



**DECISIONS AND RECOMMENDATIONS
OF THE
10TH PORT STATE CONTROL COMMITTEE MEETING
OF ABUJA MoU**

**10-11 OCTOBER
LIBREVILLE, REPUBLIC OF GABON**



GENERAL

This document is the outcome of the 10th Port State Control Committee (10PSCC) Meeting of Abuja MoU.

The 10th Committee Meeting held on 10-11 October 2019, in Libreville, Republic of Gabon. The Meeting was attended by the following members of the Committee:

- Congo -
- Gabon -
- Guinea - 1st Rapporteur
- Guinea Bissau
- Ghana - Chairman & 2nd Rapporteur
- Nigeria - Vice Chairman
- Liberia
- Senegal
- South Africa
- Togo

Apology

- Sierra Leone
- Cape Verde
- Cote d'Ivoire

Observers

- Congo DRC
- Women in Maritime of West and Central Africa (WIMoWCA)

The Meeting opened at 09.45hrs. The opening ceremony was conducted under the Chairmanship of Honourable Kwaku Ofori Asiamah, Minister of Transport of the Republic of Ghana, who was ably represented.

The Welcome Address was given by the Chairman of the Organizing Committee Mr. Mr. Martin NDONG NTOUTOUME, Directeur General De La Marine Marchande Du Gabon followed by the Opening Address by the Chairman of Abuja MoU, Hon. Kwaku Ofori Asiamah, the Minister of Transport, Republic of Ghana as represented. The meeting of the 10th Committee Meeting commenced immediately after the opening ceremony.

The Honourable Minister of Transport and Logistics of the Republic of Gabon, Mr Justin NDOUNDANGOYE conducted the formal opening of the Meeting.

1. AGENDA ITEM 1 ADOPTION OF THE AGENDA AND TIMETABLE

The Committee considered the Provisional Agenda and Timetable as proposed in document PSCC10/1/A. The Provisional Agenda was adopted without amendments as the Agenda of the 10th Port State Control Committee Meeting.



2. AGENDA ITEM 2 MEMBERSHIP OF THE MEMORANDUM

Reference Document:

PSCC10 - 2/1/Annex 2.1A – 2.1.C	Secretariat	Membership of the Memorandum
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2.1 Members

The Committee was informed that membership of the Memorandum remains at 17 full member States comprising of Angola, Benin, Cape Verde, Congo, Cote d'Ivoire, Gabon, Ghana, Guinea, Guinea Bissau, Liberia, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone, The Gambia, Togo and South Africa.

The Committee reviewed and commented on the extensive information on the Overview of Information on Member States provided in the annexes under the following Annexes:

- a. Annex 2.1 A - record of meeting attendance by member States
- b. Annex 2.1 B - record of Qualitative Criteria/Performance Indicator (Port State) by member States
- c. Annex 2.1 C - a record of Qualitative Criteria/Performance Indicator (Flag State) by member States

The Committee

- .1 encouraged member States to participate in all statutory meetings of AMoU.
- .2 re-emphasized that Director Generals of Maritime Administrations are to attend the Committee meeting in person and to be accompanied by their experts because the Director Generals constitute membership of the MoU and decisions are made concerning the AMoU at Committee meetings.
- .3 encouraged Portuguese speaking member States to participate fully in the activities of AMoU and help translate the statutory documents into Portuguese.
- .4 requested the Secretariat to produce documents in all the official languages of the MoU including Portuguese.
- .5 commended the Secretary General for providing the Overview of Information on Member States in the format approved by PSCC9.
- .6 encouraged member States to input PSI data directly into the Abuja MoU Information System to reduce human errors and assure the accuracy of the data presented in reports.

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.



3. AGENDA ITEM 3 REPORT OF THE SECRETARY GENERAL

The Committee after reviewing the Report of the Secretary General

- .1 commended and appreciated the Secretary General for a comprehensive report.
- .2 noted with satisfaction the milestones achieved in the revitalization and transformation of Abuja MoU into a performing MoU, the improved harmonization of port State control activities in the region, and the prudent management of the finances of the MoU by the Secretary General.
- .3 adopted the report of the Secretary General.

