

Transport, Logistics and Shipping Newsletter

November 2025

In this newsletter, we provide a detailed analysis of the main legal developments affecting the transportation, logistics, and maritime sectors. We address the latest regulatory changes, ongoing legislative reforms, and their impact on the day-to-day operations of companies.

International legislation

FuelEU Maritime Regulation comes into force

A component of the European Commission's Fit for 55 legislative package, [Regulation EU 2023/1805 of the European Parliament and of the Council of 13 September 2023, on the use of renewable and low-carbon fuels in maritime transport, and amending Directive 2009/16/EC](#), also known as the FuelEU Maritime Regulation, came into force on January 1, 2025.

The regulation imposes greenhouse gas (GHG) intensity limits directly applicable to the fuel used by ships and is aimed at reducing greenhouse gas emissions in the maritime shipping sector by promoting the use of cleaner fuel and energy and supporting the decarbonization of the maritime shipping sector. The limits apply to ships of 5,000 gross tonnage and above calling at European ports, regardless of their flag.

New ECA in the Mediterranean Sea

The Mediterranean Sea officially became a new ECA or Emission Control Area for Sulphur Oxides and Particulate Matter (Med SOx ECA) on May 1, 2025, under Annex VI to the MARPOL Convention. The sulphur content in the fuel oil of ships operating in the new Med SOx ECA is now restricted to 0.10%, which significantly reduces air pollution.

Ships operating in Emission Control Areas for Sulphur Oxides and Particulate Matter, such as the Mediterranean Sea, are now subject to strict mandatory measures to prevent, reduce and control air pollution. This new Med SOx ECA must meet stricter sulphur content limits than those set by the global standard (0.10% mass by mass -m/m-, compared with 0.50% m/m allowed outside SOx ECAs).

It is the fifth Emission Control Area for Sulphur Oxides and Particulate Matter to be designated under Annex VI to the MARPOL Convention, together with the Baltic Sea; the North Sea area; the North America area (which includes designated coastal areas off the United States and Canada); and the United States Caribbean Sea ECA (off the coasts of Puerto Rico and the United States Virgin Islands).

Hong Kong ship recycling convention in force

The Hong Kong Convention for the safe and environmentally sound recycling of ships (HKC) came into force on June 26, 2025. The instrument for Spain's accession to the HKC was published in the Official State Gazette (BOE) on May 24, 2024.

The HKC imposes responsibilities and obligations on all the parties involved in the ship recycling process, i.e., shipowners, shipyards, ports, flag states and recycling states. Following the entry into force of the HKC, ships that are sent to be recycled must have an inventory of hazardous materials,

authorized facilities must submit a specific plan for each ship that is going to be scrapped and, lastly, governments must ensure that the facilities under their jurisdiction operate in accordance with HKC rules.

New rules on the European Maritime Single Window environment

The European Maritime Single Window environment (EMSWe) introduced by Regulation (EU) 2019/1239, together with Delegated Regulation (EU) 2023/205 (Regulation 205), is a digital system for the submission and exchange of information between ships, ports and authorities, designed to speed up administrative procedures related to the entry and departure of ships and the management of goods.

The aim of the EMSWe is to enhance the efficiency and sustainability of maritime transport and facilitate digital integration in the European logistics sector, by simplifying procedures and reducing administrative burdens for maritime transport operators.

Regulation 205 was amended by Regulation (EU) 2025/674 (Regulation 674), adopted on April 7, 2025 and in force since July 2, 2025, which introduced a major update to the regulatory framework for digital and centralized management of port and customs procedures in the EU, together with new detailed obligations for maritime transport operators and port authorities in the EMSWe.

The aim of Regulation 674 is to complete and further harmonize the list of data elements stemming from reporting obligations. In this regard, it amends and increases the list of items that ships must report on arriving at EU ports, and harmonizes the list of required data elements, to align them with international standards and national and European legislation.

The new data set also incorporates elements required by national legislation for port calls, which is designed to seek further harmonization and simplification. The information that must be reported includes the ship's identification data; port call particulars; cargo information; crew member and passenger lists; customs documents; information on waste, certificates and authorizations; safety certificates; and special authorizations required by national or European legislation.

