

Circular From: NorthStandard**Date: 5 January 2024**

No Smoking In Djibouti

Reports of increase in fines issued by the Djibouti Port Authorities against vessels emitting smoke.

Correspondents McLeans-WAMS advise that fines are being issued if black smoke is observed by port officials whilst the vessel is in the port waters.

The legal basis for the fines is understood to be Port Regulation art 35 whereby it is forbidden to “*produce excessive smoke during manoeuvres or, more generally, while the vessel is in port*”. Breaching this regulation will incur a financial penalty of Djibouti Francs 1,800,000.00. This approximately equates to USD 10,100.00, although in practice the imposed fine tends to be USD 10,000.00.

When the enforcement regime was first launched, it was usual for the Djibouti authorities to issue a single fine for the full stay of a vessel that was deemed to have breached the smoke regulation, irrespective of length of stay or how many times visible smoke was observed. However, McLeans-WAMS recent experience shows that the authorities are now issuing multiple and cumulative fines for the duration of a vessel's stay.

McLeans-WAMS further advise of instances where the shipowner contested the initial fine and was subsequently presented with a demand for multiple and cumulative fines, which they were unable to contest.

It is understood that the port authorities tend to insist that these matters be handled by local agents directly. However, McLeans-WAMS suggest if a vessel is faced with a fine, they seek assistance as soon as possible to prevent the situation escalating and attracting increased fines.

Source of Information: The NorthStandard P&I Club