



MINISTRY OF HEALTH

SECRETARY OF STATE FOR HEALTH

GOVERNMENT DELEGATION FOR THE
NATIONAL DRUGS PLAN

**GENERAL TERMS AND CONDITIONS GOVERNING THE PROCEDURES FOR
THE SALE OF VESSELS AND/OR SIMILAR ASSETS, BY MEANS OF A
PUBLIC ELECTRONIC AUCTION, ORGANISED BY THE GOVERNMENT
DELEGATION FOR THE NATIONAL DRUGS PLAN THROUGH THE
ESCRAPALIA PLATFORM (SURUS INVERSA S.L.)**

1. IDENTIFICATION AND BACKGROUND OF THE SALE.

1.1. CENTRE ORGANISING THE SALE: Government Delegation for the National Plan on Drugs.

1.2. ORDER NUMBER: 2026_01

1.3. PURPOSE OF THE SALE.

The purpose of the auction is the sale of vessels and/or similar assets, the sale of which has been entrusted to the company SURUS INVERSA S.L., and which are listed in the inventory of Assets Seized for illicit drug trafficking and other related offences managed by the Government Delegation for the National Plan on Drugs, and have been declared suitable for the purposes set out in Article 2 of Law 17/2003 of 29 May.

2. AWARD PROCEDURE.

The sale will be conducted by means of an electronic public auction.

Participation in the auction implies that the bidder is aware of and accepts the condition of the property at the time of the auction, as well as acceptance of these terms and conditions in their entirety.

3. AUCTION ANNOUNCEMENT.

The auction will be advertised on the Escrapalia.com platform, managed by the company SURUS INVERSA

S.L., and on the website of the Government Delegation for the National Plan on Drugs (<https://pnsd.sanidad.gob.es/delegacionGobiernoPNSD/fondoBienesDecomisados/home.htm>). In addition, other public or private means of advertising the call for bids may be used, as well as the publication, where applicable, of the auction notice in the Official State Gazette.

4. REQUIREMENTS FOR PARTICIPATION.

4.1. GENERAL LEGAL REQUIREMENTS.

Natural and legal persons, whether Spanish or foreign, who have the capacity to enter into contracts in accordance with the provisions of the Civil Code regarding general capacity for all types of contracts and, in particular, for contracts of sale, may participate in the procedure, provided that they are not subject to any of the prohibitions on contracting set out in Article 71 of Law 9/2017 of 8 November, on Public Sector Contracts, transposing into Spanish law Directives 2014/23/EU and 2014/24/EU of the European Parliament and of the Council of 26 February 2014.





Furthermore, the following persons shall not be eligible to be awarded the goods:

- A) Staff working at the Government Delegation for the National Plan on Drugs and in the rest of the Ministry of Health.
- B) Members of the security forces and civil servants of the State Tax Administration Agency and staff of the Office for Asset Recovery and Management, in relation to assets in the seizure, safekeeping, maintenance or any other post-seizure activity of which they have been involved in any way.
- C) Civil servants of the Regional Offices of Economy and Finance, in respect of assets in the administration of which they have been involved.
- D) Valuers, in respect of the assets included in the auction, if they have been involved in their valuation.
- E) Staff of the company which, on behalf of the Government Delegation for the National Plan on Drugs, conducts the electronic auction or has participated in the valuation of the assets subject to this sale.
- F) In general, any person falling within any of the circumstances set out in Article 1459 of the Civil Code.

This circumstance shall be verified prior to the signing of the award agreement.

4.2. PROVISION OF GUARANTEES.

In order to participate in the auction, it will be necessary to provide a security deposit in advance, the details of which will be set out in the “*Description*” section for each of the lots listed on the escrapalia.com platform. This security deposit entails a commitment on the part of potential buyers to ensure that only interested users participate, as well as to prevent any potential distortions in the final price.

The guarantee or deposit for the lots contained in Order 2026_01 is set at 5% of the valuation of each event.

The payment of the deposit entitles the bidder to bid on the lots included in each event for which the deposit has been paid.

To request a refund of the deposit, each bidder must visit the auction portal and, in the main menu, locate their identification via the drop-down menu, accessing the ‘*Deposit Management*’ section.

Under no circumstances shall the deposit be considered as a payment on account of the auction hammer price by the successful bidder; consequently, the amount of the said deposit shall not be deducted from the hammer price of the awarded item or items; without prejudice to the provisions of sections 8.1, 9.1 and 10.2 of these terms and conditions regarding the forfeiture of the deposit.

