



Ship Type: Container

Trade Area: Spain

Bulletin 451 - 01/06 - New Container Security Measures - Spain

Members should be aware of new container security measures in Spain, where non-compliance may result in the detention of containers and possible sanctions of Euros 3,000-90,000 (USD 3,600-108,000), as detailed in INDECO circular 1A/2006.

In line with the co-operative G-8 action on transport security to develop and implement an improved global container security regime to identify and examine high-risk containers and ensure their in-transit integrity, on 14th January 2006, the Royal Decree (RD) 2319/2004 of 17.12.04, a new law ruling container security measures came into force in Spain.

The RD 2319/2004 applies to containers as described in section II of the Convention (CSC), which are used in national and international transport and which are to be loaded or unloaded in Spain, with the exception of the containers specially designed for air transport. This Royal Decree details that containers manufactured after 13th September 1977 require a certificate of conformity, in accordance with the type of container, and a Safety Approval Plate, in accordance with the International Convention (CSC). Containers manufactured before 13th September 1977 lacking the certificate of conformity need a Safety Approval Plate with a countersign issued by the competent authority of the state signatory to the CSC. The new containers need a certificate of conformity complying with the requirements described in the new regulations and the structural safety requirements and tests described in the new regulation and the structural safety requirements and tests described in annex II of the Convention (CSC).

Containers which do not comply with the previous conditions cannot be used for transport and will remain retained by the competent authority in Spain (Ministry of Industry) until the deficiency has been corrected. This means that the container cannot be loaded on board the vessel. The cargo can however be removed to another container in order not to stop the transport chain. Containers which have been unloaded from a vessel will also remain retained and cannot be delivered to the destination, unless the authority agrees its transport abandonment by Customs within the six month term, the necessary information has to be given to Customs as regards the detained container.

The owner of a container can incur an infraction if the container is not well maintained or has not passed the necessary inspection or has no Safety Approval Plate and he will be liable to pay the sanction, despite the fact that the container is being maintained by another company. According to the law, shipowners, operators and charterers calling to Spanish ports can incur severe infractions, if, i.e., they unload a container which does not comply with the regulations and / or when there is a risk or severe danger to people and to the environment.

Having liaised with the Ministry of Industry, INDECO advise that the first step will always be to detain the container. Then it will be decided whether a sanctioning procedure is started or not.

INDECO suggests that vessels calling to Spanish ports should ensure, through their local agents in Spain, that the containers to be loaded are in compliance with the Convention (CSC) and with this new regulation RD 2319/2004, in order to avoid their detention and the impossibility to load them. The containers to be unloaded and their compliance to the CSC Convention should be ideally checked at the port of loading, in order to avoid their detention when being disembarked in Spain and a possible sanction by the Spanish Administration.

Source of information: INDECO, Spain

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