



MINISTERIO
DE FOMENTO



The Special Registry of Ships and Shipping Companies of the Canary Islands

January 2012
GUIDELINES



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MINISTRY OF
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This publication has the aim of spreading knowledge of the Special Registry of Ships and Shipping Companies, strengthening in this new version and becoming an important reference point between the maritime sectors specialized.

This edition, updated 31/12/2011, compiles the legislative amendments, new procedures, the amounts of fees, tax and social incentives, etc.

Among the most significant developments to be noted are that both the Master and the First Officer may be national of any Member State of the EEC (European Economic Area), except in government ships engaged in non-commercial voyages.

On the other hand, ships engaged in all types of commercial navigation purposes, which comply with community legislation on State aids to maritime transport, can be registered, as well as the inclusion of those units engaged in transport and fuelling operations in the Spanish port areas.

Also, the recent publication of Royal Decree 2/2011 of 5 September, which approves the consolidated text of the State Ports and Merchant Marine Act, creates a new frame of reference that, as backbone column, shall govern administrative guidelines in the future.

Finally, a change of the port registration (special peculiarity of this Registry) is allowed, as well as the registration of Agencies and public Administrations and civilian ships under public Ownership, performing functions that could have a commercial purpose as if they belonging the private sector.

These innovations place the Special Registry of Ships and Shipping Companies at the forefront of the most important Second Registries belonging to other European countries.

The Directorate General of Merchant Marine would like to thank the special commitment to the staff of the offices engaged the Management of the Special Registry (located in the Maritime Authorities in Santa Cruz de Tenerife and Las Palmas), who endorsed with its performance, quality technical and professional services received by citizens.

Rafael Rodríguez Valero
Director General of the Merchant Marine



1.- Historical Summary.

When the *Fifteenth Additional Supplementary Provision of Law 27/1992 of 24 of November, of the State Ports and Merchant Marine Act (now Sixteenth Supplementary Provision of Royal Decree 2/2011 of 5 September, which approves the consolidated text of the Act)* created the Special Registry of Ships and Shipping Companies (**Special Registry**), opened great expectations for Shipowners and it was thought that a necessary step had been taken to stop the exodus of Spanish ships to flags of convenience.

With the Spanish merchant fleet in 1981 of seven hundred ships with a capacity of more than seven million tons, we are in 1992 at the worst time for the Spanish merchant fleet, with a million tons under the Spanish flag and just over one million under other flags.



The creation of the Special Registry sought therefore the feasibility of a national fleet competitive with respect to other neighbouring countries.

In any case, the State Ports and Merchant Marine Act merely provides those technical and legal conditions that allowed the registration of ships in it, but did not provide any advantage to do so desirable to the Spanish Owners.



The passing of the Economic and Fiscal Regulations Amendment Act of the Canaries in 1994 and the subsequent fiscal, financial and administrative measures enacted since were such to attract shipowners to reassess the Canary Islands as a registration site.

To begin with, the tax and corporate advantages that were offered attracted few ships as, regardless of flags of convenience, there were already a number of off-shore registries, and also special registries in almost all the EU countries, many of which offered greater advantages. There was, however, the added factor in that this Special Registry of the Canaries initially was only available to ships intended for foreign or overseas navigation. This decision was taken in the belief that the Government might allow ships assigned to coastal trading, by Royal Decree, according to the liberalization process of maritime transport within the EU directives.

The result was that the Royal Decree (RD 897/93) allowed ships assigned to Spanish Peninsular coastal trading which, with the exception of cargoes of petroleum and its products as well as fresh water, were open to registration. Cruise ships also could be registered as of 1st January 1994.

A subsequent Royal Decree (RD 392/96) allowed registration, as of 16th March 1996, of ships carrying out coastal trading to transport petroleum, its products and fresh water.

Thus, as of March 1996, it was possible to register in the Special Registry, ships performing the following navigation: overseas, foreign and peninsular coastal trading (transporting petroleum, its products and fresh water) with, or between peninsular ports, Ceuta and Melilla.





All this legislation culminated in the Royal Decree of 2221/98, which authorized registration on the Special Registry, of ships and shipping companies assigned to maritime coastal trading navigation, which led to seventy ships being registered on a single day with the Maritime Authorities of Santa Cruz de Tenerife and Las Palmas de Gran Canaria.

The provisions for tax incentives were incorporated in the Act 19/1994, dating from the 6th of July of that year, which incorporated the amendment of the Financial and Tax Regime of the Canaries, and subsequently improved by Acts 42/1994 and 13/1996, of the Fiscal, Administrative and Corporate Regulations by Act 4/2006 dated the 29th March, which adapted the shipping companies regime to the tonnage tax scheme of European directives. The legislation to allow this came under a Royal Decree numbered 12/2006 dated 29th December, which amended Act 19/1994, the "Canary Islands Economic and Fiscal Regime Act" so called and a further Royal Decree, RDL 2/2000, dated the 23rd June.

The Enabling Act to the State Budget for 2002 introduced special tax regulations in Spain (Tonnage Tax) that allowed shipping companies to decide whether or not to pay a fixed amount per registered tonnage or an amount based on the profit obtained in business.

Finally, Act 53/2002, dated 30th December, regarding Fiscal, Administrative and Corporate Requirements, amended Supplementary Provision Fifteen, which extended the possibility of registration beyond shipping companies that own a merchant ship or that perform its nautical and commercial management to those that are the financial lessees of ships, in order that they may register as shipping companies on the Special Registry, even without the need to register any actual ships. It also allows a shipping company that is the financial lessee of a ship to apply for registration on the Special Registry.





Recently the Law 25/2009 of 22 December, amending various Laws to adapt the Law on free access to activities and services and its exercise, removes the requirement of Spanish nationality in the ships for the Captain and the First Officer. However, instructions manual n° 1/10 provides for the reservation of Spanish nationality in those cases when they are serving on government ships not engaged in commercial work.

In turn, Law 33/2010 of 5 August, amending Law 48/2003 of 26 November, regarding economic regime and service delivery at the ports of general interest, is to change again de Additional Provision Fifteenth (now D.A. 16^a of R.D.L. 2/2011) by deleting the reference to the types of navigation allowed.