This data must be submitted in digital format and in a harmonized way on the single platform, which avoids duplication and facilitates exchange between authorities. Traceability and control are also enhanced, because all authorities access the same data in real time. In this way, all the information is recorded and accessible to the competent authorities, which facilitates subsequent audits and controls.

The European Commission, the European Maritime Safety Agency and the member states have revised the data set to better align it with technical and operating needs. The steps described have strengthened the digitalization of port procedures, by allowing information to be provided once only on an electronic platform, which avoids duplication and facilitates compliance with customs and other obligations.

Forthcoming entry into force of Beijing Convention on the judicial sale of ships

On August 21, 2025, Spain ratified the [United Nations Convention on the International Effects of Judicial Sales of Ships](#), better known as the Beijing Convention on the judicial sale of ships.

The convention, scheduled to come into force on February 17, 2026 for Spain and the other state parties, establishes a harmonized regime to give international effect to judicial sales of ships, while preserving the domestic law governing the procedure for judicial sales and the circumstances in which clean (unencumbered) title to a ship is conferred on the purchaser. By ensuring legal certainty as to the purchaser's title to the ship, the convention seeks to maximize the price that the ship can

fetch in the market and the benefits available for its distribution to creditors (if any), as well as to promote international trade.

The basic rule of the Convention is that a judicial sale conducted in one state party which has the effect of conferring clean (unencumbered) title on the purchaser has the same effect in every other state party to that convention.

Domestic legislation

Social security authorities exclude the new solidarity tax from the REBECA 90% reduction

One of the tax and social incentives provided in article 78.1 of Law 19/1994 amending the tax and economic regime for the Canary Islands is a 90% reduction to employer social security contributions for crew members of ships registered on the Special Ship Registry of the Canary Islands (REBECA). Paragraph 2 of that article states that the reduction applies to all items included in the contribution.

Royal Decree-Law 2/2023 on urgent measures to broaden the rights of pensioners, reduce the gender gap and establish a new sustainability framework for the public pension system introduced article 19 bis to Legislative Royal Decree 8/2015 approving the revised General Social Security Law, which provides for an additional solidarity contribution applicable to income over and above the maximum contributions bases established for employees.

To settle any doubts as to whether that 90% reduction applies to the additional solidarity contribution, Interpretation Criterion no 21/2024 by the Social Security Directorate-General has determined that the solidarity contribution is excluded from the benefits (i.e. reductions) applicable to the contribution and therefore must be paid in full by shipping companies, which further reduces REBECA's competitiveness. See the comments in this respect in the draft legislation section on the Spanish Maritime Strategy 2025-2050

Although an appeal has been lodged against this interpretation, we have not had sight of a judicial judgment because the case is still awaiting a judicial decision.

Relaxation of driver attestation requirement for non-EU carriers

On January 28 the Official State Gazette published Order TRM/59/2025 of January 16, on the driver attestation for carrying out activities for the international carriage of goods by road.

The main new rule this order has added to its predecessor (Order FOM/3399/2002) determines that, to align domestic rules with European legislation (and with Regulation (EU) 1072/2009 of 21 October in particular), the driver attestation will now only be required for the companies they hire as carriers for carrying out activities for international carriage to third-country nationals who are not long-term residents.

This has resulted in a more favorable regime for the hiring of non-EU carriers, because it will only be necessary to have a driver's attestation where they engage in international carriage and also are not long-term residents.

The attestation regime will otherwise largely stay the same, meaning that an application for an attestation must be made for each driver to the competent authority in the autonomous community and these attestations are valid for two years.

Attestations issued under the former order will continue to be valid until they expire.

Parliamentary approval of the Sustainable Mobility Law

The plenary session of the lower house of the Spanish parliament and the upper house have approved the bill for the new Sustainable Mobility Law, which redefines the right to mobility and marks the roadmap towards the decarbonization of transport in Spain. Thus, the publication of the aforementioned Law in the Official State Gazette is imminent.

The Law seeks to provide the law with a uniform framework covering infrastructure, services and mobility policies; aligning national goals with EU energy and climate legislation and strategies; and strengthening cooperation between government authorities. To achieve this, it determines the main axes of that policy and provides for staggered approval of numerous implementing regulations, together with ministerial orders to define methodologies and indicators for compliance with the obligations it contemplates.

