



IGOUMENITSA PORT AUTHORITY S.A

**AWARD RULES OF MINOR
SUB-CONCESSIONS**

IGOUMENITSA, FEBRUARY 2024

This Regulation records the basic principles governing the procedure followed by the company "Igoumenitsa Port Authority Societe Anonyme" (Organization) for the drawing up of contracts by which it grants the use of premises or rights to provide services within the Area granted to it pursuant to the Concession Agreement of 29 March 2023, ratified by Law 5048/2023 (Government Gazette 149A/2023), with the exception of rights to provide port services (basic and ancillary), as defined in the above Agreement, where the cost incurred by the Organization for the construction of the relatively new infrastructure has exceeded € 150,000 on an annual basis or the amount of revenue from the provision of such services has exceeded € 25,000 on an annual basis.

The aim of the Regulation is to ensure the transparency and objectivity of the procedures for the award of contracts falling within its scope (Minor Subconcession, according to the terminology of the above Agreement), their smooth execution, the promotion of healthy competition and the optimization of the allocation of available resources, in combination with the implementation of the terms of the above Concession Agreement.

Article 1

Basic principles of the award procedure

During the award procedure of a Subconcession subject to this Regulation, the principles of transparency, proportionality, publicity, non-discrimination and equal treatment shall be taken into account, so that the Candidate Subconcessionaires, provided that they fulfil the conditions set out from time to time, have equal opportunities and rights and any discrimination against them is avoided, with a view to the respective contracts being concluded on the basis of open contracts; transparent, competitive and non-discriminatory procedures.

The Organization shall reserve the right to cancel the procedure for the award of a Minor Subconcession, in whole or in part, at whatever stage it may be, as well as to declare a tender fruitless when, in its opinion, the conditions for the development of adequate and healthy competition are not created, or its operational needs or the conditions of the decision to conduct it in general have changed; or other serious reasons arise, without the above cancellation or declaration giving rise to any claim of a third party.

The tenders will be evaluated on the basis of the economic benefit of the Organization from the awarded Minor Subconcession, after weighing the potential risks posed by each proposal. In any case, the Organization reserves the right to specify the above criterion at the stage of final selection, but also to take into account additional ones, if required by the specific Minor Subconcession.

When submitting its offer, each bidder will declare that it has been fully informed and agrees to comply with all regardless of the terms of the aforementioned Organization Concession Agreement with the Greek State ratified by Law 5048/2023, which concern its position as Candidate and Subconcessionaire, and that it understands that this Regulation has been set with the aim of implementing the relevant provisions of the above Agreement, with the consequence that the provisions therein apply, if no corresponding provisions have been included in this Regulation, and its provisions prevail in case of conflict with the terms of this Regulation.

Article 2

Ways to select a Sub-Concessionaire

The Sub-Concessionaires will be selected either through an open call for participation in a tender, or by pre-selection or by direct award. Especially:

2.1. Open Invitation to Participate in a Competition. Interested parties are invited to participate in a competition, with an Invitation/Announcement which is posted on the website of the Organization (www.olig.gr), and will be sent for notification to the email address ccci@e-thesprotias.gr of the Chamber of Thesprotia.

The posting is made at least ten (10) calendar days before the closing date for the submission of bids.

The Invitation/Notice includes a description of the scope of the Minor Subconcession and the tender procedure, the criteria for participation in the tender, the basic terms of the contract to be drawn up, as well as any other necessary arrangement.

After the first evaluation of the tenders, the Agency may invite the Candidates to negotiate their tenders.

If fewer than three tenders meeting the criteria of the invitation to tender are submitted, the Agency reserves the right to declare the tendering procedure fruitless.

Any deviations from the procedure referred to in the Notice/Call, for reasons of efficiency and acceleration of procedures, when required by circumstances or due to urgency, which are decided afterwards, should be made known in good time to all participants.

2.2. Direct award. It shall be followed, at the sole discretion of the Organization, in cases where the interest of the Organization or the circumstances of a Minor Subconcession require negotiation with a particular Subconcessionaire; where a tender or pre-qualification was preceded without result; when the Subconcession to be awarded is an integral part of a previously awarded and valid (initial) Subconcession, the award of which to a third party would entail risks to the effective and efficient performance of the initial one, including cases of urgency or when there is imminent danger to the interests of the Organization.

The Invitation, which may also be omitted, includes a description of the scope of the Minor Subconcession and the tender procedure, the criteria for participation in the tender, the basic terms of the contract to be drawn up, as well as any other necessary arrangement.

Article 3

Fundamental obligations of the Sub-Concessionaires

Under the Minor Sub-Concession Agreement, the Sub-Concessionaire shall acknowledge and accept that, due to the fundamental legal nature of the Port Area as a public amenity, it shall throughout the duration of such contract:

- (a) to operate the data provided to him in accordance with the purpose of their use as public goods;
- (b) to provide users of its services with equal access, based on the principles of objectivity and non-discrimination;

- (c) not to adopt or apply any commercial rules, commercial or pricing policies or practices in relation to the information provided to him and in the provision of services on his behalf, which have the effect of excluding or limiting the rights of any person in any material respect, directly or indirectly;
- (d) to observe and apply the principles of rationality and proportionality in its dealings with users.

Any violation of the above during the implementation of the contract shall entitle the Organization to terminate the Minor Subconcession.

The Sub-Concessionaire, when providing access to the data provided to it or charging fees and charges for the use of the same data, shall be entitled to discriminate between different groups of users, as well as between the various data allocated to it, only to the extent that such discrimination is justified by objective criteria and is in line with the principles of rationality, objectivity and non-discrimination.

Article 4

Key terms of the Minor Subconcession Agreements

A draft or copy of the contract to be drawn up will be submitted to the competent government body, as defined in the above-mentioned Concession Agreement between the Greek State and the Organization, which was ratified by Law 5048/2023.

All Subconcession contracts of this Regulation shall be drawn up in writing and shall be for a fixed period, but shall not extend beyond the expiry date of the aforementioned Concession Agreement between the Greek State and the Organization, i.e. 3 February 2062.

The Subconcessionaire's right to unilaterally renew the Minor Sub-Concession shall not be provided.

The de minimis sub-concession agreement may include grounds for termination other than those mentioned above in Article 5.

Article 5

Final provisions

The right to interpret the provisions of these Rules rests solely with the Organization. These Rules repeal any previous similar regulations and any other decisions of the Organization regulating similar matters.