5. DOCUMENTATION TO BE SUBMITTED BY SUCCESSFUL BIDDERS

Prior to the start of bidding, any party wishing to participate in the auction must have lodged the **deposit** in the manner set out in the previous section.

Once the auction for each lot has concluded, a **Post-Approval** process will commence, during which the successful bidder will be asked to provide a copy of their National Identity Card if they are a natural person, or a copy of their Tax Identification Card if they are a legal entity, as well as the declaration of responsibility (Annex I); following this verification, the successful bidder will receive a Payment Order.





Once payment has been confirmed, the Government Delegation for the National Plan on Drugs will proceed with the award decision.

6. VIEWING OF THE PROPERTY.

Those interested in participating in the auction may view the asset or assets comprising each lot by registering via the relevant button in the “Visit Date: Register” section of the Escrapalia app (escrapalia.com). Registration for viewings will remain open until three days before the actual date of the viewing.

For visits, you must provide your full name, National Identity Number (DNI) and username in the aforementioned app. Once the relevant details have been received, the address and exact time of the visit will be confirmed. During the visit, you may inspect each item in detail, and may be accompanied by any experts or technicians you deem appropriate. The items may not be moved or relocated from the facility or storage area where they are located.

In valuing the items to be auctioned, account has been taken of their age, the length of time they have been in storage and their current condition, as well as the availability or otherwise of legal documentation for the items being auctioned and their keys. It is not guaranteed that keys and/or documentation will be available in all cases; where applicable, this circumstance will be noted in the description of each lot to be offered at auction.

Consequently, successful bidders may not claim any liability or financial compensation as a result of any existing defects in the goods, which may be identified in advance by interested parties by inspecting them during the viewing days. Similarly, successful bidders may not claim liability or compensation from the Government Delegation for the absence or insufficiency of legal documentation relating to the goods.

The Government Delegation for the National Plan on Drugs reserves the right to withdraw any lot or goods from those included in the auction at any time prior to the closing of the bidding period.

The withdrawal of these lots shall not give rise to any compensation to bidders for having provided the deposit.

7. CONDUCT OF THE AUCTION.

Auctions will be conducted in accordance with the provisions of these terms and conditions and in accordance with the Terms and Conditions of Use of the Escrapalia auction portal (escrapalia.com).

These terms are set out in detail at:

www.escrapalia.com (<https://www.escrapalia.com/es/terminos-de-uso>)

The figures indicated as bid prices do not include Property Transfer Tax, where applicable, which the successful bidder is obliged to pay in accordance with the provisions of Royal Decree 828/1995 of 29 May, approving the Regulations on Property Transfer Tax and Stamp Duty.

8. BIDDING AND AWARD OF THE PROPERTY.

8.1. PROPOSAL FOR THE AWARD OF THE PROPERTY.

The award shall be made to the bidder offering the highest price.





The tenderer submitting the most economically advantageous tender shall have **3 working days** to submit the documentation referred to in section 5 of these tender specifications, '**Documentation to be submitted by the successful tenderers**'.

During the **Post-Approval** process, the tenderer's identification documents will be verified, as well as the Affidavit (Annex I), and, following this verification, the successful tenderer will receive a Payment Order. Once payment has been confirmed, the award decision will be issued. Should the identification documents not be provided and/or payment not be made in due time and form, the deposit shall be forfeited, **as well as any rights to the lot**.

In this case, and generally in any situation where the successful bidder withdraws, the lot will be offered to the next bidder with the most advantageous financial offer. If they also withdraw, the lot will be offered to the next bidder with the most advantageous financial offer. In the event that none of the three bidders accepts the lot, consideration will be given to offering the lot to the remaining bidders at a price calculated as the arithmetic mean between the highest bid and the next highest bid immediately following the reserve price.

DOCUMENTATION TO BE SUBMITTED:

1. Spanish bidders

◆ Natural persons:

- Copy of National Identity Card, equivalent document or passport.

Where the bid is not submitted by the bidder themselves, it must also include:

- A copy of the representative's National Identity Card, equivalent document or passport.

◆ Legal entity:

- Copy of the Tax Identification Card.
- Copy of the National Identity Card, equivalent document or passport of the person submitting the tender on behalf of or as the authorised representative of the company,
- Original, certified copy or notarised copy of the power of attorney of the person submitting the bid.

2. Foreign tenderers

All documentation submitted must meet the formal requirements necessary to have full legal effect in Spain and must be submitted translated into Spanish.

◆ Natural person:

- Copy of passport or document equivalent to a National Identity Card.