Draft legislation

This is the shape of the Spanish Maritime Strategy 2025-2050

On June 10, the Council of Ministers approved the Spanish Maritime Strategy 2025-2050, an ambitious plan for the country, led by the Ministry of Transport and Sustainable Mobility, with the participation of eleven other ministries. Spain faces the challenge of organizing, structuring and strengthening its maritime matters at a crucial time for the economy, sustainability and global security. The maritime strategy is intended to form the backbone for modernization and decarbonization of the maritime industry, which is crucial for the country's economic development. Together with defining the ministry's medium- and long-term priorities, it sets out the action steps to be undertaken in the coming years.

The strategy is right to pinpoint as axes the energy transition; digitalization; training and generational renewal; enhancing governance and modernization of REBECA. A further component is the creation of a Maritime Advisory Committee, as a monitoring and dialog body, and a Competitiveness Observatory to anticipate needs and propose solutions.

Although all these elements are viewed favorably, the main issue is that, although the maritime strategy charts a set of ambitious measures to be implemented, it does not include a timeline with quantifiable indicators that can be used to assess the degree of achievement of the plan, nor does it provide a timetable with the specific legislative reforms to be undertaken.

It also leaves open key issues such as the reform of REBECA, which requires major changes to the legislation to make it more competitive. As of July 1, 2025, the ships registered on this register had continued to decrease even though the ships controlled by Spanish shipping companies are on the rise in terms of their number and tonnage. This is because Spanish shipping companies are clearly choosing much more competitive registers (Madeira and Malta, in particular) than REBECA.

Process stalled for the bill amending the two main Spanish laws on port and shipping matters

On July 30, 2024, the Government approved the Bill amending Royal Legislative Decree 2/2011 approving the revised State Ports and Merchant Shipping Law and Maritime Shipping Law 14/2014, which are the two most important Spanish laws on maritime shipping and port matters. In our [October 2024 Transport, Logistics and Shipping Newsletter](#), we examined the major new features of the bill.

Despite its significance, the bill has now been stalled because the time period for amendments in the lower house of the Spanish parliament has ended after being extended several times. The parliamentary process for the bill has not yet started nor is it expected to start in the current legislative term.

The Government prepares changes to the transport legislation with periodic online training and mandatory digital tacograph

A consultation period is currently being held for the royal decree bill aimed at amending various pieces of legislation on land transport, including the Land Transport Regulations (ROTT), Royal Decree 284/2021 (permanent training of drivers of certain vehicles) and Royal Decree 640/2007 (driving and rest times and tacographs).

The most notable new provisions in this royal decree bill relate to (i) generalizing use of the virtual classroom system to give courses for initial qualification and periodic training of drivers (known as CAP), by deleting all references to it having to be used only in pandemics or other exceptional circumstances and the (ii) mandatory nature of the digital tacograph, by including a new requirement that administrative control documents must only be in electronic format, contain a number of elements provided for in the ROTT, and always be accessible to the authorities in that digital format.

As we mentioned above, the bill is still going through parliament and is currently at the consultation stage, so it could still be changed.

New royal decree before parliament strengthens vehicle homologation and recall processes in Spain

A royal decree bill currently before parliament is aimed at revising the vehicle homologation and recall procedures in Royal Decree 750/2010 of June 4, 2010.

The bill lays down a number of safety and eco-sustainability requirements which will apply to all motor vehicles before they are placed on the market in Spain. It incorporates clauses determining that, if non-conformities are identified after the vehicles have been manufactured, corrective actions can be required from the manufacturers.

In this context, the royal decree bill aims to set out specific provisions on how the manufacturer must conduct the recall, as well as the information that it must send to the authorities under these initiatives. All of the above is intended to enable better control and monitoring. It also states in particular that the manufacturer must report to the Vehicle Register which vehicles registered in Spain are included in a vehicle recall procedure.

This royal decree bill is still going through parliament and therefore may still be changed before it can be approved, if so decided.

New order will allow use of the digital tacograph for drivers with B driving licenses in higher tonnage vehicles

A draft order is currently before parliament, amending Order FOM/1190/2005 of April 25, 2005 on the putting in place of the digital tacograph.

As a result of the transposition of Directive (EU) 2018/645 of the European Parliament and of the Council of 18 April 2018 amending Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers and Directive 2006/126/EC on driving licenses, the range of drivers licensed to operate certain vehicles used to carry goods has been widened.

