



# JAPAN P&I NEWS

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To the Members

## **Togo – Fine Alert at Port of Lome**

We have received the information regarding the subject matter from the local correspondent Budd Togo.

Vessels calling in Lome, Togo should be aware that they may face fines of over EUR130 million and prison sentences of between 3 months and one year for exchanging items with local people.

Budd Togo know three cases where following requests from fishermen, vessels at anchorage gave them small quantities of low value items such as barrels of sludge, bottles of water, or scrap in exchange for seafood or sim cards. In each case, the fishermen were arrested when they returned to the port of Lome and gave their accounts of the facts to the Police before the vessels were detained. Customs told the vessels that they were liable for fines of somewhere between EUR60 and 130 million on the grounds that their informal transactions constituted smuggling.

In all cases to date, Customs refused to either:

- discuss the fines unless the fine demand documents ("Procès Verbal de Constat" or "PV") were signed by a party with a formal mandate to speak on behalf of the vessel, or
- allow the signee to add standard disclaimers such as "Without Prejudice" or "For Receipt Only".

On the one occasion that a disclaimer was used, it was after weeks of discussions with Customs. During this time, the vessel remained under detention and no negotiations regarding the amount of the fine could start.

The fines are calculated in accordance with Togolese Customs Code. The calculation is according to:

- the value of the items that were exchanged
- *plus* twice the estimated values of all the vessels involved
- *plus* Customs duties of between 28% and 49% on *both* the articles exchanged *and* the estimated values of the vessels.

In order to avoid possible fines, we recommend not to barter any items whatsoever, even at anchorage.

Yours faithfully,

**The Japan Ship Owners' Mutual Protection & Indemnity Association**