



Friday 18th May 2012

Bulletin 825 - 05/12 - Customs Fines - Senegal

The Club's correspondent in Senegal has notified the Club of a change in policy regarding the application of customs processes in Senegal. It is reported that customs officers are under instruction to carry out their duties with increased vigour. The following is the correspondent's report in full;

Quote

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We refer to previous circulars issued by ourselves concerning customs fines in Senegal and would advise that over the last few weeks we have noted an increasing amount of customs fines of various types being inflicted by the Senegalese Customs who appear to be applying the existing Customs Code with increased vigour and are imposing strict penalties. It is possible that the Customs may have received instructions from higher government authorities to pay closer attention to the details contained in each ship's declarations of manifests, ship stores and bunkers.

Examples include the imposition of enormous fines upon a ship for failing to specify the bunker figures in the declaration submitted to the Customs. In this case the Chief Engineer was taking soundings to obtain the exact figures to be declared. However under the pressure of the Customs officer the declaration was given prior to completion of these and in spite of the Master's obvious good faith the boarding officer accused him of "fraud" and duly imposed a fine based upon the market value of the non declared bunker x 4 (as allowed under the Customs Code). This sum was an important amount - in excess of Euro 1,000,000.

TCI was called in and after prolonged negotiations with the Customs department they finally accepted in exchange of the vessel's release, a letter of undertaking to pay about 9% of the initial fine within 15 days. Given that no fraud had been committed or intended this sum was, however still a large amount.

A second example involved a Master having simultaneously provided to the Customs on arrival condition form with quantities of lub oil different from those mentioned on the lub oil and grease inventory. He was accused of committing a fraud against the customs and another outrageous fine was imposed, which TCI had to negotiate, as it was impossible to convince the Customs to cancel it.

The latest fine has occurred this week for an error in declaration of manifest which is the first time in many years that this has been applied. Master had received instructions prior arrival that the quantity of cargo to be discharged had been increased by 6000mt. Although he had prepared a corrected manifest, by mistake he handed over the original one and was hence fined Euros 12.5 million!! Lengthy negotiations have taken place but the notion of "human error" or an "administrative mistake" are unfortunately not part of the Senegalese Customs vocabulary although luckily - following on lengthy negotiations this has been reduced although the final amount to be paid is still enormous for an error of this kind.

The Customs have now become very stringent and are almost "tracking" vessels to impose disproportionate fines and satisfy their hierarchy.

We would therefore insist that a Master should:-

- i. Prepare his Dakar custom's declarations prior berthing, having already requested in advance the written confirmation of the latest requirements in this respect from his local agent.**
- ii. Personally receive the Customs officers on board for formalities, in company with the ship's agent.**
- iii. Ensure that all consumables, including food, paint, stationery, crew personal effects etc. have been accurately declared.**
- iv. Place all the customs papers in a separate file to be checked by the ship's agent before their presentation to the Customs boarding officer.**
- v. Check that any modification to manifest is properly completed and declared and sign NO document submitted by the Customs without fully understanding its contents.**

If the Master has been unable to fully complete all the declarations in accordance with the latest Customs rulings before the ship is safely alongside, he should delay lowering the gangway until he is fully satisfied that all is finally in order.

Quote

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