It was stated that drivers with Class B driving licenses held for over 2 years could drive vehicles with a maximum authorized mass of between 3,500 and 4,250 kilos designed to transport goods, if they run on alternative fuels.

There is now a need, therefore, to amend the order on the putting in place of the digital tacograph (Order FOM/1190/2005 of April 25, 2005) to allow tacograph cards to be granted to drivers holding class B driving licenses.

However, the bill is still going through parliament and therefore may still be changed before it can be approved, if so decided.

Proposal of measures to enhance protection of ports and shipping

A royal decree bill before parliament contains measures to enhance port and maritime protection.

No draft is available as yet, because the bill is still at a very early stage. From the contents of the public consultation document, it appears to be aimed at adapting the current regulatory framework on ports to new threats in the current context, as well as to advances in technology over the past 20 years.

The royal decree bill therefore aims to include cybersecurity in port and maritime protection, enhance the security of critical infrastructure, put in place new surveillance and control technology, together with adapting Spain's current regulatory framework to European and international requirements. The intention is to adapt Spanish ports to the new threats posed by drones, hybrid warfare and cyberattacks, as well as to drive the digitalization of ports' own infrastructure.

Because the royal decree bill is still being processed, we will have to pay attention to any changes that are introduced to check for the arrival of a new regulatory framework.

Judicial interpretation and rulings

Supreme Court partially overturns the Spanish legislation on drones

Supreme Court judgment no 2941/2025 of June 19, 2025 (ECLI:ES:TS:2025:2941)

The Supreme Court has partially overturned the new legislation on drones in Spain, namely Royal Decree 517/2024 of June 4, 2024, implementing the legal regime for civil use of unmanned aircraft systems (UAS). See the new provisions in that Royal Decree 517/2024 [here](#).

Briefly, that judgment overturns Section 3 of Chapter VI of that Royal Decree 517/2024 (regime on the "Register of unmanned aircraft" held by the Ministry of the Interior) due to a defect in the procedure for its creation. The judgment held that the creation of that register (articles 53 through 58) is a material amendment introduced following the right-to-be-heard and public information period. The judgment distinguishes between organizational changes and mere execution changes (which do not require a restart of the public participation period) and core alterations to the regulatory model, such as the imposition of registration obligations with penalty consequences.

The judgment keeps in force the rest of Royal Decree 517/2024, including the rules on UAS geographical areas and the "prior notice" to the Ministry of the Interior for operations in urban environments, as well as the obligation to communicate electronically with the Spanish aviation safety agency (AESPA). The overturning decision is based essentially on omission of the public

participation procedure related to the register, not on a shortfall in scope or extent or on a disproportion of the other operating restrictions.

Supreme Court clarifies the difference between carriage of goods by road insurance and third-party liability insurance and determines that interest starts to accrue from the date of the loss

[**Supreme court judgment no 1064/2025 of July 2, 2025 \(ECLI:ES.TS:2025:3124\)**](#)

The judgment examines in relation to a cassation appeal (i) the distinction between third-party liability insurance and carriage of goods by road insurance and (ii) the start date for calculating interest in the event of a loss.

In relation to the first issue in question in the appeal, the judgment begins by stating that, whereas third-party liability insurance protects the carrier's interest in safeguarding its assets from loss (in relation to the liability it may incur under the contract for carriage by road), carriage of goods by road insurance protects the shipper's interest in preserving the integrity of the goods from possible damage during the carriage. Therefore, following this judgment, it has been clarified that the nature of the insurance contract will depend on the risk that is actually protected rather than on the classification given to it by the parties, (a classification that may be confusing in many cases, according to the Supreme Court).

In relation to the start date for calculating interest in the event of a loss, the judgment applied the court's own case law to determine that interest starts to accrue on the date of the loss, except in the event of late notification by the injured party (in which case the notification date will be taken) or where a claim is asserted in direct action brought without the injured party's prior knowledge (in which case the interest accrues from the date of the claim).

Sea carrier's liability is confirmed because packing defect is not proven in damage to goods

[**Barcelona provincial appellate court judgment \(panel 15\) of June 30, 2025 \(Appeal 205/2024\)**](#)

The judgment confirming the first instance judgment examined the sea carrier's liability for damage to goods carried in an international carriage of goods by sea, in a container under FCL (Full Container Load) terms whereby the sea carrier receives the container at origin after it has been loaded, closed and sealed and must deliver it in the same way at destination.

