



## REGULATED PROCEDURES AND PRESCRIBED REQUIREMENTS FOR ALTERATIONS, CONVERSIONS AND MAJOR REPAIRS IN THE BALEARIC ISLANDS; AND INTRODUCTION TO THE REGIME OF PROFESSIONAL COMPETENCES

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### 01. INTRODUCTION AND BASIC CONCEPTS

Initially, a difference must be made between two contrasting situations when it comes to applying the different rules and regulations in force, and these must not be confused:

- I. REPAIR
- II. CONVERSION, ALTERATION OR MAJOR REPAIR

In accordance with Royal Decree 1837/2000, in its consolidated text, maritime safety is understood as *“safety of human life at sea, of the ship and of navigation”*.

In relation to ships, maritime safety is regulated by extensive international technical rules, rules of recognised classification societies, EU directives, national rules with respect to each flag, and applicable legislation in Spain.

For the purpose of Royal Decree 1837/2000, *REPAIR* is understood as any action of repair or maintenance, which is carried out on a ship, or boat, on one of its elements, or existing parts, as a result of damage, an accident, faults detected, faulty operations or simply as a result of regularly carrying out maintenance, and which do not have, or may not have a significant influence on any aspect of the maritime safety of the ship, or on preventing pollution of the marine environment.

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Conversion or alteration is understood, in accordance with Royal Decree 1837/2000, as any action of conversion, alteration or any other modification made on a ship which has or may have a significant influence on any aspect of maritime safety or on preventing pollution of the marine environment.

Major repair shall also be understood as any repairs carried out on a ship, or boat, or on any of its elements as a result of damage, an accident, faults detected, faulty operations or simply as a result of regularly carrying out repairs, and which have, or may have a significant influence on any aspect of the safety of the ship, or on preventing pollution of the marine environment.

In this respect, the main difference we find when we are in one case or another is the carrying out, or not carrying out, of an action which may have a *“significant influence on any aspect of maritime safety or on preventing pollution of the marine environment”*.



Royal Decree 1837/2000 itself quotes, just like various common international rules, actions, within this concept of modifications and major repairs, in which it is considered that there is a “*significant influence*”. These are any actions which:

- a) Significantly alter the dimensions or main characteristics of the ship such as the length, the beam, the height, its tonnage, etc.; or which
- b) Alter the capacity of the ship for the transport of passengers; or which
- c) Significantly extend the duration of a ship being in service; or which
- d) Have an influence on the structural resistance of the ship, on its stability (either when it is undamaged or once it has been damaged) or on its subdivision; or which
- e) Bring about a change in the type of ship or its group and/or class; or which
- f) Affect the main characteristics of its propulsion machinery; or which
- g) Alter the characteristics of the ship to the extent that the new characteristics would become subject to other provisions or requirements.

Royal Decree 1837/2000 is applicable and affects all ships and boats, regardless of the flag under which they sail or under which they will sail, provided that these are being constructed, converted or altered in Spain.

Notwithstanding the foregoing, given that the limit or consideration between having, or not having, a significant influence may give rise to interpretations, in many cases, the appropriate central services of the *Spanish Maritime Administration General Management (Dirección General de la Marina Mercante D.G.M.M.)* in November 2020 clarified, by means of their *Sub-Directorate General for Maritime Safety, Pollution and Inspection*, that:

*Without attempting to give an exhaustive definition of which alterations of the main dimensions may be considered important, in the case of recreational craft, the most common work that would fall under this case (without this being an exhaustive or restrictive list) would be the work indicated below, whose importance does not lie in the percentage of modification but in the significance of the conversion itself:*

- *Alterations of the stern structure: Platforms and garages;*
- *Alterations of the bow structure: Masts, bowsprits, booms, etc.;*
- *Lengthening by cylindrical body being added to the stern third;*
- *Installation of new flybridges; and*
- *Installation of stabilizers (if the beam or height is increased).*

*Regarding the literal nature of the terms “own characteristics” and “main characteristics”, Royal Decree 1837/2000, in various articles of its text, particularly in articles 2.33, 4.2, 6.1-a) and 29, it refers to alterations of “main characteristics” (or of main dimensions) and change in “own characteristics”, giving them a different meaning. From the wording of these articles it is understood that the first characteristics refer to dimensions, while the other characteristics may, for example, refer to the tonnage (article 6.1-a)) or to any other characteristic unrelated to these, but which are typical of the ship, such as the propulsion system, the holds or the rigging in a sailing boat.*

We should not forget that the EU and IMO also consider an alteration of a “main characteristic” as any change which increases the capacity of passengers, as well as any change which leads to a considerable extension to the service life (such as renovation of the accommodation or fitting out of an entire deck).



## **02. IN SHIPS FLYING THE NATIONAL FLAG OF SPAIN**

The conversion, alteration or major repair of a ship flying the national flag of Spain requires authorisation to be given for the project by the Spanish Maritime Administration general manager, in order to verify that this project observes the applicable national or international regulations, in accordance with the characteristics of the ship, or boat, and to ensure that the aforementioned fulfils its assigned purpose, as regards maritime safety and preventing pollution of the marine environment. However, in some cases the authorisation capacity is delegated to the appropriate sea masters.

In the event that the conversion, alteration or major repair will be carried out in Spanish territory, the application shall be submitted by the shipyard or workshop responsible for the work or by the operating company of the ship, to the harbourmaster's office in the geographical area where the shipyard or workshop is located. In relation to minor work or actions, as regards the dimension and complexity of the work to be carried out on the boat or ship which may be executed by the appropriate professional crews with the support of a professional and/or small local workshops, the central services of the *Spanish Maritime Administration General Management (Dirección General de la Marina Mercante (D.G.M.M.))* permits these to be applied for directly by the shipowner/owner; although it is true that in all these cases, in the event that a site manager is required, the aforementioned is also requested to manage execution of the work, or the shipowner company is requested to make a site manager available.

Applications shall be addressed to the Spanish Maritime Administration general manager together with the conversion, alteration or repair project of the ship, consisting of all specifications, calculations, plans, justifications, estimates and other technical documents which define and determine the technical requirements of the work. The project must include all specific documents which determine the regulations in force and which technically justify the proposed solutions in accordance with the provisions required by the applicable technical regulations as regards maritime safety and preventing pollution of the marine environment. The project must be drawn up and signed by naval architects and ocean engineers who are members of the respective official association, or by naval technical architects (who are members of the aforementioned association in Spain) in their specialised field. In the case of naval technical architects, they cannot accept responsibility for any parts of a project which do not belong to the specific matters of their speciality, or to more than one speciality.

Once authorisation has been granted, a site manager and a project execution manager shall be appointed, who shall be naval architects and ocean engineers who are members of the respective official association in Spain, or naval technical architects in their specialised field. In the case of naval technical architects, they cannot accept responsibility for any parts of a project which do not belong to the specific matters of their speciality, or to more than one speciality.

