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CIRCULAR 063/2026
REQUIREMENTS AND POTENTIAL SANCTIONS FOR VESSELS SAILING TO/FROM THE FALKLAND ISLANDS (MALVINAS)

Context

The Falkland Islands (Malvinas) question is back on Argentina's political agenda.

A bill now before Congress would create – if passed – a new and much stricter sanctions regime, intended to apply to the use of any natural resources, renewable or not, in the Islands, their surrounding maritime areas and on the continental shelf without Argentine authorisation (including fines of up to 3,000,000 barrels of oil, disqualification for up to 20 years, freezing assets under Argentine jurisdiction and imprisonment). The current sanctions regime (Law 26.659) only covers hydrocarbon exploration and exploitation. Liability under the bill would also extend to those providing essential logistical, transport or technical services, who would face 5 to 7 years' imprisonment if aware of the purpose of such services.

At the time of writing, the bill has not obtained a committee report and its text may still change. If the bill is passed, we will issue a new Circular summarising its content and its impact on shipping.

Regardless of the above, we have recently seen a trend towards stricter enforcement of the local regulations on vessels calling at the Islands.

We would therefore like to remind the Clubs and their Members of the requirements already in force for vessels trading with the Islands.

Requirements for vessels calling at the Falkland Islands (Malvinas)

Under Decree 256/2010, any vessel or naval artefact needs prior authorisation from the Argentine authorities if it intends to: (i) sail between ports in mainland Argentina and ports in the Falkland Islands (Malvinas), South Georgia or the South Sandwich Islands; (ii) cross Argentine jurisdictional waters bound for those ports; or (iii) load cargo to be carried, directly or indirectly, between those ports.

According to regulations in force, the Master, Owners, agents or authorised persons must apply to the Argentine Coast Guard (Prefectura Naval Argentina – PNA) for authorisation at least seven (7) business days before the estimated date of departure or arrival, depending on the direction of the voyage, including the scheduled arrival at the Islands, when coming directly from a port other

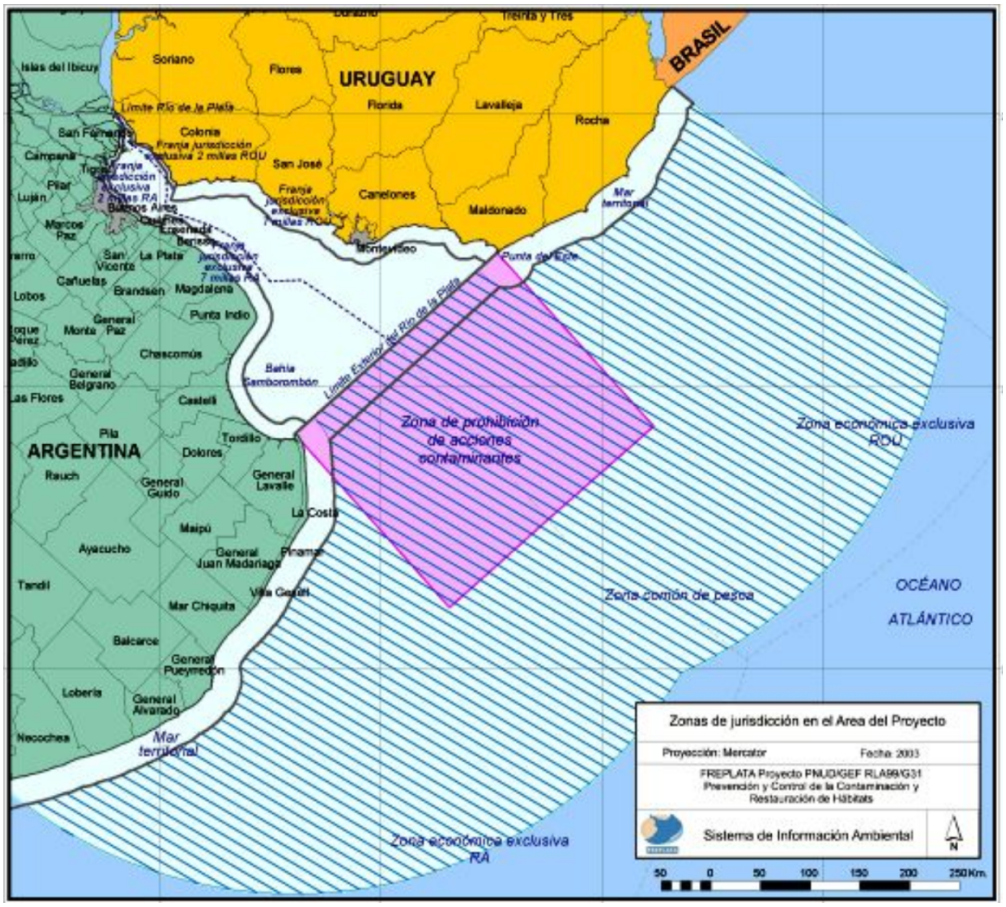
than a mainland Argentine port (for example Montevideo, Punta Arenas or a European port) (sample attached as Annex I).

