

**MINUTES OF THE PLENARY MEETING OF  
THE FONASBA CHARTERING & DOCUMENTARY COMMITTEE  
HELD AT THE HILTON HOTEL, PUERTO MADERO  
AT 2.00 p.m. ON WEDNESDAY, OCTOBER 10<sup>th</sup> 2007**

**Present:**

Mrs. G.C. Noer  
Mr. M.J.L. Froio                      FONASBA President

**In Attendance:**

Mr. J.C. Williams FICS              General Manager

Mr. P. Campbell	Argentina	Mr. B. Szalma	Hungary
Mr. R. Garcia Piñero	Argentina	Mr. G. Knudsen	Intertanko
Mr. G. Hernandez	Argentina	Mr. R. Zuck	Israel
Mr. P. Marassi	Argentina	Mr. T. Iigaki	Japan
Mr. L. Russell	Australia	Mr. E. Itoh	Japan
Mr. J. Hunter	Belgium	Mr. M. Casanueva	Mexico
Mr. J. Tsatsas	BIMCO	Mr. J. Arriaga Vega	Mexico
Mr. G. Gordon Findlay	Brazil	Mr. M. Andrade Gomez	Mexico
Mr. A. Zanin	Brazil	Mr. F. Bracamontes	Mexico
Mr. M. Tudor	Croatia	Mr. V. Banovic	Montenegro
Mr. E. Kouzapas	Cyprus	Mr. A. Mantrach	Morocco
Mr. C.P. Papavassiliou	Cyprus	Mr. B. Kjeldsen	Morocco
Mr. A. Houtved FICS	Denmark	Mr. M. Duin	Netherlands
Mr. T. Paulsen	Denmark	Mr. J. van Zevenbergen	Netherlands
Mr. S. Lomberg	Finland	Mr. H. Sander	Norway
Mr. R. Sandberg	Finland	Mr. A. Belmar da Costa	Portugal
Mr. C. Génibrel	France	Mr. J. Azerado	Portugal
Mr. F. Le Bars	France	Mr. E. Bandelj	Slovenia
Mr. K. Bültjer	Germany	Mr. N. Warner	South Africa
Mr. F. Naumann	Germany	Mrs. B. Blomqvist	Sweden
Mr. J.A. Foord FICS	Great Britain	Mr. G. Wramfelt MICS	Sweden
Mr. P.J. Wood FICS	Great Britain	Mr. R. Cooper	Uruguay

**Item**

**Action**

**1. President's Welcome and Chairman's Opening Remarks**

The **President** and **Chairman** welcomed those all present. The **Chairman** also extended a particular welcome to **Mr. Tsatsas**.

**2. Minutes of the Last Meeting held Marrakech, November 3<sup>rd</sup> 2006**

With no comments having been received previously or made at the meeting, the minutes **were approved**.

**3. C&D Committee Advisory Panel Reports**

Presentations on the major market sectors were made as follows:

Container Market – Rodolfo Garcia-Piñero  
Dry Cargo – Marygrace Collins  
Tanker Market – Philip Wood

All three presentations were very well received and a number of topics were discussed in greater

detail. Copies of the presentations are available for download from the Member's Area of the FONASBA website: [www.fonasba.com](http://www.fonasba.com)

A number of delegates expressed an interest in receiving a report on the cruise sector and the **Chairman** said she would ensure that a report was provided for next year.

#### 4. **Who Am I Paying Commission To ?**

The **Chairman** said that this topic has been included as a result of the recent high profile cases of brokers facing charges for paying commissions to parties not directly involved in the fixture. An article on this subject from ITIC's "The Intermediary" magazine had been circulated previously.

The meeting discussed the issue in some detail and it was agreed that the current high levels of commissions being earned had exacerbated the problem. It was clear that brokers must be certain that a request for a commission was genuine before acceding to it, and if there is any doubt as to the veracity of the claim, it should also be checked with the paying party. Furthermore, it was agreed that the old adage "If it feels wrong, don't do it" is completely appropriate in this case.

**Mr. Wood** also advised the meeting that the high level of freight rates had encouraged some charterers to request commission levels lower than the customary 1¼%, a trend that was giving cause for concern. **Mr. Wood** recommended that all brokers defend the 1¼% tradition so far as possible.

#### 5. **"Telex Release" of Bills of Lading**

An extract from "The Intermediary" on this subject had been circulated in advance. A brief discussion followed, during which the **Chairman** recommended that any delegates with concerns regarding any aspect of release of bills of lading should refer to the on-line education facility available from the ITIC website, [www.itic-insure.com](http://www.itic-insure.com)

#### 6. **Electronic Bills of Lading**

This general interest item was included in response to the recent initiative by a company called ESS-Databridge to develop a new electronic system for the exchange of cargo information, currently aimed primarily at the North Sea oil trades. It was agreed that a watching brief would be kept on this subject and it would return to the agenda should this or any future initiative make substantive progress.