Meanwhile, competent specialists, engineers with a bachelor's degree and members of the respective official association who are qualified to practise their profession in Spain, in the case of naval architects and ocean engineers, have no limitations with respect to signing projects for ships and boats, alteration of the aforementioned and site

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management. This is not the case, as will be explained and justified later, for naval technical architects, or for individuals previously referred to as naval technicians, or for current holders of new university degrees which enable them to work as naval technical architects in their specialised field.

Conversions, alterations or repairs carried out on boats with a length (L) of less than 24 metres may be exempt from the general regulated authorisation procedure, provided that the maritime inspectorate of the relevant harbourmaster's office verifies that the planned changes for the boat do not significantly affect the maritime safety conditions or the integrity of the marine environment.

Applications for exemption, together with the technical documents that define and determine the technical requirements of the work, must first be addressed to the sea master of the harbourmaster's office, in whose geographical area the work will be carried out. The maritime inspectorate shall examine the technical documents provided and after assessing the influence that the planned changes may have on maritime safety or on the integrity of the marine environment, it shall inform the sea master so that the aforementioned may proceed to make a decision regarding the application submitted for exemption from the general procedure; cases which are exempt from the obligation to appoint a site manager.

In major repairs, a project signed beforehand by a competent specialist must also be submitted so that once the site manager and/or ship inspection has been approved/authorised (as applicable in terms of size and scope of work), the aforementioned is able to monitor work and verify that the work is being carried out in accordance with what has been agreed on. Although major repair work consists exclusively of the reliable reconstruction of what existed previously, a technical report must be signed by a competent specialist who is a member of the respective official association and submitted before this work takes place. The aforementioned report shall describe the work to be carried out and a copy of the plans and necessary justifications shall be provided. Furthermore, the ship inspectorate of the relevant harbourmaster's office and the site manager shall at all times be provided with a copy of the approved project and/or original plans which are being followed.

In the event that due to advances in the regulations, or modernisation of the systems or equipment to be installed, in a major repair, significant changes take place with respect to what existed previously, the documents of the new versions shall be necessary in the MAJOR REPAIR PROJECT. These shall include all the specific documents that determine the regulations in force and technically justify the proposed solutions in accordance with the provisions required by the applicable technical regulations as regards maritime safety and preventing pollution of the marine environment. Even though information must be obtained and previous authorisation requested before any alteration or conversion is carried out (for example: replacement of engines, increase in hull length etc.); recreational craft [with hull length ( $L_H$ ) of less than 24 metres] are governed by their own specific technical regulations and are subject to Royal Decree 98/2016 when subject to a significant change of the boat, or a significant modification of its engine.



### **03. FOREIGN SHIPS (NOT FLYING THE NATIONAL FLAG OF SPAIN)**

Conversions and alterations, in Spanish territory, of ships flying a foreign flag with a length (L) greater than or equal to 24 metres, as well as any recreational craft flying a foreign flag shall not require prior authorisation for the relevant project, granted by the Spanish Maritime Administration General Management.

In the event of actions which bring about significant alterations in the main dimensions of the ship, its cargo capacity, stability conditions, subdivision, structural resistance conditions, or actions which lead to its hull being separated into two or more parts, or actions which bring about a change to the type of ship or a variation in any of its own characteristics; in all of these cases, the shipyard or workshop responsible for the work, before the aforementioned begins, shall submit a report addressed to the Spanish Maritime Administration general manager. This report shall be sent to the harbourmaster's office closest to the location where the work is due to start and it shall include the identification details of the ship on which work will be carried out, a brief description of the work to be carried out and it shall also indicate the name of the site manager appointed.

The site manager appointed must be a competent specialist who is a member of the respective Official Association [naval architect and ocean engineer member of their respective official association in Spain, or naval technical architect (member of their respective official association in Spain) in their specialised field. In the case of naval technical architects, they cannot accept responsibility for any parts of a project which do not belong to the specific matters of their speciality, in accordance with Law 12/1986]. All of the aforementioned is also applicable in accordance with the provisions of Royal Decree 1837/2000 and Ministerial Order FOM/3479/2002.

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This previous report shall be submitted with a statement of compliance signed on behalf of the owner of the ship, which states that the aforementioned has authorisation, where required, from the relevant Administration of the flag state and/or from the relevant recognised organisation, or company, delegated to by this Administration.

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Ships flying a foreign flag with length (L) greater than or equal to 24 metres (in the case of recreational craft with hull length ( $L_H$ ) of greater than 24 metres must submit the report prior to the work detailed on this page to the relevant harbourmaster's office on the part of the shipyard or workshop.

In the event that more than one workshop or company is involved, provided that some are not subcontracted by others (for example, in the open model of a dry dock being directly contracted separately on the part of the owner, shipowner or operator), a notification must be sent by each company or workshop, and it is recommended that this be submitted together with a single statement of compliance from the shipowner before the maritime administration.

For units flying a foreign flag with length (L) of less than 24 metres, in addition to recreational craft, at the time at which these notes are written, there are no provisions to oblige the aforementioned to notify, or to govern before the respective maritime administration the carrying out of conversion, alteration or major repair work in Spanish territory. Regardless of this, in the case of recreational craft subject to a significant change of the boat, or a significant modification of its engine, before it is placed on the market again or goes into service again in European Union waters, it must pass a post-construction assessment [Directive 2013/53/EU of the European Parliament and of the Council].



Notwithstanding the foregoing, as a result of the possible doubts that may arise with respect to when, and when this is not, a case which has a significant influence, the *Spanish Maritime Administration General Management (D.G.M.M.)* itself states that:

*Given that ships flying a foreign flag, as stipulated in the aforementioned article 29, are merely required to submit a report to the Harbourmaster's Office, we understand that where there is doubt with respect to whether the work must be considered to be included in the cases expressly referred to in the aforementioned article or not, and therefore whether it is cause for notification or not, the workshop or shipyard which carries out the work must prepare the report, leaving the assessment of the possible intervention provided for in article 29.4 to the discretion of the D.G.M.M.*

In this respect, to prevent any confusion or doubt, the *"PARTICULAR SPECIFICATIONS OF THE COMMERCIAL SERVICE OF SHIP AND BOAT REPAIR AND MAINTENANCE IN THE PORTS OF PALMA, ALCUDIA, MAÓ, EIVISSA AND LA SAVINA"* themselves literally prescribe that in all cases where actions make significant alterations, when the action is carried out in any of the aforementioned ports, dependent on the *Port Authority of the Balearic Islands (A.P.B.)*:

*"a previous report must be submitted to the relevant Harbourmaster's Office before the start of work, in which, in addition to other aspects indicated in the last paragraph of point 1 of the aforementioned article 29, the name of the Site Manager appointed to this end must appear. This previous report must be submitted with a statement of compliance signed on behalf of the owner of the ship, which states that the aforementioned has authorisation, where required, from the relevant Administration of the flag state and/or from the relevant recognised organisation, or company, delegated to by this Administration."*

Please note that the *Spanish Maritime Administration General Management (D.G.M.M.)* does not generally include the major repairs in article 29 of the regulation approved by Royal Decree 1837/2000. However, when work is carried out in a port area which is dependent on the *Port Authority of the Balearic Islands (A.P.B.)*, this body indicates that the report shall be submitted when *"significant alterations"* are made, without specifying the type. It may therefore be interpreted that this is established in the aforementioned areas for both conversions and alterations, as well as for major repairs.