As a result of the foregoing and as the letter of the Deputy Director of Safety, Marine Pollution and Maritime Inspection dated 21 December 2010, authorizing the inclusion in the Special Registry of those units engaged in transport operations and fuelling in Spanish port areas.

Law 39/2010 of 22 December on General State Budget for 2011 allows registration in the Special Registry to Agencies and Public Administrations and civilian ships owned or public held.

The entry into force on 21 October 2011 the Royal Legislative Decree 2/2011 of 5 September, which approved the revised text of the State Ports and Merchant Marine Act, puts an end to the plurality of legal standards governing hitherto regarding port issues and Merchant Marine, in particular by repealing the following Laws:

- a) Law 27/1992 of 24 November, the State Ports and Merchant Marine Act.
- b) Law 62/1997 of 26 December, which modify Law 27/1992.
- c) Law 48/2003 of 26 November of economic regime and the provisions in ports of general interest.
- d) Law 33/2010 of 5 August, which modify Law 48/2003.



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Finally, the Deputy Director of Safety, Marine Pollution and Maritime Inspection, authorized on December 14, 2011, changing the port of Registration in the Special Registry thereby responding the needs of the maritime sector.



2. Shipping Companies.

2.1. Requisites for registration.

Effectively having the control center of shipping operations based in the Canaries or in the case of mainland Spain or abroad, having a permanent establishment or legal representation in the Canaries, authorized by Public Deed.

Their registration in the Special Registry will be approved by Certification from the Trade Registry, where it is recorded that the corporate objectives include the financial operation of merchant ships, by whatever means that assures availability of the whole ship.

To be the owners or financial lessees of the ships whose registration is requested; or to have possession of these under a bareboat charter agreement or any other title involving control of the nautical and commercial management of the ship.

2.2. Documentation.

Shipping Companies domiciled in the Canary Islands, or those that have an establishment there, will provide the following for their registration on the Special Registry:

- Application form for shipping company registration on the Special Registry.
- Authorized copy of the Shipping Company's Tax Identification Card.
- Authorized copy of the Shipping Company's Deed and Articles of Incorporation.
- Certificate of the Trade Registry giving details of participants, names, addresses, authorized capital and share allocation and objectives, particularly in relation to the availability of the whole ship.
- Receipt of relevant registration fees.

Spanish Shipping Companies that only have a legal representative in the Canary Islands need to provide the following for registration on the Special Registry:

- Application for registration of the Company in the Special Registry.
- Certified copy of the Tax Identification Card of the Company.
- Copy of the Deed and Articles of Incorporation of the Company.
- Certified copy of power of Attorney appointing a legal representative.
- **Certification from the Trade Registry** detailing company name, address, share capital and foreign investment, if appropriate, as well as the identity of administrators or representatives, stating that their corporate objectives includes *economic operation of merchant ships under any mode that assures the availability of the whole ship*.
- Receipt of the relevant registration fees.

Foreign Shipping Companies that exclusively have a legal representative in the Canary Islands need to provide the following for inscription on the Special Registry:

- Application for registration of the Company in the Special Registry.
- Certified copy of power of Attorney appointing a legal representative, which apart from giving details related to the representation, include the deed or public document of incorporation of the foreign company giving the company name, domicile, share capital and identity of the administrators, where it states that their corporate object includes *economic operation of merchant ships under any mode that assures the availability of the whole ship*.
- Receipt of the relevant registration fees.

All the documentation produced that is not drafted in Spanish language must be translated by an official translator and fulfill the legal requirements of the Apostille of Hague.



3. Ships.

3.1. Requisites for registration.

Merchant ships fit for navigation for mercantile purposes, excluding fishing, with a minimum measurement of 100 GT. The measurement tonnage will be that established by the International Convention on Tonnage Measurement of Ships (London, 23rd June 1969).



If the ships are registered elsewhere, they must justify fulfillment of the safety rules established by the Spanish Laws and International Conventions subscribed by Spain, and may be subject to inspection prior to their registration.



3.2. Certificates.

Ships from the EU registries, having remained on such registries for at least six months, will obtain the relevant Spanish certificates, regarding the certificates in force issued by the Maritime Authority of the respective registry, without the need for prior inspection (EC Regulation no. 789/2004, of the European Parliament and the Council of 21 April 2004, on transfer of cargo ships and passage between registries in the EU, in relation to the relevant provisions of Royal Decree 1837/2000, of 10th November, that approves the Regulations on Inspection and Certification of Merchant Ships).

Ships from registries in third countries, with certificates in force issued by the Maritime Authority of the State or, if appropriate, by the Classification Society that acts on its behalf, will be registered on the Special Registry without the need for prior inspection, as long as those States or Classification Societies certify that at the moment of their registration, the ship is in a state in keeping with that of its certificates in force. Those certificates will be replaced by the relevant Spanish certificates.

In all cases, in order to fulfill the terms stipulated in the Spanish laws and the International Conventions signed by Spain, the ships may be subject to inspection prior to their registration on the Special Registry, in order to confirm that the state of the ship and its equipment really matches its certificates of origin.





4. Ships' crews.

4.1. Requisites.

Nationality:

- **Master and First Officer:** EU Member State or European Economic Area, except those serving in Government ships engaged in non-commercial voyages.
- **Rest:** EU Member State or European Economic Area, at least 50% of the enrolled crew (excluding the Master and First Officer).



Safe Manning:

- Prior to registration and at the request of the company applying, the Development Ministry will establish the composition of the minimum crew, according to the characteristics of the ship.

Labor and Social Security Regulations applicable to non-national workers:

- These will be governed by the laws, to which the parties freely enter into, as long as they comply with that issued by the I.L.O. Conventions and failing agreement, by the Spanish Laws on such matters.



4.2. Safe Manning.

The application to establish the safe manning of foreign ships must state:

- Total number of crew members applied for.
- Post, qualification and nationality of each one of them.
- Characteristics of the ship.
- G.R.T. / G.T.
- Effective power.
- Automatic devices, especially those in the Engine Room.
- Trade or types of trade to which the ship is to be assigned, specifying the Navigation Zones.
- It is considered essential for the application to be accompanied by an official document from the Authorities in the country of registration of the ship where the Safe Manning is established.

