



DECISIONS OF THE 9TH PORT STATE CONTROL COMMITTEE MEETING OF ABUJA MoU

**27TH MARCH 2018
ACCRA, REPUBLIC OF GHANA**



GENERAL

This document is the outcome of the 9th Port State Control Committee (PSCC9) Meeting of Abuja MoU.

The 9th Committee Meeting held on 27 March in Accra, Republic of Ghana. The Meeting was attended by the following members of the Committee:

- Benin
- Congo - Chairman
- Cote d'Ivoire
- Gabon
- Gambia
- Guinea - 1st Rapporteur
- Nigeria - Vice Chairman
- Liberia
- Ghana - 2nd Rapporteur
- Senegal

Apology

- Cape Verde
- Angola

Observers

- International Maritime Organization (IMO)
- Port Management Association of West and Central Africa (PMAWCA)
- Nigerian Chambers of Shipping.

The Meeting opened at 09.43hrs. The opening ceremony was conducted under the Chairmanship of H.E. Fidele DIMOU, the Honourable Minister of Transportation, Civil Aviation and Merchant Marine of the Republic of Congo.

The Welcome Address was given by the Chairman of the Organizing Committee Mr. Kwame Owusu, Director General, Ghana Maritime Authority (GMA) followed by the Opening Address by the Chairman of Abuja MoU, the Honourable Minister of Transportation, Civil Aviation and Merchant Marine of the Republic of Congo. The meeting of the 9th Committee commenced immediately after the opening ceremony.

1. AGENDA ITEM 1: ADOPTION OF THE AGENDA

The Committee considered the Provisional Agenda and Timetable as proposed in document PSCC9/1/A. The Provisional Agenda was adopted without amendments as the Agenda of the 9th Port State Control Committee Meeting.



2. AGENDA ITEM 2: MEMBERSHIP OF THE MEMORANDUM

Reference Document:

PSCC9 - 2/1	Secretariat	Membership of the Memorandum
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2.1 Members

The Committee was informed that membership of the Memorandum has increased to 17 since the last meeting with the receipt of Letters of Acceptance from four member States namely Republic of Guinea Bissau, South Africa, Cape Verde and Liberia.

The Secretariat reported that the increase in membership was achieved largely due to innovative strategies deployed for membership drive in spite of lack of funds to visit countries as directed by PSCC8.

The Committee

- .1 congratulated Guinea Bissau, South Africa, Cape Verde and Liberia for attaining the status of full membership of Abuja MOU and welcomed them into Abuja MoU.
- .2 approved the amendment of Annex 13 of the Memorandum to include Guinea Bissau, South Africa, Cape Verde and Liberia among the list of full members.
- .3 approved the format for presentation of an Overview of Information On Member States for subsequent Committee Meetings.
- .4 commended the Secretary General for all actions taken in the area of membership drive and for effectively driving the affairs of the Committee

2.2 Observers

The Committee

- .1 noted the Secretariat's report that it had not received any requests for observer status since the last meeting.
- .2 FAO's positive response to collaborate with Abuja MoU though not as an observer.
- .3 noted the work of the FAO in developing port State control guidelines for combating Illegal, Unreported and Unregulated (IUU) Fishing and resolved to strengthen its collaboration with FAO on the aspect of IUU Fishing.



3. AGENDA ITEM 3 REPORT BY THE SECRETARIAT

3.1 Report of Actions Emanating from 8th PSCC

Reference document:

PSCC9-3/1	Secretariat	Report of Actions Emanating from 8 th PSCC
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The Committee after reviewing the Secretariat's report on Actions Emanating from 8th PSCC Meeting

- .1 noted the report of the Secretariat on the resolutions reached on each of the Agenda items of the 8th Committee meeting of Abuja MoU held in Brazzaville, Congo in 2012 and the work accomplished by the Secretariat on each of the action items.
- .2 noted with satisfaction the actions taken on the action items and in particular the training of Port State Control Officers (PSCO).
- .3 adopted the report of the Secretariat as contained in the Annex.