A *"significant alteration"* must be understood to refer to an alteration or modification of a significant nature, which is known as a main characteristic, in the broad sense usually established by the European Union and internationally in the naval and maritime sector, particularly by the International Maritime Organization (IMO).

Without this being an exhaustive or restrictive list), the next page includes an example of the main cases in which the administration must be informed and the site manager, member of their respective Official Association, appointed.





### ANY CHANGE THAT ALTERS THE MAIN DIMENSIONS OF A SHIP

- Modifications of the hull length, for example:  
Adding a structural body or block (volume, swimming platform fixed, etc.) ... in stern.  
Addition or removal of masts, bowsprits, booms, etc. fixed, not able to be dismantled in bow.
- Modifications of the depth or beam (measured according to the Convention).

### ANY CHANGE THAT ALTERS THE PASSENGER-CARRYING CAPACITY

- Increase in the maximum capacity of passengers.

### CHANGES IN STABILITY CONDITIONS

- Any modification, installation (or elimination) of elements on board, ... that produces more than 2% lightweight variation, with respect to its official value prior, or which changes the longitudinal position of the centre of gravity by more than 1% of the length, or both at the same time.
- Installation and/or fitting out of the ship with new tanks  
(with the exception of any small tanks which, with their contents included, if considered as part of the lightship displacement, would not fulfil the condition of the previous section).
- Installation of new stabilization systems, which may affect any stability criteria.
- In sailing boats: Substantial modification of its sailplan, rigging, ballast and/or centreboard.

### MODIFICATION OF THE SUBDIVISION OF THE SHIP

- The construction, or removal, of watertight bulkheads and/or decks under the main deck (including any modification in its subdivision which leads to a change in the stability calculations following damage).

### ALTERATION OF STRUCTURAL RESISTANCE

- Addition of new decks and/or of large poop decks which are fixed and heavy.
- Addition of new masts or reinforcement of existing masts to make it possible for new heavy, high equipment to be installed.
- Extension and elongation of any of the existing decks.
- Addition, or removal of extensions, or elements on the hull or deck which may significantly affect the structure of the hull and/or deck (for example: structural bodies in the stern, bulbous bows, stabilizer blades, stern flaps in high speed craft, new derricks or jib cranes which were previously non-existent, etc.)
- Execution of new openings in the shell plating below the margin line, such as new windows, side scuttles, garage ports, shipment points or opening terraces with the anchored or moored ship, etc.
- Execution of new doors, manholes or access openings in watertight bulkheads (including modification of the position or full replacement of the aforementioned existing elements, or their removal, as well as the execution of new openings in watertight bulkheads not resulting from repair).

### SEPARATION OF ITS HULL INTO TWO OR MORE PARTS

- Separation into two parts for any purpose (including addition of an intermediate body).

### CHANGES TO THE TYPE OF SHIP OR VARIATION OF ANY OF ITS OWN CHARACTERISTICS

- Conversion of a ship into a yacht (recreational craft).
- Conversion of a cargo ship into a passenger ship, or vice versa.
- Conversion a superyacht solely private use into a commercial superyacht;
- Improvement in the class level, extending its navigation rank higher, when this involves work/alterations being carried out on board, or new equipment and elements being installed;
- Change in the number of engines or the type of propulsion  
(for example: jet propulsion → propellers, or vice versa).
- Renewal of passenger accommodation on one entire, as well as renovation and/or modification of the entire fitting out of a deck.



#### **04. REGARDING COMPANIES AND REGARDING THE INTEGRATED INDUSTRIAL REGISTER**

It must be remembered that, in accordance with the current statute of autonomy of the Balearic Islands, inter alia, this autonomous region is exclusively responsible for: Industry, without prejudice to the stipulations determined by the regulations of the state due to health or safety reasons, or as a result of military interest and the regulations related to the industries subject to the legislation on mines, hydrocarbons or nuclear energy. Safety of the installations, of the processes and of the industrial products.

This document shall not begin to consider, or analyse, the extensive legislation and regulations in force on occupational risk prevention, which clearly must be strictly observed by all companies and operators working in maintenance, repair and conversion activities on ships and boats. Starting with the previous compliance of the company with all administrative requirements and registrations required in accordance with the legislation in force, in addition to having contracted or subcontracted competent technical staff, in the carrying out of any work and/or actions where required in accordance with the appropriate regulations. The 2019 edition of the Code of practice on safety and health in shipbuilding and ship repair published by the ILO (International Labour Organization) should also be referred to.

The carrying out of management and/or coordination work, technical support, as well as the carrying out of technical site management without having the appropriate training, or qualifications and required membership in the respective official association, may pose a significant risk which could be avoided. Companies are responsible for preventing the suffering of losses or accidents, and their consequences, due to a lack of training given by the managing parties, or those which offer support or assistance, even more so when this is regulated as such before the minimum required professional powers and competence.

Notwithstanding the foregoing, in the particular case of work being carried out in an area, or in installations, located in a port of the *Port Authority of the Balearic Islands (A.P.B.)*, the usual instructions received from this body must not be forgotten. In accordance with these instructions, companies (as well as all professionals, including self-employed persons and mutual companies) that work on, or from spaces and/or wharfs of any of its port areas must previously have been awarded a certificate recognising occupational risk prevention issued by the technical office for professional activity coordination (OCAE) of the *Port Authority of the Balearic Islands (A.P.B.)* [except in the licensed areas which shall be subject to the respective prevention services; however, if the licence is within the area known as the fenced area, OCAE is required]. This includes naval architects, technicians, etc. (who in order to be able to work, must also be able to justify their membership of an Official Association in Spain which enables them to practise their profession).





The scope of Law 4/2017, of 12 July on Industry of the Balearic Islands comprises all industrial activities carried out in the territory of the Autonomous Region of the Balearic Islands which are included in its sphere of competence. In this respect, where not provided for in the respective specific regulations, this law governs the following, inter alia:

*“Industrial activities relating to naval construction, repair and maintenance.”*

As all maintenance, repair or conversion activity of ships and/or boats is expressly accounted for and included, the aforementioned must observe the prescriptions of Law 4/2017.

