

Regulation to the Law on Concession and Functioning of Tourist Marinas

Decree No. 27030-TUR-MINAE-S-MOPT of May of 1998,
published in La Gaceta No. 96 of May 20 of 1998,
amended by Decree No. 27954-MINAE-S-MOPT of June 17 of 1999,
published in La Gaceta No. 129 of July 5 of 1999.

REGULATION TO THE LAW ON CONCESSION AND FUNCTIONING OF TOURIST MARINAS

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CHAPTER 1 General Dispositions

Article 1.-The present Regulation rules the procedure for granting concessions in the maritime terrestrial area, and the adjacent area permanently covered by the sea, as well as proceedings required for the construction and operation of marinas and tourist wharves, in such areas, in terms of what's stipulated by the Law and this regulation.

Article 2.-Marinas and wharves, major and minor, will be ruled by this Regulation, especially those built or used for recreational, sports, tourist and sport-fishing vessels.

Article 3.-For an area to be considered for development of a Tourist Marina or Landing Place for use of such vessels, it must have at least the following characteristics:

- a) Should count with an approved Regulatory Plan or Master Plan, as corresponds.
- b) Inner harbors for landing and maneuvers of marinas and wharves should be of easy navigability, including sailing ships and accessible all year round.
- c) Adequate accessibility by public land roads, in case of not being an island.
- d) Areas must have enough loading capacity to accept the project's development, without implying an imbalance of environmental conditions. Excluded are areas officially under a management category defined by the Environmental Organic Law No. 7554 of November 13 of 1995.
- e) As concerns the facilities to develop as part of a Tourist Marina or Landing Place, vessels must be provided a comfortable and safe arrival, counting with the means for hoisting, stranding, launching and towing, potable water and electric power taps, maintenance garage, storeroom for supplies, fuels, lubricants and accessories, sanitary and hygienic facilities, as well as places to dispose waste, and lend waste disposal services, as well as assigning adequate offices for public institutions in charge of control and vigilance of the correct functioning and operation of Marinas.

When it refers to larger or smaller wharves, a safe and comfortable arrival must be provided for vessels, with at least potable water and electric power taps, sanitary and hygienic facilities, and storeroom and disposal service of wastes.

f) Any major marina or landing place should count with post office services, telephone and radio communication. In case of fire fighting services, every Marina or Landing Place should count with one, at a distance not greater than 15 kilometers.

Article 4.-Every tourist marina or landing place may be constructed and exploited by private entities or by a natural or legal person, national or foreign, by the State or any of its institutions, according to dispositions of this Regulation.

Article 5.- Every tourist marina or landing place shall permit the free access of the respective authorities to its facilities, to carry out their functions when deemed necessary.

In case of emergencies or danger of shipwreck, access to the facilities must be easy and the Marina should offer all collaboration required. The grantee should also provide the necessary safety measures to guarantee free traffic on the public area.

CHAPTER II Nomenclature and Definitions

Article 6.-For the ends of the present Regulation, except when otherwise indicated:

TOURIST MARINA: Complex of maritime and/or terrestrial facilities destined to the protection, shelter and rendering of every kind of services to recreational, tourist and sport vessels, whatever its flag and independently of their size, as well as for visitors and users of the same, national or foreign. It also includes the facilities under operation, management and handling of a tourism company. The real estate, access roads to the different areas and other goods in private property, destined by their owners to lend services to the Tourist Marina, which have been included in the Concession, are part of the Marina. To the ends of clause B of article three of the Law, all those port facilities made up of one or more major wharves along with three or more minor ones, or a port facility having five minor wharves will be considered a Marina.

LANDING PLACE

Minor: Port facility of a single landing place, such as wharves, fixed or floating piers, ramps and other necessary works that offer safety to tourists, and to vessels of up to 40 meters of length, of design and operation.

Major: Port facility of a single landing place that offers safety to tourists and to vessels of up to 40 meters of length, of design and operation.