Foreign crew, whatever their nationality, must hold the necessary qualification for the post they aim to occupy on board, which must be endorsed by the Authority that issued it, according to the terms provided in Article VI of the International Convention on the Standards of Training, Certification and Watch keeping for Seafarers of 1978.

Spanish ships must accompany their application with the Resolution on Safe Manning they are assigned or, failing that, copy of the Roll entries that record the crew assigned to the ship.

The Directorate General of the Merchant Marine will issue a Safe Manning Certificate, which must be kept on the ship to accredit this.

In order to ensure the application is dealt with as quickly as possible, it should be made clear the port or ports and dates when the ship may be inspected. The expenses incurred due to the inspection (travel and per diem) will be borne by the company applying, according to the current rates.

5. Fiscal and corporate incentives.

- **Conveyance Tax and Stamp Duty:**

Exemption as to the acts and contracts entered into on ships registered on the Special Registry (Act 19/1994, of 6th July, by amendment to the Economic and Fiscal Regime of the Canaries).

<http://www.gobiernodecanarias.org/>

- **Personal Income Tax:**

For the crews of the ships registered on the Special Registry, subject to Spanish Income Tax (IRPF), 50% of the gains from personal work obtained sailing on ships registered on this Registry will be considered exempt income.

<http://www.agenciatributaria.com>

- **Company Tax:**

Allowance of 90% on the relevant portion of the rate of the tax base obtained from operation performed by shipping companies in their ships registered on the Special Registry. Prior to this, the appropriate double taxation deductions will be performed.

<http://www.agenciatributaria.com>

- **Canary Islands Special Zone:**

What it was stated in the previous paragraph shall not apply to Shipping Companies constituted as ZEC entities, which will be regulated by their own regime.

<http://www.zec.org/>

- **Tonnage Tax.**

This system allows shipping companies to choose between paying Company Tax on a fixed sum per registered tonnage and paying according to obtained profit (Chapter XVII, Regime of Shipping Companies according to tonnage, Act 24/2001, of 27 December, on Tax, Administrative and Corporate Measures (Official State Gazette number 313 of 31 December 2001).

<http://www.agenciatributaria.com>

- **Social Security Contributions:**

Allowance of 90% of the Corporate Social Security share for the crews of ships registered on the Special Registry.

<http://www.agenciatributaria.com>

- **Special Taxes:**

First registration on the Special Registry is not subject to the "Special Tax on Transport Resources".

<http://www.agenciatributaria.com>

- **Investment Benefits in the Canaries (RIC):**

In accordance with Law 19/1994, of 6th July, amending the Economic and Fiscal Regime of the Canaries, companies which re-invest their profits in the Canary Islands are entitled to a rate deduction when paying Company Tax.

In addition to the important tax incentives under these regulations, any investment in ships flying the Spanish flag and registered on the Canary Islands Special Registry can be deducted.

<http://www.gobiernodecanarias.org/>

6. Tax Rates.

When applying for provisional registration, presentation of the document that accredits payment of the relevant Registration Fee is required and this document will be included in the registration file.

Spanish ships coming from the Ordinary Registry need not pay the fees on the Special Registry.

The unit to be considered will be that of Gross Tonnage assessed in G.R.T. or G.T., the value of which will be that recorded on the Tonnage Certificate in force held by the ship. In the case of ships whose gross tonnage is stated both in G.R.T. and G.T., the higher of the figures stated will be taken.

DESCRIPTION		AMOUNT
Registration	Ship	0,175765 * (GT) €
	Shipping Company	17,61 €
Withdrawal	Ship	0,175765 * (GT) €
	Shipping Company	17,61 €
Record fee		17,57 €
Amendments/Updates of Shipping Companies data		17,57 €
Certificate or Copy of Registration record		7,03 €
File Copies		17,57 €

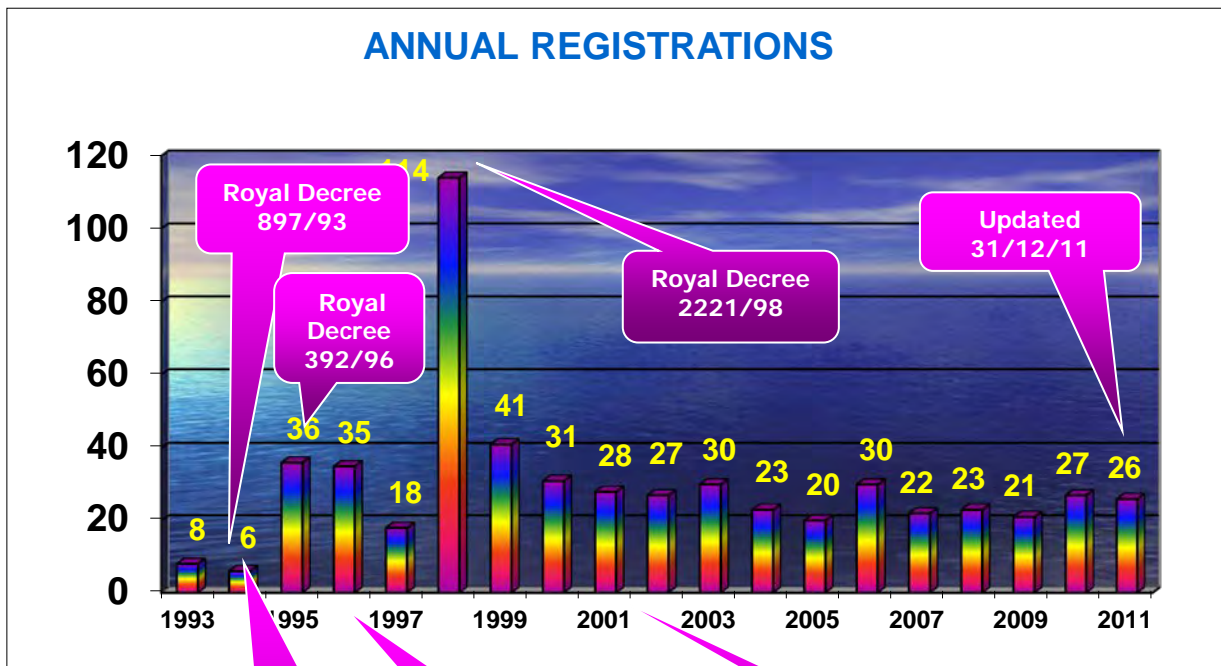
Amounts according to the terms provided in Article 83 of Law 39/2010, of 23 December, on State General Budgets for year 2011, that raises the amount of the rates indicated in Article 17 of Act 24/2001, of 27th December, on Fiscal, Administrative, Social and Corporate Measures, that amends Supplementary Provision Fifteen of the State Ports and Merchant Marine Act of 1992.