Please bear in mind the specific National Classification of Business Activities Codes (CNAE) that we usually come across:

- BUILDING OF SHIPS AND FLOATING STRUCTURES (CNAE 30.11)
- NAVAL REPAIR AND MAINTENANCE (CNAE 33.15)
- MACHINERY REPAIR (including marine engines) (CNAE 33.12)

Any companies (regardless of their nationality, which have an establishment in Spain) that carry out naval repair, maintenance and/or construction activities must be previously registered in the industrial register of Spain and of the Balearic Islands (of a public and informative nature, assigned to the competent ministry for industry), for their respective activity, or respective activities where appropriate. This shall be executed according to the official list of activities in adherence to the CNAE code, and the company must naturally be registered previously for the relevant professional activity in the aforementioned epigraphs or codes.

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More specifically, all companies that carry out industrial activity in the Balearic Islands archipelago must register all their establishments (irrespective of their type or nature) and business activities of an industrial nature that they execute in the Balearic Islands in the aforementioned industrial register.

Companies and partnerships offering engineering, design, technological consulting and technical support services directly related to the industrial activities carried out in the Balearic Islands must also be registered.

Individual businesspersons, such as self-employed independent professional engineers, who dedicate themselves to engineering, design, consulting and/or technical support in the naval sector must also register themselves in the integrated industrial register (in division B).

Registered companies and professionals may carry out their activity in the whole of Spain without having to register again; they must not register themselves in the integrated industrial register of the Balearic Islands when workers of a company which is registered through its autonomous region are posted to the Balearic Islands.



Establishments in the region of the Balearic Islands of companies and professionals which carry out industrial activities relating to the construction, repair and maintenance of ships, boats and floating equipment must be registered in Division A of the integrated industrial register of the Balearic Islands, even though they are owned by a company with its head office in another autonomous region or state. This is because the activities stipulated in section 3.i) of article 2 of the Industry Law of the Balearic Islands are carried out in these establishments. Establishments, as well as shipyards and workshops, when these are in the Balearic Islands, must be registered in the integrated industrial register of the Balearic Islands [Companies and professionals may be posted but establishments may not].

Professional activities are not registered in the integrated industrial register. In the event that the activity of the project manager is carried out by a natural person (who is not registered in the register) and this natural person has a contractual relationship with a company, or businessperson, in the field of design, engineering or consulting or, where appropriate, this is a self-employed person, freelancer or self-employed independent professional engineer (individual businessperson), the design, engineering or consulting company, or self-employed person or freelancer that carries out this activity must be registered in the Integrated Industrial Register in the Balearic Islands only when their head office is in the autonomous region of the Balearic Islands. If their head office is located in another Autonomous Region, the aforementioned must not be registered in the Integrated Industrial Register in the Balearic Islands.

In an Official Letter signed on 8 July 2021, sent to the Regional Office in the Balearic Islands of the Official Association of Naval Architects and Ocean Engineers, it was stated that companies linked to the naval sector which dedicate themselves to engineering, design, technological consulting and/or technical support undertake to register themselves in the integrated industrial register of the autonomous region where their head office is established.

Furthermore, as laid down by various royal decrees in force, professionals (both independent professionals, as well as salaried employees of industrial companies or companies offering technical support and management services (including engineering companies)) with qualifications (in any branch of engineering, in addition to maritime administration professionals) must, in all circumstances in order to be able to practise in Spain, previously be a member and qualified to practise their profession in their respective official association in Spain. The aforementioned professionals may not practise their profession without having previously fulfilled this condition irrespective of their nationality, place of residence, or state in which they received their qualifications. Qualifications from other countries, including those from any other Member State of the European Union (naval architects, engineers, naval inspectors, technicians, designers, project managers, etc.) must previously have the necessary membership and qualification granted by the respective official association in Spain in order to be able to practise in Spain, in adherence to the literal nature of the provisions in the respective texts published in the official gazette as laws, royal decrees and ministerial orders.



In order to become registered in the Integrated Industrial Register, companies, including individual businesspersons (self-employed persons) that carry out technical support and management, design and/or engineering services must submit a “STATEMENT OF COMPLIANCE FOR COMPANIES OFFERING SERVICES RELATING TO INDUSTRIAL ACTIVITY” in order to do so, just like all industrial companies or establishments.

It is noteworthy that the statement of compliance document mentioned on the previous page requires a tax identification number which is valid in Spain to be identified (as laid down by the industrial regulations referred to previously), and this alerts us to the following:

*“The inaccuracy, falseness or omission of data entitles the competent Administration to temporarily disqualify a professional from practising their activity. The aforementioned is also aware of the responsibility to communicate, within one month and by means of a new statement of compliance, any event to this administration which involves a modification to part of the essential details included in this statement of compliance, as well as stoppage of activities. A lack of communication may bring about immediate temporary disqualification, in addition to possible financial sanctions.”*

In this respect, it must be taken into account, as stated by the Directorate General for Industry and for Small and Medium-Sized Enterprises, under the Ministry of Industry, Trade and Tourism:

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A self-employed person shall be a company when products or services are sold directly. If, for example, a self-employed person does not invoice directly, but is an associate of a company which issues invoices, this self-employed person is not considered a company. A self-employed person may be considered a SME provided that the aforementioned meets the criteria as regards the number of employees and financial costs, and also practises a business activity.

With regard to the services related to naval architecture, a reference on this matter may be found in Order FOM/3479/2002, of 27 December, which governs the signature and approval of documents referred to in Royal Decree 1837/2000, of 10 November, by means of which the Regulation on Inspection and Certification of Civil Ships is passed.

It is particularly noticeable, as specific regulations and/or other requirements must be observed, when companies operate, or dispose of or wish to start to use new equipment, machinery or installations, related to:

- Low voltage installations.
- Thermal installations.
- Fire protection installations.
- Pressure device installations.
- Gas installations.
- Liquid oil product installations.
- Chemical product storage installations.
- Refrigerator installations.



The following details shall appear in the Industrial Register of the Balearic Islands, inter alia:

a) Company details: registration number, tax identification number, registered name or company name, address, main activity and other activities, where applicable.

b) Establishment details: registration number, owner, company name or title, location details, main business activity and other activities, where applicable.

In accordance with law 4/2017, installations (fixed or temporary/mobile) being brought into operation without the relevant registration entry is a serious offence; in addition to practising or carrying out activities without the relevant authorisation or qualification (where compulsory), or without the relevant registration entry (clearly for the specific activity with its respective CNAE code) which differentiates it from other activities not typical of the naval industrial sector [where the usual codes can be found: CNAE 30.11, CNAE 33.15 and CNAE 33.12, (as well as in very specific cases of 33.14 Repair of electrical equipment, 95.12 Repair of communication equipment)].

It must be noted that the specifications of the Port Authority of the Balearic Islands (*PARTICULAR SPECIFICATIONS OF THE COMMERCIAL SERVICE OF SHIP AND BOAT REPAIR AND MAINTENANCE IN THE PORTS OF PALMA, ALCUDIA, MAÓ, EIVISSA AND LA SAVINA*), in point five of article 6.1 (general permanent authorisation), prescribes that the company must attach a statement of compliance to the application documents to indicate it has employees who are members of the respective official association for the management and coordination of activities to be carried out, including site managers. This statement of compliance must also be attached when the company has contracted external services of competent specialist(s) or engineering companies for this purpose, where appropriate or where required by the operation to be carried out, in accordance with the requirements of the applicable regulations in force. Therefore, competent specialists, in all cases members of their respective Official Association, shall be those individuals who comply with and verify the points stipulated in the following section.