Article 7.-In the text of this Regulation are employed the following acronyms:

CIMAT: Interinstitutional Commission of Tourist Marinas and Wharves

EIA: Environmental Impact Assessment

GAR: Rural Assistance Police Force

ICT: Costa Rica Tourist Board

INVU: National Housing and Urbanism Institute
MINAE: Ministry of the Environment and Energy
MOPT: Ministry of Public Works and Transport
SETENA: National Environmental Technical Secretariat

CHAPTER III

Of the interinstitutional Commission of Tourist Marinas and Wharves

Article 8.-In conformity with article 6 of Law 7744, CIMAT will be constituted in a term not longer than fifteen natural days counting from the date of publication of the present regulation. CIMAT will be integrated by the head of each one of the institutions indicated in this article, and the latter shall appoint in the first ordinary session carried out, the technical interdisciplinary team that will be in charge of reviewing and giving technical recommendations to the Commission, for approval or not of the presented preliminary plan of the project. These functionaries may come from the different specialized technical departments in the areas of each of the institutions forming part of the Commission.

Article 9.-CIMAT's functioning will be subject to the dispositions that for that effect establishes the General Law of Public Administration.

Article 10.-CIMAT's functions are:

- 1) Promote and incentive the execution of projects in tourist Marinas and Wharves in the coastal areas of the country.
- 2) Issue technical resolutions that approve or reject the preliminary plan of the proposed marina or wharves presented in conformity to what the Law and this regulation establish.
- 3) Establish, in conformity to what article 7, clause b) of the Law commands, the technical terms of reference through a Manual of Construction of marinas, that should be included in the planning and execution of the works, and in the operation of tourist marinas or landing places, that will be of a mandatory character, and should be elaborated within the sixty natural days counting from the publication of the present regulation.
- 4) Vigilance, control and investigation of activities related with the construction, functioning and operation of marinas and wharves.
- 5) Determine the areas of each port should transfer to the State as areas for public use, in conformity with what's disposed by the Coastal Regulatory Plan of the area it deals with.

- 6) To establish its own internal functioning norms within the valid legal frame.
- 7) Countersign the plans of each project in conformity with this regulation.
- 8) Others assigned by the Law and this regulation.

Article 11.-For compliance with its functions, the Commission shall meet ordinarily, a minimum of once each fifteen natural days and extraordinarily when necessary. Quorum will be with the presence of three of its members, agreement taken by simple majority, which will be firm in the following session, as disposed by the General Law of Public Administration. However, agreements may be firm that same session if the members present agree to it by voting of two thirds of the totality of them. Abstentions, blank or void votes will be counted for purposes of voting, in case of a draw the President will submit to a second round of voting and if the draw persists, the President's vote will count as double.

Article 12.-CIMAT will keep the following records:

- a) Register of the minutes of each session.
- b) Register of the request presented, numerated, with the hour and date received.
- c) Register of approved preliminary plans, by chronological and alphabetical order.
- d) Register of countersigned plans for each project.

Article 13.-Are functions of the President of CIMAT:

- a) Preside over the debates, decide which subjects of discussion have been debated enough and submit to voting.
- b) Officially represent the Commission.
- c) Request the Secretariat to convoke to extraordinary sessions..
- d) Fix the technical guidelines and give instructions related to formal aspects on the Commission's tasks.
- e) Countersign the plans of each project, once the respective Municipality has granted the concession to Applicants.
- f) Other functions and powers related to the position, according to article 49 of the General Law of Public Administration.
- g) Others fixed in this Regulation.

Article 14.-In case of absence of the president, the vice-president will substitute him with the same functions. Each Institution and / or Ministry will have the obligation to designate at this turn, a replacement, which may be present with voice and vote, at those sessions that the owner could not attend, by causes previously justified, those replacements will be sworn in by the Commission's President.¹⁷⁵

Article 15.-CIMAT's headquarters will be at ICT, who will facilitate the economic, material, technical and human resources necessary for an adequate compliance with its functions. To such end at least one Legal Advisor, a Secretary for the Minutes and a Technical Secretariat will be assigned, having the functions of General Coordination and Administrative Direction of the Dependency, created to that effect, as well as the defined by article 17 of the same regulation. The Technical Secretariat will count in every case with the support of professionals in different branches that contribute to the Technical Unit, referred to in the following article¹⁷⁵ of each Institution and Ministry integrating CIMAT.¹⁷⁶

