



## ADVISORY TO MASTER

**Date:** 12<sup>th</sup> May 2020

**Advisory #:** 06/2020

**Title:** Mediterranean Summer Cruising Notices

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Everyone is trying to determine their summer cruising itineraries. We have received the following updates from the Mediterranean, that we see as positive news of restrictions easing, and hope that it's helpful in your decision making.

### **Croatia**

Croatian notice is attached, sent to us from LP Yacht Support. Croatia was the first yacht-centric country to lock down and now Yacht Owners and/or Charter guests will be able to travel to the vessel. The Office of the Minister has stated the following:

*Foreign citizens intending to enter Croatia must fulfil one of the following conditions:*

- *Holding documentation proving their ownership of a real estate situated in Croatia or of a vessel (also as a lessee), or that they are coming to attend a funeral in Croatia. The persons fulfilling this condition will be enabled entering Croatia, will be registered with the address of their stay or where the real estate or the vessel are situated, contact telephone number and the duration of stay - planned leaving Croatia.*
- *Holding documentation proving invitation from an economic operator in Croatia, interests in their arrival of an economic operator, or invitation to a business meeting. Such passengers will be registered the address of their stay, contact telephone number and the duration of stay - planned leaving Croatia.*
- *All other foreign citizens having a business reason that cannot be foreseen at this moment, and have no adequate documentation, must advise of their intention to enter Croatia to the e-mail address [uzg.covid@mup.hr](mailto:uzg.covid@mup.hr), and their request will be replied to as soon as possible.*

### **France**

We received the attached notice from YMCA. For the most part, customs regimen will remain the same this year as last year and "the French Authorities have finally postponed their restrictive regulation and allowed the VAT lump-sum reduction. This means that the effective rate of charters

starting from France and crossing international waters (albeit briefly) will continue to be 10% (as in the previous seasons). Until further notice.”

There is also important information regarding the seaweed and possibly postponement on restrictions on anchorages.

**[Please review this notice for advice if you do not plan to travel to the EU this summer and how to have a continuous customs regimen plan for 2021](#)**

### **Spain**

SOS Yachting highlighted Spain’s ‘4 Phase Plan’ which will occur over 2 week increments that started the first week in May. By 8<sup>th</sup> of June, no restrictions for maritime activity other than the “general public health risks reduction protocols and the local and International Marine Authority's restrictions.” Please find notice attached.

### **Italy**

SOS Yachting has sent out the attached notice that Italy’s most recent decree continues the shutdown until the 17<sup>th</sup> May. No other notices have been received about how to proceed after that.

We will endeavor to send out the most up to date information as it comes in.

Please contact us if you have any questions.

### **Fairport Yacht Support**

# **PROVEDBA ODLUKE O PRIVREMENOJ ZABRANI PRELASKA PREKO GRANIČNIH PRIJELAZA REPUBLIKE HRVATSKE**

## **POMORSTVO I NAUTIKA**

Vezano za primjenu Odluke o privremenoj zabrani prelaska preko graničnih prijelaza Republike Hrvatske („Narodne novine“ broj 32/20 i 48/20), te Odluke o izmjenama i dopuni iste odluke od 9. svibnja 2020., nastavno na ranije objavljene preporuke od strane Hrvatskog zavoda za javno zdravstvo, dostavljamo dodatna pojašnjenja i upute:

### **Prelazak državne granice hrvatskih i stranih pomoraca**

1. Hrvatski pomorci koji se nakon iskrcaja u bilo kojoj državi svijeta vraćaju u Republiku Hrvatsku ne moraju više provoditi mjeru samoizolacije
2. Zadnjim izmjenama omogućen je ukrcaj svih stranih državljana na brodove trgovačke mornarice i jahte koje se nalaze na vezu, u raspremi ili mirovanju u Republici Hrvatskoj
3. Strani državljani, članovi posade nakon što se ukrcaju na brod ili jahtu također ne moraju provoditi mjeru samoizolacije na tom plovnom objektu
4. Stranim državljanima članovima posada brodova i jahti koji se već nalaze u lukama Republike Hrvatske omogućit će se ulazak u Republiku Hrvatsku

