



**MEMORANDUM OF UNDERSTANDING  
ON PORT STATE CONTROL FOR WEST AND CENTRAL  
AFRICAN REGION, 1999**

**1<sup>st</sup> Amendment October, 2012**

**MEMORANDUM OF UNDERSTANDING  
ON PORT STATE CONTROL FOR WEST AND CENTRAL AFRICAN REGION\***

The Maritime Authorities<sup>1</sup> of:

Angola  
Benin  
Cameroon  
Cape Verde  
Congo  
Côte d'Ivoire  
Democratic Republic of Congo  
Equatorial Guinea  
Gabon  
The Gambia  
Ghana  
Guinea  
Guinea Bissau  
Liberia  
Mauritania  
Namibia  
Nigeria  
Sao Tome and Principe  
Sierra Leone  
Senegal  
South Africa  
Togo

hereinafter referred to as "the Authorities"

**Recognizing** the need for maritime safety at sea and in ports; and protection of the marine environment and the importance of improving living and working conditions on board ship;

**Recognizing** the importance of the requirements set out in the relevant maritime conventions for ensuring maritime safety and protection of the marine environment;

**Recalling** the importance of the requirements for improving the living and working conditions at sea;

**Noting** the established training methods and programmes for port State control officers "PSCO" and the urgent need to implement a training programme for PSCOs in the region;

**Noting** with appreciation the progress achieved in these fields by the International Maritime Organization and the International Labour Organization;

**Noting** also IMO Resolution A.682 (17), concerning Regional Co-operation in the control of ships and discharges;

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<sup>1</sup> See Section 11 of the Memorandum

\*This text contains the first amendments adopted on Oct 24<sup>th</sup> 2012 and take effect from January 2013.

**Noting** the following MINCONMAR<sup>2</sup> (now MOWCA) resolutions:

Resolution No. 166/55E/97 adopted in Abuja, in December 1997, and;

Resolution No. 172/10/98 adopted in Brazzaville on 30 October 1998;

**Mindful** that the principal responsibility for the effective application of standards laid down in international instruments rests on the authorities of the State whose flag a ship is entitled to fly;

**Recognizing** that effective action by port States is required to prevent the operation of substandard ships;

**Recognizing also** the need to avoid distorting competition between ports;

**Convinced** of the necessity, for these purposes, of an improved and harmonized system of port State control and of strengthening co-operation and the exchange of information;

**have** reached the following understanding:

## **Section 1 Commitments**

- 1.1** Each Authority will give effect to the provisions of the present Memorandum and the Annexes thereto.
- 1.2** Each Authority will maintain an effective system of port State control for the inspection of foreign ships with a view to ensuring that, without discrimination as to flag, foreign merchant ships calling at a port of its State, or anchored off such a port, or at offshore facilities including FPSOs<sup>3</sup> and FSOs<sup>4</sup> comply with the standards laid down in the relevant instruments listed in Section 2.
- 1.3** Each Authority, under the coordination of the Committee established pursuant to Section 8.4, will determine an appropriate annual percentage of individual foreign merchant ships to be inspected. The Committee will monitor the overall inspection activity and its effectiveness throughout the region. As the target, subject to subsequent review, the Committee will endeavour to attain a regional annual inspection rate of 15% of the total number of ships operating in the region or any higher percentage as specified by the Committee. The percentage is based on the number of ships which entered regional ports during the previous three years and as determined in accordance with Annex 11.
- 1.4** Each Authority will consult, cooperate and exchange information with the other Authorities in order to further the aims of the Memorandum.
- 1.5** Each Authority, or any other body, as the case may be, will establish an appropriate procedure for pilot services, including those engaged on ships bound for a port or in transit within its State, and port authorities to immediately inform the Authority of

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<sup>2</sup> Ministerial Conference on Maritime now Maritime Organization for West and Central Africa

<sup>3</sup> Floating, Production, Storage and Offloading.

<sup>4</sup> Floating, Storage and Offloading.

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the port State or the coastal State, as appropriate, whenever they learn in the course of their normal duties that there are apparent anomalies which may prejudice the safety of the ship, or which may pose a threat of harm to the marine environment.

- 1.6 In fulfilling their commitments the Authorities will carry out inspections of the type specified in Annex 9.
- 1.7 Nothing in the Memorandum will be construed as restricting the powers of the Authorities to take measures within its jurisdiction in respect of any matter to which the relevant instruments relate.
- 1.8 For the purposes of the Memorandum, references to the "region", to "regional", to "regional ports" or to "regional port State control" mean the Abuja MoU region, and references to "port State" means the States and the territories in which the ports are located.

## **Section 2 Relevant Instruments**

2.1 For the purposes of the Memorandum 'relevant instruments' are, together with the Protocols, amendments to these instruments and related codes of mandatory status as and when they come into force, the following:

1. the International Convention on Load Lines, 1966 (LOAD LINES 66);
2. the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (LL PROT 88);
3. the International Convention for the Safety of Life at Sea, 1974 (SOLAS);
4. the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS PROT 78);
5. the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS PROT 88);
6. International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and as further amended by the Protocol of 1997 (MARPOL);
7. the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 78), as amended;
8. the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG 72);
9. the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 69);
10. the International Convention on Civil Liability for Oil Pollution

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Damage, 1969 (CLC 1969);

11. Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC PROT 1992);

12. International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (AFS2001);

13. Merchant Shipping (Minimum Standards) Convention, 1976 (ILO 147)<sup>5</sup>

14. Maritime Labour Convention, 2006.

**2.2** With respect to the ILO conventions in Section 2.1, each Authority will apply the procedures referred to in Annex 2.

**2.3** Each Authority will apply those relevant instruments which are in force and are binding on it. In the case of amendments to a relevant instrument each Authority will apply those amendments which are in force and which are binding on it. An instrument so amended will then be deemed to be the 'relevant instrument' for that Authority.

**2.4** In applying a relevant instrument for the purpose of port State control, the Authorities will ensure that no more favourable treatment is given to ships of non-Parties to such relevant instrument and apply the procedures specified in Annex 1.

**2.5** In the case of ships below convention size the Authorities will apply the procedures in Annex 1.

**2.6** An international convention or code is a "relevant instrument" for the purposes of this Memorandum where 3 or more member States of the Abuja MoU Region have ratified or become parties to such international convention or codes.

### **Section 3 Reporting, Ship Risk Profile, Selection, Inspection and Detention**

**3.1** Each ship has to follow the reporting requirements according to Annex 12.

**3.2** 1. In selecting ships for inspection, the Authorities will determine the order of priority based on the ship targeting system and give higher priority to ships with higher targeting factor value. The Authorities will determine their priority from the selection scheme indicated in Annex 8.

2. Each ship will be attributed a ship risk profile, in accordance with Annex 7, which will determine its priority for inspection, the interval between its inspections and the scope of the inspection.

**3.3** 1. In implementing this Memorandum, the Authorities will carry out inspections, which will consist of at least a visit on board a ship in order to check the certificates

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<sup>5</sup> To be automatically replaced by Maritime Labour Convention 2006 as soon as the Convention comes into force in 2013.

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and documents, and furthermore satisfy themselves that the crew and the overall condition of the ship, its equipment, machinery spaces and accommodation, and hygienic conditions on board, meets the provisions of the relevant instruments. In the absence of valid certificates, or if there are clear grounds for believing that the crew or the condition of the ship or its equipment does not substantially meet the requirements of a relevant instrument, or the master or crew are not familiar with essential shipboard procedure relating to the safety of ships or the prevention of pollution, a more detailed inspection will be carried out.

2. Inspections will be carried out in accordance with the Manual<sup>6</sup>.

3. Inspections will be carried out by properly qualified<sup>7</sup> and trained persons authorized for that purpose by the Authority concerned and acting under its responsibility, having regard, in particular to Annex 6. When the required professional expertise cannot be provided by the Authority, the port State control officer of that Authority may be assisted by any person with the required expertise.

4. Port State control officers and the persons assisting them will have no commercial interest, either in the port of inspection or in the ships inspected, nor will port State control officers be employed by or undertake work on behalf of non-governmental organizations which issue statutory and classification certificates or which carry out the surveys necessary for the issue of those certificates to ships.

5. Each port State control officer will carry a personal document in the form of an identity card issued by his Authority in accordance with the national legislation, indicating that the port State control officer is authorized to carry out inspections.

**3.4** 1. Each Authority will endeavour to secure the rectification of all deficiencies detected.

2. On the condition that all possible efforts have been made to rectify all deficiencies, other than those which are clearly hazardous to safety, health or the environment, the ship may be allowed to proceed to a port where any such deficiencies can be rectified.

3. In the case of deficiencies which are clearly hazardous to safety, health or the environment, the Authority will, except as provided in 3.8, ensure that the hazard is removed before the ship is allowed to proceed to sea. For this purpose, appropriate action will be taken, which may include detention or a formal prohibition of a ship to continue an operation due to established deficiencies which, individually or together, would render the continued operation hazardous. In deciding on the appropriate action to be taken port State control officers will be guided by the AMoU Manual and where not provided in the AMoU Manual, by the Abuja MoU Committee Instruction<sup>8</sup>.

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<sup>6</sup> AMoU Manual refers to Abuja MoU Port State Control Officers' Manual

<sup>7</sup> This refers to port State control officers who possess the qualification and experience specified in Annex 6 and the Manual.

<sup>8</sup> Abuja MoU Committee Instructions are guidelines, decisions or directives of the Committee issued by the Committee which have not been incorporated into the Manual.

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**3.5** Where the ground for a detention is the result of accidental damage suffered on the ship's voyage to a port or during cargo operations, no detention order will be issued, provided that:

1. due account has been given to the requirements contained in Regulation I/11(c) of SOLAS regarding notification to the flag Administration, the nominated surveyor or the recognized organization responsible for issuing the relevant certificate;
2. prior to entering a port or immediately after a damage has occurred, the master or ship owner has submitted to the port State control Authority details on the circumstances of the accident and the damage suffered and information about the required notification of the flag Administration;
3. appropriate remedial action, to the satisfaction of the Authority, is being taken by the ship; and
4. the Authority has ensured, having been notified of the completion of the remedial action, that deficiencies which were clearly hazardous to safety, health or the environment have been addressed to the satisfaction of the Authority.