Article 16.-The Commission will count with a Technical Unit, integrated by the staff that each one of the institutions integrating the commission considers necessary, in conformity to what's indicated in article eight of this regulation, to whom it will correspond the issuance of technical criteria, and recommend before the commission, the approval or rejection of the preliminary plan. Likewise, the Commission will count with a Legal Unit, a supporting one, and the Administrative Unit, integrated by a Secretariat of the Commission and other administrative personnel necessary for the functions to be coordinated by ICT.

Article 17.-Are functions and duties of the Secretariat:

1) Receive, analyze, and submit to the Commission's knowledge, the requests and documents necessary for approval of preliminary plans.

2) Receive, analyze, and submit to the Commission's knowledge, those actions related to it, relating to application of the Law of Marinas and this regulation.

3) Verify that requests and other actions proposed by the interested comply with previously established requirements. Any communication deriving from this analysis should be notified to the interested.

4) Prepare an agenda of matters to be treated in each meeting, along with the Presidency, and draw up the minutes of each session.

5) Execute and coordinate the studies requested by the Commission, for which it will count with the support of all institutions integrating the Commission.

6) Officially summon to ordinary sessions, and extraordinary, at the President's petition, or three of the Commission's members, with anticipation of at least twenty-four

175. Amended by Decree No. 27954-MINAE-S-MOPT of June 17 of 1999

176. As amended by Decree No. 27954-MINAE-S-MOPT of June 17 of 1999

hours, save in cases of emergency. Nevertheless the commission will be validly constituted without the requirements referent to summons or the agenda, when all of the members are present and thus unanimously agree.

7) Communicate the agreements to requests and other actions performed by the interested, before the Commission, once in firm, according to formalities disposed in articles 239 and the following of the General Law of Public Administration.

8) Keep an updated information system of approved preliminary plans and countersigned project plans by the Commission, and other documents carried out before the Commission.

9) Draw up the minutes of CIMAT's sessions, up to date.

10) Others established in this regulation.

Article 18.-Minutes of the sessions of the Commission will be approved the following session and signed by the President and Secretary, and by those members recording their dissenting vote.

The agreement declared in firm will be executed by the Secretariat. Any member of the Commission may request revision of the agreements which were not adopted in firm from the previous session; such resource shall be presented during the reading and discussion of the minutes of the previous session and must be resolved in that moment, except if the Presidency resolves to do it in an extraordinary session.

Article 19.-Against the agreements issued by the Commission, the interested may present the remedies of a motion to revoke with its subsidiary appeal; the first will be presented before the Commission itself within a term of three days, counting from communication of the agreement. In case that the Commission denies the motion to revoke, it will be sent to the Board of Directors of ICT to know of the appeal, which will end the Executive Proceeding in conformity with valid dispositions of the General Law of Public Administration.

CHAPTER IV Proceedings for approval of preliminary plans

SECTION A Proceedings before CIMAT

Article 20.-The person interested in constructing a tourist marina or landing place, must previously request a concession before the respective Municipality, or ICT, in case of the Project Gulf of Papagayo, and before initiating any construction forming part of the project's development, must present an initial written consultation to CIMAT along with a copy of the Environmental Impact Assessment Form (FEAP) received from SETENA, in which a general description of the project and its purpose is done, its location in the sheet corresponding to the National Geographic Institute, in scale 1:50 000, and a graph or general site plan of the project, where it will show its general planning, in a scale not greater than 1: 2000. This proceeding is not the formal request referred to in articles 9 and 10 of the law, so that the two-months term mentioned here will count from the formal approval request of the preliminary plan referred to in the following article. This prior consultation proceeding is optional, and CIMAT will count with a term of fifteen workdays, counting from reception of all the documentation requested.