### **Dolazaka stranih državljana vlasnika jahti i brodica koje se nalaze u Republici Hrvatskoj**

1. Strani državljani koji su vlasnici jahti i brodica koje se nalaze u Republici Hrvatskoj mogu preći državnu granicu uz predočenje dokumentacije kojom se dokazuje vlasništvo plovila ili dokumentaciju kojom dokazuju da su korisnik plovila (ugovor o zakupu ili ugovor o leasingu)
2. Za plovila u vlasništvu pravne osobe, strani državljani moraju dokazati da su vlasnici pravne osobe ili su odgovorne osobe u pravnoj osobi
3. Osim vlasnika plovila državnu granicu mogu preći i članovi njegove uže obitelji

### **Dolazak ostalih stranih državljana**

1. Najma charter plovila, odnosno korištenje usluge smještaja na brodovima, jahtama i brodicama smatra se bitnim gospodarskim razlogom dolaska u Republiku Hrvatsku koji se dokazuje predočenje ugovora o najmu ili smještaju na plovnom objektu odnosno popisom posade i putnika ovjerenim od strane charter kompanije ili vlasnika plovnog objekta
2. Za dolazak predstavnika stranih priznatih organizacije (Lloyd's Register of Shipping, Bureau Veritas, DNV GL; RINA...) u hrvatska brodogradilišta i luke u svrhu produljenja valjanosti postojećih ili izdavanja novih svjedodžbi brodovima i jahtama potrebno je predočiti poziv od strane hrvatskog brodogradilišta ili najaviti unaprijed na mail [uzg.covid@mup.hr](mailto:uzg.covid@mup.hr)

## **Uplovljavanje i plovidba u Republici Hrvatskoj**

- 2 Uplovljavanje stranih brodica i jahti duljine trupa manje od 24 metra u Republiku Hrvatsku je i nadalje zabranjeno
  
- 2 Plovidba svim jahtama i brodicama koje se u ovom trenutku nalaze u Republici Hrvatskoj je dozvoljena, uz ograničavanje izlazaka na kopnu na najnužnije u prvih 14 dana boravka u Republici Hrvatskoj. U ovih 14 dana uračunali bi se i dani plovidbe ili boravka na sidrištu prije dolaska u Republiku Hrvatsku, koje su proveli bez kontakta s drugim osobama.

Za sve gore navedene osobe primjenjuje se epidemiološke mjere objavljene od strane Hrvatskog zavoda za javno zdravstvo.

# **IMPLEMENTATION OF THE DECISION ON TEMPORARY PROHIBITION OF CROSSING THE BORDERS OF THE REPUBLIC OF CROATIA**

## **SHIPPING AND YACHTING**

Pertaining application of the Decision on Temporary Prohibition of Crossing the Borders of the Republic of Croatia (Official Gazette nos. 32/20 and 48/20), and the Decision on Amendments of the said Decision of 9 May 2020, and related to the Decisions previously published by the Croatian Institute of Public Health (*Hrvatski zavod za javno zdravstvo - HZJZ*), here are further explanations and instructions.

### **Crossing borders by Croatian and foreign seamen**

1. Croatian seamen disembarked in any country in the world and returning to Croatia do not have to undergo the self-isolation measure any more.
2. The latest amendments enable embarkation of all foreign citizens on the merchant marine ships and yachts moored, laid up or resting in Croatia.
3. Foreign citizens, crew members, after embarking a ship or yacht also do not have to undergo the self-isolation measure on board that vessel.
4. Foreign citizens, crew members, after embarking a ship or yacht that is already in a Croatian port will be allowed to enter Croatia.

### **Arrivals of foreign citizens, owners of yachts and boats situated in Croatia**

1. Foreign citizens who are owners of yachts and boats situated in Croatia may cross the state border subject to presentation of a document showing their ownership of the vessel or a document showing they are the vessel operators (charter or lease contract).
2. Related to the vessels owned by legal entities, foreign citizens are to prove they are owners of that legal entity or authorised persons in them.
3. Besides the vessel owners, the border may cross also their close family members.

### **Arrivals of other foreign citizens**

1. Vessel chartering and accommodation on board of ships, yachts and boats are considered to be important economic reasons of arriving to Croatia, proven by presentation of a contract of vessel chartering or accommodation on her or a crew and passenger list certified by a foreign charter company or the vessel owner.
2. Arrivals of representatives of well known organisations (Lloyd's Register of Shipping, Bureau Veritas, DNV, GL, RINA...) to Croatian shipyards and ports for the purpose of extending validity of current or issuing new ship and yacht certificates require presentation of a letter of invitation by the Croatian shipyard or must be announced in advance to the e-mail address [uzg.covid@mup.hr](mailto:uzg.covid@mup.hr).