4. AGENDA ITEM 4 REPORT BY THE SECRETARIAT

4.1 Report of Actions Emanating from PSCC9

Reference document:

PSCC10 - 4/1/A	Secretariat	Report of Actions Emanating from PSCC9
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The Committee after reviewing the Secretariat's report on Actions Emanating from PSCC9 Meeting

- .1 noted the status of actions emanating from PSCC9 Meeting held in Accra, Ghana.
- .2 encouraged member States whose flags are on the blacklist of PMOU and TMOU, to review and properly supervise the companies engaged to operate their international registries in order to save our region from negative reports regarding sub-standard shipping.
- .3 requested the Secretariat to obtain explanations from the Paris MoU with respect to the report on the ship(s) purportedly flying the flag of the Republic of Congo.
- .4 reminded member states to take all necessary steps not to charge fees on first inspection, to comply with the Memorandum and be in line with the IMO recommendations and global best practice with respect to fees and penalties for inspection.
- .5 adopted the report of the Secretariat as contained in the Annex 4/1.

4.2 STATUS OF RELEVANT INSTRUMENTS

Reference document:

PSCC10 - 4/2/A	Secretariat
PSCC10 - 4/2/B	Secretariat

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 commended the member States for the improved level of domestication of IMO Conventions.



- .3 encouraged member States who have not ratified all the Relevant Instruments to do so.
- .4 encouraged member States to regularly submit communications to the Secretariat updating the secretariat on new ratifications and domestication of relevant international conventions.
- .5 approved that the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 (Bunker 2001) be added as one of the Relevant Instruments for the Abuja MoU.

5. AGENDA ITEM 5 REVIEW OF PORT STATE CONTROL ACTIVITIES BY MEMBER ADMINISTRATIONS

Reference Documents:

PSCC10 - 5/1	Member Administration	National Arrangements for Port State Control
PSCC10 – 5/2	Member Administration	Port State Inspections Report
PSCC10 – 5/3	Member Administration	Port State Inspection Fees and Penalties
PSCC10 – 5/4	Member Administration	Status of Domestication of Relevant Instruments
PSCC10 – 5/5	Member Administration	Participation and result of Concentrated Inspection Campaign

Agenda 5.1 – 5.5 Port State Control Activities by Member Administrations

The Maritime Administrations of Congo, Gabon, Ghana, Liberia, Nigeria, Senegal, South Africa, Togo submitted written reports to the PSCC10 as requested.

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 improvement in the level of compliance of member States to the requirements of the Memorandum;
- .2 commended the member States in the increased level of domestication of relevant conventions and their efforts at improving the rates of inspections by their PSCOs;
- .3 noted the comments and challenges of Member States on inadequacy of 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.



- .4 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 the report on evaluation of ROs by the Paris and Tokyo MOUs which identifies high performing ROs as assessment tool prior to engagement of ROs by Flag Administrations and for periodic evaluation of ROs.
- .5 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.
- .6 noted that despite concerted efforts at improving number of inspections, most member States have not met the 15% target of inspection.
- .7 directed the AMoU TWG on Port State Control together with the Secretariat to review the matrix for the calculation of the port State control inspection target.
- .8 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 for subsequent inspections to serve as deterrent to substandard vessels;
 - iv) above practice represents international practice in all regional port State regimes.
- .9 resolved that Maritime Administrations presently charging fees for initial inspection should discontinue, to comply with the Memorandum and global practice and amend their domestic regulations accordingly.
- .10 noted with satisfaction the report that a majority of member States have ratified the Relevant Instruments under the Memorandum.
- .11 commended the member States for their participation in the Concentrated Inspection Campaign for 2017 and 2018 and the ongoing 2019 CIC and encouraged member Administrations to enter the reports of their CIC directly into AMIS within the period of the campaign.
- .12 re-emphasized that Director Generals of Maritime Administrations are to attend the Committee meeting in person and to be accompanied by their experts because the Director Generals constitute membership of the MoU and decisions are made concerning the AMoU at Committee meetings.



