

The purpose of the TP&I News is to provide the latest news for the shipowners, charterers, as well as any other maritime interests around the globe. Each issue of TP&I News will include a focused review section of several articles on a topic of current interest.¹

1.Spanish administrative and Sanctioning Proceedings in a Nutshell

SANCTIONING PROCEEDINGS & FINANCIAL SECURITY

Vessel's undergoing PSC/MOU inspections in Spain that are found with serious deficiencies are at risk of being detained and sanctioned. Indeed, Spain is one of only a few European countries to issue sanctioning proceedings for Paris MOU breaches. In these situations the Spanish legislation supersedes the Paris MOU regulations. Sanctioning proceedings normally follow the below model:

- 1) Notification of the initiation of proceedings – Normally, a financial security will be requested. This can be done either by way of bank guarantee, insurance bond, or cash deposit.
- 2) Submission of defence allegations – the Harbour Master will grant a period of 15 days (extendable to 22) to submit defence allegations.
- 3) Notification of the proposal of resolution – after a period of potentially several months, the Harbour Master will issue a proposed resolution. At this point an additional 15 days will be granted to submit further defence allegations, arguing the points raised in the proposed resolution if they are different to those stated in the initiation of proceedings.
- 4) Notification of the resolution – the proceedings are forwarded to the Directorate of Shipping (DoS) in Madrid, who will issue the final resolution. The notification of the resolution should be received within 12 months of commencing proceedings, otherwise the present proceedings will be considered concluded without resolution. In this case, the maritime authorities can and are likely to re-open the proceedings, as serious offences have a time-bar of 3 years, whilst minor offences only of 1 year.

Following the detention of a vessel, financial security will be required in order to allow the ship to sail while sanctioning proceedings are ongoing. This guarantee can be provided either in cash, as a bank guarantee, or alternatively by way of an insurance bond. The procedure can be slow, especially if the guarantee is to be put up as a bank guarantee instructed by a foreign bank. In these cases the putting up of the guarantee can take between 2 and 4 working days. However, the lifting of the detention is usually much quicker if cash security is put up. Given that PSC sanctioning proceedings are not normally covered by P&I Clubs, owners frequently put up security in cash to speed up the lifting of the detention and to save on interests and costs. A cash deposit can later be substituted for a bank guarantee, without the threat of a detention.



Source: MEDPANDI P&I Correspondents

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2.Increased Risk Of Significant Custom Fines in Senegal And Dakar Ports

Our local correspondent TCI Africa advised that the custom fines are increased due to incorrect declarations of any property on the ship (including any apparent bunker shortages), crew and cargo.

The content of their circular is as follows:

LIST OF ITEMS FOR WHICH DECLARATION IS USUALLY REQUESTED BY THE CUSTOMS ON SHIP'S ARRIVAL AT DAKAR PORT (with specification of quantities in Mt, litres, Kg...etc wherever applicable)

1. Manifest of the cargo to be discharged in Dakar
2. Manifest of the cargo in transit (if any)
3. Bills of lading
4. Ports of call list
5. Crew list
6. Crew effects
7. Bonded stores
8. Food provisions
9. Narcotics
10. Paints
11. Chemicals
12. Fire extinguishers
13. Foam
14. CO2 (fixed and portable)
15. Bunker declaration
16. Fuel-oil
17. Diesel-oil
18. Lube-oil declaration
19. Oil in tanks (including in sump tanks)
20. Oil in drums
21. Oil in cans
22. Oil in use (in engines, cranes, winches, stern tube...etc)
23. Used oil (sludge)



Source: TCI AFRICA DAKAR

NB: The Customs declaration is mostly represented by the global quantities mentioned namely on the IMO ship's stores declaration and the detailed inventory for each indicated item. Discrepancies are prohibited. For instance, the total quantity of lube oil / bunkers for each item must be confirmed by its corresponding detailed inventory. Any discrepancy between the declared quantity and the inventory will be sanctioned.

The declared quantity of lube oil / bunkers must also be identical to the actual quantity in the tanks on ship's berthing as the Customs usually request confirmation by sounding.

Besides, kindly note that the Customs declaration is irrevocable and the Master's good faith is not taken as an excuse. No additional declaration, correction or amendment is authorized, hence the need to carefully check the documents before submitting them to the Customs.

To avoid mistakes, the Master should prepare his Customs' declarations prior berthing and subsequently update the lube oil / bunkers figures after sounding. The declaration must also be double-checked by the ship agent before presentation to the Customs' boarding officers.

Please also check our website for circulars of each month.

For Turkish version please visit our website.

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LIST OF ITEMS TO BE DECLARED TO THE IMMIGRATION ON SHIP'S ARRIVAL AT DAKAR PORT

1. Crew list
2. Passenger list
3. Ports of call list (previous and next ports)
4. Arms list 5. Stowaway list (if any)

NB: Fines from the Immigration Authorities are less frequent compared to the Customs and they are usually not substantial. However, in order to limit the risk of fines, the crew's passports must be valid. The seamen's books must also be correctly filled indicating the concerned crewmembers' correct ranks and sign-in / sign-off dates. FYI, in most of the recent issues experienced with Immigration Authorities, they advised that the vessel's engine power must not be indicated in the documents of the deck crew.

3.Changes Were Made in The Tax and Duty Fee Applied To Ships Passing Through The Turkish Straits Without a Call

In the statement made by the Ministry of Transport and Infrastructure, it was stated that the Gold Franc value, which is the basis for the tax and duty coefficients applied to the ships passing through the Turkish Straits without a stop, in accordance with the Montreux Turkish Straits Convention, has been determined as \$ 4.42, effective from 1 July 2023.



Source: Ministry of Transport and Infrastructure /www.uab.gov.tr/

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