3.2 STATUS OF RELEVANT INSTRUMENTS

Reference document:

PSCC9-3/2	Secretariat	Status of Relevant Instruments
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The Committee

- .1 noted data in Annex A containing information on the status of ratification and domestication of the Relevant Instruments for Abuja MoU by Member States.
- .2 noted the poor status of ratification of the MLC 2006 by Member States since it came into force despite its significance.
- .3 recalled that it was agreed during the 8th PSCC meeting and resolved that the MLC 2006 would replace ILO Convention 147.
- .4 requested Member States yet to ratify the MLC 2006 to take the necessary steps bearing in mind that the PSC Manual had harmonized PSC inspections in the region.
- .5 noted that the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM) 2004 which came into force on the 8th of September 2017 has been ratified by five (5) member States: Ghana, Liberia, Nigeria, Republic of Guinea and South Africa and qualifies to be included in the list of relevant instruments.
- .6 unanimously approved the inclusion of the International Convention for the Control and Management of Ship's Ballast Water and Sediments (BWM) 2004 in the list of Relevant Instruments for Abuja MoU and amendment of the Memorandum accordingly.



4. AGENDA ITEM 4 - REVIEW OF PORT STATE CONTROL ACTIVITIES BY MEMBER ADMINISTRATIONS

Reference Documents:

PSCC9-4/1	Member Administration	National Arrangements for Port State Control
PSCC9-4/2	Member Administration	Port State Inspections Report
PSCC9-4/3	Member Administration	Port State Inspection Fees and Penalties
PSCC9-4/4	Member Administration	Status of Domestication of Relevant Instruments
PSCC9-4/5	Member Administration	Participation and result of Concentrated Inspection Campaign

Agenda 4.1 – 4.5 Port State Control Activities by Member Administrations

The Maritime Administrations of Benin, Congo, Cote d'Ivoire, Gambia, Ghana, Guinea, Liberia, Nigeria, Senegal submitted written reports to the PSCC9 website as requested while the Maritime Administrations of Gabon made oral submissions at the Meeting.

The Committee noted the documents and oral presentations by the Director Generals of Member Administrations on port State control activities in their respective States. The presentations covered:

- National arrangements for Port State Control.
- Port State Control Inspection Data
- Port State Inspection Fees and Penalties
- Status of Ratification of Relevant instruments guiding Port State Control Inspections
- Participation and result of Concentrated Inspection Campaign (CIC)

The Committee considered the information contained in the above documents and oral submissions by the Director Generals and after exhaustive deliberations:

- .1 noted the comments by Member States on Remuneration for PSCOs and encouraged member States to adopt measures that will ensure the recruitment and retention of qualified PSCOs given the level of expertise required and importance of inspection.
- .2 agreed that while statutory surveys and certification of flag State vessels may be delegated to Recognized Organizations (ROs), member States should:
 - i) ensure that the ROs are suitably qualified to carry out the delegated functions;
 - ii) on no account assign or contract the functions of port State control inspections to ROs;
 - iii) acquaint themselves with the RO Code and use same in the evaluation of ROs;
 - iv) in addition to the RO Code, use as assessment tool, the report on evaluation of ROs by the Paris and Tokyo MOUs which identifies high performing ROs prior to engagement by Flag Administrations and for periodic evaluation of ROs.
- .3 noted that majority of MARADS are autonomous and encouraged Governments yet to grant autonomy to their MARADS to do so in conformity with global practice.
- .4 noted with satisfaction, the improvement in port State control inspections resulting in decreasing number of sub-standard ships calling at ports in the region and lower vessel detention rate.