- .13 directed the AMoU TWG on Domestic Regulation chaired by Congo to conclude their task and submit the report for deliberation at PSCC11 which will be held in 2020. The membership of the AMoU TWG chaired by the Republic of Congo comprises of Nigeria, Gambia, Cote d'Ivoire, Togo, South Africa and Ghana.
- .14 noted the offer by Maritime Administration of Nigeria to assist in training of PSCOs and urged members to express interest through the Secretariat.

6. AGENDA ITEM 6 PORT STATE CONTROL ACTIVITIES IN THE ABUJA MOU REGION

Reference Documents:

PSCC10-6/1/A Tables 1-6	Secretariat	2018 Statistics and Analysis of PSC Data
PSCC10-6.2 Annex	Secretariat	Trends in Action Taken
PSCC10-6/3/A	Secretariat	Historical Performance of Member Administrations PSI Data 2016 - 2018
PSCC10-6/4/	Secretariat	2018 Concentrated Inspection campaign

The Committee

- .1 noted the result of Port State Control inspections (PSI) in 2018, submitted by 13 Member States in the Abuja MoU region and 1 Observer country.
- .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 2018 Annual Report and submit to the IMO.
- .6 noted with appreciation the introduction by the secretariat of the analysis on Trends in Action Taken by PSCOs where deficiencies are detected and to provide data on low risk vessels inspected in the region.
- .7 noting that inspections should not cause unnecessary delay in trade facilitation, 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 encouraged Maritime Administrations and PSCOs to make good use of the detailed and comprehensive AMoU Port State Control Manual.
- .9 re-emphasised that member Administrations should implement ship targeting system of the New Inspection Regime in the Memorandum and the AMoU Manual and to respect the inspections carried out in the ports of Member States except where there are cogent reason(s) and clear grounds to conduct a new inspection.
- .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 commended the 11 member States who participated in and reported on the 2018 Concentrated Inspection Campaign on Life Saving Appliances. The member States were Benin, Congo, Cote d'ivoire, Ghana, Guinea, Liberia, Nigeria, Senegal, Sierra Leone, South Africa.
- .12 noted the information from Gabon that it participated in 2018 CIC observing that the CIC report was sent to the Secretariat in early 2019.
- .13 noted that CIC results must be entered into AMIS or submitted to the Secretariat within the campaign period for it to be captured in AMIS as CIC data and encouraged member States to comply.
- .14 directed the Secretariat to reconcile the discrepancy in the inspection data showed in AMIS with the figure presented by the delegation of South Africa.
- .15 encouraged South Africa and all member States to enter their PSI data directly into the AMIS rather than sending to the Secretariat to avoid human errors.
- .16 approved the publication of the PSI and CIC reports in the Annual Report, website and submission of the report to the IMO.

7. AGENDA ITEM 7 HARMONIZATION AND IMPROVEMENT OF PORT STATE CONTROL

Reference Documents:

PSCC10-7/1 Annex	Secretariat	Amendment to the Memorandum
PSCC10-7/2/1	Secretariat	Abuja MoU Port State Control Officers' Manual 2019
PSCC10-7/2/2	Secretariat	Aid Memoire for Port State Inspection 2019
PSCC10-7/2/3	Secretariat	Port State Inspection Forms (PSI)

The Committee noted the information in the documents provided by the Secretariat and

- .1 approved the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunker 2001) as a Relevant Instrument of Abuja MoU and addition of the Convention to the List of Relevant Instruments under Article 2.1 (Relevant Documents) of the AMoU Memorandum.