<https://sede.fomento.gob.es//TASAS/>



7. Statistics.

Graph 1 shows the total number of annual registrations during the period studied, in which one may clearly appreciate the effect of publication of each regulation.



Graph Nº 1

Act 19/1994, de Amendments to the Canary Islands Fiscal Regime

Act 13/1996 relating to Fiscal, Administrative and Social Regulations

Tonnage Tax





The following shows the total number of ships registered and gross tonnage as on the 31st December 2011 compared to the previous year.

MANAGEMENT OFFICES	2010		2011		VARIATION	
	Nº	G.T.	Nº	G.T.	Nº	G.T.
S/C DE TENERIFE	178	2.426.615,10	175	2.368.651,41	- 1,69 %	- 2,45 %
LAS PALMAS DE G.C.	101	288.877,27	103	280.712,50	+ 1,98 %	- 2,91 %
TOTAL	279	2.715.492,37	278	2.649.363,91	- 0,36 %	- 2,50 %

Chart N° 1

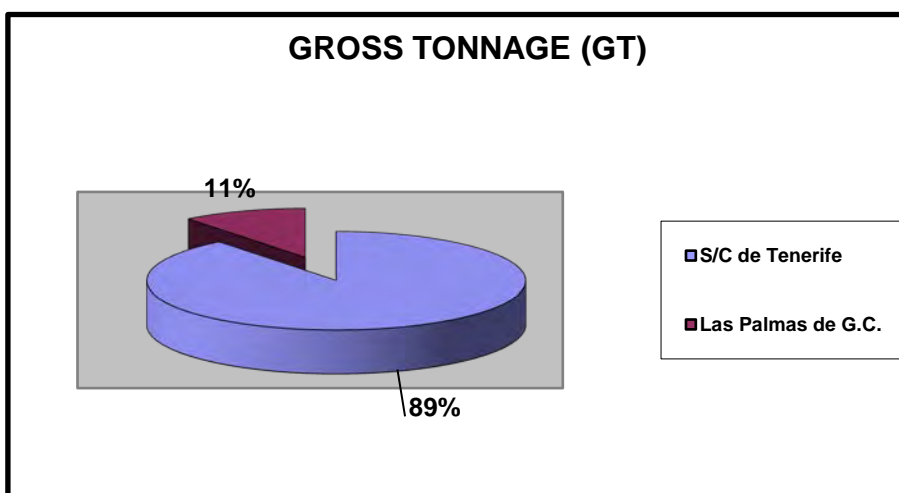
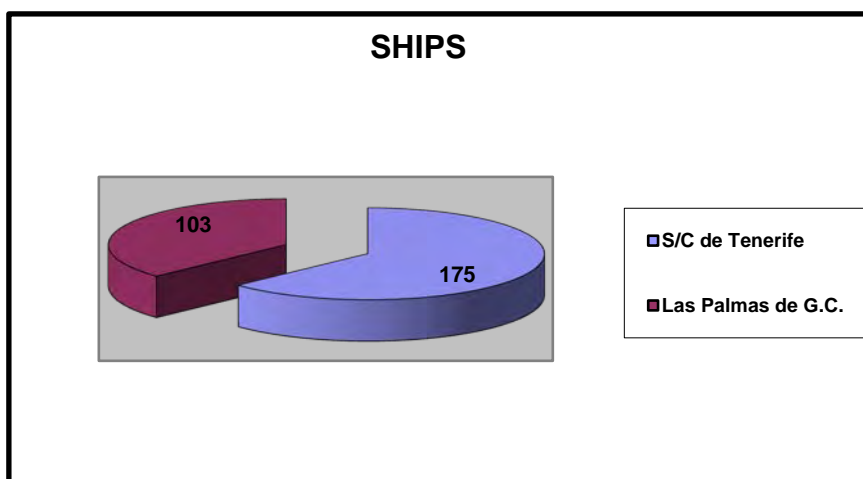




Chart Number 2 outlines the variety of ships registered.

TIPO	CLASE	NÚMERO
SPECIAL	PLATFORM SUPPORT AND SUPPLY	2
	TRAINING SHIP	1
	CABLE LAYER	1
	DREDGE	7
	MARINE RESEARCH	4
	HOSPITAL	2
	SEA-GOING TUGBOATS	25
	RESCUE, ANTI-POLLUTION AND FIRE FIGHTING	21
PLEASURE BOAT	MOTOR PLEASURE BOAT	2
HARBOR TRAFFIC	OIL BARGE	8
TRANSPORT	HOVERCRAFT	1
	GENERAL CARGO	15
	CEMENT	6
	REFRIGERATED CARGO CARRIER	5
	GAS CARRIER	12
	BULK CARRIER	1
	HYDRO-REACTOR	4
	CARGO/PASSENGER	1
	MULTI-PURPOSE	9
	PASSENGER/RORO CARGO	44
	CRUISE SHIP	58
	COMBINED OIL/CHEMICAL TANKER	5
	CONTAINERSHIP	6
	CONTAINER/RORO SHIP	10
	CHEMICAL TANKER	1
	CRUDE OIL TANKER	5
PRODUCT TANKER	14	
CAR CARRIER	8	
TOTALES		278



Chart N° 2





8.- Guide of Procedures.

The following outlines the usual procedures for the Registration of Ships:

8.01. Registration.

8.02. Change of ownership.

8.03. Ship Operation Changes.

8.04. Mortgages.

8.05. Export and Re-export.

8.06. Extension of registration.

8.07. Changes from Special to Ordinary Registry.

8.08. Change of provisional to definitive flag.

8.09. Change of Port of Registration in the Special Registry.

8.10. Certifications.





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8.01.- Registration.

