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Our comments on MARPOL violation fines in Ghana

As Correspondent of the Club in Ghana ports, TCI GHANA / ELTVEDT&O’SULLIVAN are drawing the attention of all vessels going to Ghana to pay serious attention to MARPOL violation fines, as currently imposed by GHANA MARITIME AUTHORITY (GMA).

GHANA enacted in 2016 the < Maritime Pollution Act 2016 >, Act 932, implementing in the country MARPOL 73/78 with its 6 Annexes.

Following this enactment, the table below of fines has been adopted by GHANA MARITIME AUTHORITY in case of any incident violating the domestic law:

| INCIDENT | REFERENCE TO MARPOL | AMOUNT OF FINE |
|---|---------------------|--|
| 1. WASTE Evidence of illegal dumping | ANNEX V | 36,000.00 USD |
| 2. OIL -If no oil record book (ORB); -Failure to record in ORB; -Discharge of oil/oily mixture (like sludge) | ANNEX I | 7,200.00 USD 2,400.00 USD for each entry omitted 60,000.00 USD |
| 3. SEWAGE Illegal discharge | ANNEX IV | 36,000.00 USD |
| 4. GARBAGE -No garbage record book (GRB); -Failure to record in GRB; -No Garbage Management Plan; -Evidence of illegal discharge of garbage; | ANNEX V | 6,000.00 USD 2,400.00 USD for each entry omitted 6,000.00 USD 24,000.00 USD |
| 5. TRANSFER OF OIL -Bunkering without GMA permit; -Transfer of oil without 48H notification (in port); -Transfer of oil without 48H notification (outside port) | ANNEX I | 60,000.00 USD 14,400.00 USD 60,000.00 USD |

Practically a PSC (Port State Control) will be organized by GMA on a targetted vessel either in anchorage on the roads (outside the port) or in port. Any vessel can be targetted as there is no eligibility criteria.

The PSC inspector, duly mandated by GMA, will introduce himself to the Captain and will request to check the vessel for any violation of the <Maritime Pollution Act 2016>. He will focus his attention on the possible violations as mentioned in the above table.

I. LOSS PREVENTION

Evidence of illegal dumping of waste or illegal discharge of garbage will be established when the inspector, after inspecting the points of collection, will come to the conclusion that the quantity of garbage actually on board is not matching with the quantity expected to be generated according to the number of crew and voyage duration.

It is thus important for the vessel to keep the entries in GRC (Garbage Record Book) in order. All receipts proving the legal discharge of garbage in previous ports should be available. That is the only way to disclaim the vessel from the illegal discharge of garbage claim.

The Garbage Management Plan should be displayed for all crew members to take note. The inspector will surely check whether it is displayed or not.

The Oil Record Book (ORB) should also be in order. The inspector will check the last entry. Any movement of oil on the vessel (transfer of HF or MDO from one tank to another, bunkering, authorized discharge of sludge, etc...) should be mentioned in the ORB.

Before doing any discharge of sludge or any oily mixture to shore facilities, the Captain should get permission from GMA and the Harbour Master through the Shipping Agent. This authorization will assist in disclaiming the vessel.

We highly recommend that the scuppers on main deck should be plugged during the time the vessel is in port or outside in anchorage waiting for berthing prospects. The purpose is to avoid any inadvertent discharge of oil at the sea or in the port's basin water.

During authorized bunkering, the vessel should make sure that the savealls around the manifold can keep any leakage from the hose.

The sewage plant should be in good working condition. According to the <Maritime Pollution Act 2016>, Act 932, the effluent in the retention tank should be CLEAR and without any suspected particle.

Usually during the inspection of the plant, the inspector will collect sample of effluent from the tank. Once this effluent is found slightly coloured and not CLEAR, the vessel will be fined for illegal discharge of sewage even though the discharge valve is duly locked and sealed! For the inspector, the coloured effluent is an evidence that the plant is not working correctly...

We highly recommend that the vessel's Chief Engineer takes time to clean properly the tank and to make sure that the effluent is CLEAR (like water) before entering GHANA territorial waters.

Concerning the transfer of oil (as far as bunkering is concerned), the Captain should seek for a written 48H permission from both the Harbour Master and GMA before doing such transfer. The Shipping Agent will assist him in getting the permission.

TCI GHANA, as the local Club's Correspondent, should also be contacted to coordinate with the Agent in this loss prevention.

II. DETENTION OF THE VESSEL

Once the vessel is fined for any breach or violation of the Maritime Pollution Act 2016, it will not be easy to have the fine cancelled or reduced. GMA are generally strict in this regard. The vessel can stack in the port or in anchorage outside the port as long as the fine is not paid.

The only way to obtain the sailing of the vessel is the commitment either by the Agent or by the P&I Correspondent to pay the full amount of fine within 2 weeks. This undertaking is signed at GMA office on their own dedicated forms.

After the sailing of the vessel, failing to pay to GMA the amount of fine within 2 weeks will expose the person who signed the undertaking to a court action.

In coordination with our Manager in Marseille, ELTVEDT & O'SULLIVAN, TCI GHANA will sign the GMA undertaking when a <go ahead> is received from the Club.

III. CONCLUSION

The MARPOL violation fines are really a serious issue faced actually by vessels in Ghana ports. The precautionary measures we suggested as loss prevention can assist the Members' vessels in avoiding the fines.

TCI GHANA will always be ready to assist for the sailing of the vessel. Our assistance will be more efficient if we are contacted when the inspectors are on board inspecting the items before any fine is decided by GMA.

Tema on 13/09/2023

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