- .2 approved the addition of certificates and documents required to be inspected under IMO Res A. 1119(30) under Annex 10- Examination of Certificates and Documents of the AMoU Memorandum.
- .3 approved the 2nd Amendment of the AMoU Memorandum.
- .4 directed that all proposed amendments that are secretarial in nature be immediately made by the Secretariat.
- .5 approved the revised Abuja MoU Port State Control Officers' Manual 2019 which has been updated by the incorporation of the current IMO Resolution A.1119(30).
- .6 approved the revised Aid Memoire for Port State Inspections 2019.
- .7 approved the Port State Inspection Report Forms 2019 and the codes.
- .8 noted with thanks the offer for exchange programmes made by the Maritime Administration of Nigeria and encouraged Member States to make use of the offer through the Secretariat.
- .9 encouraged AMoU Technical Working Group on PSC Procedure to submit the Near Coastal Voyage Agreement for Abuja MoU member States and a regional regulatory framework and inspection procedures for non-conventional ships operating within the Abuja MOU region as permitted under STCW Convention Regulation I/3, STCW 78/95 as mandated by the PSCC9.

8. AGENDA ITEM 8 AMOU INFORMATION SYSTEM AND WEBSITE

Reference Documents:

PSCC10-8/A	Secretariat	Report of the AMIS Manager
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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 encouraged PSCOs to access the website for information provided under "ship search" and "inspection search" which are useful tools in the ship targeting system.
- .4 encouraged PSCOs and other departments of member Authorities to access and make use of the data available through AMoU Data Exchange Agreements with GISIS, Thesis, LLI, IHS, EQUASIS etc.



9. AGENDA ITEM 9 TECHNICAL CO-OPERATION PROGRAMMES AND EXTERNAL RELATIONS

Reference Documents:

PSCC10-9/1	Secretariat	Technical Cooperation with the IMO and other Regional MoUs
PSCC10-9/2	Secretariat	Data Exchange and Relationship with other Organizations

The Committee

- .1 noted the participation of AMoU PSCOs in the fully sponsored foreign port State control trainings offered by Regional MoUs in collaboration with the IMO 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.
- .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 encouraged member States to take advantage of the data available through AMoU Data Exchange Agreements with GISIS, Thesis, LLI, IHS, EQUASIS as an efficient tool for ship targeting and PSC reporting.
- .4 urged member States to make use of the foreign trainings offered to them and where attendance is not possible, to promptly inform the Secretariat in order for a replacement PSCO to be nominated to prevent the loss of the opportunity to the region.

10 AGENDA ITEM 10 ADMINISTRATIVE AND FINANCIAL MATTERS

Reference Document:

PSCC10 -10/1/A	Secretariat	Financial Statement for the Year Ending ended 31 st March 2018
PSCC10-10/2/A	Secretariat	Abuja MoU Biennial Budget for 2019 - 2021
PSCC10-10/3/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 2018 submitted by the External Auditors, Messrs Sola Oyetayo & Co.
- .2 approved that Biennial Budget for 2019 – 2021 be funded based on the approved formula of 50% equal sharing of the budget sum and 50% based on the number of ships calls at various



ports of each Member State until the approval of a new formula for calculation of financial contributions.

- .3 noting the regular funding of the operations of the Secretariat by Nigeria, commended the Nigerian Government for the unwavering financial support to Abuja MoU.
- .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 requested the ad-hoc committee set up by PSCC9 to investigate the reasons for non-payment of financial contributions, to assess the current formula for calculation of financial contributions to submit their recommendations as appropriate. The membership of the ad-hoc committee chaired by Ghana comprises of Ghana, Congo, Cote d'Ivoire, Guinea and Senegal.
- .7 noted and commended the Gambia, Ghana, and Guinea for part payment of their contributions in year 2018/2019 and most especially Nigeria for carrying the financial burden of AMOU.
- .8 approved the AMoU 2019 – 2021 biennial budget.
- .9 commended the very high standard of transparency and accountability in the financial management of the funds of the MoU and encouraged member states to fulfil their obligation towards running of the Secretariat.
- .10 approved the engagement of a qualified bilingual Secretary.
- .11 encouraged Ghana to conclude arrangements for the deployment of an internal auditor to the Abuja MoU Secretariat.
- .12 noted with concern the information that the Abuja MoU Secretariat is still at the temporary office allocated to it in 1999 by the host country and urged Nigeria to provide a befitting office and residence for the Secretary General in compliance with its commitment under Headquarters' Agreement signed between the Government of Nigeria and the Abuja MoU.