Separately, vessels leaving mainland Argentine ports on national or international voyages must file a sworn declaration before departure if they are not covered by an authorisation (sample attached as Annex II). The declaration states that neither the voyage nor the cargo falls within the Decree. It also states that the vessel will not call at ports in the Islands, or at exploration or exploitation platforms on the Argentine continental shelf, without authorisation from the competent authority. This is customarily done when requesting outward clearance from the Coast Guard. Masters should bear in mind that a later unauthorised call at the Islands would contradict the declaration given.

<u>The situation of the River Plate</u>

We have recently come across a case in which a vessel sailed from Montevideo, Uruguay, bound for Port Stanley (Puerto Argentino), Falkland Islands (Malvinas). The PNA served a statement of infringement of Decree 256/2010 during its transit via the River Plate, due to lack of authorisation.

As you may know, the River Plate extends from the parallel of Punta Gorda (where the Uruguay River meets the River Plate) to the imaginary line between Punta del Este (Uruguay) and Punta Rasa del Cabo San Antonio (Argentina) (the outer limit).



Illustrative map of the River Plate under the River Plate Treaty (source: FREPLATA).

According to the River Plate Treaty (Argentina/Uruguay), from Punta Gorda to the imaginary line between Colonia de Sacramento (Uruguay) and Punta Lara (Argentina), the exclusive jurisdiction

of each country is 2 nautical miles from each country's base line; and from there to the outer limit, it is 7 nautical miles (i.e. the coastal strips).

Beyond the coastal strips are the waters of common use. There, each country's jurisdiction applies to vessels of its own flag, but each country may also exercise its jurisdiction in all cases where its security is affected or where offences are committed that have effects in its territory, irrespective of the flag of the vessel involved (Article 3 of the Treaty).

Therefore, if a vessel calling at Uruguayan – or other countries' – ports sails to/from the Islands through the waters of common use of the River Plate under the Treaty, the Coast Guard will consider this an infringement of Decree 256/2010.

Avoiding Argentine waters, including the common waters of the River Plate, would reduce the risk of being intercepted in transit. However, given Argentina's apparent position on the waters surrounding the Islands (see below), the only way to avoid exposure altogether, before Argentine authorities, is to obtain the authorisation required under Decree 256/2010 whenever calling at the Islands.

Any vessel calling at the Falkland Islands (Malvinas)

Clubs and their Members should note that, under Argentine law, the waters around the Islands are Argentine jurisdictional waters: Law 23.968 draws Argentine baselines around the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands, and Argentina's territorial sea, contiguous zone and exclusive economic zone are measured from them. From the PNA's standpoint, therefore, every vessel arriving at the Islands crosses Argentine jurisdictional waters.

It therefore seems that the PNA considers the authorisation requirement applicable even when a voyage to or from the Islands neither starts nor ends in a mainland Argentine port. The wording of the Decree itself, which lists specific triggers rather than requiring a permit for every call at the Islands, supports a narrower reading that may be raised in defence of particular cases, but Members should not rely on it when planning voyages.

The PNA monitors vessel movements by satellite and keeps a record of vessels presumed to be in breach. It opens administrative and contravention proceedings, which may lead to significant fines, when those vessels later call at a mainland Argentine port, or are intercepted in Argentine waters. The limitation period is three years from the event, but it is interrupted, among other things, by the commission of another contravention, so a vessel calling regularly at the Islands may remain exposed for considerably longer.

Sanctions

Any breach of Decree 256/2010 will be treated as an infringement punishable under the Maritime, Fluvial and Lacustrine Navigation Regime (REGINAVE) which provides – for this type of infringement – a maximum fine of 200,000 Fine Units, equivalent to about US$ 55,000 (US Dollars Fifty-Five Thousand) as at October 2026.

Please note that if a vessel which could have been in breach calls at an Argentine port or enters Argentine waters, the PNA would be entitled to detain the vessel until security is provided for the potential fines (or enforce the payment of a fine if this has become full and final).

Depending on the type of process followed by the Coast Guard (i.e. an abbreviated proceeding or an administrative inquiry), the Owners who are notified of an alleged infringement will have either 72 business hours or 10 business days to appear and file a defence.

See our Circular 059/2026 for further information on the REGINAVE and its sanctions.