An interesting article on the history of the electronic bills project, and a summary of the hurdles that must be overcome before an electronic system can fully replace the current paper procedures, is attached to these minutes.

#### 7. **ASBACHEMVOY**

**Mrs. Collins** gave a short introduction to the new ASBA developed charter form for the chemical trades. A copy of the form, plus explanatory supporting documents, had been circulated in advance. **Mrs. Collins** said that the new form was based on the current ASBATANKVOY, the most commonly used tanker charterparty, and was developed as a result of strong demand from the chemical tanker trade for a form specific to their requirements, where previously amended versions of the ASBATANKVOY had been used. The form is now at the comments stage, having already been circulated to major chemical carriers, brokers and others in the industry. She now asked the FONASBA C&D Advisory Panel, along with FONASBA member associations, to review the document and comment. Following completion of the consultation stage, ASBA would review the document in the light of trade input. It was hoped the final version would be circulated to FONASBA members ahead of the 2008 meeting, at

**C&D  
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which time FONASBA's endorsement would be sought.

## 8. Member's Issues

No topics had been suggested.

## 9. BIMCO and INTERTANKO Reports

At the request of the **Chairman, Mr. Tsatsas** summarised of the current work of the BIMCO Documentary Committee. Before discussing the major project to develop the Standard Newbuilding Contract, he briefly mentioned the other projects on the agenda, as follows:

Document	Action	Status	Approval
FERTICON	Full revision, box format	Essentially complete	November 2007
CHEMPACVOY	Technical revision	On-going	Spring 2008
HEAVYCON	Development of new form for mid-sized projects	Final P&I review of liability issues	November 2007
BARGEHIRE	Modernisation	On-going	N/A
SHIPMAN98	Revision	On-going	N/A
TOWCON TOWHIRE	Revision	Early stages	N/A
Himalaya Clause	Revision	Resolving P&I issues	November 2007 ?
Dunnage removal clause	Revision to align with MARPOL	Awaiting outcome of IMO MARPOL review	N/A
Stevedore damage clause	Revision	On-going	N/A
US Customs Advanced Manifest System (AMS) clause	Revision to align with recent changes in the AMS requirements	On-going	N/A

Further information on these documents and clauses are available from the BIMCO website: [www.bimco.org](http://www.bimco.org)

**Mr. Tsatsas** then gave a detailed overview of the project to develop the Standard Newbuilding Contract form, NEWBUILDCON. He said this was the biggest project undertaken by the Documentary Committee in many years and the achievement was even greater as the work was completed in a very tight timeframe. BIMCO had endeavoured to develop a modern, balanced and clear document that, it is hoped, will cover all sectors of the industry.

The form uses the BIMCO standard box format for part 1, which sets out the main commercial terms of the contract, whilst part 2 provides standard wording for supporting sections covering interpretation of common terms, damages for failure to meet the contract terms, production details including subletting of some processes, delivery and payment of final instalments, legal remedies for delays, guarantees and insurance issues. Finally, three annexes are provided, covering detailed vessel specifications, a builder's list of equipment on board and proforma wording for guarantees.

**Mr. Tsatsas** said he hoped the final version of the document would be published in the next BIMCO Bulletin, along with explanatory notes. A comparison with other similar documents would follow in due course.

The **Chairman** thanked **Mr. Tsatsas** for his excellent presentation. She then asked **Mr.**

**Knudsen** to report on the activities of INTERTANKO's Documentary Committee. A copy of his report had been circulated in advance and he briefly touched on the various actions being undertaken by the Committee. He also mentioned the series of seminars being held around the world and also referred to the full list of INTERTANKO approved documents on the organisation's website: [www.intertanko.com](http://www.intertanko.com)

Finally he advised that INTERTANKO's legal counsel, Mr. John Fawcett-Ellis, had recently left the organisation but would continue to assist on legal issues for the foreseeable future.

The **Chairman** thanked **Mr. Knudsen** for his excellent presentation.

**10. Any Other Business**

None.

**11. Date and Place of Next Meeting**

The **Chairman** advised that the next Plenary meeting of the Chartering & Documentary Committee would be held in Opatija, Croatia, during the 2008 Annual Meeting, the exact date will be notified in due course

**There being no further business to discuss, the Chairman brought the meeting to a close.**

**JCW/10.2007**