**3.6** In exceptional circumstances where, as a result of a more detailed inspection, the overall condition of a ship and its equipment, also taking the crew and its living and working conditions into account, is found to be obviously sub-standard, the Authority may suspend an inspection. The suspension of the inspection may continue until the responsible parties have taken the steps necessary to ensure that the ship complies with the requirements of the relevant instruments. Prior to suspending an inspection, the Authority must have recorded detainable deficiencies in several areas as set out in the Manual or AMoU Committee Instruction. The notification of the detention to the responsible parties will state that the inspection is suspended until the Authority has been informed that the ship complies with all relevant requirements.

**3.7** In the case of a detention, the Authority will immediately notify the flag Administration<sup>9</sup> in writing and include the report of inspection. In addition, the recognized organization that has issued the relevant certificates on behalf of the flag Administration will be notified, where appropriate. The parties above will also be notified in writing of the release of detention.

**3.8** 1. Where deficiencies which caused a detention as referred to in 3.4 cannot be remedied in the port of inspection, the Authority may allow the ship concerned to proceed to the nearest appropriate repair yard available in accordance with AMoU Committee Instruction.

2. Where the decision to send a ship to a repair yard is due to a lack of compliance

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<sup>9</sup> Refer to MSC/Circ, 781 and MEPC 6/Circ 2 "National contact points of Members for safety and pollution prevention" (annexes 1 and 2). When a valid contact point is not available the nearest diplomatic representative should be informed.

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with the IMO Resolution A. 744(18), either with respect to ship's documentation or with respect to ship's structural failures and deficiencies, the Authority may require that the necessary thickness measurements are carried out in the port of detention as set out in AMoU Committee Instructions before the ship is allowed to sail.

3. If the vessel is detained because it is not equipped with a functioning voyage data recorder system, when its use is compulsory, and this deficiency cannot be readily rectified in the port of detention, the authority may allow the ship to proceed to the appropriate repair yard or port nearest to the port of the detention where it shall be readily rectified or require that the deficiency is rectified within a maximum period of 30 days.

**3.9** The provisions of 3.7 and 3.8 are without prejudice to the requirements of relevant instruments or procedures established by international organizations concerning notification and reporting procedures related to port State control.

**3.10** The Authorities will ensure that, on the conclusion of an inspection, the master of the ship is provided with a report of inspection, giving the results of the inspection and details of any action to be taken.

**3.11** Should any inspection referred to in Section 1.3 confirm or reveal deficiencies in relation to the requirements of a relevant instrument warranting the detention of a ship, all costs relating to the inspections in any normal accounting period should be covered by the ship owner or the operator or by his representative in the port State. All costs relating to inspections carried out by the Authority under the provisions of Section 4 will be charged to the owner or the operator of the ship. The detention will not be lifted until full payment has been made or a sufficient guarantee has been given for the reimbursement of the costs subject to national law.

**3.12** The owner or the operator of a ship or his representative in the State concerned will have a right of appeal against a detention decision or refusal of access taken by the Authority of that State. An appeal will not cause the detention or refusal of access to be suspended. The Authority will properly inform the master of a ship of the right of appeal.

Guidelines for establishing a detention review panel and its procedure is as provided in AMoU PSC Manual or AMoU Committee Instructions.

**3.13** When exercising control under the Memorandum, the Authorities will make all possible efforts to avoid unduly detaining or delaying a ship. Nothing in the Memorandum affects rights created by provisions of relevant instruments relating to compensation for undue detention or delay. In any instance of alleged undue detention or delay the burden of proof lies with the owner or operator of the ship.

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## **Section 4 Banning**

### **4.1 Refusal of access to ships following multiple detentions**

1. It is recommended that each Authority ensure that a foreign merchant ship is refused access to its ports and anchorages if it has been detained or has been issued with a prevention of operation order under the system of mandatory surveys for the safe operation more than twice in the course of the preceding 24 months in a port or anchorage within the region of the Memorandum.

2. The refusal of access following multiple detentions will become applicable as soon as the ship leaves the port or anchorage.

3. The refusal of access order shall be lifted after a period of three months has passed from the date of issue of the order and when the conditions in AMoU PSC Manual or AMoU Committee Instructions are met. If the ship is subject to a second refusal of access, the period shall be 12 months.

4. Any subsequent detention in a port or anchorage shall result in the ship being refused access to any port or anchorage. This third refusal of access order may be lifted after a period of 24 months has passed from the issue of the order and only if:

- the statutory and classification certificates of the ship are issued by an organization or organizations which are recognized by one or more of the AMoU Member States as listed in Annex 7,
- the ship is managed by a company with a high performance,
- and the conditions set in AMoU Manual or AMoU Committee Instructions are met.

Any ship not meeting the criteria as specified above after a period of 24 months has passed from the issue of the order, shall be permanently refused access to any port and anchorage.

5. Any subsequent detention in a port or anchorage after the third refusal of access shall result in the ship being permanently refused access to any port or anchorage.

6. Before denying entry, the Authority may request consultations with the Administration of the ship concerned.

### **4.2 Refusal of access to ship following other occurrences**

1. A foreign ship referred to in Section 3.4 and Section 3.8 which proceeds to sea without complying with the conditions determined by the Authority in the port of inspection; or

2. A foreign ships referred to in Section 3.8 which refuses to comply with the applicable requirements of the relevant instruments by not calling into the indicated

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repair yard.

- 4.3** For compliance of 4.1 and 4.2, each authority will ensure that the procedure set in AMoU Manual or AMoU Committee Instruction has been adhered to.
- 4.4** Notwithstanding the provisions of 4.1 and 4.2, access to a specific port may be permitted by the relevant authority of that port State in the event of force majeure or overriding safety considerations, or to reduce or minimize the risk of pollution, provided that adequate measures to the satisfaction of the authority of such State have been implemented by the owner, the operator or the master of the ship to ensure safe entry.

## **Section 5 Provision of Information**

- 5.1** Each Authority will report on its inspections under the Memorandum and their results, in accordance with the procedures specified in Annex 3.
- 5.2** The Secretariat on behalf of AMoU Member States will take the necessary measures in order to ensure that information listed in Annex 4 is published at the intervals prescribed therein subject to compliance with data access policy agreed by the Committee. Information provided in accordance with 5.1 will be made available for publication in printed form or by electronic means in order to assist Authorities with the publications mentioned in Annex 4 as well as for other purposes in accordance with decisions of the Committee mentioned in Section 6.
- 5.3** The Secretariat, mentioned in Section 8.9 may facilitate the publication of data in any electronic or printed format derived unaltered from the information system mentioned in Annex 3.
- 5.4** When inspection or detention data contain information concerning private persons, the Authorities undertake to ensure protection of the privacy of those persons in accordance with applicable laws and regulations. This protection shall however not prevent the publication of the company of ships inspected or publication of the names of charterers involved.

## **Section 6 Operational Violations**

The Authorities will upon the request of another Authority, endeavour to secure evidence relating to suspected violations of the requirements on operational matters of Rule 10 of COLREG 72 and MARPOL. In the case of suspected violations involving the discharge of harmful substances, an Authority will, upon the request of another Authority, visit in port the ship suspected of such a violation in order to obtain information and where appropriate to take a sample of any alleged pollutant. Procedures for investigations into contravention of discharge provisions are listed in AMoU Manual or AMoU Committee Instruction.

## **Section 7 Training Programs and Seminars**

- 7.1** The Authorities will endeavour to establish training programs and seminars for port State control officers.

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- 7.2** 1. The Authorities will employ qualified PSCOs or train its existing officers to become qualified in line with the qualifications contained in AMoU Manual.
2. The Authorities will develop continuous training of PSCOs through attendance at international and regional technical meetings, proper supervision and annual assessment of PSCOs using continuous assessment tests.
- 7.3** The Authorities will develop and implement necessary measures for recruitment and retention of skilled PSCOs in view of the level of expertise and importance of inspections and surveys to flag state Administrations.
- 7.4** The Authorities will establish and maintain robust logistics support mechanism for PSC inspection department and the PSCOs.

## **Section 8 Organization**

- 8.1** 1. The Abuja MoU Bureau will be established, composed of Ministers in charge of maritime transport from 5 member States in the Abuja MoU region whose maritime Authorities are full members to this Memorandum.
2. The Bureau will elect a Chairman from among its members. Chairman of the Bureau will serve for a term of 2 years renewable for another term of 2 years and for any additional years as members of the Bureau may decide.
3. Except where members of the Bureau elects the host country chairman of the Bureau, the Minister of host country will be the vice chairman of the Bureau.
4. Membership of the Bureau will be rotational in alphabetical order among full member States.
5. Abuja MoU Secretariat will be a member of the Bureau and serve as the Secretariat of the Bureau.
6. The Bureau will give general directions to the Committee, approve recommendations of the Committee and be the final decision making body of the AMoU.
- 8.2** The chairman of AMoU Bureau shall be the chairman of the AMoU Committee;
- 8.3** The Abuja MoU Bureau will meet once a year and at such other times as it may decide.
- 8.4** A Committee will be established, composed of a representative of each of the Authorities which is a party to this Memorandum. Observers and Associates will be invited to participate in the work of the Committee and any other meetings as provided in Annex 5.

The Committee may, as it deems appropriate, accord the status of observer without vote to any Intergovernmental Organization or any Authority.