11. AGENDA ITEM 11 DATE AND VENUE FOR NEXT MEETING

The Committee

- .1 commended the Republic of Gabon and its Merchant Marine for stepping in to host the PSCC10 meeting.
- .2 recalled and affirmed the decision at the PSCC5 and PSCC8 that hosting of AMoU Committee meetings should be rotational by alphabetical order among member States.
- .3 The Committee approved the hosting of future ISWG, PSCC meetings and Ministerial Conference meetings as follows:



Meeting	Host country	Date
11 TH ISMWG	NIGERIA	2020
11 th PSCC	GUINEA, REPUBLIC OF	2020
4 th Ministerial Conference	COTE D'IVOIRE	2020
12 TH ISMWG	CONGO	2021
12 th PSCC	LIBERIA	2021
5 TH Ministerial Conference	SENEGAL	2021

12. AGENDA ITEM 12 ELECTION OF THE SECRETARY GENERAL

The Committee noted the information that the current Secretary General has successfully completed 2 terms in office and exhaustively deliberated on the issue of the appointment of a new Secretary General.

The Committee

.1 noting the contradictions in:

- a) Rule 4(b) of the Rules of Procedure 2010 of the AMoU which provides that "the Abuja MoU Committee shall appoint a Secretary General"; and
- b) Article 30 of the Staff Rules and Regulations 2010 which provides that "the Abuja MoU Committee shall elect or appoint a Secretary General"

resolved that the word "elect" be expunged from the Staff Rules and "appoint" be retained.

.2 noted that the notice issued for nominations to the office of the Secretary General was insufficient for member States to conclude internal consultations and to submit nominations.

.3 Agreed on the following procedure for the appointment of a new Secretary General:

- i) prevailed on the Secretary General to remain in office for a short period and extended her tenure for a maximum period of 6 months in order to supervise the smooth emergence of a new Secretary General and orderly handover to a new Secretary General.
- ii) requested member States to submit to the Secretariat names of qualified persons as nominees for the position of the Secretary General not later than December 2019.
- iii) directed the Secretariat to promptly notify each member of the Committee of the nominations received and request them to forward their choice of preferred candidate to the Secretariat within 2 weeks of the receipt of the notification.
- iv) the secretariat upon receipt of the preferred candidate should communicate the choice of the preferred candidate to members of the Committee.
- v) acknowledging that the Bureau of Ministers is the final decision-making body of the MoU mandated the Secretariat to forward the name of the preferred candidate to the Bureau of Abuja MoU for appointment as the Secretary General of Abuja MoU.
- vi) directed that Member States intending to submit nominations for the position of the Secretary General should be of good financial standing and in compliance with the Decision



of the 9th Committee Meeting held in Accra, Ghana with respect to payment of their financial obligations to the operation of the MoU.

13. AGENDA ITEM 13 ANY OTHER BUSINESS

The Committee

- .1 encouraged member States of Abuja MoU to seek for and contest for positions in the Council of the IMO in order to participate and represent the interest of the region in the decision-making organs of the IMO.
- .2 reminded member States to comply with the IMO directives on the cut-off date for the operation of single hull vessels in international waters.
- .3 noted the information by Nigeria and Liberia on the 2020 cut-off date for operation of single hull vessels in their coastal waters.
- .4 requested Ghana to circulate the IMO Circular on the phasing out of single hull vessels.
- .5 noted the offer by Nigerian Maritime Administration and Safety Agency (NIMASA) for exchange programme and encouraged member States to avail themselves of the opportunity.

CLOSING

The PSCC10 meeting closed with the Motion of Thanks to the:

- .1 The Chairman of the Planning Committee, Mr. Martin NDONG NTOUTOUME and staff of the Gabonese Maritime Authority; and
- .2 H.E Justin NDOUNDANGOYE, Ministre des Transports et de la Logistique, Republic of Gabon.

DONE THIS 11th DAY OF OCTOBER 2019 IN LIBREVILLE, THE REPUBLIC OF GABON