Article 21.-In case that the above proceeding has been chosen, once the FEAP has been resolved by SETENA, obtaining environmental feasibility, and the terms of reference for the elaboration of an EIA in those cases that deserve it and that CIMAT has so resolved in the preliminary consultation, applicants must present a formal request form for approval before CIMAT with the studies corresponding to those parts mentioned in the Manual for Construction of Tourist Marinas and Wharves, where CIMAT mentioned in the resolution to the preliminary Consultation and which will depend of the particular conditions of each project. Such form and the respective studies must be presented along with the preliminary building and exploitation plan of the marina or landing place, a preliminary appraisal of the technical-economic feasibility in the terms indicated in article 8, clause D of the Law of Marinas, of the credits showing authentically to CIMAT's judgment the solvency and financial capacity and experience of the future grantee, for development of the proposed works, or the respective preliminary plan the resolution about the FEAP. It is understood that this action does not give any right to the applicant. In case of opting for a preliminary proceeding of article 20, the requirements enumerated in the above article will also be requested, presenting them one single time.

Article 22.-All the documentation required for approval of the preliminary plan being received by CIMAT's Technical Unit, it will count with a one month term, within the two months contemplated in articles 9 and 10 of the Law, to perform an inspection of the place where the Marina or landing place will be built, and submit a report before CIMAT, so that it can finally make a reasoned decision of approval or rejection of the preliminary plan within the two months indicated above. CIMAT will carry out a preliminary inspection visit as soon as possible, along with SETENA, to make one single inspection and a joint report.¹⁷⁷

Article 23.-CIMAT will count with a two-month term, which can be extended for two more months, only once, counting from the reception of all documents required so it can manifest, in a mandatory, express and reasoned way of the feasibility or not of the

request for concession of the Tourist Marina or Landing Place conducted. Within this term CIMAT may request explanations or additions to the preliminary plan, that it considers necessary. Once these are presented, the Commission will only have the remaining term.

Article 24.-CIMAT's decision must be officially communicated to the interested so that he may enclose a definitive approval request of the preliminary plans and the granting of concession before the corresponding Municipality.

SECTION B

Procedure for definitive approval of the preliminary plan and granting of the concession

Article 25.-The interested will present a definitive request for approval of the preliminary plan before the Municipality and granting of the concession, enclosing CIMAT's decision and the resolution about the FEAP, that is, environmental feasibility of the Marina, resolved by SETENA. If necessary, the Municipality may request the Commission any pertinent explanation or addition, following the procedure stipulated in article 10 of the Law.

Article 26. -The Municipality will have a three-month term, counting from the term for hearing oppositions, referred to in article 15 of this regulation, to definitively approve the project and grant or deny the requested concession. Every resolution will be reasoned, and notified in writing to the interested. Once the preliminary plan is definitively approved, and the Concession is granted by the Municipality, the interested may initiate the process of elaboration of the final plans, and other documents to proceed with the building permits and approval of the Project mentioned in section C of the present chapter. If in such process there were changes that are not approved in the preliminary plans of the same, they shall be presented before CIMAT for approval or denial, whose resolution will be of obligatory character for the Municipality.

Article 27.-As part of the internal proceedings done by the Municipality in the first month since the presentation of all documents, the publication of the decree only once, in an Official Journal and in a National Newspaper, indicating the general of the applicant and main characteristics of the project, so that the interested may present oppositions, within the month following publication of the decree.

Opposition to the granting of a Concession for Tourist Marinas or Wharves must be duly founded, and enclose every proof along with the initial brief. Oppositions not enclosing at least an indication of the legal foundation and proof will be rejected as ad portas, without giving it any further follow-up. In every case the Municipality may request the opposing person any proof considered necessary to resolve the opposition, and will count with one

month from its presentation, to resolve, ¹⁷⁶save if the opposition is founded on technical aspects, in which case the Municipality must consult CIMAT and the latter will have a term of one month from the reception of all certifications to issue its decision.

Oppositions will be known by the Municipal Council or the Directive Council of the Gulf of Papagayo Project, in this case, which will finally decide on the relevance or not of the same. Against its resolution it will proceed to file a motion to revoke, and once the latter is resolved, the proceedings stipulated in the Municipal Code will be followed.