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- 8.5** The Committee will meet once a year and at such other times as it may decide.
- 8.6** The Committee will:
1. carry out the specific tasks assigned to it under the Memorandum;
  2. promote by all means necessary, including seminars for port State control officers, the harmonization of procedures and practices relating to the inspection, rectification, detention, banning and the application of Section 2.4;
  3. develop and review guidelines and procedures for carrying out inspections under the Memorandum;
  4. develop and review procedures for the exchange of information;
  5. keep under review other matters relating to the operation and the effectiveness of the Memorandum;
  6. develop and recommend AMoU Committee Instructions which upon approval by the Bureau shall automatically be incorporated into the AMoU Manual;
  7. establish AMoU Intersessional Management Working Group (AMoU ISMWG) to assist the Committee in focusing on key issues, and in particular to direct the AMoU Secretariat in-between Committee meetings. The ISMWG will elect a Chairman among its members. The ISMWG shall meet at least two times a year and at such other time as the chairman of the ISMWG may deem necessary. When required the ISMWG can, at the discretion of its chairman, also operate by correspondence (e-mail). ISMWG meetings shall be convened by the chairman of the ISMWG.
- 8.7** AMoU Committee Instructions means guidance to the Secretariat and to port State control officers on relevant instruments and procedures;
- 8.8** A Secretariat for the Memorandum provided by the Ministry responsible for maritime transport in Nigeria will be established and shall have its office in Lagos in accordance with the following principles:
- 1) the Secretariat is a non-profit making body located in Lagos, Nigeria;
  - 2) the Secretariat will be totally independent from any maritime administration or organisation;
  - 3) the Secretariat will be governed by and be accountable to the Committee and the Bureau;
  - 4) the Secretariat will have a bank account into which all dues and contributions are paid into;
  - 5) the Secretariat will operate from the established bank account in accordance with the budget approved by the Bureau.

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**8.9** The Secretariat, acting under the guidance of the Committee and within the limits of the resources made available to it, will:

1. prepare meetings, circulate papers and provide such assistance as may be required to enable the Committee to carry out its functions;
2. facilitate the exchange of information, carry out the procedures outlined in Annexes 3 and 4 and prepare reports as may be necessary for the purposes of the Memorandum;
3. carry out such other work as may be necessary to ensure the effective operation of the Memorandum.

**8.10** The AMoU Information System (AMIS) in the Republic of Congo is established for the purpose of exchanging information on port State inspections, in order to:

1. make available to Authorities information on inspections of ships in other regional ports to assist them in their selection of foreign flag ships to be inspected and their exercise of port State control on selected ships; and
2. provide effective information exchange facilities regarding port State control in the region.

**8.11** The AMoU Information System (AMIS) will operate in accordance with the procedures set out in Annexes 3 and 4.

## **Section 9 Financial Provisions**

**9.1** Each Party to the Memorandum undertakes to pay its financial contribution or dues to the costs for running the Secretariat and the information centre, in conformity with the decisions and procedures adopted by the Bureau. The Secretariat and the Information Centre shall be funded by:

1. the financial contribution of every Abuja MoU Member State;
2. gifts and subscriptions by donor countries or organisations.

**9.2** The AMoU Committee shall develop and enforce rights and privileges attached to Member States in good financial standing regarding payment of financial dues to the Secretariat.

## **Section 10 Amendments**

**10.1** Any Authority which has accepted the Memorandum, may propose amendments to the Memorandum.

**10.2** In the case of proposed amendments to sections of the Memorandum, the following procedure will apply:

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1. the proposed amendment will be submitted through the Secretariat for consideration by the Committee;
2. amendments will be adopted by a two-thirds majority of the representatives of the Authorities present and voting in the Committee. The amendments so adopted shall be submitted to the Bureau for consideration and ratification. If so adopted and ratified, an amendment will be communicated by the Secretariat to the Authorities for acceptance;
3. an amendment will be deemed to have been accepted either at the end of a period of six months after adoption by the representatives of the Authorities in the Committee and ratification by the Bureau or at the end of any different period determined unanimously by the representatives of the Authorities in the Committee at the time of adoption, unless within the relevant period an objection is communicated to the Secretariat by an Authority;
4. any such objection will be considered by the Committee at its next meeting, and the amendment will be confirmed if it is accepted by a two-thirds majority of the representatives of the Authorities present and voting in the Committee at such meeting and ratified by the Bureau.
5. an amendment will take effect 60 days after it has been accepted or at the end of any different period determined unanimously by the representatives of the Authorities in the Committee.

**10.3** In the case of proposed amendments to Annexes of the Memorandum or the Manual, the following procedure will apply:

1. the proposed amendment to the parts other than those factual information/data will be submitted through the Secretariat for consideration by the Authorities;
2. the amendment will be deemed to have been accepted at the end of a period of three months from the date on which it has been communicated by the Secretariat or at the end of a period not exceeding three months determined unanimously by the representatives of the Authorities in the Committee at the time of adoption and ratified by the Bureau; and
3. the amendment will take effect 60 days after it has been accepted or at the end of any period determined unanimously by the representatives of the Authorities in the Committee at the time of adoption and ratification by the Bureau.

## **Section 11 Administrative Provisions**

**11.1** The Memorandum is without prejudice to rights and obligations under any international instrument or relevant national legislation.

**11.2** Any Maritime Authority of a coastal State in the Atlantic coast of Africa and islands located in the South Atlantic, which complies with the criteria specified in Annex 5 may, with the unanimous consent of the Authorities present and voting at the Committee meeting, become a Member Authority of the Memorandum in

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accordance with the procedure prescribed in Annex 5.

- 11.3** Acceptance or accession will be by a written communication from the Maritime Authorities to the Secretariat.
- 11.4** Any Maritime Authority or Organisation wishing to participate as an observer will submit in writing an application to the Secretariat and may be accepted as an observer subject to the unanimous consent of the representatives of the Authorities present and voting at the Committee meeting.
- 11.5** Any Authority may withdraw from the Memorandum by providing the Committee with 60 days notice in writing.
- 11.6** The Committee may, with unanimous consent of the member Authorities present and voting at its meeting except the Authority in question, and approval by the Bureau decide to revoke membership of a Member Authority, or observer status of an Observer that does not comply substantially with the provisions set out in Annex 5. Subject to the appropriate decision by the Committee, the Member Authority after revocation of its membership may be downgraded to an Observer.
- 11.7** This Memorandum is signed in Abuja, Nigeria on October 22, 1999. The Memorandum remains open for signature to West and Central African States for twelve (12) months at MOWCA headquarters. After this date, States will be able to accede to the Memorandum if they meet the requirements laid down in Annex 5.
- 11.8** The Memorandum will be available for acceptance from October 22, 1999, and will take effect for each Authority, which has signed the Memorandum, on the date its acceptance is duly notified to the Secretariat.
- 11.9** The English, French and Portuguese texts are the official versions of this Memorandum.

Signed at Abuja in the English and French languages, this twenty-second day of October One Thousand Nine Hundred and Ninety-nine.

This Memorandum is signed at Abuja on 22nd day of October, 1999 by the following Authorities:

Benin	Liberia
Cape Verde	Mauritania
Congo	Namibia
Cote D' Ivoire	Nigeria
Gabon	Sierra Leone
The Gambia	Senegal
Ghana	South Africa
Guinea	Togo

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## **Acceptance**

Angola	accepted the Memorandum on 24.01.2012
Benin	accepted the Memorandum on 29.06.2007
Congo	accepted the Memorandum on 16.11.2001
Côte d'Ivoire	accepted the Memorandum on 17.12.2010
Gabon	accepted the Memorandum on 25.09.2009
The Gambia	accepted the Memorandum on 27.07.2007
Ghana	accepted the Memorandum on 06.05.2003
Guinea	accepted the Memorandum on 12.02.2002
Nigeria	accepted the Memorandum on 19.08.2002
Sao Tome and Principe	accepted the Memorandum on 16.08. 2012
Sierra Leone	accepted the Memorandum on 25.10.2001
Senegal	accepted the Memorandum on 21.06.2001
Togo	accepted the Memorandum on 12.09.2007

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## ANNEXES TO MEMORANDUM

Annex 1	Ships of non-Parties and below convention size
Annex 2	Merchant Shipping (Minimum Standards) Convention, 1976 (ILO 147) <sup>10</sup>
Annex 3	Information System on Inspections
Annex 4	Publication of Information Related to Detentions and Inspections
Annex 5	Membership of Memorandum
Annex 6	Minimum Criteria for Port State Control Officers
Annex 7	Ship Risk Profile
Annex 8	Inspection and Selection Scheme
Annex 9	Inspection Type and Clear Grounds
Annex 10	Examination of Certificates and Documents
Annex 11	Inspection Commitments of Authorities
Annex 12	Reporting Obligations for Ships
Annex 13	Members and Dates of Accession

### Annex 1

#### Ships of non-Parties and below Convention Size

##### 1. Ships of non-Parties

Ships entitled to fly the flag of a State which is not a Party to a relevant instrument and thus not provided with certificates representing *prima facie* evidence of satisfactory conditions on board, or manned with crew members who do not hold valid STCW certificates, will receive a more detailed or, as appropriate, expanded inspection. In making such an inspection the Port State control officer will follow the same procedures as provided for ships to which the relevant instruments are applicable.

If the ship or the crew has some alternative form of certification, the Port State control officer, in making this inspection, may take the form and content of this documentation into account. The conditions of such a ship and its equipment and the

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<sup>10</sup> To be replaced automatically by Maritime Labour Convention 2006 as soon as the Convention comes into force in 2013.

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certification of the crew and the flag Administration's minimum manning standard must be compatible with the aims of the provisions of the relevant instruments; otherwise the ship must be subject to such restrictions as are necessary to obtain a comparable level of safety and protection of the marine environment.

## **2. Ships below convention size**

**2.1** To the extent a relevant instrument is not applicable to a ship below convention size, the Port State control officer's task will be to assess whether the ship is of an acceptable standard in regard to safety, health or the environment. In making that assessment, the Port State control officer will take due account of such factors as the length and nature of the intended voyage or service, the size and type of the ship, the equipment provided and the nature of the cargo.