8.01.1.- Spanish Ships from the Ordinary Registry.

8.01.2.- Ships of Spanish construction (9th List).

8.01.3.- Foreign Ships from other registries.

8.01.4.- Ships of overseas construction.





8.01.1.- Spanish Ships from the Ordinary Registry.

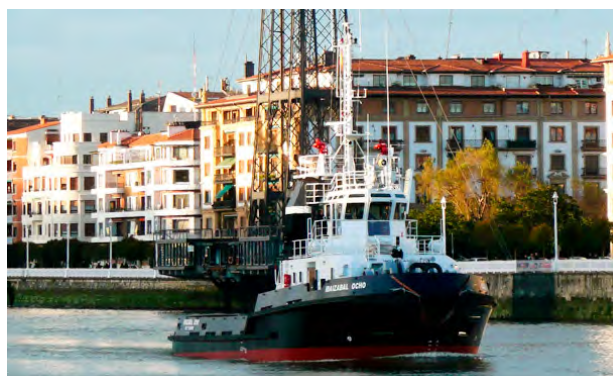
8.01.1.1.- Provisional Registration.

- Application by the owner/lessee/bareboat charterer.
- Specific authorization for this registration from the shipowner when the application is filed in by the lessee or bareboat charterer.
- Specific authorization from the mortgagee or creditor, if any, to file in this application.
- Accreditation of the company (see section 2).
- Receipt of the withdrawal fee from the Ordinary Registry.
- Receipt of the registration fee from the Special Registry.

This registration will have a maximum term of six months, after which, if definitive registration is not applied for and does not take place, it will be REMOVED.

8.01.1.2.- Definitive Registration.

- Application by the owner/lessee/bareboat charterer.
- Specific authorization for this registration from the shipowner when the application is filed in by the lessee or bareboat charterer.
- Specific authorization from the mortgagee or creditor, if any, to file in this application.
- Copies of all relevant certificates.
- Certified copy of the Health certificate for flagging.
- Copy of the Safe Manning Certificate.
- Certificate of registration, ownership and charges at the Trade Registry.



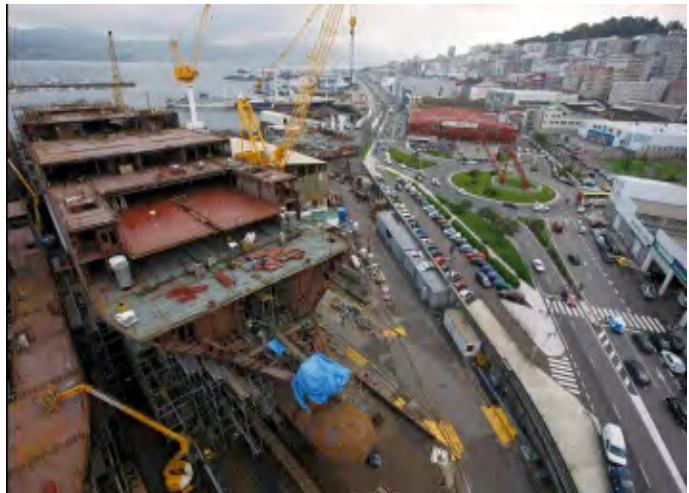
This inscription will have a minimum duration of one year.



8.01.2.- Ships of Spanish construction (9th List).

8.01.2.1.- Provisional Registration.

- Application by the owner/lessee/bareboat charterer.
- Specific authorization for this registration from the shipowner when the application is filed in by the lessee or bareboat charterer.
- Specific authorization from the mortgagee or creditor, if any, to file in this application.
- Protocol of delivery of the ship granted by the ship builders in favour of the shipping company.
- Accreditation of the company (see section 2).
- Receipt of the relevant registration fees.



This registration will have a maximum duration of six months, after which, if definitive registration is not applied for and obtained, it will be REMOVED.

8.01.2.2.- Definitive Registration.

- Application by the owner/lessee/bareboat charterer.
- Specific authorization for this registration from the shipowner when the application is filed in by the lessee or bareboat charterer.
- Specific authorization from the mortgagee or creditor, if any, to file in this application.
- Title Deed, Bill of sale, Lease Agreement or Bareboat charter.
- Certified copy of the Health certificate for flagging.
- Certified copies of all relevant certificates.
- Authenticated copy of the Safe Manning Certificate.
- Certificate of registration, ownership and charges at the Trade Registry (Ships Book).

This registration will have a minimum duration of one year.



8.01.3.- Foreign Ships from other registries.

8.01.3.1.- Provisional Registration.

- Application by the owner/lessee/bareboat charterer, including a proposal of three names for the ship.
- Certification issued by the Maritime Authorities of the country of origin, stating the charges, encumbrances and mortgages, if any.
- Specific authorization for this registration from the shipowner when the application is filed in by the lessee or bareboat charterer.
- Specific authorization from the mortgagee or creditor, if any, to file in this application.
- Characteristics and degree of automation of the ship.
- List of crew, qualified or not, providing documented proof of qualifications and nationalities.
- Title Deed, Lease Agreement or Bareboat Charter, protocol of delivery, duly legalized.
- Accreditation of the company (see section 2).
- Receipt of the relevant registration fees.

This registration will have a maximum duration of six months, after which, if definitive registration is not applied for and obtained, it will be REMOVED.

All documentation produced that is not drafted in Spanish must be translated by an official translator.





8.01.3.2.- Definitive Registration.

- Application by the owner/lessee/bareboat charterer.
- Specific authorization for this registration from the shipowner when the application is filed in by the lessee or bareboat charterer.
- Specific authorization from the mortgagee or creditor, if any, to file in this application.
- Certificate of Withdrawal from the Maritime Registry of the country of origin, including mortgages or encumbrances if any, legalized by the Spanish Consulate with jurisdiction in the place of issuance, or before a Notary Public with the Apostille provided under requirements of the Hague Apostille Convention dated 5th October 1961.
- Document proving the payment of Customs Duties, in the case of imported ships subject to such duties.
- Certified copy of the Health certificate for flagging.
- Certified copies of the Shipbuilding Certificates.
- Certified copy of the Safe Manning Certificate.
- Certificate of registration, ownership and encumbrances at the Trade Registry (Ships Book).