## **Entering and sailing in Croatia**

1. Entering of foreign boats and yachts of under 24 m in length into Croatia remains prohibited.
2. Navigation of all the yachts and boats that are presently in Croatia is allowed, with limitation of stepping ashore for the most essential reasons only during the first 14 days of the stay in Croatia. These 14 days include the days of navigation or at anchor before entering Croatia, spent without any contacts with other persons.

All the above mentioned persons are subjected to the epidemiological measures published by the Croatian Institute of Public Health.



## **COVID 19: CONSEQUENCES ON THE CUSTOMS AND VAT STATUS OF YACHTS AND GOOD NEWS COMING FROM FRANCE**

Dear Partners,

With many of you currently wondering whether they should, or not, bring their yachts back into the European Union for the 2020 season, we are delighted to provide some helpful information on certain topics.

First of all, what will happen to your customs status if your yacht does not enter in the European Union until 2021?

For yachts previously imported under the French commercial exemption, the main criteria is to respect the 70% rule every calendar year. This means that 70% of the trips executed under a **commercial certificate of registry** must be done fully or partially outside of French waters. Therefore, if you are currently outside of the European Union and not able to come back to the European Union this year, we suggest that you arrange at least one charter under **commercial certificate of registry**. This should enable the return of the yacht in 2021 under the French commercial exemption.

For yachts previously imported under the French reverse charge, our advise would also be to execute at least one charter under a commercial registration during the year 2020.

Regarding US-built yachts, they will be able to benefit from the returned goods relief (exemption on the 25% customs additional duty) as long as they haven't left EU waters for more than 3 years in a row and that the ownership is

unchanged since the last exportation from Europe. However, please note that US-built yachts whose previous regime (before the application of the returned goods relief) was the French commercial exemption are still required to respect the 70% rule every year in order to keep the benefit of the VAT exemption. For these yachts, we, therefore, recommend executing at least one charter under a **commercial certificate of registry**.

We are hoping that the nautical activities will be resumed in France not later than mid-July 2020 (We can't of course guarantee this).

There are, though, some very good reasons to charter in France during the coming season. First, regarding VAT, the French authorities have finally postponed their restrictive regulation and allowed the VAT lump-sum reduction. It means that the effective rate of charters starting from France and crossing international waters (albeit briefly) will continue to be 10% (as in the previous seasons). Until further notice.

Moreover, regarding the seaweed, in concrete terms, while the maritime authorities will probably be forced to postpone the implementation of restrictions on anchorages in Posidonia areas (vessel over 24 meters), the profession is committed to ensuring that these measures are applied by professionals as of the 2020 season, without waiting for official decrees, based on the discussions that took place at the end of 2019, and on the trends already underway in this direction for over two years by the assumption of environmental responsibilities by ship owners and captains.

To do this, the signatories will distribute to all professionals (Provence Alpes Côte d'Azur) the cartographic elements planned by the authorities (with translation into English) allowing captains to better choose their anchorage points, in the respect of the Posidonia areas, with the recommendations and mention of the associated tools (Medtrix, Donia).

Also, it is currently possible to enter a French port provided that the yacht has a **long-term mooring contract with the latter** (3 month term contract at least).

Regarding YMCA, we remain at disposal to help you with the following services which can still be carried out during these difficult times:



- Inward processing regime (temporary importation for works)
- Consultancy services and pre-litigation
- Special authorizations from customs
- Customs warehouse for yachts unable to leave the European Union and whose temporary admission time limit expired.

Do not hesitate to contact us **but most importantly stay safe**,  
Very best regards,

The YMCA-YACHTING team

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**Spain has started a plan to go back to the so-called "new normality", consisting in 4 stages (0-3), of 2 weeks each, starting from the first week of May.**

The Spanish Maritime Authority issued on April 30<sup>th</sup> a clarification regarding the charter activity and how it can be carried out, stating that from the 8<sup>th</sup> of June no restrictions apply other than the general public health risks reduction protocols and the local and International Marine Authority's restrictions.

