

GLOBALPANDI

Circular for P & I Clubs

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Correspondents for:

Britannia, British Marine, Charterers P&I Club, China P&I Club, GARD, ITIC, Navigators, Nordisk Defence Club (Through Sabatino Pizzolante), Lodestar Marine, North of England P&I Club, Raets Club, Shipowners P&I Club, Skuld, Steamship Mutual, The American Club, The London P&I Club, West of England and Through Transport Club (TTC).

Amendments to the Organic Customs Law

Significant amendments have been introduced to the Organic Customs Law published in the Official Gazette No. 6,155 Extraordinary, dated 19th November 2014, coming into force on 19th January 2015.

Among the most significant provisions are worth to mention the following:

1.- As per article 20 Carriers through their agents are now obliged to register the cargo manifest through the automated electronic system (Sidunea) the latest 48 hours in anticipation to the moment of the vessel arrival. It is not clear what vessel arrival means, although it would appear it is referred to the berthing time. Should Carriers fail to do so, then a fine equivalent to 30 T.U. (1 T.U./Bs. 127) is applied. This obligation has given rise to concerns due to the fact that in case of short routes such as those from Colombia and Curazao to Venezuela, it is not possible for the Carriers to comply with such an obligation.

2.- According to same article 20, corrections to the cargo manifest are only allowed the latest on the following day of the vessel arrival, whereas in the repealed legislation corrections could be made at a later date.

3.- Regarding the over-landed and shortage cargo the new customs provisions (art. 22) make it compulsory to declare it the latest the following day after vessel arrival, contrary to the five (5) days prescribed under the old customs law.

4.- Specific obligations for the Carriers and their agents are set out in article 103, including the registration of the cargo manifest, notification to the customs office about the conclusion of unloading operations with indication of time, request of authorization to the customs office for corrections to the cargo manifest, joint receipt together with the warehouse/container depot to give proof of the delivery or reception of the cargo described in the cargo manifest, etc., all new obligations that need urgent clarification and clear procedures by the customs office for its effective implementation.

5.- Finally, article 165 introduces a new set of fines specifically applicable to the Carrier and their agents who are jointly liable. It is important to point out that the amended law prescribes in case of over-landed cargo the same fine of 5 T.U. for each gross kilogram in excess as stated in the old customs provisions. Nevertheless, in case of cargo shortage the fine is now reduced to 2 T.U. per each kilogram, instead of 5 T.U. like in the past.

In conclusion the new customs law is regarded as one very punitive, also containing ambiguous provisions bringing as a result a number of questions made by the local Chambers of Commerce and local shipping associations, awaiting for answers and clarification by the customs authority (Seniat) by the time being.

While this happens it is advisable for Members to discuss with their agents paying particular attention to documentation control, as well as on time transmission of cargo manifest, corrections and declarations of over-landed and shortage cargo as the case might, in order to avoid the application of fines.

Should you need any assistance or further information regarding the topic stated above, please feel free to contact:

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