Annex 1 (**affidavit**) attached to these tender specifications must also be submitted, duly completed. By means of this declaration, provided for in Article 69 of Law 39/2015 of 1 October on the Common Administrative Procedure of Public Administrations, the interested party declares, under their own responsibility, that they are not subject to any of the prohibitions on contracting with the Administration set out in Article 71 of Law 9/2017 on Public Sector Contracts, which transposes into Spanish law Directives 2014/23/EU and 2014/24/EU of the European Parliament and of the Council of 26 February 2014, nor is the interested party subject to the exclusions from participation listed in point 4.1 of these tender specifications.

Furthermore, in said declaration, the interested party declares their submission to the jurisdiction of the Spanish courts and tribunals, of any order, for all incidents that may arise, directly or indirectly, expressly waiving any foreign jurisdiction that may apply to them.

Notwithstanding the provisions of this section, the Government Delegation for the National Plan on Drugs may request from tenderers who have been awarded one or more lots additional documentation proving their identity and capacity to be awarded the contract.





8.2. AWARD OF THE GOODS.

Once the auction has concluded, the Post-Approval process has been completed and payment has been confirmed, the Government Delegation for the National Plan on Drugs, through the Awards Coordination Committee, will issue an award decision in favour of the bidder or bidders who have submitted the best bids.

The successful bidder may not transfer the asset or assets acquired at the auction to third parties without completing the relevant registration procedures for the assets awarded in their name.

8.3 NOTIFICATION OF THE AWARD.

The company SURUS INVERSA S.L. shall notify the successful bidders of the award decision in writing, by fax, email or any other method that provides proof of receipt.

For its part, the Government Delegation for the National Plan on Drugs, via the Ministry of Health's Electronic Notification System for Court Appearances (SNEC), will send a notification to the successful bidders, which will be received in their Citizen Folder. The successful bidder will receive an email from the Electronic Notification System (<https://sede.mscbs.gob.es/notifica>) informing them of this.

For all other interested parties, notification will be provided by publishing the auction prices for each lot on the website of this Government Delegation for the National Plan on Drugs.

9. OBLIGATIONS OF THE SUCCESSFUL BIDDER.

9.1 PAYMENT OF THE PRICE AND OTHER COSTS AND CONSEQUENCES OF NON-COMPLIANCE.

The successful bidder for each lot must, upon receipt of the Payment Order, pay the amount of their bid, if it is the most advantageous, to the company SURUS INVERSA S.L., without deducting the amount of the deposit from the auction price; a refund of the deposit may be requested once payment has been confirmed, via the escrapalia.com platform, and will be returned by the aforementioned company.

Each successful bidder shall have **3 working days** from receipt of the Payment Order to complete payment for the lot or lots awarded. Should payment not be made within this period, the deposit will be forfeited, in accordance with section 4.2 of these terms and conditions, the procedure for which is specified in the Terms and Conditions of Use of the escrapalia.com auction platform itself.

<https://www.escrapalia.com/es/terminos-de-uso>

Unless for duly justified reasons, any successful bidder who fails to submit the identification documents and/or make payment, and to notify this within the specified period, or who withdraws their bid, shall automatically forfeit their right to the lot. In this case, the deposit shall be forfeited.

The company SURUS INVERSA S.L. shall expressly notify the successful bidder of the relevant decision should they find themselves in the circumstances described in the previous paragraph, and the lot shall be awarded to the second-highest bidder, if any, or to the subsequent bidders as specified in point 8.1.

In the case of the award of Spanish-flagged vessels, the purchasers must register the change of ownership with the relevant Harbour Master's Office.





Recreational vessels and boats from a country flying a foreign flag that have previously been registered in that country must undergo the administrative import procedure leading to their registration in the Spanish Maritime Register.

9.2. PAYMENT OF COSTS BY THE SUCCESSFUL BIDDER.

- Any tax liability or duly justified expense related to the conduct of the procedure shall be borne by the successful bidders.
- In the case of vessels, ships and naval craft, the costs of registration, flagging and registration of ships, vessels and naval craft, the relevant taxes and fees, those relating to transfer and those associated with the necessary documentation, certificates or any other requirement for their entry into service or navigation.
- Likewise, the successful bidder shall bear any costs arising from the storage and safekeeping of the awarded assets once the period specified in section 10.1 of these specifications has elapsed. From that moment onwards, the successful bidder shall be subrogated to all legal relationships arising from the storage of the awarded asset.

9.3. DATA PROTECTION.

In accordance with the provisions of Organic Law 3/2018 of 5 December on the Protection of Personal Data (LOPD) and its implementing regulations, approved by Royal Decree 1720/2007 of 21 December, the successful bidder shall at all times guarantee the confidentiality of personal data and any other information to which they may have access as a result of their participation in this procedure.

