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Update: Fines in Senegal

11 January 2021

Following the below advice circulated last summer, Budd's Senegal office regrets to advise that vessels are continuing to face Customs fines for several thousand dollars. They warmly recommend taking all possible measures to avoid such fines and remain at the disposal of clubs and their members for any additional information that may be required.

Senegal Steps up Immigration and Customs Controls

17/07/20

For the last 18 months or so, vessels calling in Dakar have been confronted more and more frequently with Customs fines. The situation has become progressively more difficult as the grounds on which fines are levied have become increasingly diverse, and the amounts of the fines themselves have reached astronomical levels.

In addition to the above, Budd Senegal reports that vessels have recently had to face a new problem following the intensification of border controls on inward bound vessels by the Senegalese Immigration Services.

Immigration Controls

Dakar's Immigration Services demand that all passports and seamen's books are totally accurate, up to date, and signed where appropriate.

Seamen's books should be:

- correctly stamped in the right place with the shipowner's stamp;
- completed in full;
- indicate the crew member's correct rank;
- show full and accurate joining and leaving ports and dates.

For example, an official ship's stamp with information on the Main engine power should not appear on seamen books of deck crew!

When an anomaly is found in the crew's travel documents during inward clearance visits on board, Dakar's Immigration Services will not hesitate to confiscate crew passports and, despite the current Covid-19 risks, summon the Master to their offices for questioning.

Under law, any irregularity in travel documents can result in criminal charges and, in principle, the Master of the vessel can be arrested and sent to prison.

Any error or omission regarding the joining date and port of each crew member may also be considered an infringement of the current COVID-19 regulations, making the offence more serious.

So far, Budd Dakar has so far been successful in resolving such issues with Immigration amicably. There is no legal provision for the levying of fines for Immigration offences.

Immigration Officers do not always speak fluent English and communications problems with the crew can create a hostile environment. To avoid any escalation, it is vital to show due respect to Immigration officers in their capacities as representatives of state authority. We would also recommend that the vessel's agent attend on board during inward clearance procedures.

Customs Fines

Since early 2019, vessels have been at an increased risk of Customs fines and/or detention as Customs have been monitoring discharge operations with a view to levying fines if there is any difference between the quantities of cargo discharged and the quantity shown on the cargo manifest.

Documentary discrepancies for ship's stores, personal effects, goods in transit or for transshipment, as well as an excess in cargo discharged may result in the same penalties. A detailed description of all goods must be provided with the summary.

Fines are not only more frequent, their amounts have risen significantly. In one case, the initial fine demand was for one million US dollars while demands at hundreds of thousands dollars are becoming commonplace.

Detention to secure fine payment is also a regular event.

To reduce these risks, Budd Senegal therefore recommends that vessels pay particular attention to ensuring that the following documents or declarations are fully accurate:

1. Cargo Manifest (indicating any goods for transshipment or in transit)
2. Bills of Lading
3. List of ports of call
4. Crew List
5. List of Personal effects of Crew
6. Bonded store
7. Food supplies
8. Paint inventory
9. Chemicals
10. Fire Extinguishers
11. Foam
12. CO2
13. Bunker declaration detailing quantities of:
 - Lube oil
 - Diesel oil
 - Fuel oil

and also indicating quantities in tanks (including sump tanks), drums and cans, as well as of sludge.

Misdeclaration of any of the items listed above, including goods in transit, may be construed as attempted fraud by Senegalese Customs.

These massive and more numerous Customs fines are levied in accordance with the strict appliance of Article 62 of the Senegalese Customs Code:

1. Cargo arriving by sea must be indicated on the manifest or loading list.
2. The manifest must be signed and dated by the master of the vessel or his representative. It must provide sufficient information to indicate the type and quality of the cargo as well as any possible prohibitions, in particular:

- The number of packages;
- The brands and numbering of the said packages;
- The nature of the cargo;
- The loading and delivery destinations

3. The Managing Director of Customs may, whenever it is deemed necessary, modify the list of mandatory indications.

4. It is forbidden to list as one single unit in the same manifest several sealed packages assembled together in any way or form.

(The original text in French is to be found [here](#)).

In the light of this escalation in Customs fines, we take this opportunity to summarize the recommended precautions:

1. Before arriving in the port, vessels should consult their agent for the latest requirements;
2. Complete the Customs Declaration before arriving in the port;
3. Ensure that all the items listed above including personal belongings of crew, ship's stores, fire extinguishers, CO2, bunkers etc. etc. are accurately described in the declaration;
4. Prepare a file containing all the relevant documents and ask the vessel's agent to come on board to check same before Customs arrive;
5. Do not allow Customs to board the vessel before the declaration has been fully completed and checked (it may be necessary to delay lowering the gangplank);
6. The Master in person should carry out the formalities on board with the Customs officers in the presence of the vessel's agent;
7. Ensure that any modification to the manifest has been made correctly;
8. Do not sign any document from Customs which you do not fully understand;
9. Avoid attempting to argue or negotiate with the Customs officers as they may well interpret any such efforts as an attempt to corrupt state officials, a punishable offence;
10. Immediately contact your P&I Correspondent.

Vessels confronted with either of the above difficulties should not hesitate to contact their P&I Correspondent as soon as possible.

Please do not hesitate to contact Budd Senegal for advice or assistance.

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