



Notification Number: 2018/510/E

Draft amendment to Organic Law 12/1995 of 12 December 1995 on anti-smuggling measures, to classify certain vessels as a prohibited type

Date received : 05/10/2018

End of Standstill : 19/10/2018

Invocation of the Emergency Procedure : Yes

Message

Message 002

Communication from the Commission - TRIS/(2018) 02757

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2018/0510/E

No abre el plazo - Nezaħajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késéset - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201802757.EN)

1. Structured Information Line

MSG 002 IND 2018 0510 E EN 05-10-2018 E NOTIF

2. Member State

E

3. Department Responsible

Subdirección General de Asuntos Industriales, Energéticos, de Transportes, Comunicaciones y de Medio Ambiente.

Dirección General de Coordinación del Mercado Interior y otras Políticas Comunitarias.

Secretaría de Estado para la Unión Europea

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3. Originating Department

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4. Notification Number

2018/0510/E - T20T

5. Title

Draft amendment to Organic Law 12/1995 of 12 December 1995 on anti-smuggling measures, to classify certain vessels as a prohibited type

6. Products Concerned

This draft affects rigid-hulled inflatable vessels with a length exceeding 8 metres, or a length less than or equal to 8 metres if the vessel is fitted with one or more motors with a total combined capacity exceeding 150 kW. This draft does not ban these vessels, but rather merely imposes an administrative oversight system consisting of registration of the person or entity that will operate the vessel in a special register and approval for the use of the vessel, but with certain exemptions from mandatory operator registration and from approval for use of the vessel under this oversight system.

This also affects vessels other than those referred to above in cases of reasonable indications that the vessel is used for smuggling (double bottoms, radar-absorbent paint, etc.).

7. Notification Under Another Act

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8. Main Content

The essential content of the regulation consists in classification of two types of vessels as prohibited types for the purposes of anti-smuggling law:

1. rigid-hulled or inflatable vessels that exceed 8 metres in length, or that are less than or equal to 8 metres in length if the total capacity of the motors on the vessel is greater than or equal to 150 kW,
2. types of vessels other than those referred to above if the existence of reasonable indications or signs that they are used for smuggling is substantiated.

Notwithstanding, this draft excludes the vessels referred to in paragraph 1 from the prohibited types for the purposes of anti-smuggling law, under the following conditions:

- a) in any case: publicly owned, federal or foreign vessels in Spanish waters legally, vessels associated with international organisations recognised as such in Spain and support vessels allocated in the service of a primary vessel,
- b) with registration in the Register of High-Speed Rigid-Hulled Inflatable Vessel Operators and approval to use the vessel: vessels allocated for maritime salvage and assistance that are not publicly owned or associated with international organisations recognised by Spain, vessels used for inland navigation in Spain, those allocated to business, sporting, investigation or training activities and, finally, recreational vessels intended for private use that meet the regulatory requirements on safety, technical aspects and marketing.



9. Brief Statement of Grounds

The use of high-speed rigid-hulled inflatable vessels for rapid smuggling (essentially of hashish, cocaine and cigarettes) by means of transshipment or stashing on beaches is one of the primary day-to-day threats faced by the Customs Control Service of the Official Agency of the Tax Authorities [AEAT] and law enforcement authorities. Moreover, these high-speed vessels have recently started being used for the illegal transport of immigrants.

In addition to the aforementioned problems, these vessels, which operate at high speeds, often in the dark and without any tracking or signalling devices, also pose maritime safety and infrastructure risks.

The objective of this regulatory amendment is to prevent – and effectively contribute to the eradication of – illegal activities committed with this type of vessel, in a way that penalises illegal use of these vessels.

10. Reference Documents - Basic Texts

No basic text(s) available

11. Invocation of the Emergency Procedure

Yes

12. Grounds for the Emergency

The urgency of this measure is evident, first and foremost, from the seriousness of the situation described above in terms of public health, maritime safety, public finances and social and public order. It is highly likely that the planned controls on these sophisticated means of maritime transport, which often escape police and customs control, will prevent or at least significantly complicate these illegal activities. Second, although the use of these means of transport for smuggling is not a recent development, their use for the illegal transport of persons from Africa to Spain is in fact new. This form of transport, which until recently was neither used nor foreseeable, greatly exacerbates a problem with social dimensions affecting not only Spain, but all of Europe.

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

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16. TBT and SPS aspects

TBT aspect

No - the draft has no significant impact on international trade.

SPS aspect

No - the draft has no significant impact on international trade.



EUROPEAN COMMISSION
GROWTH DIRECTORATE-GENERAL

Single Market for goods
Prevention of Technical Barriers

No - the draft is neither a sanitary nor phytosanitary measure.

European Commission

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