10. OBLIGATIONS OF THE ADMINISTRATION.

10.1. DELIVERY OF THE AUCTIONED ITEM.

To ensure the effective delivery of the awarded item or items, the Government Delegation for the National Plan on Drugs shall issue the relevant collection authorisation to each successful bidder. The company SURUS INVERSA S.L. shall forward this authorisation to each successful bidder

All vessels originating from the Government Delegation for the National Plan on Drugs that have been auctioned and awarded must comply with the following provisions:

- General collection period: As a general rule, the maximum period for collecting the vessels from their current location shall be seven (7) working days from the date of delivery of the award certificate. SURUS INVERSA S.L. will send an email to the custodian, which must in all cases include the successful bidder's tax identification number (NIF) or the successful company's company registration number (CIF), the identity card number (DNI) of the person collecting the item(s), and a description of the necessary means to be used for collection. Collections will take place during the hours set by each custodian.
- Extension of the deadline due to force majeure: In cases where, due to force majeure, additional time is required to assess the condition or mechanical characteristics of the vessel in order to make it operational and proceed with its collection, an additional period of up to five (5) working days may be granted upon request by the successful bidder. During this period, the successful bidder may carry out the necessary repairs in order to proceed with its launch, or, failing that, with its final removal from the location where it is situated.





3. Removal by external means: In cases where it is not possible to repair or make the vessel operational from its current location within the established timeframes, the new successful bidder must arrange the necessary external means to vacate the occupied area so as not to cause any potential inconvenience to third parties or the custodian.
4. Means required for removal: It shall be the sole responsibility of the successful bidder to arrange, in good time, the necessary means for the removal of the vessel. This includes, where applicable, the use of auxiliary means, whether by land and/or sea (cranes, boom trucks, gondolas, 'travel lifts') or any other equipment or service necessary to carry out the removal in a timely and proper manner.
5. Liability for failure to meet deadlines: In cases where, for reasons beyond the control of the Government Delegation for the National Drugs Plan, other public administrations or official bodies under their authority (including court-appointed custodians, ports, marinas, yacht clubs or jetties), the goods have not been collected within the stipulated period, the successful bidder shall be liable, once the permitted time has elapsed, for the costs arising from storage, winter storage or deposit. These costs shall be calculated in accordance with the rates established by each custodian. Furthermore, such administrative bodies or custodians may take legal action in the event of negligence or bad faith on the part of the successful bidder.

If the item or items are not collected within the stipulated or extended period, it shall be deemed that the buyer has waived all rights to the items, including the purchase price. In the event of an extension of the collection period, a penalty may be applied equivalent to the daily cost of the uncollected item in accordance with the rates and prices of each storage facility, multiplied by the number of days elapsed.

6. Liability for damage: The successful bidder or buyer shall be liable for any damage to the goods in the storage facility, including spills or leaks of hazardous substances, which may occur during the collection process. The buyer or their agent must clean up any spill or repair any damage resulting from the process.

10.2. REFUND OF DEPOSITS.

Once the purpose for which the deposit was provided has been fulfilled, bidders who have not been successful may request a refund of the deposit via the auction portal (escrapalia.com), once the lot has been awarded.

Successful bidders may request the return of the security deposit once they have paid the hammer price and collected the lot or lots awarded to them.

To request the return of the deposit, each bidder must go to the auction portal and, in the main menu, locate their identification via the drop-down menu, accessing the "*Deposit Management*" section.

The deposit will not be refunded to successful bidders who withdraw after the auction.

11. GROUNDS FOR TERMINATION OF THE AWARD.

The grounds on which the sale shall be deemed terminated are those generally established by the Civil Code for obligations and contracts and, specifically, those provided for therein regarding the contract of sale.

If, due to a supervening impossibility of delivering the property, for reasons not attributable to the successful bidder, a refund of the price paid is required, the Government Delegation for the National Plan on Drugs





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shall issue a ruling confirming the sale and ordering the company SURUS INVERSA S.L. to refund the amount paid to the successful bidder, should such grounds be found.

In the same circumstances, if the successful bidder has also incurred expenses as a result of the steps taken to take physical possession of the purchased property, they may claim reimbursement of such expenses, provided they are supported by documentary evidence. In such cases, this claim shall be processed as a claim for financial liability against the State Administration (Articles 66 et seq. of Law 39/2015 of 1 October on the Common Administrative Procedure of Public Administrations).

THE DEPUTY DIRECTOR-GENERAL FOR MANAGEMENT
Signed electronically: María del Carmen Sanz Iribarren

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