- .5 resolved that the attention of shipowners, operators and classification societies be drawn to the non-compliance with the International Safety Management (ISM) Code relating to maintenance of machinery on board vessels.
- .6 noted that despite concerted efforts at improving number of inspections, most member States have not met the 15% target of inspection.
- .7 while noting that the reduction in number of inspections in some instances is the result of harmonization and improvement on port State control practices, directed the secretariat to review the basis for calculation of the port State control inspection target.
- .8 noted with concern and disapproval the non-adherence of a few member States with the principles of the Memorandum and global practice regarding port State inspection fees and reiterated that member States should take all necessary steps to comply with the Memorandum and be in line with global best practice.
- .9 reminded member States that
 - i) fees should not be charged for the initial or first port State inspection on a visiting ship
 - ii) The IMO does not encourage the charging of fees for the initial or first port State inspection on a visiting ship because the Administrations in inspecting ships are enforcing a right in order to eliminate substandard ships.
 - iii) member States can charge fees and penalties for subsequent inspections to serve as deterrent to substandard vessels.
 - iv) above practice represents international practice in all regional port State regimes.
- .10 Resolved that Maritime Administrations presently charging fees for initial inspection should discontinue to comply with the Memorandum and global practice.
- .11 noted with satisfaction the report that a majority of member States have ratified the Relevant Instruments under the Memorandum.
- .12 Encouraged members who have not done so, to ratify MLC 2006 and Ballast Water Convention to ensure uniformity and harmonization in inspection practices.
- .13 noted with satisfaction and commended Abuja MoU secretariat for the preparation and execution of the first Concentrated Inspection Campaign (CIC) carried out in the region which started on 1st September and ended on 30th November 2017 on Safety of Navigation including Electronic Chart Display Information Systems (ECDIS)
- .14 commended the 6 member States: South Africa, Senegal, Republic of Congo, Ghana, Gambia and Nigeria for their participation in the maiden Concentrated Inspection Campaign (CIC) held from 1st September to 30th November 2017 on Safety of Navigation including Electronic Chart Display Information Systems (ECDIS).
- .15 directed that given the poor number of ratification of MARPOL Annex VI by member States, the Secretariat should prepare 2018 CIC on Life Saving Appliances under SOLAS.



5. AGENDA ITEM 5 PORT STATE CONTROL ACTIVITIES IN THE ABUJA MOU REGION

Reference Documents:

PSCC9-5/1/A	Secretariat	2017 Statistics and Analysis of PSC Data
PSCC9-5/2/A	Secretariat	Trends in Action Taken
PSCC9-5/3/A	Secretariat	Historical Performance of Member Administrations PSI Data 2013-2017

The Committee

- .1 noted the result of Port State Control inspections (PSI) in 2017, submitted by 13 Member States in the Abuja MoU region.
- .2 noted the improvement in PSC activities and agreed to promote the enforcement of effective PSI as a deterrent to substandard ships calling at ports in the region.
- .3 urged Maritime Administrations to enter their PSI reports directly into AMIS daily or in the alternative, to submit their PSI reports to the Secretariat daily if unable to enter directly.
- .4 encouraged Maritime Administrations who have not commenced inspections to take advantage of the National Trainings on Port State Control Inspection Manual and AMIS provided by the Secretariat.
- .5 approved the request by the Secretariat to publish the 2017 Annual Report and submit to IMO.
- .6 Noted with appreciation introduction by the secretariat of the analysis on Trends in Action Taken by PSCOs where deficiencies are detected.
- .7 encouraged member States to provide information on list of available ship repair yards in the region for posting on Abuja MoU website which will strengthen PSCOs to order ships to rectify identified deficiencies at a named port within the region prior to departure.
- .8 expressed commitment to share information on ship yards noting that in addition to elimination of substandard ships, enforcing appropriate "action taken" could generate jobs in the region.
- .9 encouraged PSCOs to make good use of the detailed and comprehensive Port State Control Manual.
- .10 noted the historical performance of member Administrations in Port State Inspections for the past five (5) years and the noticeable improvements in ports State control performance.
- .11 advised that the data generated from the Trends in Action Taken and the Historical Performance should be used to determine training needs of PSC officers.



.12 approved the publication of a Press Release on the 2017 CIC on Safety of Navigation including Electronic Chart Display Information Systems (ECDIS) carried out by 6 Member States of Abuja MoU region.

.13 approved the submission of the 2017 CIC report to the IMO.

.14 approved that 2018 CIC should focus on "Life Saving Appliances" and encouraged all member States to participate in the CIC.

