



LP Bulletin

Thursday 8th October 2015

Bulletin 1063 - 10/15 - Customs Fines, Update - Argentina

Further to our various bulletins dealing with Customs problems in Argentina, we have received the following update from our local correspondents.

In the past, we have issued various circulars highlighting the problems with Customs related to the Store List declarations and the importance of including bunkers, lubricants, paints, chemicals, spare ropes and the vessel's grabs (if any) in addition to routine items.

When the vessel is boarded by Customs Officers to inspect what has been declared in the Store List submitted on arrival, it is important for them not to find discrepancies or omissions regarding the stores on board.

If the Chief Engineer were to be asked to produce a list of bunkers and lube oils it is important that this list shows the same quantities as the initial declaration. If not it is considered an infringement of customs regulations.

Mis-declaring items that cannot be seized from the vessel, or not declaring them at all, have caused complicated issues. Vessels have been detained until they pay (in cash) what customs identify as "an automatic fine" for the value of the goods, which cannot be seized. The valuation is made by the Customs. On top of this payment, which replaces the confiscating of the goods, another fine will be imposed.

In the past most of these problems were encountered with Customs at the port of San Nicolas. Currently similar attitudes have been taken by Customs located at the ports of San Lorenzo, Necochea and Bahia Blanca.

The Customs Offices at different ports have their own regulations and what has happened in the port of Necochea is a proof of that. They are the only one till now that require the Store List to be translated in Spanish. The vessel is otherwise delayed and not authorised to operate.

Another requirement is that vessels need to declare the lube oil in the auxiliary engines and sump tanks in the Store List.

Some Customs inspectors, by threatening the Master with administrative and even criminal proceedings and heavy fines, have given the option to the Master to pay in cash fines ranging from USD 5,000 to USD 15,000. We strongly recommend that this should never be accepted, neither by the Masters nor by the Agents and such abusive practice should be fully declined. Following are some points that the Members should consider.

- a. Is it necessary the bunkers and lub oils which are in use in the system of auxiliary engines and sump tanks to be declared?
The answer is YES.

- b. In addition to usual ships tackle, is it necessary to declare chemicals, paints, thinners, ropes and spare parts?
The answer is YES.
- c. It is necessary for the store list to be presented in “Spanish language”?
For the moment it is a requirement of Customs Authorities at the Port of Necochea only.
- d. Can the vessel be detained due to some of these alleged infringements?
The vessel can be detained when there are undeclared spares/stores in accordance with section 962 of the Customs Code – undeclared goods.
- e. If vessel is detained by Customs how it can be freed?
The customs require payment in cash of an automatic fine for the value of the goods which cannot be seized or a bank guarantee depending on the Customs of the concerned port.
- f. Which are the most complicated ports in regard to Customs Authorities?
Those are mainly the ports of San Nicolas, San Lorenzo, Necochea and Bahia Blanca. However it should be kept in mind that proper attention should be paid in any other Argentine port, when submitting the Store List.
- g. What are the main recommendations to avoid problems with Customs?
- 1) Master jointly with Chief Officer and Chief Engineer should carefully record and check what is declared on the Store List.
 - 2) All quantities in the vessels tanks, including auxiliary engines and sump tanks, should be carefully checked by the crew.
 - 3) The Store List is not signed until the Master ensures that everything has been checked and updated.
 - 4) A copy of the store list presented and signed by customs should be kept on board.
 - 5) Masters should never get involved in discussions regarding “cash payments”.

Finally we should mention that efforts have been made by local and international entities to urge Customs Offices to issue a proper declaration form in accordance with their regulations which clarify the scope of the declaration and will help to avoid the abusive practices. Unfortunately those efforts were unsuccessful.

Source of Information

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