Whereas the defendant carrier submitted that the damage to the goods was caused by insufficient packing of the goods in the container, the claimant (the insurer that had indemnified the shipper for the damage) considered that it was due to a strong movement by the ship during carriage.

Applying the Hague-Visby Rules, article 277.2 of the Maritime Shipping Law and supreme court judgment no 1085/2023 of July 4, 2023, Barcelona Provincial Appellate Court established, in summary, that the carrier is presumed liable unless they prove the existence of any of the exceptions to the carrier's liability stipulated in article 4.2 of the Hague-Visby Rules (force majeure, insufficiency of packing, inherent defect, etc.). The judgment dismissed the defendant carrier's defense because the judge considered the carrier had not provided adequate proof of the existence of the alleged insufficient packing, and therefore the carrier was liable for the claimed damages.

It is confirmed that the lifting of a ship arrest cannot be requested via another preventive measure

Judgment of Barcelona Provincial Appellate Court (panel 15) of January 19, 2024 (decision no 14/2024)

This judgment dismissed an appeal lodged against the decision of Barcelona Commercial Court no 6 of October 27, 2021, which rejected the preventive measures requested by the appellant to lift a ship arrest, without hearing the enforcing party.

The ship arrest had been ordered by decision dated April 22, 2021 to secure collection of a maritime claim. The appellant filed a third-party claim to property and simultaneously filed an objection to the arrest, seeking an order to lift the arrest immediately. That claim gave rise to two proceedings: a third-party claim to property proceeding and a separate proceeding on preventive measures to decide on the preventive measure requested by the third-party claimant for the ordered arrest to be lifted.

As mentioned above, at first instance that preventive measure was rejected by decision dated October 27, 2021, due to the absence of any legal basis. Article 470.1 of the Maritime Shipping Law states that ship arrests are governed by the International Convention relating to the arrest of seagoing ships, signed in Geneva on March 12, 1999, and on a secondary basis by the Civil Procedure Law. For that reason, the objection to the arrest of the ship was required to follow the procedure set out in article 739 et seq. of the Civil Procedure Law, which states that “where the preventive measure has been adopted without a prior hearing of the defendant, the defendant can file an objection within twenty days, running from notification of the decision ordering the preventive measures”.

Therefore, the first instance judge held that the arrest of the ship, as stated in the Maritime Shipping Law, is a preventive measure and it is not allowed to request a preventive measure to lift another preventive measure. The judge noted that “if the claimant wished to object to the arrest, on the grounds it considered appropriate, it should have filed an objection to the measures, as stated in article 739 of the Civil Procedure Law rather than claiming an odd sort of “countermeasures” that fall outside the principle of adherence to legal procedure under article 1 of the Civil Procedure Law”.

Recreational nautical activities

New regime enters into force, streamlining the ship clearance process and regulating the temporary commercial use of recreational craft

On August 15, 2025 the new ship clearance regime, introduced by Royal Decree 186/2023 of March 21, 2023 approving the Maritime Shipping Regulations (RONM), came into force.

Under the new ship clearance regime set out in the Maritime Shipping Regulations, most ships and craft are no longer subject to a prior clearance system and now fall under a regime based on a solemn declaration of responsibility, signed by the owner or shipping company, which certifies compliance with navigation requirements. This has simplified administrative procedures and lightened operating requirements.

However, the temporary change from private to commercial use of ships and recreational craft, as provided for in article 9 of the RONM, remains subject to the regime requiring express clearance by the shipping authority. Because that article did not initially include the requirements to be met for that change of use of ships and recreational craft, a decision dated July 17, 2025 by the Directorate-General for Merchant Shipping on the conditions to be met by ships and recreational craft for a

temporary change of use from private to commercial use (Official State Gazette of July 22, 2025) has been approved. That decision, which came into force on July 23, 2025, will stay in force until a new royal decree is approved with final provisions on this subject.

The main requirements introduced by the decision are: being registered on List Seven of the Ship Register; having valid certificates; complying with the inspections regime applicable to List Six; having the mandatory third-party liability and accident insurance policies; and being managed by a company engaged in chartering vessels, under a ship management contract. Additionally, during commercial use, the vessel has to preface the registration code with the letters "CT" on both tacks.

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