**2.2** In the exercise of his functions the Port State control officer will be guided by any certificates and other documents issued by or on behalf of the flag State Administration. The Port State control officer will, in the light of such certificates and documents and in his general impression of the ship, use his professional judgement in deciding whether and in what respects the ship will be further inspected. When carrying out a further inspection the Port State control officer will, to the extent necessary, pay attention to the items listed in 3 of this Annex. The list is not considered exhaustive but is intended to give examples of relevant items.

## **3. Items of General Importance**

### **3.1 Items related to the conditions of assignment of load lines:**

1. weather tight (or watertight as the case may be) integrity of exposed decks;
2. hatches and closing appliances;
3. weather tight closures to openings in superstructures;
4. freeing arrangements;
5. side outlets;
6. ventilators and air pipes;
7. stability information.

### **3.2 Other items related to the safety of life at sea:**

1. life saving appliances;
2. fire fighting appliances;
3. general structural conditions (i.e. hull, deck, hatch covers, etc.);
4. main machinery and electrical installations;
5. navigational equipment including radio installations.

### **3.3 Items related to the prevention of pollution from ships:**

1. means for the control of discharge of oil and oily mixtures e.g. oily water separating or filtering equipment or other equivalent means (tank(s) for retaining oil, oily mixtures, oil residues);
2. means for the disposal of oil, oily mixtures or oil residues;
3. presence of oil in the engine room bilges;
4. means for the collection, storage and disposal of garbage.

**3.4** In the case of deficiencies which are considered hazardous to safety, health or the

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environment the port State control officer will take such action, which may include detention as may be necessary, having regard to the factors mentioned in 2.1 of this Annex, to ensure that the deficiency is rectified or that the ship, if allowed to proceed to another port, does not present a clear hazard to safety, health or the environment.

## **Annex 2<sup>11</sup>**

### **Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)**

#### **1. Inspections on board ships under ILO 147 will relate to:**

1. the Minimum Age Convention, 1973 (No. 138); or  
the Minimum Age (Sea) Convention (Revised), 1936 (No. 58); or  
the Minimum Age (Sea) Convention, 1920 (No. 7);
2. the Medical Examination (Seafarers) Convention, 1946 (No. 73);
3. the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134) (Articles 4 and 7);
4. the Accommodation of Crews Convention (Revised), 1949 (No. 92);
5. the Food and Catering (Ships' Crews) Convention, 1946 (No. 68) (Article 5);
6. the Accommodation and Crews (Supplementary Provisions) Convention, 1970 (No. 133);
7. the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180);
8. the Officers' Competency Certificates Convention, 1936 (No. 53) (Articles 3 and 4).

Inspection regarding certificates of competency is dealt with in AMoU Manual or AMoU Committee Instruction. In the exercise of control of the conventions listed in 1 to 7 above, the port State control officer will decide, on the basis of the clear grounds listed in Annex 9 and his professional judgement, whether the ship will receive a more detailed inspection. All complaints regarding conditions on board will be investigated thoroughly and action taken as deemed necessary. He will also use his professional judgement to determine whether the conditions on board give rise to a hazard to the safety or health of the crew which necessitates the rectification of conditions and may, if necessary, detain the ship until appropriate corrective action is taken. Reporting procedures for detentions are provided in Annex 4.

#### **2. The port State control officer, when carrying out an inspection as referred to in 1 of**

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this Annex, will further take into account the considerations given in the ILO publication "Inspection of Labour Conditions on board Ship: Guide-lines for procedure" and the IMO/ILO Guidelines for the Development of Tables of Seafarers' Shipboard Working Arrangements and Formats of Records of Seafarers' Hours of Work or Hours of Rest.

3. The Conventions relevant in the framework of the provisions of 4 of this Annex are:
  1. the Seamen's Articles of Agreement Convention, 1926 (no. 22);
  2. the Repatriation of Seamen Convention, 1926 (no. 23);
  3. the Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (no.55); or  
the Sickness Insurance (Sea) Convention, 1936 (no. 56); or  
the Medical Care and Sickness Benefits Convention, 1969 (no. 130);
  4. the Freedom of Association and Protection of the Right to Organise Convention, 1948 (no. 87);
  5. the Right to Organise and Collective Bargaining Convention, 1949 (no. 98);
  6. the Seafarers' Identity Documents Convention, 1958 (no. 108);
  7. the Workers' Representatives Convention, 1971 (no. 135);
  8. the Health Protection and Medical Care (Seafarers) Convention, 1987 (no. 164);
  9. the Repatriation of Seafarers Convention (Revised), 1987, (no. 166).
4. If the port State control officer receives a report, notification or complaint to the effect that the standards laid down in the conventions listed in 3 of this Annex are not met, the matter will be reported by the Authority, if possible with evidence, to the flag Administration for further action, with a copy to the ILO.
5. Those parts of the ILO publication "Inspection of Labour Conditions on board Ship: Guide-lines for procedure" which deal with:
  1. control procedures for national flag ships;
  2. vocational training;
  3. officers' certificates of competency (regulated under STCW78);
  4. hours of work and manning (regulated under ILO180/STCW78);

are not considered as relevant provisions for the inspection of ships but as information to Port State control officers only.

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### **Annex 3**

#### **Information System on Inspections**

1. To assist Authorities in their selection of foreign flag ships to be inspected in their ports, it is necessary to have at the disposal of Authorities up-to-date information on particulars, calls and inspections of an individual foreign flag ship in the region of the Memorandum.
2. The information system manager, as defined in the agreement, will manage the Information System in accordance with an agreement adopted by the Committee. This agreement will contain all the details on standardized procedures, information exchange, data transmission, all information in the system and other relevant matters.
3. The information system will include the following functionalities:
  - Incorporate PSC inspection and port call data of Member States;
  - Provide data on the ship risk profile and inspection priority;
  - Calculate the inspection commitments for each Member State;
  - Produce data for the calculation of the white as well as the grey and black list of flag States and the performance table of the Recognized Organizations;
  - Calculate the performance of companies;
  - Identify the items in risk areas to be checked at each inspection;
  - Provide batch transfer (in and out) of PSC inspection and port call data to and from a Member State.
4. For that purpose the Authorities undertake to provide the Information System manager, by means of computerized data transmission, with information on ships inspected in the national ports. The insertion of information into the inspection files will be realized by means of direct, computerized input on a daily basis.
5. For the purpose of exchanging rapid information, the information system will embrace a communication facility which allows for a direct, computerized exchange of messages between individual Authorities.
6. The information as in 4 and 5 above will be handled in a standardized form and in accordance with standardized procedures as set out in the guide for users of the information system developed by the information system manager and adopted by the Committee.
7. In handling the information, the information system manager will not amend any data provided by the Authorities, except as provided for in standardized procedures ensuring the consistency of the use of certain action taken and codes. Otherwise the

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information system manager will make amendments to data only on a specific written request of the originating Authority.

8. The information system manager will organize the processing of information as in paragraph 4 above so as to ensure that inspection data is easily accessible both for purposes of consultation and updating in accordance with procedures as set out in the guide for users of the information system provided by the information system manager as adopted by the Committee.
9. Information for administrative purpose, such as statistical information, will be provided by the Secretariat under the guidance of the Committee. This will be based on data provided by the information system manager.
10. The information system indicated in the foregoing paragraphs will be implemented as long as the Memorandum takes effect. The information system will be monitored and continuously improved.
11. With the consent of the Authority, the information system manager will, on behalf of that Authority, submit data as agreed by the Committee to the International Maritime Organization in accordance with Regulation I/19 of SOLAS, Article 11 of MARPOL, Article 21 of LOADLINES 66 and Article X of STCW 78.
13. With the consent of the Authority, the information system manager will, on behalf of that Authority, submit data as agreed by the Committee to the International Labour Organization in accordance with Article 4 of ILO 147<sup>12</sup>.
14. With the consent of the Committee the Secretariat may conclude data exchange contracts with other organisations. Upon conclusion of the contract and a technical feasibility study the information system manager will, on behalf of the Abuja MoU exchange data to the other organisations.

#### **Annex 4**

##### **Publication of Information related to Detentions and Inspections** (as referred to in Section 5.2 of the Memorandum)

1. The AMoU website provides a point of access for the public to ship related information.
2. Information on ships detained will include the following and should be published at least every month:
  - a) name of the ship;
  - b) IMO identification number;
  - c) type of ship;
  - d) gross tonnage;

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<sup>12</sup> To be replaced automatically by Maritime Labour Convention 2006 as soon as the Convention comes into force in 2013.

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- e) year of construction as determined on the basis of the date indicated in the ship's safety certificates;
- f) name and address of the company of the ship;
- g) in the case of ships carrying liquid or solid cargoes in bulk, the name and address of the charterer responsible for the selection of the vessel and the type of charter;
- h) flag State;
- i) the classification society or classification societies, where relevant, which has/have issued to this ship the class certificates including the date of issue and expiry, if any;
- j) the recognized organization or organizations and/or any other party which has/have issued to this ship certificates in accordance with the applicable Conventions on behalf of the flag Administration, stating the certificates delivered including the date of issue and expiry;
- k) port and date of the last intermediate or annual survey for the certificates in point i) and j) above and the name of the authority or organization which carried out the survey;
- l) date, country, port of detention;
- m) number of detentions during the previous 36 months;
- n) date when the detention was lifted;
- o) duration of detention, in days;
- p) the reasons for detention, in clear and explicit terms;
- q) indication, where relevant, of whether the recognized organization that carried out the survey has a responsibility in relation to the deficiencies which, alone or in combination, led to detention;
- r) description of the measures taken in the case of a ship which has been allowed to proceed to the nearest appropriate repair yard;
- s) if the ship has been refused access to any port or anchorage within the Abuja MoU, the reasons for the measure in clear and explicit terms.