Article 28.-Against a resolution definitively rejecting a preliminary plan, and the granting of a concession, apply the resources established by the Municipal Code.

Article 29.-The Municipality will prepare the contract concession in conformity with what's indicated in the Manual of Construction of Tourist Marinas and Wharves, and based on the information obtained in the process, will communicate to CIMAT the date of beginning of the works, and the execution period, to the ends of investigating referred to in the Law.

Article 30.-The contract will indicate at least the concession area, according to what's established in the preliminary plan approved by CIMAT. In addition, it must include the amount of investment and the corresponding guarantee, which must be valid during the construction stages, as stipulated by articles 13 and 14 of the Law of Marinas. Likewise, it must indicate the term of the concession, and the obligation of the grantee to allow free access of CIMAT's inspectors and of the competent public institutions during the construction and operation of the Marina or Landing Place. All of the documentation brought in by CIMAT and the Municipality will be considered as an integral part of the contract of concession, from the approval processes of the preliminary plan.

Article 31.-For fixing the term of the concession, at least the following: parameters will be considered:

1. Total amounts of investment, and proven economic capacity.
2. Projected term for recovery of the investment, that responds to the economic profile presented for approval of the preliminary plan.
3. Area of the concession.

Article 32.-The Municipality, in all cases, has the right to charge and receive an annual fee, for the concession of 0.25% of the value of the maritime works and complementary land ones, built in the concession area, in conformity with what is indicated in article 17 of the Law.

177. **As amended** by Decree No. 27954-MINAE-S-MOPT of June 17 of 1999.

SECTION C

Proceedings for definitive approval of constructive plans, construction and execution of the project

Article 33.-Once the concession is granted by the Municipality, the interested must present before CIMAT the following requirements, to countersign the project's plan in a term not greater than 2 months counting from the reception of all documents required for the final obtaining of the respective construction plans: ¹⁷⁸¹⁷⁷

1. Final construction plans.
2. Assessment Report.
3. Technical specifications of materials, procedures, constructive methods, budget, and program for the final work for a definitive verification.
4. Detailed design studies requested by CIMAT as complementary condition for approval of the preliminary plan.
5. Internal regulation of the Marina, for approval by CIMAT.

CIMAT may request from the interested, any explanation for final countersigning, with the term stipulated above, once explanations are presented, CIMAT will count with the remaining term to issue the corresponding resolution.

Article 34.-Once the requirements of the constructive plans are complied with, and countersigned by CIMAT, the centralizing office of Construction permits will review them, and grant the respective permit in a maximum term of eight workdays, counting from reception of the plans.

Article 35.-Once the interested counts with constructive plans duly approved by the Centralizing Office of Construction Permits, they must be presented to the respective Municipality, so that it grants the permit to begin works, in a maximum term of eight workdays.

Article 36.-The interested must begin works in the term indicated of the contract of concession, and has to communicate the date it will initiate, with an anticipation of fifteen natural days, to CIMAT and the respective Municipality, for these to program the corresponding inspections.

Article 37.-To introduce any substantial changes to plans approved it must count with CIMAT and the municipality's previous consent, and in writing. When it deals with minor modifications to the project, it is CIMAT's decision if they will follow the normal procedure of construction permits. CIMAT will regularly send technical personnel to inspect the advances of the works, and effects on the ecosystem. For this, the grantee shall cover to the extent of his possibilities, travel expenses, room and board. To that effect, CIMAT will formally communicate with the grantee, at least one calendar week before the date the inspection will take place, and the number of persons that will visit.

Article 38.-It is mandatory to keep on the site of the works, a log of the Engineers and Architects Association, as well as the work timetable and approved constructive plans. The grantee must inform the Municipality and CIMAT of the date of conclusion of works, for its reception, formal approval and immediate granting of the sanitary functioning permit that a public official from the Ministry of Health will issue, along with CIMAT. Its validity is of two years, counting from issuance, without detriment to what's stipulated in article 324 of the General Law of Health. Renewals will be done in conformity to what's stipulated in chapter seven, articles 322 to 326 of the same legal document.