This registration will have a minimum duration of one year.

All the documentation produced that is not drafted in Spanish must be translated by an official translator and fulfil the legal requirements of the Apostille of the Hague.





8.01.4.- Ships of overseas construction.

8.01.4.1.- Provisional Registration.

- Application by the owner/lessee/bareboat charterer, including a proposal of three names for the ship.
- Specific authorization for this registration from the shipowner when the application is filed in by the lessee or bareboat charterer.
- Characteristics and degree of automation of the ship.
- Non-registration certificate issued by the Maritime Authority of the country of origin, legalized by the Spanish Consulate with jurisdiction in the place of issuance, or by a Notary Public with the Apostille provided under requirements of the Hague Apostille Convention dated 5th October 1961.
- List of crew, qualified or not, with documentary proof of the qualifications and nationalities.
- Title Deed, Lease Agreement or Bareboat Charter, protocol of delivery, duly legalized.
- Accreditation of the company (see section 2).
- Receipt of the relevant registration fees.

This registration will have a maximum duration of six months, after which, if definitive registration is not obtained, it will be REMOVED.

All documentation produced that is not drafted in Spanish must be translated by an official translator.





8.01.4.2.- Definitive Registration.

- Application by the owner/lessee/bareboat charterer.
- Specific authorization for this registration from the shipowner when the application is filed in by the lessee or bareboat charterer.
- Document proving the payment of Customs Duties, in the case of imported ships subject to such duties.
- Certified copy of the Health certificate for flagging.
- Authenticated copies of the Shipbuilding Certificates and all other relevant certificates.
- Authenticated copy of the Safe Manning Certificate.
- Certificate of registration, ownership and encumbrances at the Trade Registry (Ships Book)

This registration will have a minimum duration of one year

All the documentation produced that is not drafted in Spanish must be translated by an official translator, notarized and apostilled according to the legal requirements of The Hague Apostille Convention dated 5th October 1961.





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8.02.- Change of ownership.

- Application by the ship owner.
- Title Deed.
- Accreditation of the company (see section 2).
- Receipt of record fee.



8.03.- Ship Operation Changes.

8.03.1.- Requirements.

- Application by the owner/lessee/bareboat charterer.
- Specific authorization for this registration from the shipowner when the application is filed in by the lessee or bareboat charterer.
- Bareboat charter agreement or other title involving control of the nautical and commercial management of the ship.
- Protocol of delivery and acceptance of the ship by virtue of the lease agreement or bareboat charter.
- Accreditation of the company (see section 2).
- Receipt of the registration fee.

8.03.2.- Variations or deferrals.

- Application by the owner/lessee/bareboat charterer.
- Specific authorization for this registration from the shipowner when the application is filed in by the lessee or bareboat charterer.
- Addendum to contract or document evidencing bareboat charter extension, extensions or deferrals.
- Receipt of the registration fee.

8.03.3.- Cancellation.

- Application by the shipowner / lessee / bareboat charterer.
- Specific authorization for this registration from the shipowner when the application is filed in by the lessee or bareboat charterer.
- Certification of cancellation of the operational contract.
- Receipt of record fees.



8.04.- Mortgages.

8.04.1.- Requirements.

- Application by the shipowner.
- Title of constitution of the mortgage.
- Receipt of record fees.

8.04.2.- Alterations.

- Application by the shipowner.
- Title of variation of the mortgage or addendum.
- Receipt of record fees.

8.04.3.- Cancellation.

- Application by the shipowner.
- Title of cancellation of the mortgage.
- Receipt of record fees.



8.05.- Export and Re-export.

8.05.1.- Temporary export.

- Application for temporary withdrawal due to export, stating the port and country of destination and new flag.
- Specific authorization for that export from the shipowner when the application is filed by the lessee or bareboat charterer.
- Specific authorization from the mortgagee or creditor, if any, to file in this application.
- Lease agreement or Bareboat charter, if any.
- Customs authorization in case of ships subject to this formality.
- Certificate of registration, ownership and charges at the Trade Registry (Ships Book)
- Receipt of the cancellation fee.

8.05.2.- Extension of temporary export.

- Application for extension of the temporary withdrawal due to export.
- Specific authorization for that extension from the shipowner when the application is filed by the lessee or bareboat charterer.
- Specific authorization from the mortgagee or creditor, if any, to file in this application.
- Addendum to the lease agreement or bareboat charter.
- Customs authorization to extend the temporary export in case of ships subject to this formality.
- Certificate of registration, ownership and charges at the Trade Registry (Ships Book).
- Receipt of record fee.

8.05.3.- Completion of the temporary Export.

- Communication of the completion of temporary export.
- Definitive certificate of ship's in the origin withdrawal in the provenance Maritime Registry.
- Receipt of relevant copy fees.