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Without being able to overlook the fact that when work and actions are carried out in a port area of the *Port Authority of the Balearic Islands (A.P.B.)*, there are some specific actions, as defined in point or article 10 of the respective specifications under letters “g)” and “h)”, which require the presence of a competent specialist or of the Site Manager in the event that one is appointed.



## **05. POSTED FOREIGN COMPANIES AND FOREIGN WORKERS**

Foreign companies which are provided with, or set up, an establishment in the Balearic Islands, as defined in the Industry Law of the Balearic Islands, must enter this establishment into the integrated industrial register.

In the event that a company temporarily sends workers to another EU country, during this period the aforementioned take on the condition of posted workers and shall have the same rights and basic working conditions as the workers of the destination country. Posting may last as long as necessary for a certain task to be executed. Nonetheless, when posting comes to an end, workers must return to the workplace in the EU country from which they were transferred. This, as well as the following point, excludes maritime administration companies as regards seagoing personnel (enrolled as crew).

As regards workers being sent to Spain by a company set up in a Member State of the European Union (EU), or a Signatory State of the Agreement on the European Economic Area (EEA), we must be aware that this is only considered and regulated for some specific cases. In the framework of cross-border provision of services and for a limited period of time, these postings are permitted when:

- (a) A service agreement has been signed with a recipient which operates in another Member State (“the host Member State”) (hereinafter, “posting in the framework of a service agreement”); or
- (b) It is intended for a worker to be posted to the territory of a Member State or to an establishment or a company which belongs to the group (hereinafter “intra-group posting”); or when
- (c) It is a temporary employment agency or placement agency and it expects to post a worker to a user company which is set up or carries out their activity in the territory of another Member State (hereinafter “temporary employment agency posting”).

Only companies legally set up in a Member State (the “home Member State”) may make use of unrestricted provision of services. A company is set up when it carries out a business activity for an indefinite period of time, and it does so by means of a stable infrastructure from which it effectively carries out the business activity of providing services.

In all of these cases, the company may only post a worker under the protection of Directive 96/71/EC if there is an employment relationship with the worker during the period of posting.

Furthermore, it must be kept in mind that a whole series of formalities must be complied with before providing services in another member state. In reference to working conditions and terms and conditions of employment of posted workers, Directive 2014/67/EU permits, but does not demand that the host Member State apply other administrative requirements and control measures, provided that these are justified and proportionate in accordance with European Union Law.



Any company which temporarily posts its workers to Spain in the framework of transnational provision of services must observe the applicable legislation in force in Spain and the relevant directive of the European Community. Particular attention should be paid to Law 45/1999, of 19 November, on the posting of workers in the framework of transnational provision of services, which transposes Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services; in its current consolidated text.

Businesspersons included in the scope of application of the aforementioned Law 45/1999 who post their workers to Spain in the framework of transnational provision of services must guarantee the aforementioned, irrespective of the legislation applicable to the employment contract, the main working conditions laid down by labour legislation in Spain.

The *PRACTICAL GUIDE ON POSTING OF WORKERS*, edited by the EU itself in 2019, clarifies in accordance with current legislation and regulations, that the posting of a worker is only considered in certain circumstances or cases (3), which have been mentioned on the previous page.

With respect to the posting of workers for a very short duration; in reference to working conditions and terms and conditions of employment of posted workers, Directive 96/71/EC is applied to all postings, regardless of their duration. Nonetheless, some provisions of the Directive are not applicable to a short-term posting or allow host Member States to not apply their rules to this type of posting. First of all, there is a mandatory exception in cases of initial assembly or first installation of goods when the posting does not exceed eight days. In these cases, the rules of the Directive on minimum paid annual leave and remuneration do not apply (this exception does not affect the construction sector). The aforementioned exception only concerns this matter in relation to the calculation of annual leave.

Workers who are sent temporarily to work in another Member State, but do not provide services there, are not posted workers. This is the case, for example, of workers on business trips (when no service is provided), attending conferences, meetings, fairs, following training etc. Such workers are not covered by the Posting of Workers Directives and the administrative requirements and control measures set out in Article 9 of Directive 2014/67/EU are therefore not applicable to them. Please note that, as far as the coordination of social security is concerned, Regulations (EC) No. 883/2004 and 987/2009 provide that, for every cross-border work-related activity (including “business trips”) the employer, or any self-employed person concerned, is under the obligation to notify the competent (home) Member State, whenever possible in advance, and obtain a portable document A1 (PD A1). This obligation covers any business activity, even if only of short duration. These Regulations do not provide for any exceptions for business trips either. The formalities regarding business trips are currently being discussed under the revision of the EU Social Security Coordination rules.

With regard to self-employed persons, established residents in an EU country, it is stated that as a rule the aforementioned continue to be covered by social security of

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their home country, for a period of time, during which they may be posted to work (some administrative formalities must be complied with in certain States).

These persons may be posted to work for a maximum of 12 months, which may be extended to 6 months in justified exceptional cases. In the event that the posting exceeds 12 months, the individual must be registered in the social security system of the country where they work.

Notwithstanding the foregoing, the obligations with respect to the tax residence location of the posted self-employed person must not be forgotten, as this is what shall determine the obligation to pay taxes in one territory or another. It shall be considered, in principle, that a person has tax residence in Spain when they stay in the country for more than 183 days in one year (sporadic absences are not calculated).

It must be kept in mind that the classic Spanish figure of self-employed persons is a form of company or individual businessperson. In fact in some countries, like in France, when looking to begin a professional activity alone, without partners, an individual classic company is set up, as a sole trader with limited liability (EIRL) or unlimited liability, in addition to the possibilities (like in Spain) of being able to set up a company.

In any case, it must be taken into account that in order to practise some professions and provide certain professional services, a professional qualification or degree must be recognised beforehand. There is a series of directives of the European Community, agreements and common legal provisions to this end as regards the mutual recognition of qualifications, which are strictly developed and implemented in certain professions. Notwithstanding the foregoing, there may be other specific requirements in place in order to be able to practise in certain areas, such as the need to be a member of the respective Official Association in Spain, for example in the case of engineers and technical engineers.

Non-EU self-employed persons who regularly stay in Spain, and who have a temporary residence permit, are able to prove that they have enough anticipated investment, and prove that they are professionally qualified (when specific qualifications are required and the aforementioned persons have these qualifications, they must be officially recognised, as well as membership of an official association for independent activities where required (as in the case of naval architecture and ocean engineering and also for naval technical architecture)), ... must meet a series of requirements and carry out procedures to be able to register as self-employed persons in Spain, as non-EU foreigners, and therefore be able to work and/or provide services in Spain.