SECTION D Functioning Permit

Article 39.-The Municipality will finally grant a functioning permit in a term not greater than eight natural days counting from the moment it receives all the documents required.

CHAPTER V Of control of navigation and maritime safety

Article 40.-Law 4786 of July 5 of 1971, confers the Ministry of Public Works and Transport, jurisdictional capacity as to the regulation and control of international maritime coasting trade transport, and by internal navigation ways, and as such will function exclusively, as the national maritime authority in charge of ensuring compliance of national goals tending to improve maritime safety and preservation of human life at sea.

Article 41.-Activities to be developed in Tourist Marinas and Wharves, related to regulation and control of navigation, and of maritime safety will be executed, regulated and controlled by MOPT, in a maximum term of eight days counting from publication of the present regulation. MOPT will publish the normative that in maritime navigation and safety will rule for Tourist Marinas and Wharves

Article 42.-Guidelines issued by MOPT concerning regulation and control of maritime navigation and safety will be mandatory for grantees, and any violation of the same could be conducive to execution of the operation guarantee mentioned in article 14 of the Law, and possibly, of the cancellation of the concession.

Article 43.-Every Tourist Marina or Wharves will have a manager, to assure its correct use and handling of goods and services given. He will be responsible of coordinating with public officials present in its premises, of aspects related to the exercise of its powers of control and vigilance of the port, according to their respective competencies.

Article 44.- Every Tourist Marina or Landing Place must have, prior to beginning operations, an internal regulation, approved by CIMAT that will contain at least the following:

- Preventive and mitigation plans for emergency situations (fire, oil spills, maritime accidents, shipwrecking, search and rescue)
- Counts with equipment to attend the emergencies mentioned above.
- Regulation for Operation of the Marina.
- Internal Work Regulations approved by the Ministry of Work and Social Security.
- Environmental Norms derived from the sworn declaration of environmental commitments.

Article 45.-Navigation of recreational vessels in waters under national jurisdiction, will be regulated and controlled by the respective department of MOPT, with the aid of competent authorities. Navigation must adjust itself to technical and safety professional norms, prescribed by the laws, regulations and international agreements on that matter. MOPT will perform the research it requires and will determine what concerns in each case, adjusting to the Law.

Article 46.-Any vessel arriving from International Ports, entering the bay or haven of the Marina, must be reported to the Port Captainship of Maritime Delegation. The Marina's Manager has the obligation to coordinate with port, migratory, customs, sanitary, health, and police authorities, in order that as soon as possible, they fulfill the procedures and legal proceedings, that permit the ship and crew to enter.

During their stay in the country, vessels of foreign flag and their crew members will be subject to Costa Rica law and international agreements ruling the subject. Permanence of vessels employing the services of the Marina itself will be ruled by what's disposed in article 21 and 24 of law 7744. It will correspond to the Migration and Foreign Status functionary, which is in charge at the Marina, the granting of a permit to stay in Costa Rican territory, as soon as possible, in conformity with the policies in that sense.

Article 47.-The Manager of a tourist marina or wharf must be credited before the respective department of MOPT, as well as receiving along with the staff at his charge, MOPT's training, stipulated for a better performance, safe-conduct of material goods and human life.

Article 48.- It is forbidden in tourist marinas or wharves to dispose of all kinds of contaminant substances, including bilge, ashes, oils, waste, trash and similar, from vessels moored or found. In case of non-compliance, the manager, by means of the environmental manager, will order immediate cleaning and communicate with authorities to proceed as corresponds. Owners of the respective vessels, their users, as well as any other natural or legal person that does not comply with this article's dispositions shall pay the fines that the valid environmental legislation establishes.

Article 49.- MOPT, through the Captainships on Port, or with the collaboration of the Rural Assistance Guards, the authorities of Maritime Vigilance and any other organism ensuring police control, anti-drugs, migration and public treasury, will control strict compliance to the above dispositions.

