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Ghana - PSC Fines for Alleged MARPOL Transgression



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Further to our previous articles of 30 April 2020 and 25 March 2019, we advise that the escalation of fines being issued by the Ghana Maritime Authority (GMA) has expanded beyond those for sewage pollution.

Fines have been issued for the following:

- Waste pollution
- Oil pollution
- Sewage pollution
- Garbage pollution
- Transfer of oil between ships, including bunkering and ship-to-ship transfer (STS), without obtaining the necessary approval. GMA Shipping Notice No.17 was published on 17 March 2021 in this respect.

In a recent case, uncompacted garbage was delivered ashore, which naturally was a much greater volume than compacted garbage that had been delivered ashore in previous ports. However, based on volumes of garbage collected over a short period, GMA considered that the vessel must have disposed of the garbage overboard because of the low volumes landed at previous ports.



The compaction of garbage showing the greatly decreased size explaining why previous port landings were low in volume.

In other cases, fines have been imposed for alleged overboard discharge of sewage and/or oil, with an absence of any positive evidence to show any such discharge.

Therefore, fines can be based on little or no direct evidence and are non-negotiable. The GMA will not accept any guarantee other than an MP-01 Form undertaking. Form MP-01 is an undertaking to pay the fine, as levied, within two weeks of the date of issue and to waive the right to go to court. The signing of the MP-01 form allows vessels to sail. The schedule of fines is fixed and can be as much as US\$240000 at present rates, this schedule may be subject to change at short notice.

Although the grounds for such fines can be questionable, should owners refuse to sign form MP-01 and contemplate court action, the vessel will remain detained until legal actions have been completed, which may take years. In addition, the likelihood of success is minimal, and the crew may face imprisonment as well as the significantly increased quantum of the fine imposed (four times the original amount or more is possible). Finally, all GMA legal costs would be charged to owners. Given these severe repercussions, court action is therefore not a viable option.

To avoid such fines, we recommend that Members alert their vessels to Ghana's strict approach to MARPOL and ensure that all IMO legislation is strictly complied with. Where possible, all effluents should be retained on board whilst in Ghanaian waters. Furthermore, when GMA surveyors undertake an inspection, great care must be taken to give them full cooperation and respect.

Members requiring further guidance or assistance should contact the Loss Prevention department.