Practical recommendations

Shipowners wishing to avoid exposure before the Argentine authorities should apply for authorisation at least seven (7) business days before arrival at the Islands, whatever the route and port of origin.

Those whose vessels have called at the Islands without authorisation within the last three years, and which intend to call at an Argentine port or transit Argentine waters (including the River Plate), are encouraged to contact us before the call, so that the exposure and any security that may be required can be assessed in advance.

We will keep Members informed of further developments. Should you require any clarification or additional information, please do not hesitate to contact us.

Yours faithfully,

Sebastián A. Trigub
PANDI LIQUIDADORES SRL / BUENOS AIRES, ARGENTINA

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ANNEX I

SOLICITUD DE AUTORIZACION CONFORME DECRETO Nº 256/2010

APPLICATION FOR AUTHORIZATION ACCORDING TO DECREE No. 256/2010

En mi carácter de Capitán/Armador/Agencia Marítima/Apoderado, solicito autorización para:

As the Master/Owner/Maritime Agency/ Representative, I hereby apply for authorization to:

Transitar entre Puertos ubicados en el Territorio Continental Argentino y Puertos ubicados en las Islas Malvinas, Georgias del Sur y Sandwich del Sur Transit between ports situated on mainland Argentina and Ports situated in the Islas Malvinas, Georgias del Sur and Sandwich del Sur.	(*)
Atravesar Aguas Jurisdiccionales Argentinas en Dirección a Puertos ubicados en las Islas Malvinas, Georgias del Sur y Sandwich del Sur Go through Argentine jurisdictional waters heading for ports situated in the Islas Malvinas, Georgias del Sur and Sandwich del Sur.	(*)
Cargar Mercaderías a ser transportadas en forma directa o indirecta, desde o hacia puertos ubicados en las Islas Malvinas, Georgias del Sur y Sandwich del Sur. Load goods to be carried directly or indirectly between the ports located in mainland Argentina and ports situated in the Islas Malvinas, Georgias del Sur and Sandwich del Sur.	(*)

(*) Márquese lo que corresponda en el casillero derecho. (*) Mark as appropriate the right box.

Acorde la siguiente información:

In accordance with the following information:

Nombre del Buque Name of ship	
Número OMI del Buque IMO Ship Number	

Nombre de la Compañía *Company name*		
Número de Identificación de la Compañía *Company identification number*		
Número de Propietario Inscripto *Registered Owner Number*		
Señal Distintiva de Llamada *Call sign*		
Bandera del Buque *Flag of Ship*		
Puerto de Registro *Port of Registry*		
Tipo de Buque *Type of Ship*		
Agencia Marítima nominada en Argentina *Argentine Agency appointed in Argentina*		
Nombre y Licencia del Capitán *Name and License of Master*		
Puerto de Procedencia y últimos CINCO (5) puertos de escala *Port of Origin and last five ports of call.*	Procedencia	
	1	
	2	
	3	
	4	
	5	
Próximos Puertos de Destino o Escala *Next ports of destination or call*	1	
	2	
	3	
	4	
Fechas Previstas de Arribo y Zarpada *Estimated dates of arrival/departure*	1	1
	2	2
	3	3
	4	4
Tipo y descripción de la Carga/Cantidad de Pasajeros *Type and description of load/number of passengers*		
Objeto de la Navegación *Purpose of navigation*		

.....
Lugar y Fecha
Place and Date

.....
Firma y Aclaración
Signature and printed name

ANNEX II

DECLARACION JURADA MALVINAS

MALVINAS AFFIDAVIT

(Decreto Nº 256/2010)

El que suscribe Capitán ……

I, the undersigned, Master

declara bajo juramento, que en orden al Decreto del Poder Ejecutivo Nacional Nº

do hereby declare under oath, that according to Decree No.

256/2010, el Buque denominado …….. Matrícula

……

256/2010 of the National Executive the Ship named Register No.

Número OMI ……..**Número del Propietario Inscripto**……

IMO No. Registered Owner No.,

Número de Identificación de la Compañía…….

Company Identification No.,

no efectuará travesía que incluya como puerto de destino o escala a ninguno de

will not make a voyage, which may include as a port of destination or port of call any of

los situados en Islas Malvinas, Georgias del Sur, Sandwich del Sur, ni recalada

the ports situated in Islas Malvinas, Georgias del Sur, Sandwich del Sur, or call

en plataformas de exploración/explotación costa afuera que operen en la

at exploration/exploitation platforms operating offshore

plataforma continental argentina sin permiso emitido por la autoridad competente argentina.

on the Argentine continental shelf, without permission granted by the competent Argentine authorities.

…….. ……

Lugar y Fecha
Place and Date

Firma y Aclaración
Signature and printed name