**3. Information concerning ships inspected will include the following:**

- a) name of the ship;
- b) IMO identification number;
- c) type of ship;
- d) gross tonnage;
- e) year of construction as determined on the basis of the date indicated in the ship's safety certificates;
- f) name and address of the company of the ship;
- g) in the case of ships carrying liquid or solid cargoes in bulk, the name and address of the charterer responsible for the selection of the vessel and the type of charter;
- h) flag State;
- i) the classification society or classification societies, where relevant, which has/have issued to this ship the class certificates including the date of issue and expiry, if any;
- j) the recognized organization or organizations and/or any other party which has/have issued to this ship certificates in accordance with the applicable conventions on behalf of the flag Administration, stating the certificates delivered including the date of issue and expiry;
- k) port and date of the last intermediate or annual survey for the certificates in

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- point i) and j) above and the name of the authority or organization which carried out the survey;
- l) date, country, port of inspection.

## **Annex 5**

### **Membership of the Memorandum**

#### **1. Definitions**

The Memorandum will comprise of the following categories of participants:

- 1.1 A Member Authority** - any Maritime Authority responsible for port State control within the region as defined in Section 1.8 and Section 11.2 of the Memorandum (hereafter referred to as "the region"), meeting the qualitative criteria set out in Section 2 of this Annex, and adhering to the Memorandum in accordance with Section 11.2 and 11.7 of the Memorandum is considered to be a Member Authority.
- 1.2 An Observer** - any Maritime Authority responsible for port State control within the region or an intergovernmental organization wishing to participate in the Memorandum as described in Section 7.1, and being accepted in accordance with Section 11.4 of the Memorandum is considered to be an Observer.

#### **2 Qualitative Criteria for Adherence to the Memorandum**

A Maritime Authority of a State, meeting the geographical criterion specified in Section 11.2 of the Memorandum, may adhere as a full member, provided that all of the following qualitative criteria have been met:

- 2.1** such Maritime Authority will explicitly subscribe to the commitments under the Memorandum by depositing a Letter of Acceptance at the Secretariat, with a view to contributing to the common endeavour to eliminate the operation of sub-standard ships;
- 2.2** such Maritime Authority will take all necessary measures to encourage ratification of all relevant instruments in force;
- 2.3** such Maritime Authority will have sufficient capacity, logistically and substantially, to appropriately enforce compliance with international maritime standards regarding maritime safety, pollution prevention and living and working conditions on board with regard to ships entitled to fly its flag, which will include the employment of properly qualified inspectors acting under the responsibility of its Administration, to be demonstrated to the satisfaction of the Bureau and Committee referred to in 8 of the Memorandum;
- 2.4** such Maritime Authority will have sufficient capacity, logistically and substantially, to comply in full with all provisions and activities specified in the Memorandum in order to enhance its commitments, which will include the employment of properly qualified port State control officers acting under the responsibility of its Administration, to be demonstrated to the satisfaction of the Bureau and Committee referred to in Section

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8 of the Memorandum;

- 2.5 such Maritime Authority will take all necessary measures as a flag State administration to decrease its detention rate and report to the Committee its efforts to improve the quality of ships under its flag if its flag has appeared in the black list of flags published in the Annual Report of any regional port State control Memorandum;
- 2.6 such Maritime Authority will, as of its effective date of membership, establish a connection to the information system referred to in Annex 3;
- 2.7 such Maritime Authority will sign a financial agreement for paying its share in the operating cost of the Memorandum and will, as of its effective date, pay its financial contribution to the budget as approved by the Bureau referred to in Section 8 of the Memorandum;
- 2.8 such Maritime Authority will take part in the activity of the Committee.

### **3. Compliance of the Existing Member Authority with the Qualitative Criteria**

- 3.1 If the existing Member Authority fails to comply substantially with the criteria, to fulfil the provisions in 11.6 of the Memorandum, an assessment of the Authority may be initiated by the Committee. The Secretariat will inform the Committee of such failure in due course.
- 3.2 To assess compliance of the existing Member Authority with the qualitative criteria, the Committee will appoint a team of experts consisting of representatives of three Member Authorities.
- 3.3 The Authority in question will be requested by the Committee to provide a self assessment report based on the criteria stipulated in paragraph 2 above to be evaluated and reported to the Committee by the team of experts referred to in paragraph 3.2. The team may request the Authority in question to provide any additional information required for the assessment.
- 3.4 When assessing an existing Member Authority the following will be considered:
  - 1. the Authority has failed to report to the Committee on the progress of the relevant instruments ratification;
  - 2. the flag of the Authority has appeared in the black list of flags published in the Annual Report of the Memorandum or Annual Report of any other regional port State control Memorandum, no trend of any reduction of its detention rate during the last three years has been observed and the Authority has failed to report to the Committee on efforts made to reduce the detention rate of its flag;
  - 3. no port State control inspection reports are submitted by the Authority to the AMIS during the previous year;
  - 4. no activity of the Authority in AMIS operation detected during the previous year;

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5. no financial contribution of the required amount received from the Authority during the previous financial year; and

6. the Authority has failed to participate in three consecutive meetings of the Committee.

**3.5** Supporting participation of an Authority in technical co-operation activities is suspended if no contributions have been received from the Authority for the previous financial year and until the Authority fully meets financial agreement requirements. In this case the Authority may participate in seminars for port State control officers at its own expenses.

#### **4. Observer**

**4.1** Application for the Observer status should contain aims of seeking the status and description of the activity of the applicant in port State control matters.

**4.2** The Observer will actively participate in the activities of the Memorandum including:

1. attending the Committee meetings with no voting right;

2. receiving meeting documents;

3. participating in technical co-operation programmes on its own expense as applicable;

4. submitting documents to the Committee and its subsidiary bodies; and

5. participating in working groups of the Memorandum.

#### **5. Model Instrument of Acceptance**

The Secretary General  
Memorandum of Understanding on  
Port State Control for West and Central African Region  
1 Joseph Street,  
Lagos,  
Nigeria

#### **LETTER OF ACCEPTANCE OF THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL FOR THE WEST AND CENTRAL AFRICAN REGION**

Whereas the Republic of [\*] through its duly authorized representative has accepted the Memorandum of Understanding on Port State Control for West and Central African Region;

The Ministry of [\*] (ministry responsible for maritime transport) of the Republic of

\*This text contains the first amendments adopted on Oct 24<sup>th</sup> 2012 and take effect from January 2013.

[\*], hereby convey its formal acceptance, without reservation, and with immediate effect of the Memorandum.

Signed this ----- Day of ----- 20..

Signed By\*

.....  
Name and Position

\*Generally signed and issued by the Minister in charge of maritime transport.

## **Annex 6**

### **Minimum Criteria for Port State Control Officers**

1. In pursuance of the provisions of 3.3 of the Memorandum, the port State control officer must be properly qualified, trained and authorized by the Authority to carry out port State control inspections without prejudice to national provisions.
2. Officers must have appropriate theoretical knowledge and practical experience of ships and their operation. They must be competent in the enforcement of the requirements of Conventions and of the relevant port State control procedures. This knowledge and competence in enforcing requirements must be acquired through documented training programmes.
3. Officers must, as a minimum, have either:
  - a) appropriate qualifications from a marine or nautical institution and relevant seagoing experience as a certificated ship officer holding or having held a valid STCW II/2or III/2 certificate of competency not limited as regards the operating area or propulsion power or tonnage; or
  - b) passed an examination recognised by the Authority as a naval architect, mechanical engineer or an engineer related to the maritime fields and worked in that capacity for at least five years; or
  - c) a relevant university degree or equivalent and have properly trained and qualified as ship safety officers.
4. Officers in addition to 3 above, must have:
  - a) completed a minimum of one year's service as a flag-State inspector either dealing with surveys and certification in accordance with the Conventions or involved in the monitoring of the activities of recognized organizations to which statutory tasks have been delegated; or
  - b) gained an equivalent level of competence by following a minimum of one year's field training participating in port State control inspections under the guidance of experienced port State control officers.

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5. The officer mentioned under 3.a) must have gained a maritime experience of at least 5 years including periods served at sea as officers in the deck or engine department respectively, or as a flag State inspector or as an assistant Port State control officer or have other adequate experience. Such experience shall include a period of at least two years at sea as a deck or engine officer.
6. The officer must have the ability to communicate orally and in writing with seafarers in the language most commonly spoken at sea.
7. Where in a Member State security inspections are performed by port State control officers; those officers shall have appropriate qualifications, which shall include sufficient theoretical and practical experience in maritime security. This shall normally include:
  - a) a good understanding of maritime security and how it is applied to the operations being examined,
  - b) a good working knowledge of security technologies and techniques;
  - c) a knowledge of inspection principle, procedures and techniques;
  - d) a working knowledge of the operations being examined.
8. Port State control officers will be trained, and their competency assessed, in accordance with the harmonised scheme adopted by the Committee. Authorities will ensure that each of its port State control officers is trained and assessed before authorising them to take charge of inspections and periodically thereafter in accordance with the harmonised scheme.
9. In carrying out their duties, port State control officers will be guided by the "Code of Good Practice for Surveyors/PSCOs Conducting Inspections Within the Framework of the Abuja MoU" provided in the Manual.

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## Annex 7

### Ship Risk Profile

1. All ships in the information system are assigned either as high, standard or low risk based on generic and historic parameters.
2. Table 1 shows the criteria within each parameter for each ship risk profile.
3. Each criterion has a weighting which reflects the relative influence of each parameter on the overall risk of the ship.
4. High Risk Ships (HRS) are ships which meet criteria to a total value of 5 or more weighting points.
5. Low Risk Ships (LRS) are ships which meet all the criteria of the Low Risk Parameters and have had at least one inspection in the previous 36 months.
6. Standard Risk Ships (SRS) are ships which are neither HRS nor LRS.
7. A ship's risk profile is recalculated daily or weekly taking into account changes in the more dynamic parameters such as age, the 36 month history and company performance. Recalculation also occurs after every inspection and when the applicable performance tables for flag and R.O.s are changed.

