



Ship Type: All Trade Area: Spain

Bulletin 332 - 11/03 - Response to Pollution - Spain

We have been advised of several cases in which large security guarantees for seemingly minor pollution incidents have been demanded by the Spanish authorities. It is thought that this policy is a response to the sinking of the Prestige.

At present the Spanish Transport Ministry maintains (along with other EU countries) a tight surveillance and pollution control regime to detect illegal overboard discharge, breach of laws or a lack of immediate communication of a spillage, especially in the sensitive areas of La Coruna (northern Spain) and Algeciras (southern Spain). These can be classed as an 'administrative infringement' to marine pollution. The sanction against the ship depends on the severity of the infringement as follows:

- 1 Small infringement, fines up to Euro 60,101
- 2 Severe infringement, fines up to Euro 601,010.21
- 3 Very severe infringement, fines up to Euro 3,005,060.05

Proceedings will be launched against the shipowners, managers, operators, master and P&I Club / insurer for any illegal discharge.

If pollution occurs, the harbour master will as a precautionary measure to guarantee the payment of a possible fine, usually detain the ship. A bond will have to be provided to release the ship, as Club LOUs are not acceptable. Accepted methods of providing guarantees are cash, bank guarantees; credit insurance company bonds and treasury bonds. Failure to provide the guarantee may result in long delays to the ship. Ships trading regularly to Spain should also consider establishing a quick method of payment of such guarantees, as this may be the only way to avoid delays to vessels.

This law will be modified in January 2004 though the chapter on administrative infringements will remain basically the same.

We advise all Members to remind their masters to ensure that no unauthorised discharge, including galley or other domestic waste, residue from maintenance work, deck cargo or hold cleaning, occurs at any time while in Spanish waters. If a spillage does occur, the ship must immediately inform the nearest harbour master's office and call SASEMAR (emergency phone number +34 900 202 202).

Source of information: Loss Prevention Department