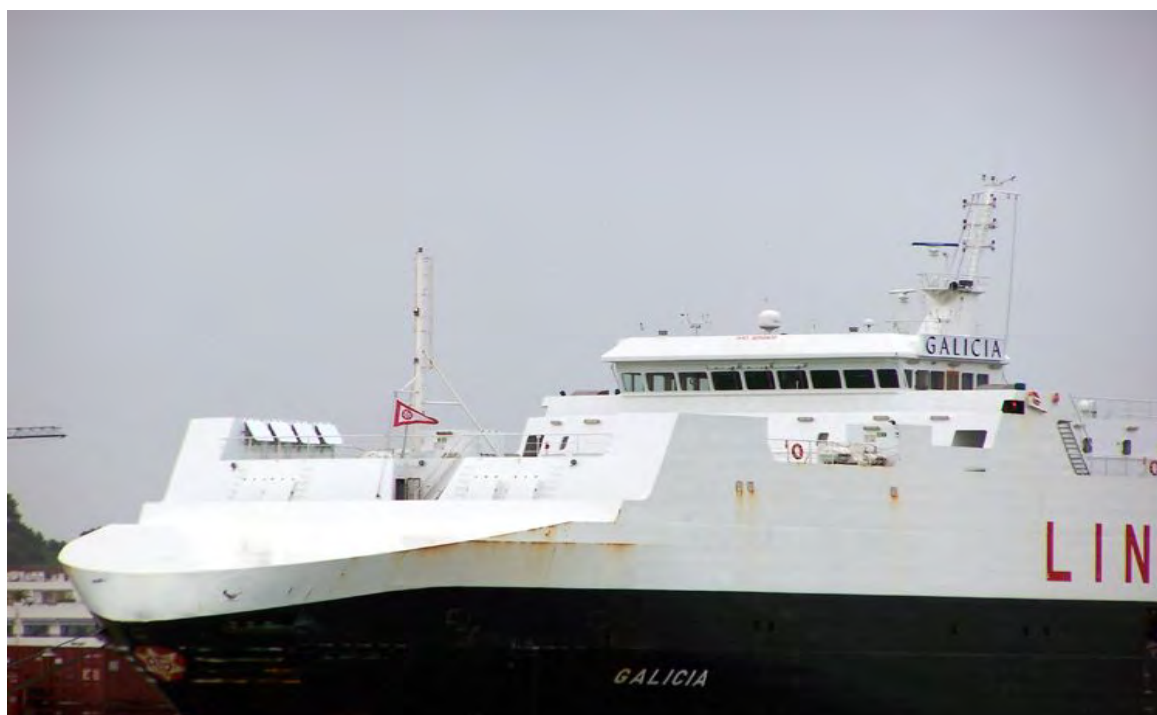


8.05.4.- Definitive export.

- Application for definitive withdrawal from the Special Registry due to export, stating the port and country of destination and new flag.
- Certified copy of power of Attorney appointing a legal representative.
- Deed of purchase, Bill of Sale, Memorandum of Agreement (MOA), etc.
- Certificate of registration, ownership and charges at the Trade Registry (Ships Book).
- Receipt of the cancellation fee.

8.05.5.- Re-export.

- Application for re-export, stating port and country of destination and registration flag.
- Certified copy of power of Attorney appointing a legal representative.
- Receipt of the cancellation fee.





8.06.- Extension of registration.

- Application to extend the flag registration by the owner, the lessee or the bareboat charterer.
- Specific authorization for that extension from the shipowner when the application is filed by the lessee or bareboat charterer.
- Specific authorization from the mortgagee or creditor, if any, to file in this application.
- Addendum to the lease agreement or bareboat charter.
- Authorization by the Maritime Registry of the country of origin to extend registration under the Spanish flag.
- Receipt of the record fee.

All the documentation produced that is not drafted in Spanish must be translated by an official translator.





8.07.- Changes from Special to Ordinary Registry.

- Application by the owner/lessee/bareboat charterer.
- Certified copy of power of Attorney appointing a legal representative.
- Specific authorization for this registration from the shipowner when the application is filed in by the lessee or bareboat charterer.
- Specific authorization from the mortgagee or creditor, if any, to file in this application.
- Receipt of cancellation fees from the Special Registry.
- Receipt of the registration fees for the Ordinary Registry.





8.08.- Change of provisional to definitive flag.

- Application to extend the flag registration by the owner, the lessee or the bareboat charterer.
- Specific authorization for that extension from the shipowner when the application is filed by the lessee or bareboat charterer.
- Specific authorization from the mortgagee or creditor, if any, to file in this application.
- Title Deed and protocol of delivery duly legalized.
- Certificate of Withdrawal from the Maritime Registry of the country of origin, including mortgages or encumbrances if any, legalized by the Spanish Consulate with jurisdiction in the place of issuance, or before a Notary Public with the Apostille provided under requirements of the Hague Apostille Convention dated 5th October 1961.
- Document proving the payment of Customs Duties, in the case of imported ships subject to such duties.
- Receipt of record fee.





8.09.- Change of Port of Registration in the Special Registry.

- Application by the owner/lessee/bareboat charterer.
- Certified copy of power of Attorney appointing a legal representative.
- Specific authorization for this registration from the shipowner when the application is filed in by the lessee or bareboat charterer.
- Specific authorization from the mortgagee or creditor, if any, to file in this application.
- Receipt of relevant fee payment regarding to the annotation of withdrawal in the port of registry of origin.
- Receipt of relevant fee payment regarding to the annotation of inscription in the port of registry of destination.





8.10.- Certified Copies.

8.10.1.- Registration Document.

- Application Form.
- Photocopy of National Identity Card, Passport or NIE (Foreigners Identity Card). Further inquiries into personal details may be required by the Director General of the Merchant Marine by virtue of Order PRE/3949/2006, of 26th December.
- Receipt of copy fees.

8.10.2.- Certified copies of shipping company registration on the Special Registry.

- Application Form.
- Photocopy of National Identity Card, Passport or NIE (Foreigners Identity Card). Further inquiries into personal details may be required by the Director General of the Merchant Marine by virtue of Order PRE/3949/2006, of 26th December.
- Receipt of copy fees.





9.- Application Forms.

- a) Provisional Registration of Ships.
- b) Definitive Registration of Ships.
- c) Shipping Companies.
- d) Safe Manning.
- e) Change of Ownership.
- f) Leasing Agreements or Bareboat charters.
- g) Ship Mortgages.
- h) Exportation.
- i) Extension of Registration.
- j) Changes from Special to Ordinary Registry.
- k) Change of Port of Registration in the Special Registry.
- l) Certified Copies.

10.- Legislation.

- a) Royal Decree 1027/1989, of 28th July, regulating registration and withdrawal of ships on the Maritime Ordinary Registry (Official State Gazette number 194 of 15th August 1989 modified by Official State Gazette number 28 of 1st February 1990).
- b) Act 27/1992, of 24 November, on State Ports and the Merchant Navy. Supplementary Provision Fifteenth and Sixteenth. (Official State Gazette number 283 of 25 November 1992).
- c) Royal Decree 897/93, of 11 June, that regulates coastal trading services (Official State Gazette number 152 of 26 June 1993).
- d) Act 19/1994, of 6 July, on Amendment of the Economic and Fiscal Regime of the Canaries (Official State Gazette 7 July 1994).
- e) Act 42/1994, of 30 December, on Fiscal, Administrative, Social and Corporate Measures (Official State Gazette on 31 December 1994).
- f) Royal Decree 392/96, of 1 March, that authorizes inscription on the Special Registry of shipping companies and ships assigned to coastal trading traffic of merchandise of strategic interest (Official State Gazette number 65 of 15 March 1996).
- g) Act 13/1996, of 30 December, on Fiscal, Administrative, Social and Corporate Measures (Official State Gazette on 31 December 1996).
- h) Royal Decree 2221/98, of 16 October, that authorizes inscription on the Special Registry of shipping companies and ships assigned to coastal trading navigation (Official State Gazette number 260 of 30 October 1998).