**Table 1: Ship Risk Profile**

		Profile			
		High Risk Ship (HRS)		Standard Risk Ship (SRS)	Low Risk Ship (LRS)
Generic Parameters Criteria		Criteria	Weighting points	Criteria	Criteria
1	Type of ship	Chemical tankship Gas Carrier Oil tankship Bulk carrier Passenger ship	2	Neither a high risk or	All types
2	Age of ship <sup>13</sup>	all types > 12 y	mp1		All ages
3a	⌘ — ⑈ BGW-List <sup>14</sup>	Black	- 2		

<sup>13</sup> according to point 9 of this Annex

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			VHR, HR, M to HR 2		a no risk ship	White
			Black – MR	1		
3b			IMO -Audit <sup>15</sup>	-		Yes
4a	Recognized Organizations	Performance <sup>16</sup>	H	-	-	High
			M	-	-	
			L	Low	2	
			VL	Very Low		
4b	Recognized Organizations	Organizations recognized by 1 or more AMoU members	-	-		Yes
5	Companies	Performance <sup>17</sup>	H	-	-	High
			M	-	-	
			L	Low	2	
			VL	Very Low		
Historic Parameters						
6	No of def. Recorded each insp. within previous 36mnths	Deficiencies	Not eligible	Not eligible		≤ 5 (and at least one inspection carried out in previous 36 months)

<sup>14</sup> according to formula in the Annual Report

<sup>15</sup> according to point 11 of this Annex

<sup>16</sup> according to formula in the Annual Report

<sup>17</sup> according to point 15 of this Annex

\*This text contains the first amendments adopted on Oct 24<sup>th</sup> 2012 and take effect from January 2013.

	Number of Detention within previous 36 months	Detentions	≥2 detentions	1		No Detention
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### Parameters for Ship Risk Profile

8. Type of Ship  
The ship of type denomination is in conformity with a list adopted by the Abuja MoU Committee.
9. Age of Ship  
The age of the ship is determined by the keel-laying date in dd/mm/yyyy format in the information system. A ship reaches more than 12 years on dd/mm/yyyy+12. If only the year of keel-laying is available in the information system then the ship reaches more than 12 years on 31/12/yyyy+12.
10. Black, Grey White list  
The Black, Grey and White list for Flag State performance is established annually taking account of the inspection and detention history over the preceding three calendar years and is adopted by the Abuja MoU Committee.
11. IMO Audit  
To meet the criterion, the flag States are invited to send to the Abuja MoU Secretariat written confirmation that a final audit report including, where relevant, a corrective action plan has been drawn up in accordance with the "Framework and Procedures for the Voluntary IMO Member State Audit Scheme" (IMO Resolution A.974(24)).
12. The Abuja MoU Secretariat will maintain on the Abuja MoU public website an up-to-date list of flag States which meet the flag criteria for a low risk ship.
13. Recognized Organization Performance  
The performance of all Recognized Organizations is established annually taking account of the inspection and detention history over the preceding three calendar years and is adopted by the Abuja MoU Committee.
14. To qualify for the criterion recognized by the Abuja MoU, the organization must be recognized by one or more Abuja MoU Member States. The list of recognized organizations is included in a AMoU Manual or AMoU Committee Instruction Company Performance
15. Company Performance  
Company performance takes account of the detention and deficiency history of all ships in a company's fleet while that company was the ISM company for the ship.

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Companies are ranked as having a “very low”, low, medium or high” performance. The calculation is made daily on the basis of a running 36-month period. There is no lower limit for the number of inspections needed to qualify except a company with no inspections in the last 36 months will be given a “medium performance”.

16. The formula consists of two elements, the deficiency index and the detention index.

17. Deficiency Index

When counting deficiencies, each ISM related deficiency is weighted at 5 points. Other deficiencies are valued at 1 point.

18. The Deficiency Index is the ratio of the total points of all deficiencies of all ships in a company’s fleet to the number of inspections of all ships in the company’s fleet within the last 36 months.

19. This ratio is compared with the average for all ships inspected in the Abuja MoU region over the last 3 calendar years to determine whether the index is average, above average or below average as follows:

<b>Deficiency index</b>	<b>Deficiency points per inspection</b>
above average	> 2 above AMoU average
Average	AMoU average $\pm$ 2
below average	> 2 below AMoU average

20. Detention Index

The Detention Index is the ratio of the number of detentions all ships in a company’s fleet to the number of inspections of all the ships in the company’s fleet within the last 36 months.

21. This ratio is compared with the average for all ships inspected in the Abuja MoU region over the last 3 calendar years to determine whether the index is average, above average or below average as follows:

<b>Deficiency index</b>	<b>Deficiency rate</b>
above average	> 2 above AMoU average
Average	AMoU average $\pm$ 2
below average	> 2 below AMoU average

22. If a Refusal of Access Order (banning) is issued within the last 36 months to any ship in the fleet, the Detention Index of the company is automatically “above average” irrespective of all other inspection results.

23. Company Performance Matrix

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Using the matrix in Table 2 below, the combination of deficiency and detention indices determines the performance level.

**Table 2: Company Performance Matrix**

Detention Index	Deficiency Index	Company Performance
Above average	above average	very low
Above average	Average	Low
Above average	below average	
Average	above average	
Below average	above average	
Average	Average	Medium
Average	below average	
Below average	Average	
Below average	below average	High

## Annex 8

### Inspection and Selection Scheme

1. Based on a ship's Risk Profile the Inspection and Selection Scheme determines the scope, frequency and priority of inspections.
2. Periodic Inspections are carried out at intervals determined by the ship risk profile.
3. Overriding or unexpected factors might trigger an inspection in between periodic inspections. This category of inspection is referred to as an Additional Inspection.
4. Ships become due for periodic inspection in the following time windows:  
 For HRS – between 5-6 months after the last inspection in the Abuja MoU region.  
 For SRS – between 10-12 months after the last inspection in the Abuja MoU region.  
 For LRS – between 24-36 months after the last inspection in the Abuja MoU region.
5. Periodic Inspections and Additional Inspections count equally. Therefore the time

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span for the next periodic inspection re-starts after an additional inspection.

6. The selection scheme is divided into two priorities:

Priority I: ships must be inspected because either the time window has closed or there is an overriding factor.

Priority II: ships may be inspected because they are within the time window or the port State considers an unexpected factor warrants an inspection.

7. If a Priority II periodic inspection is not performed the ship remains Priority II until the time window closes and the ship becomes Priority I.
8. In the case of Unexpected Factors, the need to undertake an additional inspection is left to the discretion of the Authority. If such a Priority II inspection is not performed it remains a Priority II ship if and when it arrives in another MoU port unless the Authority judges that any relevant information that it has received does not warrant being passed on.
9. The priority and the level of selection will be shown for each ship in the information system.
10. The category and type of inspection carried out is determined by the matrix in Table 3 below:

**Table 3: Selection Scheme**

<b>Priority</b>	<b>Level</b>	<b>Category of inspection</b>
<b>I Ship must be Inspected</b>	Overriding factor	Additional
	HRS not inspected in last 6 months	Periodic
	SRS not inspected in last 12 months	Periodic
	Ship not inspected in last 36 months	Periodic
<b>II Ship may be Inspected</b>	HRS not inspected in last 5 months	Periodic
	Ship with unexpected factors	Additional
	SRS not inspected in last 10 months	Periodic
	HRS not inspected in last	Periodic

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	24 months	
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**11. Overriding and Unexpected Factors**

Overriding Factors

The overriding factors listed below are considered sufficiently serious to trigger an additional inspection at Priority I:

- Ships reported by another Member State excluding unexpected factors,
- Ships involved in a collision, grounding or stranding on their way to port,
- Ships accused of an alleged violation of the provisions on discharge of harmful substances or effluents,
- Ships which have been manoeuvred in an erratic or unsafe manner whereby routing measures, adopted by the IMO, or safe navigational practices and procedures have not been followed,
- Ships which have been suspended or
- Ships which cannot be identified in the database.

**12. Unexpected Factors**

Unexpected factors could indicate a serious threat to the safety of the ship and the crew or to the environment but the need to undertake an additional inspection is for the professional judgement of the Authority. These factors include:

- Ships reported by pilots or relevant authorities which may include information from Vessel Traffic Services about ships' navigation,
- Ships which did not comply with the reporting obligations,
- Ships reported with outstanding deficiencies (except those with code 16 (within fourteen days) and code 17 (before departure)),
- previously detained ships (3 months after the detention),
- Ships reported by the master, crew member or any person or organization with a legitimate interest in the safe operation of the ship, shipboard living and working conditions or the prevention of pollution,
- Ships operated in a manner to pose a danger,
- Ships reported with problems concerning their cargo, in particular noxious or dangerous cargo,
- Ships where information from a reliable source became known, that their risk

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parameters differ from the recorded ones and the risk level is thereby increased,

- Ships carrying certificates issued by a formerly Abuja MoU recognized organization whose recognition has been withdrawn since the last inspection in the Abuja MoU region.
- 13.** Ships with unexpected factors which have not been inspected may be reported to the information system and remain eligible for inspection in subsequent ports as Priority II.
- 14.** The provisions of the Memorandum apply to a ship covered by a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services if the Memorandum applies to the ship. However a survey of a ship which is carried out by an Authority (not being the flag Administration of the ship) in accordance with a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services will be considered as an expanded inspection, or more detailed inspection as relevant. If the ship is not indicated as Priority I in the Information System the survey will be recorded as a Priority II inspection.