6. AGENDA ITEM 6 HARMONIZATION AND IMPROVEMENT OF PORT STATE CONTROL

Reference Documents:

PSCC9-6/1/A	Secretariat	Amendment to the Memorandum
PSCC9-6/2/A	Secretariat	Revision of Port State Control Manual
PSCC9-6/3/A	Secretariat	National Training for PSCOs on AMoU Manual and AMIS
PSCC9-6/4/A	Secretariat	Near Coastal Voyage Agreement for Abuja MoU member States

The Committee noted the information in the documents provided by the secretariat and a submission by Liberia on non-regional regulations for convention vessels and decided that

- .1 having accepted Letters of Acceptance from the four (4) new member States, the Memorandum be amended to insert the names of the member States.
- .2 the Memorandum be amended to include provisions on Ministerial Conference and directed the Working Group on Port State Control Procedure comprising of Nigeria (Chair), Angola, Cote d'Ivoire, Gambia, Ghana, Senegal, Liberia, Congo and AMoU Secretariat to propose the terms of reference for the Ministerial Conference.
- .3 all proposed amendments that are secretarial in nature be immediately made by the secretariat.
- .4 Abuja MoU Port State Control Officers' Manual be revised and updated with new IMO resolution A.1119(30) which has replaced Resolution A 1052 (27).
- .5 AMoU Technical Working Group on PSC Procedure undertake the task of a comprehensive review of the 2012 PSCOs Manual and to submit recommendation through the Secretariat for presentation at the PSCC10.
- .6 the Working Group be reconstituted to include Senegal and Liberia. Memberships of the WG are Nigeria (chair), Cote d'Ivoire, Gambia, Ghana, Senegal, Liberia and AMoU Secretariat.
- .7 a Near Coastal Voyage agreement for Abuja MoU member States as permitted under STCW Convention Regulation I/3 be developed by the Working Group.
- .8 a regional regulatory framework and inspection procedures for non-conventional ships operating within the Abuja MOU region be developed by the Working Group.



7. AGENDA ITEM 7 AMOJ INFORMATION SYSTEM AND WEBSITE

Reference Documents:

PSCC9-7/1/A	Secretariat	Report of the AMIS Manager
PSCC9-7/3/A	Secretariat	AMoU Website

The Committee

- .1 noted the report of the AMIS manager and the operation AMIS database commenting that it has strengthened information sharing in the region.
- .2 urged member States to ensure regular and timely uploading of inspection data into AMIS.
- .3 noted the lack of progress on the Regional Information Centre Project and invited Senegal, the Chair of the Working Group on Regional Information Centre to commence work and a report submitted through the Secretariat for presentation at the PSCC10 meeting.
- .4 noted a significant improvement on the website with the creation of a hyperlink on the homepage tagged "Inspection Database" which navigates through the disclaimer page direct to the public interface of AMIS central database.
- .5 encouraged PSCOs to access the website for information provided under "ship search" and "inspection search" which are useful tools in the ship targeting system.

8. AGENDA ITEM 8 TECHNICAL CO-OPERATION PROGRAMMES AND EXTERNAL RELATIONS

Reference Documents:

PSCC9-8/1/A	Secretariat	Technical Cooperation with the IMO and other Regional MoUs
PSCC9-8/2/A	Secretariat	Data Exchange and Relationship with other Organizations

The Committee

- .1 noted the information on the technical cooperation programmes executed by the IMO on port State control for the region, in particular, the donation of 36 laptops to the less developed countries in Abuja MoU region and sponsorships of PSCOs to foreign and regional trainings.
- .2 expressed gratitude to the IMO and mandated the secretariat to work with the IMO in designing more capacity building programmes for Abuja MoU.
- .3 noted the participation of AMoU PSCOs in port State control trainings offered by other regional MoUs and commended Paris MOU, Tokyo MOU, Indian Ocean and Vina Del Mar MoUs for the training opportunities offered to PSCOs in the Abuja MOU Region.
- .4 considered and endorsed the recommendation of the secretariat on finalization of Data



Exchange Agreement with IHS and EQUASIS.

- .5 noted and approved the request for renewal of the Exchange Protocol with the IMO signed in 2012.
- .6 noted that the Data Exchange Agreement between Abuja MoU and Lloyds List Intelligence (LLI) signed in 2013 is operating and member States can obtain data on the number and type of ships calling at their ports, the particulars and movements of those ships and port State history of the ships etc.