## **06. COMPETENT SPECIALISTS**

The current Decree 148/1969 established the list of official bachelor's degrees, and of official vocational qualifications, setting out the competence framework for the specialities of each one of these technical engineering qualifications. Subsequently, Law 12/1986, of 1 April, on regulation of the professional powers of bachelor Architects and Engineers degrees [in its CONSOLIDATED TEXT] stipulated that with regard to the practise of their profession, their competence and professional powers: "*Correspond to Technical*" (bachelor level) "*Engineers, within their respective speciality*".

Decree 148/1969 stipulates three (3) specialities in naval technical architecture, which Law 12/1986 recognises as being valid:

- Especialidad en estructuras del buque (ship structures);
- Especialidad en servicios del buque (ship services); and
- Especialidad Monturas a flote (floating structures).

Nonetheless, in the university reform of degrees stipulated by Royal Decree 1954/1994, it may be understood, in its validation table, that the last two specialities were regrouped as "*Especialidad en Propulsión y Servicios del Buque (Ship Propulsion and Services)*". However, no text has been published in the Official Gazette to confirm this regrouping, in the same way that Decree 148/1969 has not been amended in the sense of removing, or regrouping, any of these three specialities.

In accordance with the aforementioned principle, the current situation would be as follows:

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NAMES PRIOR TO 1994	NAME OF UNIVERSITY DEGREES 1994 REFORM	PROFESSIONAL POWERS
Ing. Tco. Naval especialidad en estructuras del buque	Ing. Técnico Naval, Especialidad en estructuras marinas	Construction of the hull structure of the ship
Ingeniero Técnico en Estructuras del Buque		Floating operations and launching to sea.
Ing. Tco. Naval especialidad en servicios del Buque	Ingeniero Técnico Naval, especialidad en Propulsión y Servicios del Buque	Construction and on board assembly of ship services and installations which are not related to propulsion.
Ing. Tco. Naval especialidad en monturas a flote		
Ing. Tco. Naval especialidad en armamento del buque		
Ingeniero Técnico en Servicios del Buque		Construction and on board assembly of the main and auxiliary machines, as well as equipment related to marine propulsion, and of respective tuning.
Ingeniero Técnico en Monturas a Flote		
Ingeniero Técnico en Armamento del Buque		

Within the naval industry and the sphere of competence of the *Spanish Maritime Administration (Dirección General de la Marina Mercante (D.G.M.M.))*, a specific sphere of competence is defined in relation to naval architect (naval architect and ocean engineer) master qualifications and naval technical architect bachelor qualifications. The latter are recognised in accordance with the restrictions laid down by Law 12/1986 on technical architects and engineers (bachelor's degrees), whose principle states that the aforementioned individuals may only take on these tasks and responsibilities, or professional powers within the suitable skill of each qualification (each skill in the appropriate qualification), and only where appropriate as regards their respective



speciality. Naval architects and ocean engineers (master's degrees) are not limited in terms of speciality, however those with vocational qualifications (technical architects and engineers) are affected by this.

Furthermore, by taking into account the provisions of Law 12/1986, and Decree 148/1969, and also Decree 3384/1971, of 28 October, on review of the Recognition Regulations for Merchant Ships and Boats, we have the following regulation prescriptions related to the drafting and signing of certain specific technical documents:

SPECIFIC TECHNICAL DOCUMENT	COMPETENT SPECIALIST
Plan of the middle frame of a ship in service	M. Naval Architect M. Naval Architect and Ocean Engineer
Regulation studies on the stability of the ship and stability booklet	M. Naval Architect M. Naval Architect and Ocean Engineer B. Naval Technical Architect, speciality in ship structures

It must be taken into account how Royal Decree 1837/2000, of 10 November, by means of which the regulation on inspection and certification of civil ships is passed, refers to the requirements which must be met by partial projects of ship construction, as well as conversion, alteration or major repair projects, including the respective site management. Naval architects and naval technical architects (the latter in their specialised field) shall be responsible for drafting and signing these conversion, alteration or major repair projects, including their respective site management.

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In reference to the qualitative limitation of the professional powers of Naval Technical Architects, it must be noted that this is enforced by the professional powers of the three specialities listed in Decree 148/1969, of 13 February, which governs the names of the qualifications in Technical Colleges *and* the specialities which may be studied in the Schools of Technical Architecture and Engineering.

In order to clarify this concept, the 2nd *and* 3rd Legal Bases of the Ruling of the Chamber for Contentious-Administrative Proceedings of the High Court of 12 February 2003 (Appeal for Annulment 6324/1997), the aforementioned Legal Bases in the numerous High Court rulings which have created a precedent on the matter, conclude that:

- A naval technical architect (bachelor's degree) may not conduct site management of the new construction of a full ship, even if the aforementioned has all the specialities of Naval Technical Architecture (which in subsequent rulings has also been extended to any scrapping project, or similar, of a ship or boat).
- The site management relating to a partial construction project, or to a conversion, alteration and major repair project of a ship, may only be carried out by a Naval Technical Architect when dealing with "*elements isolated from the ship*", provided that these elements are not "*independent parts*" with the rest of the ship to an extent where they may affect the overall conception of the full ship which requires the management (and responsibility) of the Naval Architect and Ocean Engineer alone.

[A naval technical architect may not perform the site management of an alteration, conversion or major repair alone, whose work concerns more than one speciality, even if the aforementioned has all the specialities of Naval Technical Engineering; the management (and responsibility) of the Naval Architect and Ocean Engineer alone is therefore required].



In relation to new university degrees which entitle the profession of naval technical architects to be practised, when awarded, they must include “specialising in ...” after the name of the university degree to identify the speciality or field of specific technology for which graduates are professionally qualified. Membership of the respective official association is mandatory in order to practise the profession in all cases, as required (membership of an official association to be able to practise in Spain) of any branch of engineering as well as of maritime administration officers.

