chairman and Mr Arpa respond that, based on documentation received from the user, which is very well documented with photos showing the pole installed by another user that prevents access to her mooring, they are going to find a solution very soon. The owner user who has installed the pole has been contacted by e-mail and if they do not respond shortly, the pole will be removed. It has been detected that boats are increasingly bigger in Illa Cartago and the Marina, in general, which generates this kind of problem. The deeds at Illa Cartago do not specific mooring dimensions so solutions have to be found between them so that all users can access their mooring easily.

Regarding the second question, Mr Arpa informs Mrs. Parés of her participation rate, talking about the general register. Mr Arrojo also mentions the boundary, talking about internal ports, plus the manoeuvring area.

- Mr Ferran asks about the causes for the offset in 2019 with reference to the concept of surveillance and the matter of monitoring photographs on the website.

Mr Arrojo responds that the auditors of the previous concession holder closed at the end of July and that, from August, with this concession holder, this offset is generated by invoicing that corresponded to the period of the old concession holder, as already explained.

The second question is answered by Mr Arpa, commenting that the photos are already published on the website.

He comments on the unpaid fees and regularisation according to the out-of-court settlement agreement (APE).

- Mr Bory asks several questions on the entries and departures with the red buoy, the speed inside the marina, the 3 knots, and debtors.

Mr Arpa answers the question about the red buoy, the commencement of the rules, and reasons for the dredging. Regarding the speed, people must be made aware of the rules that are to be followed inside the marina.

Mr Arpa answers the other question, that the matter of debtors is in the hands of the lawyers, to improve the situation for everyone's benefit.

- Mr Poch asks about the agreements with the "Club Empuriabrava" neighbourhood association and its possible extension to pay the 2020 fee and, on the other hand, about the offset in the budget for external services.

Mr Arrojo answers that it can be extended until 31 January, if there is a real desire to settle the amount and that date is observed to be able to close the financial year.

Regarding the budget, there is an allowance in 2020 with an offset, effectively to comment and provide a clear response with itemisation, they talk about the green areas, municipal plots, stretches of water, that are excluded.

There being no further business, hoping to have an on-site assembly meeting in April 2021 and encouraging users to follow the progress on the website, the meeting ends at 11.50 a.m.

Signed: Pedro Pérez Morell
Chairman

Signed: Justo Segura Duran
Secretary