Article 50.- During the period of service of the Tourist Marina or wharves, no works will be constructed that have not been duly approved.

Article 51.-Navigation activities and internal or external movements, performed by vessels which employ the Marina's or wharves' services will be regulated and controlled by MOPT. Public officials will have the power to submit the marina to regular inspections about its functioning, and the grantees will collaborate with their tasks, as well as comply with the respective recommendations. When so required, they will request CIMAT's technical advice.

Article 52.- To weigh anchor national or foreign vessels shall observe the Regulation for their issuance, as well as for navigation activities. For the ends of this regulation, it will be understood that Tourist Cruise ships are the only foreign vessels that may perform remunerated activities in the country during its stay in national waters.

CHAPTER Sanctions

Article 53.-The grantee that disobeys the dispositions of the Contract of Concession of the Law, and this regulation, will lose, to the Municipality's favor, the guarantee of construction compliance referred in article 14 of the Law, and will proceed with the cancellation of the concession, without detriment to actions that correspond to damages. As to clause C of article 20 of the Law of Tourist Marinas and Wharves, will be understood as tax obligations those directly arising from the concession contract or operation of the tourist marina or landing place.

Article 54.- The grantee that begins operation of a tourist marina or landing place without the functioning permit indicated in this regulation, will be sanctioned with immediate closure of the port, by MOPT and the Municipality, without detriment to penalties, and civil and administrative liabilities that correspond.

In case of non-compliance with the norms contained in chapter V of this Regulation, cancellation of the registration, license and navigability certificates will be officially ordered, in accordance to what's established in article 30 of Regulation 12568-TSH of 30-4-81.

As for foreign vessels, the owners will be forced to pay damages occasioned. The authorization to leave port will be withheld until they comply with their obligation.

Article 55.-The owner of a national vessel not complying with the indicated in the dispositions of this Regulation will be sanctioned with a suspension of the navigation permit until the situation is corrected.

Article 56.- The owner of a foreign vessel not complying with the indications of articles 51 and 52 of this regulation will be forced to leave national waters. Communication will be done through the diplomatic representation of the country of origin.

Article 57.-The owner or captain that leaves without permit from the Port's Captainship will be forced to return to its usual haven and will have to pay the costs implied, without detriment to other applicable sanction.

Article 58.-Damages that could occur incidentally to the constructive process of the tourist marina or landing place, in the project's area and vicinities, will be responsibility of the grantee or professional in charge of the works, exclusively, not of the authorities in charge of the process.

Article 59.-Non-compliance with environmental commitments acquired during the process of approval of the EIA will be subject to sanctions stipulated on the valid environmental legislation, and could cause cancellation of the concession and total or partial application of the Environmental Guarantee.

CHAPTER VII

Transitory Dispositions

Transitory I.-The request of Marinas and / or wharves that are in transaction, as well as those that have been approved prior to the date of publication of the present regulation, must adjust to the proceedings stipulated here, no matter the state they are in. An effort to apply the new rules in matters of Concession and Operation of Tourist Marinas, adjusting them in the extent possible with criteria, authorizations and acts, already practiced and issued by competent public entities, which to that effect will be fully valid and effective.

Transitory II.- Marinas or wharves that are functioning outside of valid technical and environmental norms, in conformity with the respective Transitory of the General Law for the Environment, will adjust in a term of six months counting from the publication of this regulation, according to the indications received by CIMAT and SETENA, under the sanction of definitive closure of the same.

Transitory III.-In conformity with the first transitory of the Law of Marinas in the area of the Gulf of Papagayo Project, granting of a concession will correspond to the Costa Rica Tourist Board, in the understanding that the same proceedings before CIMAT will be followed, stipulated in law 7744 of the present regulation.

Article 60.- In effect from its publication.

Given at the Presidency of the Republic.- San José on the month of May of nineteen ninety-eight.

JOSE MARIA FIGUERES OLSEN.- Ministers of Tourism, Carlos Roesch Carranza, of the Environment and Energy, René Castro Salazar, of Health, German Weinstock and of Public Works and Transport, Rodolfo Silva Vargas.-