The current offer of degrees linked to naval technical architecture is as follows:

<b>POLYTECHNIC UNIVERSITY OF CATALONIA</b>
DEGREE IN NAVAL SYSTEMS AND TECHNOLOGY ENGINEERING (240 ECTS)
<i>Naval Technical Architect, Speciality in Ship Propulsion and Services</i>
<b>POLYTECHNIC UNIVERSITY OF MADRID</b>
DEGREE IN NAVAL ARCHITECTURE (240 ECTS)
<i>Naval Technical Architect, Speciality in Marine Structures</i>
<b>POLYTECHNIC UNIVERSITY OF MADRID</b>
DEGREE IN MARINE ENGINEERING (240 ECTS)
<i>Naval Technical Architect, Speciality in Ship Propulsion and Services</i>
<b>UNIVERSITY OF CANTABRIA</b>
DEGREE IN MARINE ENGINEERING (240 ECTS)
<i>Naval Technical Architect, Speciality in Ship Propulsion and Services</i>
<b>UNIVERSITY OF CÁDIZ</b>
DEGREE IN NAVAL ARCHITECTURE AND MARINE ENGINEERING
Specialising in Naval Architecture (NA 240)
Specialising in Marine Engineering (ME 240)
Specialising in Naval Architecture and Marine Engineering (NAME 264)
<i>[NA] Naval Technical Architect, Speciality in Marine Structures</i>
<i>[ME] Naval Technical Architect, Speciality in Ship Propulsion and Services</i>
<i>[NAME] Naval Technical Architect, Both Specialities</i>
<b>POLYTECHNIC UNIVERSITY OF CARTAGENA</b>
DEGREE IN NAVAL ARCHITECTURE AND MARINE SYSTEMS ENGINEERING (240 ECTS)
<i>Naval Technical Architect, Both Specialities</i>
<b>UNIVERSITY OF A CORUÑA</b>
DEGREE IN NAVAL ARCHITECTURE (240 ECTS (studies no longer offered))
>>>> Speciality in Marine Structures
DEGREE IN SHIP PROPULSION AND SERVICES ENG. (240 ECTS (studies no longer offered))
>>>> Speciality in Ship Propulsion and Services
DEGREE IN NAVAL ARCHITECTURE AND OCEAN ENGINEERING (240 ECTS)
>>>> Both Specialities
<i>Naval Technical Architect, Both Specialities</i>
<b>UNIVERSITY OF LAS PALMAS DE GRAN CANARIA</b>
DEGREE IN NAVAL TECHNOLOGY ARCHITECTURE (240 ECTS)
<i>Naval Technical Architect, Both Specialities</i>

\*Please note that no Spanish university currently offers the speciality of “floating structures”; when we refer to or indicate “both specialities” we are referring to the speciality in marine structures and to the speciality in ship propulsion and services.



The new university master's degrees in naval architecture and ocean engineering, regulated bachelor's degree or second cycle degree, which are currently taught by the relevant faculties and/or technical colleges of *Barcelona, Cádiz, Cartagena, Ferrol and Madrid* entitle the profession of naval architects and ocean engineers to be practised. Once the recent graduates have been awarded their master's degree and become members of their respective official associations, they shall be engineers, without any limitation (in all cases within the suitable skill of each qualification).

In order for foreign graduates, including EU citizens, to be able to practise in Spain, as indicated earlier, they must previously be members of the respective official association, for which they may be asked for official recognition of their university degree in Spain beforehand.

The following tasks are considered to be specific to technical engineers, in accordance with the provisions stated by Spanish legislation and regulations (stipulated by Law 12/1986, and decrees 148/1969 and 2411/1969) for each technical engineer within their speciality (which would prevent technical engineers from other branches and specialities from practising within the naval industry):

- Drafting and signing of projects whose purpose is the construction, alteration, repair, preservation, demolition, manufacturing, installation, assembly or operation of movable or immovable property in their respective cases, of both a principal and secondary nature, provided that these are included in the suitable skill of each qualification with regard to their nature and characteristics.
- Management of the activities object of the projects referred to in the previous section, even when the projects have been prepared by a third party.
- Carrying out of measurements, calculations, assessments, valuations, inspections, studies, reports, work plans and other similar work.
- Management of all kinds of industries or operations and the carrying out, generally in relation to the aforementioned, of the activities referred to in the previous points.

Engineers, university graduates with a bachelor's degree or master's degree are different from university graduates with vocational qualifications (technical engineers and degrees), in the sense that university graduates with vocational qualifications may only carry out the actions in the points above in their specialised field. Engineers, university graduates with a bachelor's degree, may practise all of their specialities within their specific branch of engineering (in this case that of naval architecture).

In any case, it must be taken into account that in order to practise Naval Architecture and Ocean Engineering, Industrial Engineering, Telecommunications Engineering, Civil Engineering, as well as all technical architecture and engineering of the aforementioned and their technical architects and engineers, in addition to practising as a maritime administration officer (both vocational qualifications and bachelor's degree), in Spain, it is a mandatory condition of ALL these professions to be a member of their respective Official Association in Spain. This requirement must clearly entail any foreign graduate being verified prior to practising any of the aforementioned professions in Spain.



## **07. OTHER RELEVANT REGULATORY CONSIDERATIONS**

The current regulation on inspection and certification of civil boats, laid down by Royal Decree 1837/2000, in addition to the Spanish civil fleet, is applicable to all ships, boats and craft which sail under a foreign flag and are found in waters located in areas where Spain exercises sovereignty, sovereign rights or jurisdiction (with the restrictions laid down by International Law, in particular in reference to cases of immunity).

In accordance with the stipulations in the aforementioned regulation (for all ships and boats located in Spanish waters, it is stated that all damage, and serious accidents, as well as faults detected and repairs being carried out on the ship and its equipment which affect the safety of the ship or boat, human lives at sea or navigation or which may pose a risk of polluting the marine environment, shall be notified immediately to the Sea Master upon being made aware of this.

In this respect, for extreme, serious cases there is a set duty to merely inform the Spanish maritime authorities, whenever these affect safety or pose a real risk of pollution.

Furthermore, it must be kept in mind that all polluting discharges or emissions from ships or floating mediums of any kind, whether in solid, liquid or gas form, are expressly prohibited in the public domain of ports. The aforementioned is in accordance with Royal Legislative Decree 2/2011.

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Another relevant text is the Shipping Law (Law 14/2014) which prescribes that in order to set sail or, in general, to start shipping in Spain, all ships require prior authorisation to sail, which is granted by the maritime administration and is called “dispatch”.

The aforementioned “*dispatch*” is granted at request of the shipowner, master or agent, provided that the general declaration is submitted and the ship has the rest of the required documentation and certificates in order.

Furthermore, in accordance with the aforementioned Law, all foreign ships must have an agent in national ports, with the exception of recreational craft, which may be directly represented by their owner or master. This obligation to have an agent may be established by means of regulation for national ships.

An agent is understood as the person who, on behalf of the shipowner, is responsible for the material and legal processes required for dispatch and other matters regarding ships in the port.





For companies that work in the port area which is dependent on the *Port Authority of the Balearic Islands (A.P.B.)*, in accordance with section 5 of point 6.1 of the “*PARTICULAR SPECIFICATIONS OF THE COMMERCIAL SERVICE OF SHIP AND BOAT REPAIR AND MAINTENANCE IN THE PORTS OF PALMA, ALCUDIA, MAÓ, EIVISSA AND LA SAVINA*”, hereinafter the specifications), the following must be attached:

“statement of compliance to indicate it has employees who are members of the respective official association for the management and coordination of activities to be carried out, including a Site Manager, or to indicate it has contracted external services of competent specialist(s) or engineering companies for this purpose before the start of the operation in question, where appropriate or where required by the operation to be carried out, in accordance with the requirements of the applicable regulations in force.”