## Annex 9

### Inspection Type and Clear Grounds

- 1.** The type of inspection to be carried out under Section 3.2 is determined by Table 4 below:

**Table 4**

Category of Inspection	Ship Risk Profile	Inspection Type		
		Initial	More detailed	Expanded
Periodic	HRS	NO	NO	YES
	SRS	YES	If clear grounds are found	If the ship is of a risk ship type <sup>18</sup> and more than 12 years old
	LRS			
Additional due to overriding or unexpected	All	NO	YES	According to the professional judgement of the PSCO if

<sup>18</sup> risk ship types are chemical tanker, gas carrier, oil tanker, bulk carrier and passenger ship

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factor				HRS or SRS/LRS of a risk ship type <sup>19</sup> and more than 12 years old
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2. An initial inspection will consist of a visit on board the ship in order to:
- check the certificates and documents listed in Annex 10;
  - check that the overall condition and hygiene of the ship including:
    - navigation bridge
    - accommodation and galley
    - decks including forecastle
    - cargo holds/area
    - engine room
- meets generally accepted international rules and standards;
- verify, if it has not previously been done, whether any deficiencies found by an Authority at a previous inspection have been rectified in accordance with the time specified in the inspection report.
3. A more detailed inspection will be carried out whenever there are clear grounds for believing, during an initial inspection, that the condition of the ship or of its equipment or crew does not substantially meet the relevant requirements of a relevant instrument. Clear grounds exist when a Port State control officer finds evidence, which in his professional judgement warrants a more detailed inspection of the ship, its equipment or its crew. The absence of valid certificates or documents is considered a clear ground. Other examples of clear grounds are set out in paragraph 6.
4. A more detailed inspection will include an in-depth examination in:
- the areas where clear grounds are established
  - the areas relevant to any overriding or unexpected factors
  - other areas at random from the following risk areas:
    1. Documentation
    2. Structural condition
    3. Water/Weathertight condition
    4. Emergency systems
    5. Radio communication
    6. Cargo operations
    7. Fire safety
    8. Alarms
    9. Living and working condition
    10. Navigation equipment
    11. Life saving appliances
    12. Dangerous Goods
    13. Propulsion and auxiliary machinery

<sup>19</sup> risk ship types are chemical tanker, gas carrier, oil tanker, bulk carrier and passenger ship  
 \*This text contains the first amendments adopted on Oct 24<sup>th</sup> 2012 and take effect from January 2013.

#### 14. Pollution prevention

5. The more detailed inspection will take account of the human elements covered by ILO, ISM and STCW and include operational controls as appropriate.
6. Clear Grounds  
In applying Table 4 above, examples of "clear grounds" for a more detailed inspection include the following:
  1. Ships with overriding or unexpected factors as listed in Annex 8.
  2. during examination of the certificates and documents referred to in Annex 10 of the Memorandum, inaccuracies have been revealed or the documents have not been properly kept or updated;
  3. indications that the relevant crew members are unable to communicate appropriately with each other, or with other persons on board, or that the ship is unable to communicate with the shore-based authorities either in a common language or in the language of those authorities;
  4. A certificate has been fraudulently obtained or the holder of a certificate is not the person to whom that certificate was originally issued;
  5. The ship has a master, officer or rating holding a certificate issued by a country which has not ratified the STCW Convention
  6. evidence of cargo and other operations not being conducted safely or in accordance with the IMO guidelines;
  7. failure of the master of an oil tanker to produce the record of the oil discharge monitoring and control system for the last ballast voyage;
  8. absence of an up-to-date muster list, or crew members not aware of their duties in the event of fire or an order to abandon the ship;
  9. the emission of false distress alerts not followed by proper cancellation procedures;
  10. the absence of principal equipment or arrangements required by the conventions;
  11. evidence from the Port State control officer's general impressions and observations that serious hull or structural deterioration or deficiencies exist that may place at risk the structural, watertight or weather tight integrity of the ship;
  12. excessively unsanitary conditions on board the ship;
  13. information or evidence that the master or crew is not familiar with essential shipboard operations relating to the safety of ships or the prevention of pollution, or that such operations have not been carried out;
  14. the absence of a table of shipboard working arrangements or records of hours of work or rest of seafarers.
7. An expanded inspection will include a check of the overall condition, including the human element where relevant, in the following risk areas:
  1. Documentation
  2. Structural condition
  3. Water/Weathertight condition
  4. Emergency systems
  5. Radio communication
  6. Cargo operations including equipment
  7. Fire safety
  8. Alarms
  9. Living and working conditions

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10. Navigation equipment
11. Life saving appliances
12. Dangerous Goods
13. Propulsion and auxiliary machinery
14. Pollution prevention

and subject to their practical feasibility or any constraints relating to the safety of persons, the ship or the port, verification of the specific items in these risk areas listed for each ship type in a AMoU Manual or AMoU Committee Instruction must be part of an expanded inspection. The inspector must use professional judgement to determine the appropriate depth of examination or testing of each specific item.

8. Inspectors must be aware that the safe execution of certain on-board operations, e.g. cargo handling, could be jeopardised by tests carried out during such operation.
9. The expanded inspection will take account of the human elements covered by ILO, ISM and STCW and include operational controls as appropriate.

## **Annex 10**

### **Examination of Certificates and Documents**

At the initial inspection the Port State control officer will, as a minimum and to the extent applicable, examine the following documents:

1. International Tonnage Certificate (1969);
2. Certificate of Registry or other document of nationality (UNCLOS);
3. Certificates as to the ship's hull strength and machinery installations issued by the classification society in question (only to be required if the ship maintains its class with a classification society);
4. Reports of previous port State control inspections;
5. Passenger Ship Safety Certificate (*S74-5/CI/R12 (v), S74P88/CI/R12 (a) (i), (vi)*);
6. Cargo Ship Safety Construction Certificate (*S74/CI/R12 (ii), S74P88/CI/R12 (a) (ii), (vi)*);
7. Cargo Ship Safety Equipment Certificate (*S74-5/CI/R12 (v), S74P88/CI/R12 (a) (iii), (vi)*);
8. Cargo Ship Safety Radio Certificate (*S74-5/CI/R12 (iv), S74P88/CI/R12(a) (iv), (vi)*);
9. Cargo Ship Safety Certificate (*S74P88/CI/R12 (a)(v)(vi)*);
10. Special Purpose Ship Safety Certificate (*SPS Code, C1/Art.1.7.4, Res. A.791 (19)*);
11. For ro-ro passenger ships, information on the A/A-max ratio (*S74-15/CII-1/R8-1*);
12. Damage control plans and booklets (*S74-34/CII-1/Reg. 19, 20, 23*);
13. Stability information (*S74/CII-1/22 and CII-1/25-8; LLP88, reg. 10*);
14. Manoeuvring Booklet & information (*S74-1/CII-1/Reg.28.2*);
15. Unattended Machinery spaces (UMS) evidence (*S74-1/CII-1/R46.3*);
16. Exemption Certificate and any list of cargoes (*S74/CII-2/R10.7.1.4*);
17. Fire control plan (*S74-23/CII-2/Reg.15.2.4*);

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18. Fire safety operational booklet (*S74-23/CII-2/Reg.16,3,1*);
19. Dangerous goods special list or manifest, or detailed stowage plan (*ILO134/A4.3(h)*<sup>20</sup>, *S74-23/CII-2/R19*);
20. Doc. of compliance Dangerous Goods (*S74-24/CII-2/R19.4*);
21. Ship's log book with respect to the records of drills, including security drills, and the log for records of inspection and maintenance of lifesaving appliances and arrangements and fire fighting appliances and arrangements (*S74-33/CIII/R37, R19.3, R19.4, R20*);
22. Minimum Safe Manning Document (*S74-23/CV/R14.2*);
23. SAR coordination plan for passenger ships trading on fixed routes (*S74-15/CV/R15, R7.2*);
24. LRIT Conformance Test Report (*S74-CV/R19.1*);
25. Copy of the Document of compliance issued by the testing facility, stating the date of compliance and the applicable performance standards of VDR (voyage data recorder) (*S74/CV/R18.8*);
26. For passenger ships, List of operational limitations (*S74-24/CV/R30.2*);
27. Cargo Securing Manual (*S74-25/CVI/R5.6*);
28. Bulk Carrier Booklet (*S74-16/CVI/R7.3*);
29. Loading/Unloading Plan for bulk carriers (*S74-16/CVI/R7.3*);
30. Document of authorization for the carriage of grain (*S74-8/CVI/R9*);
31. INF (International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships) Certificate of Fitness (*S74-21/CVII/R16, INFC 1.3*);
32. Copy of Document of Compliance issued in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (*DoC*) ISM Code (*S74-11/CIX/R4.1*);
33. Safety Management Certificate issued in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (*SMC*) (*S74-11/CIX/R4.2, 4.3*);
34. High Speed Craft Safety Certificate and Permit to Operate High Speed Craft (*S74-12/CX/R3.2, HSCC 1.8.1, 2*);
35. Continuous Synopsis Record (*S74-31/CXI-1/R5*);
36. International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, or the Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, whichever is appropriate (*GCC-4/CI/N1.6.4, IGCC\*/CI/N1.5.4*);
37. International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, or the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, whichever is appropriate (*BCC-10/CI/N1.6.3, (IBCC\*/CI/N1.5.4); (BCH/I/1.6.1)*);
38. International Oil Pollution Prevention Certificate (*MARPOL/ANI/R7.1*);
39. Survey Report Files (in case of bulk carriers or oil tankers) (*MARPOL//ANI/R6*);
40. Oil Record Book, parts I and II (*MARPOL//ANI/R17, R36*);
41. Shipboard Marine pollution emergency plan for Noxious Liquid Substances (*MARPOL//ANII/Reg.17*);
42. (Interim) Statement of compliance Condition Assessment Scheme (CAS) (*MARPOL//ANI/R20.6, R21.6.1*);

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<sup>20</sup> To be replaced by automatically Maritime Labour Convention 2006 as soon as the Convention comes into force in 2013.