### **Stage 0**

During **stage 0** no charter or pleasure yachting can be done. Nevertheless, individual sailing activity can be fulfilled as a federated (belonging officially to a sports institution) sports activity. In addition, there can only be sailing activity if the person doing it lives in the same municipality as were the boat is located. Geographical sailing restrictions also apply. During this stage, it's also allowed to visit and control the vessels for security or maintenance reasons, but again, only if the vessel is in the same municipality as the

### Stage I

During **stage I** (from May 11<sup>th</sup>), pleasure and commercial yachting can be fulfilled considering it an act of active natural tourism. It can be done only with limited groups of people (as a cultural and pleasure activity) and they must all reside in the same municipality. Social distancing and personal restrictions must be carried out during this stage; thus disinfection and reinforcement of health and hygiene measures onboard are mandatory, especially if the vessels are used as tourist accommodation. These would be the public health risks reduction protocols applied to nautical activity, which have been studied and prepared by this sector. Again, geographical cruising restrictions apply, having to stay in the province's waters and within islands waters, not able to navigate to other islands even within the same province [for example, if sailing out from Mallorca, you must stay in Mallorcan waters]

### Stage II

During **stage II** (from May 25<sup>th</sup>), recreational yachting, as in stage I, is allowed as it is considered an act of active natural tourism. It can be done only with limited groups of people, but these can come from the same province. Owners can now freely visit their vessels independently where they are located (always in the same province) to control for security or maintenance reasons. Likewise, in stage I, geographical cruising restrictions apply, having to stay in the province's and island's waters. During this stage, nautical practices could be carried out to obtain recreational titles, which require the use of recreational boats as a training activity.

### Stage III

In **stage III** (from June 8<sup>th</sup>) no restrictions apply other than the general public health risks reduction protocols and the local and International Marine Authority's restrictions.

**In consequence of the above, yesterday, May 10<sup>th</sup>, the Spanish Official Gazette issued a publication TMA/400/2020 giving more specific information about the mobility between the islands ( both Canaries and Balearics) and mainland Spain in this Stage I, starting today May 11<sup>th</sup>.**

**As a matter of fact, there will be more connections by air and by sea.**

**The publication also includes some detailed information about the geographical restrictions and guest limitation regarding the charter activity.**

**Charter activity can be performed in the same island/province where the yacht is made available to the guest, and until 12miles from the coast.**

[Spain](#)

**live together, the occupancy has to be reduced to 50%.**

We will keep you updated on further developments in Spain.

SOS Yachting team

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SOS Yachting is an independent, specialized service company offering fiscal agency and fiscal representation services to EU and non-EU yacht owning companies chartering in the European Union. Alongside fiscal agency and fiscal representation services, SOS Yachting provides operational guidance for commercial yachts and fiscal expertise from key yachting hubs in Croatia, France and Monaco, Italy and Spain. Our knowledge of charter operations, EU and maritime regulations gives us a unique perspective.

#### CONTACT US



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## Italian update on Covid-19 emergency based on the latest Decree of the President of Council of Ministers (DPCM 26.04.2020) valid from 4 to 17 May 2020

The latest Decree of the President of the Council of Ministers (April 26)

### **PROHIBITS**

1. navigation for recreational, sporting and tourist activities to any naval unit registered as a unit for private use or for exclusive or occasional rental use with or without crew.

### **ALLOWS**

1. the navigation of all boats (Italian and foreign flag) to reach the Italian HOME PORT where the boat is based. It's advisable to contact the Port Authority at destination, before starting to navigate, to communicate your arrival;
2. the transfer of any boat (private or commercial with Italian or foreign flag) between Italian ports or from foreign ports to Italian ports for REPAIR / MAINTENANCE, REFIT WORK to be carried out on the [Italy](#);
3. the reopening of all manufacturing activities including shipyards;

necessary for the protection, safety and conservation of the boat on a daily basis and is allowed only within the regional territory of residence (from the domicile to the place where the boat is located);

5. in a daily context, within in the region and limited to two people, the use of boats for sports activities and for amateur fishing;
6. all activities necessary to ensure the maintenance and storage chain of boats such as hauling or moving to the shipyard, mooring and vice versa;
7. an extension to 31/12/2020 of certificates held by embarked seafarers.

The Government is working on further measures that will be introduced shortly therefore we will keep you updated on the next steps to return to the final goal of a return to full opening and activities.

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