Likewise, point 10 of the relevant specifications of the Port Authority of the Balearic Islands (A.P.B.) also prohibits a whole series of actions from being carried out, unless these are carried out under the supervision of a site manager or a competent specialist.

As regards which individuals may be considered to be competent specialists, we must refer to those stated in the specific section which previously appears in this guide, or notes, on this matter.

Lastly it is important to bear in mind the serious negative consequences that may be brought about by failing to fulfil the obligation of submitting the mandatory report on conversions and alterations of ships flying a foreign flag (with length (L) greater than or equal to 24 metres). It must be noted that the length of reference is the length (L) of the Convention and not the hull length (L<sub>H</sub>).

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The aforementioned is stated in accordance with current legislation:

*The essential inaccuracy, falseness or omission of any data or information which is included in a statement of compliance or in a report, or **failure to submit** the statement of compliance, documentation which is required to prove compliance of the information stated, where appropriate, or **the report, to the competent Administration, shall render it impossible to continue exercising the right or activity affected as soon as there is proof of these facts**, without prejudice to any criminal, civil or administrative liabilities that may arise.*

*Furthermore, the decision of the Civil Service which states such circumstances may determine the obligation of the interested party to restore the legal situation to the moment prior to the recognition or the exercise of the right or to the start of the relevant activity, as well as the impossibility of prompting new proceedings with the same object throughout a period of time determined by the law. All of the aforementioned is in accordance with the terms stipulated in the applicable sector regulations.*

The above-mentioned is also applicable in relation to the statements of compliance which are submitted with the application for authorisation which may be sent by any company or professional, in accordance with the specifications.



OFFICIAL ASSOCIATION OF NAVAL ARCHITECTS  
AND OCEAN ENGINEERS

LOCAL OFFICE OF THE BALEARIC ISLANDS

**08. DGMM APPLICATION FORM - ALTERATIONS AND CONVERSIONS IN FOREIGN SHIPS**



Espacio reservado para referencias, codificaciones informáticas

Registro de presentación

Registro de entrada

## NOTIFICACIÓN DE TRABAJOS DE TRANSFORMACIÓN Y REFORMA EN BUQUES DE PABELLÓN EXTRANJERO

Según lo establecido en el artículo 29.1 del Real Decreto 1837/2000, los astilleros o talleres encargados de realizar transformaciones y reformas importantes, en territorio español, de buques de pabellón extranjero con eslora (L) mayor o igual a 24 metros (en el caso de buques de recreo eslora de casco (L<sub>c</sub>) mayor de 24 metros), deben presentar en la Capitanía Marítima una comunicación previa a los trabajos, con la información que se indica en esta notificación.

Datos del astillero, varadero o taller	Nombre o Razón social:		NIF/CIF:		
	Vía Pública:		Número:	Escalera:	Piso: Puerta:
	Código Postal:	Localidad:	Provincia:		País:
	Teléfono:	Teléfono móvil:	Email:		

Datos del representante del astillero, varadero o taller	Apellidos y nombre o Razón social:		NIF/CIF:		
	Vía Pública:		Número:	Escalera:	Piso: Puerta:
	Código Postal:	Localidad:	Provincia:		País:
	Teléfono:	Teléfono móvil:	Email:		

**NOTA:** Según lo establecido en la Ley 39/2015, las personas o sujetos identificados en su artículo 14.2 están obligados a relacionarse a través de medios electrónicos con las Administraciones Públicas para la realización de cualquier trámite de un procedimiento administrativo.

Datos para notificaciones	Email a efectos de notificación electrónica:
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Datos del buque	Nombre:	Nº IMO/Nº de serie:	Puerto de registro:	Eslora:	GT:
	Marca/Modelo del buque:		Material del casco:	Sociedad de Clasificación:	
	Marca/Modelo del motor(es)		Potencia (kW):	Nº de serie:	

Documentación genérica	<b>Documentación a aportar (Marque con una X la documentación que se acompañe)</b>	
	Según el artículo 28 Ley 39/2015 de procedimiento administrativo, se entiende otorgado el consentimiento para la consulta de sus datos del DNI. En caso contrario, en el que NO otorgue el consentimiento para la consulta, marque la siguiente casilla:	
	Me opongo a que se consulten los datos antes mencionados por lo que apporto los datos y certificados requeridos para la tramitación de la presente solicitud.	
	<input type="checkbox"/>	Copia DNI, Pasaporte o NIF (en vigor).
<input type="checkbox"/>	Documento que acredite la representación conforme al Art. 5 de la Ley 39/2015.	
<input type="checkbox"/>	Declaración responsable suscrita por el propietario del buque, relativa a la autorización por el estado de pabellón u organización en que esta delegue.	

Trabajos a realizar	<b>Descripción detallada de los trabajos a realizar</b>	
	Márquese a cuales de las siguientes alteraciones afectan los trabajos:	Descripción detallada de los trabajos:
	<ul style="list-style-type: none"> <li>Alteración de las dimensiones principales del buque.</li> <li>Modificación de la capacidad de carga.</li> <li>Cambio en las condiciones de estabilidad.</li> <li>Modificación del compartimentado del buque.</li> <li>Alteración de la resistencia estructural.</li> <li>Separación en dos o más partes de su casco.</li> <li>Cambio del tipo de buque</li> </ul>	



Designación del director de obra	Apellidos y nombre::		NIF:
	Teléfono:	Teléfono móvil:	Email:

La Dirección General de la Marina Mercante, si así lo considera, podrá en cualquier momento inspeccionar las obras que se estén llevando a efecto y solicitar la documentación técnica pertinente.

En \_\_\_\_\_, a \_\_\_\_\_ de \_\_\_\_\_ de \_\_\_\_\_

Fdo.: El representante del taller, varadero o astillero

**CAPITAN MARITIMO DE:**

De acuerdo a lo establecido en el artículo 11 de la Ley Orgánica 3/2018, de 5 de diciembre, le informamos que los datos de carácter personal que consten en esta solicitud serán tratados por la Dirección General de la Marina Mercante del Ministerio de Transportes, Movilidad y Agenda Urbana e incorporados a una actividad de tratamiento con la finalidad de tramitar su solicitud. Los datos serán conservados durante el tiempo necesario para cumplir con la finalidad para la que se recabaron y para determinar las posibles responsabilidades que se pudieran derivar de dicha finalidad y del tratamiento de los datos.

Puede ejercitar sus derechos de acceso, rectificación, supresión y portabilidad de sus datos, de limitación y oposición a su tratamiento, así como a no ser objeto de decisiones basadas únicamente en el tratamiento automatizado de sus datos, cuando procedan, ante la Dirección General de la Marina Mercante, en c/ Ruiz de Alarcón nº 1, 28071 Madrid.

La información complementaria sobre el tratamiento de datos llevada a cabo por la Dirección General de la Marina Mercante puede consultarse en la Web de la Sede Electrónica del Ministerio de Transportes, Movilidad y Agenda Urbana.