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43. For oil tankers, the record of oil discharge monitoring and control system for the last ballast voyage (*MARPOL//ANI/R31.2*);
44. Shipboard Oil Pollution Emergency Plan (*MARPOL//ANI/R37.1*);
45. International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (*NLS*) (*MARPOL//ANII/R9.1*);
46. Cargo Record Book (*MARPOL//ANII/R15, MARPOL//ANII- APP2*);
47. Procedures and Arrangements Manual (chemical tankers) (*MARPOL//ANII/R14.1 + P&A manual*);
48. International Sewage Pollution Prevention Certificate (*ISPPC*) (*MARPOL//ANIV/R5.1*);
49. Garbage Management Plan (*MARPOL//ANV/appendix 1*);
50. Garbage Record Book (*MARPOL//ANV/appendix*);
51. International Air Pollution Prevention Certificate (*IAPPC*) (*MARPOL//ANVI/R6.1*);
52. Logbook for fuel oil change-over (*MARPOL//ANVI/R14.5*);
53. Type approval certificate of incinerator (*MARPOL//ANVI/R16.6.1*) + *Appendix IV(1)*);
54. Bunker delivery notes (*MARPOL//ANVI/R18.5+ Appendix V*);
55. Engine International Air Pollution Prevention Certificate (*EIAPPC*) (*NoxTC2008/ 2.1.1.1*);
56. Technical files (*NoxTC2008/2.3.6*);
57. Record book of engine parameters (*NoxTC2008/6.2.2.7.1*);
58. International Load Line Certificate (1966) (*LLP'88 Art. 16.1*);
59. International Load Line Exemption Certificate (*LLP'88 Art. 16.2*);
60. Certificates issued in accordance with STCW Convention (*STCW95/Art. VI, RI/2, Sect. A-I/2*);
61. Cargo Gear Record Book (*ILO134/C32/Art. 9(4)/ ILO152(25)*)<sup>21</sup>;
62. Certificates loading and unloading equipment (*ILO134/A4.3(e);ILO/C32/Art 9(4)*);
63. Medical certificates (*ILO Convention No. 73*)<sup>22</sup>;
64. Table of shipboard working arrangements (*ILO Convention No. 180/Part II/Art 5.7 a & b and STCW95/A-VIII/1.5*);
65. Records of hours of work or rest of seafarers (*ILO Convention No. 180/PartII/Art 8.1*);
66. Mobile Offshore Drilling Unit Safety Certificate (*MODU Code/I/Section 6*);
67. Certificate of insurance or any other financial security in respect of civil liability for oil pollution damage (*CLC69P92/AVII.2*);
68. International Ship Security Certificate (ISSC) (*ISPS/PA/19.2.1*);
69. Record of AFS (*AFS/Annex 4/Reg 2(1)*);
70. International Anti-Fouling System Certificate (IAFS Certificate) (*AFS/Annex 4/Reg 2(1)*);
71. Declaration on AFS (*AFS/Annex 4/Reg 5(1)*).

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<sup>21</sup> To be replaced automatically by Maritime Labour Convention 2006 as soon as the Convention comes into force in 2013.

<sup>22</sup> To be replaced automatically by Maritime Labour Convention 2006 as soon as the Convention comes into force in 2013.

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## **Annex 11**

### **Inspection Commitments of Authorities**

#### **Inspection Commitments of Member States**

1. The inspection commitments of each Authority are:
  - a) to carry out an inspection on every ship calling at all of its ports and anchorages with a Priority I status; and
  - b) to carry out a number of inspections on Priority I and Priority II ships which corresponds at least to its annual inspection commitment.
2. The information system shows, daily, weekly, whether a Member State is ahead or behind the commitment in 1.b above.
3. **Flexibility in Priority I Commitment**

The following paragraphs describe the flexibility for meeting the commitment in paragraph 1.a) above. Until there is sufficient data in the information system to derive the regional commitment a calculation will be made in accordance with AMoU Manual or AMoU Committee Instruction.
4. Ships which arrive in port as a Priority I must be selected for inspection. However the Member State may postpone the inspection in the following ways:
  - a) to the next call of the ship at the same Member State, provided that the ship does not call at another port within the Abuja MoU region and the postponement is no more than 15 days;
  - b) to another port of call if this port is within the Abuja MoU region and its authority agrees in advance to inspect the ship and the postponement is no more than 15 days. Inspections which are postponed in this way and recorded in the information system are not considered as missed inspections.
5. In addition to the flexibility provided in paragraph 4 above an Authority may miss:
  - a) up to 5% of the total number of Priority I ships with a high risk profile calling at its ports and anchorages;
  - b) up to 10% of the total number of Priority I ships other than those with a high risk profile calling at its ports and anchorages.
6. In the following circumstances, Priority I inspections which are missed are not counted in the allowance mentioned in paragraph 5 above:
  - a) if in the judgement of the Authority the conduct of the inspection would create a risk to the safety of inspectors, the ship, its crew or to the port, or to the marine

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environment, or

b) if the ship call takes place only during night time. Member States should however ensure that ships which only make night time calls do not avoid inspection completely, or

c) additionally in the case of a ship which only calls at an anchorage within the jurisdiction of a port, if the ship is inspected in another port or anchorages within the Abuja MoU region within 15 days, or

d) additionally in the case of a ship which only calls at an anchorage within the jurisdiction of a port, the call is only during night time or if its duration is too short for the inspection to be carried out satisfactorily.

7. In the circumstances described in paragraph 6 above the Authority is required to record in the information system the reasons for missing the inspection.

8. The calculation of the total number of Priority I ships an Authority receives (as in paragraph 5 above) does not include the ships mentioned in paragraphs 4 & 6 above.

**9. Allowance for Member State receiving an excessive number Priority I ships**

The fair share scheme and the selection scheme are intended to ensure that a Member State is not required to carry out more Priority I inspections than its annual commitment. However, as a safeguard, for a State inspecting more Priority 1 ships than its annual commitment the allowance of missed inspections, as described in paragraph 5 would be 30%.

**10. Calculation of the Regional Commitment**

In order to calculate the annual inspection commitment of each Member State referred to in paragraph 1.b) above, the first step is to determine the overall annual commitment for the Abuja MoU region (the "regional commitment").

11. The regional commitment for the year in question is estimated by taking the average number of inspections required in the previous 3 years.

12. The annual regional commitment is calculated by the information system by adding the number of individual ship calls at each Member State.

**13. Calculation of annual inspection commitment for each Member State**

The second step in calculating an inspection commitment for each Member State is to calculate its share of the regional commitment. This share is the three-year average number of individual ships calling at the Member State as a percentage of the sum of the number of individual ships calling at each Member State.

**14. Allowance for a Member State with too few opportunities to inspect**

A Member State could receive too few Priority I and Priority II inspections to be able to reach its annual commitment. In such a case it will be considered to have met the

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commitment if it has inspected at least 85% of Priority II ships. The commitment in 1(a) and the corresponding allowance in paragraph 5 still apply.

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## **Annex 12**

### **Reporting obligations for ships**

Electronic means shall be used whenever possible for any communication provided for in this Annex.

#### **1. 72 hour message (72 ETA)**

A ship which, in accordance with Annex 9, is eligible for an expanded inspection and bound for a port or anchorage of a Member State, shall notify its arrival 72 hours in advance to the Authority or earlier if required by national provisions.

#### **2. At least the following information shall be submitted:**

- (a) ship identification (mandatory IMO number and additional name, call sign and/or MMSI number);
- (b) port of destination;
- (c) estimated time of arrival (ETA);
- (d) estimated time of departure (ETD);
- (e) planned duration of the call;
- (f) for tankers
  - (i) configuration: single hull, single hull with SBT, double hull;
  - (ii) condition of the cargo and ballast tanks: full, empty, inerted;
  - (iii) volume and nature of cargo;
- (g) planned operations at the port or anchorage of destination (loading, unloading, other);
- (h) planned statutory survey inspections and substantial maintenance and repair work to be carried out whilst in the port of destination;
- (i) date of last expanded inspection in the Abuja MoU region.

#### **3. 24hour message (24 ETA)**

The operator, agent or master of ship bound for a port or anchorage of a Member State shall notify its arrival at least 24 hours in advance, or at the latest, at the time the ship leaves the previous port, if the voyage time is less than 24 hours, or if the port of call is not known or it is changed during the voyage, as soon as this information is available.

#### **4. Following information shall be submitted:**

- (a) ship identification (mandatory IMO number and additional name, call sign and/or MMSI number);
- (b) port of destination;
- (c) estimated time of arrival (ETA);
- (d) estimated time of departure (ETD).

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**5. Actual arrival message (ATA)**

Member States report the actual time of arrival (ATA) of any ship calling at Member States ports (located in the Abuja MoU region) and anchorages, together with an identifier of the port concerned within a reasonable time to the Information System.

**6.** Following information shall be submitted:

- (a) ship identification (mandatory IMO number and additional name, call sign and/or MMSI number);
- (b) port;
- (c) actual time of arrival;
- (d) at anchorage: yes, no.

**7. Actual departure message (ATD)**

Member States shall transfer the actual time of departure (ATD) of any ship calling at Member States ports and anchorages, together with an identifier of the port concerned within a reasonable time to the Information System.

**8.** The following information shall be submitted:

- (a) ship identification (mandatory IMO number and additional name, call sign and/or MMSI number);
- (b) port;
- (c) actual time of departure.

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## **Annex 13**

### **Member States and Dates of Accession**

Angola accepted the Memorandum on 24.01.2012  
Benin accepted the Memorandum on 29.06.2007  
Cameroon - not yet accepted the Memorandum  
Cape Verde – signed but not yet accepted the Memorandum  
Congo accepted the Memorandum on 16.11.2001  
Côte d'Ivoire accepted the Memorandum on 17.12.2010  
Democratic Republic of Congo - not yet accepted the Memorandum  
Equatorial Guinea - not yet accepted the Memorandum  
Gabon accepted the Memorandum on 25.09.2009  
The Gambia accepted the Memorandum on 27.07.2007  
Ghana accepted the Memorandum on 06.05.2003  
Guinea accepted the Memorandum on 12.02.2002  
Guinea Bissau - not yet accepted the Memorandum  
Liberia signed but not yet accepted the Memorandum  
Mauritania signed but not yet accepted the Memorandum  
Namibia signed but not yet accepted the Memorandum  
Nigeria accepted the Memorandum on 19.08.2002  
Sao Tome and Principe accepted the Memorandum on 16.08 2012  
Sierra Leone accepted the Memorandum on 25.10.2001  
Senegal accepted the Memorandum on 21.06.2001  
South Africa signed but not yet accepted the Memorandum  
Togo accepted the Memorandum on 12.09.2007

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