- i) Royal Decree 1837/2000, of 10 November, that approves the Regulations on Inspection and Certification of Civilian Ships (Official State Gazette number 285 of 28 November 2000).
- j) Act 24/2001, of 27 December, on Fiscal, Administrative, Social and Corporate Measures (Official State Gazette number 313 of 31 December 2001).
- k) Act 53/2002, of 30th December, on Fiscal, Administrative, Social and Corporate Measures. Amendment of Additional Provision Fifteenth. (Official State Gazette number 313 of 31 December 2002).
- l) Regulation (EC) No 789/2004 of the European Parliament and of the Council of 21 April 2004 on the transfer of cargo and passenger ships between registries within the Community.
- m) Act 4/2006, of 29th March adapting the regulations relating to tonnage and incorporating new Community directives regarding State assistance in relation to maritime transport and modifications relating to the Economic and Fiscal Regime of the Canary Islands.
- n) Royal Decree Law 12/2006 of 29 December which amends law 19/1994 of 6 July of Economic and Fiscal regulations Amendment Act and the Royal Decree 2/2000 of 23 June (ZEC).
- o) Resolution of 2 July 2007 of Secretary of State for Immigration and Emigration, which provides for the publication of the agreement of the Council of Ministers on June 29, 2007 by approving the instructions that determine the procedure for process applications for residence and work authorization of foreigners non-EU nationals, enrolled in Spanish Ships registered in the Special Registry.



- p) Law 25/2009 of 22 December amending various Laws to adapt the Law on free access to services and its exercising activities. Art. 23 – amendments to the Law 27/1992 of 24 of November, State Ports and Merchant Marine Act – that removes the requirement of Spanish nationality for the Captain and the First Officer in the Spanish ships.
- q) Service Instruction nº 1/10 on access to jobs for Captain and First Officer on ships flying the Spanish Flag. Spanish nationality restriction when serving in Government ships engaged in non-commercial voyages.
- r) Law 33/2010 of 5 august, amending Law 48/2003 of 26 November, regarding economic regime and service delivery at the ports of general interest. (Final disposition nº 2. Amendments to the Law 27/1992 of 24 November. Paragraph 44 “the registration of ships in the Special Registry will involve simultaneously the withdrawal in the Ordinary Registry”. Paragraph 45 “those ships that owners meet the requirements of the previous paragraph and European directive on governmental aids to maritime transport.”
- s) Letter from the Deputy Director of Safety, Marine Pollution and Maritime Inspection dated 21 December 2010, authorizing the inclusion in the Special Registry of those units engaged in transport operations and fuelling in Spanish port areas.





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- t) Law 39/2010 of 22 December on General State Budget for 2011, that allows registration in the Special Registry to Agencies and Public Administrations and civilian ships owned or public held.
- u) The Royal Legislative Decree 2/2011 of 5 September, which approved the revised text of the State Ports and Merchant Marine Act.
- v) Letter from the Deputy Director of Safety, Marine Pollution and Maritime Inspection, authorized on December 14, 2011, changing the port of Registration in the Special Registry.





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AND SHIPPING COMPANIES
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11.- Addresses of interest.

For further information on the Special Registry, please contact:

Directorate General of the Merchant Marine

Subdirectorato General of Maritime Safety and Marine Pollution
Central Maritime Registry of Ships and Shipping Companies
Ruiz de Alarcón, 1
28071 Madrid

Telephone: 91-597.92.24
Fax: 91-597.92.34

Maritime Authority of Santa Cruz de Tenerife

Management Office of the Special Registry
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38071 Santa Cruz de Tenerife
Islas Canarias, Spain

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922-59.82.79
Fax: 922-59.62.25



Maritime Authority of Las Palmas

Management Office of the Special
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12.- Legal Notice.

The contents of this document are intended **AS A GUIDE ONLY** and should not be interpreted as legal force.

The General Directorate of the Merchant Marine of the Ministry of Development reserves the right to change, alter, modify or cancel without prior notice, any of the contents above.





13.- Updates.

13.1.- Version 07_06.

- Includes Section 8.3.2. Extensions of contracts in this guide the procedures for deferrals or extension of registration in section 8.3.2.
- Regarding "Re-exportation (8.5.4)": the requirement to present the *Registration Certificate, ownership and encumbrances listed on the Special Registry or failing that authorization of non-registration* has been deleted.
- In "Changes of registry. Variations/Deferrals (8.7.3)" substitute *Receipt of record fee for extension of change of Registry* for *Receipt of record fee for extension of registration in the Special Registry*.
- Incorporation of a legal notice of status of this document.
- Newly incorporated list of updates which outline the changes from previous versions.

13.2.- Version 07_11.

- Inclusion of a new treaty in the guide of procedure: 8.5.3.- Completion of the temporary export.
- Inclusion of two new regulations in the section of Legislation: Royal Decree Law 12/2006 and Resolution of July 2, 2007.

13.3.- Version 08_02.

- Updating the current fee rates for 2008.
- Updating statistics to date 31/12/2007.
- Adding a new section in the guide of procedure: 8.08.-Changing from provisional to definite flag.

13.4.- Version 09_03.

- Updating the current fee rates for 2009.
- Updating statistics to date 31/12/2008.



13.5.- Version 11_01.

- Updating the current fee rates for 2011.
- Inclusion of five new regulations in the section of Legislation.
- Amendment of section 8.07.- Changes from Special to Ordinary Registry.

13.6.- Version 12_01.

- Updating statistics to date 31/12/2011.
- Inclusion of two new regulations in the section of Legislation.
- Adding a new section in the guide of procedure: 8.09. Change of Port of Registration in the Special Registry.