9 AGENDA ITEM 9 ADMINISTRATIVE AND FINANCIAL MATTERS

Reference Document:

PSCC9-9/1/A	Secretariat	Financial Statement for the Year Ending 31 st March 2016 and 31 st March 2017
PSCC9-9/2/A	Secretariat	Abuja MoU Biennial Budget for 2017-2019
PSCC9-9/3/A	Secretariat	Status of Financial Contributions by member Administrations

The Committee considered the information contained in the above documents and oral explanations by the secretariat and after deliberations by member States

- .1 adopted the Financial statement ending 31st March 2016/2017 submitted by the External Auditors, Messrs Sola Oyetayo & Co.
- .2 approved that Biennial Budget for 2017-2019 be funded based on the approved formula of 50% equal sharing of the budget sum and 50% based on the number of ship calls at various ports of each Member State until the approval of a new formula for calculation of financial contributions.
- .3 noting that the 2015-2017 Biennial Budget was hundred percent funded by Nigeria, commended the Nigerian Government for the unwavering financial support to Abuja MoU from inception.
- .4 recalled the Decision at PSCC8 on the matter of financial contributions noting with disapproval the failure by member States to pay their financial contributions towards the operation of the Abuja MoU Secretariat.
- .5 urged member States to liquidate their debt to the Secretariat and to pay future dues on time.
- .6 set up an ad-hoc committee to investigate the reasons for non-payment of financial contributions, to assess the current formula for calculation of financial contributions and produce recommendations as appropriate. The memberships of the ad-hoc committee to be chaired by Ghana comprises of Ghana, Congo, Cote d'Ivoire, Guinea and Senegal.



- .7 noted with satisfaction the pledge by Ghana and the Republic of Guinea to make part-payment of their contributions soon after the end of PSCC9.
- .8 approved the appointment of Messrs Sola Oyetayo & Co as External Auditors for the last time which appointment will terminate after the 2019 financial year.
- .9 noted for the record, the renewal in 2015 of the Secretary General's tenure for another term of 4 years.
- .10 noted the delay by Sierra Leone to second an internal auditor to the secretariat having since concluded the selection process and directed the secretariat to confirm from Sierra Leone whether the internal auditor will be seconded before June 2018.
- .11 Accepted Ghana's offer to second an internal auditor where Sierra Leone is unable to provide.

10 AGENDA ITEM 10 DATE AND VENUE FOR NEXT MEETING

The Committee recalled the decision at the PSCC5 and PSCC8 that hosting of AMoU Committee meetings should be rotational by alphabetical order among member States.

The Committee approved the hosting of future meetings as follows:

Meeting	Host country	Date
10 TH ISMWG	NIGERIA	2018
10 TH PSCC	BENIN or GABON if Benin fails to host	2019
4 th MINISTERIAL CONFERENCE	COTE D'IVOIRE	2019
11 TH ISMWG	CONGO	2019
11 th PSCC	GUINEA, REPUBLIC OF	2020

11. AGENDA ITEM 11 ANY OTHER BUSINESS

The Committee

- .1 noted the continuing threat of piracy leading to hijack and kidnap of crew for ransom and directed that it be mentioned in the Ministerial Declaration.
- .2 directed the development and use of Peer Review Mechanism to appraise the efforts of member States to comply with the theme of the 9th PSCC Meeting "Tightening the Net: Regional Cooperation to Eliminate Sub-standard Shipping".
- .3 resolved to present Decisions of PSCC9 meeting as adopted at the Ministerial Conference.
- .4 considered and adopted the draft Ministerial Declaration



CLOSING

The PSCC9 meeting closed with the Motion of Thanks to the:

- .1 The Chairman for the Planning Committee, Mr. Kwame Owusu and the Ghana Maritime Authority.
- .2 The outgoing Chairman of the Committee of H.E. Fidele DIMOU the Honourable Minister of Transportation, Civil Aviation and Merchant Marine of the Republic of Congo.
- .3 The President and people of the Republic of Ghana.

DONE THIS 27TH DAY OF MARCH 2018 IN ACCRA, THE REPUBLIC OF GHANA