

FONASBA

MINUTES OF THE COUNCIL MEETING HELD OCTOBER 20TH 2000 AT THE HOTEL SOFITEL FORUM RIVE GAUCHE PARIS

Present

Mr. E. de Clebsattel – President
Mr. B. D'Orey – President Designate
Mr. A. Perez-Maura – Executive Vice President
Mr. C.P. Papavassiliou – Vice President
Mr. G. J. Heinonen – Immediate Past President
Mr. J. Besman – Chairman, Chartering & Documentary Committee
Mr. U. Masucci – Chairman ECASBA
Mr. J.A. Good – Chairman, Liner & Tramp Agency Committee
Mr. P.G.D. Smith – Vice Chairman, Chartering & Documentary Committee
Mr. Volkert Knudsen – Vice Chairman, Liner & Tramp Agency Committee

Mr. J. Hunter - Belgium
Mr. R. de Meyer – Belgium
Mr. M. Froio – Brazil
Mr. F. Pinto Almieda – Brazil
Mr. W. Rocha Jnr – Brazil
Mr. I. Pires Neto – Brazil
Mr. V.M.S. Pinto – Brazil
Mr. M. Tudor – Croatia
Mr. C.P. Papavassiliou – Cyprus
Mr. A. Houtved – Denmark
Mr. K. Kuusela - Finland
Mr. F. LeBars - France
Mr. A. Lobadowsky – France
Mr. P.J. Wood – Great Britain
Mrs. B. Fletcher – Great Britain
Mr. R.J. Davies – Great Britain
Mr. J. Barclay – Great Britain
Mr. G. Georgopoulos – Greece
Mr. P. Demeter – Hungary
Mr. B. Szalma – Hungary
Mr. P. Kovacs - Hungary
Lt. Cdr. L. Smith – Ireland

Mr. M. Hennebry – Ireland
Mr. M. Ronayne - Ireland
Mr. J. Dundon - Ireland
Mr. A. Guadalupi – Italy
Mr. M. Tricoli - Italy
Mr. E. Itoh – Japan
Mr. V. Vaichekauskas - Lithuania
Mr. V. Banovic – Montenegro
Mr. M. Duin - Netherlands
Mr. A. Stove Lorentzen – Norway
Mrs. G. Noer – Norway
Mr. A. Belmar da Costa – Portugal
Mr. V. Andrianichev – Russian Fedn.
Mr. M. Thoumas - Senegal
Mr. R. Veselko – Slovenia
Mr. E. Bandelj – Slovenia
Mr. A. Duran – Spain
Mr. L. Lindebäck – Sweden
Mr. J. Chow – Taiwan
Mr. M. Dobravsky – Ukraine
Mr. G. Wramfelt – The Shipbroker's Register

Mr. F. Novi – Past President
FONASBA
Mr. C. Genibrel – France (Observer)

Mr. G. Huret – France (Observer)
Mr. A. Ravisse – France (Observer)

In Attendance

Mr. J.C. Williams – General Manager

Item

The President decided to commence the meeting with agenda item 2

Action

2. MINUTES OF THE LAST MEETING HELD SINTRA 14th OCTOBER 1999

The Minutes of the Previous meeting having previously been circulated, **The President** asked if any comments had been received or if any delegate wished to comment.

With no comments having been received, **the President** advised that the minutes of the previous meeting had been duly **approved**.

1. **PRESIDENT'S WELCOME**

The text of **the President's** Address is attached. The meeting observed one minute's silence in memory of Past Presidents Des Jennings and Pierre Dardalet and members Dr. Borcic and Dr. Modesti, who had passed away since the last meeting.

3. **STANDING COMMITTEE REPORTS**

CHARTERING & DOCUMENTARY COMMITTEE

Mr. Besman began by thanking **the President, Executive Committee** and delegates for the standing ovation that followed **the President's** formal notification of his retirement from the C&D Committee and the Federation's thanks for his many years of much valued service and support of FONASBA.

He then referred the meeting to the completion of the "NORGRAIN SOUTH" charter party and to the plans for the marketing of the document to the industry. He also advised that he will be a member of the ASBA committee formed to undertake the task and confirmed that he would continue to keep FONASBA apprised of future progress in this regard. He also mentioned the Time Charter Interpretation Code 2000 and confirmed that that document will be marketed in parallel with the "NORGRAIN".

ECASBA

Mr. Masucci reminded delegates that the ECASBA membership now totally 19 countries, i.e. the 14 maritime member states of the EU plus Cyprus, Hungary Lithuania, Poland and Slovenia.

He mentioned that the Advisory Panel had met three times since Sintra and also expressed his appreciation of the valuable support given to the Panel by Bob de Lange and also Charles Stride, both of whom had retired prior to the Paris Advisory Panel Meeting.

Mr. Masucci then mentioned the four Working Groups, giving a brief resume of the work undertaken since Sintra by the Short Sea Shipping/Intermodalism, Port Policy and Customs and Transit Groups. He noted, however, that Education and Training was covered under agenda item 13 so refrained from any further comment on this Working Group until then.

With regard to Short Sea Shipping, he advised delegates that a short statement, calling for the promotion by the EU of a level playing field between the various modes of transport in Europe, had been drawn up following the ECASBA Annual Meeting on October 18th. This would be circulated to the European Commission and also to the Advisory Panel and national associations. He asked national associations to use this statement as a basis for further discussion on this subject with their own governments.

On Customs & Transit he commented on the work being done by the Group with DGTAXUD on behalf of ECASBA members and advised that the Group is looking for at least two new members. Increased feed back from national associations on local matters of concern would also be appreciated.

On Port Policy he briefly mentioned the imminent release of the Port Package and the expected contents of this policy.

LINER & TRAMP AGENCY COMMITTEE

Mr. Good started by giving delegates details of the current membership of the Liner Panel. He then paid tribute to Dr. Borcic, a former Liner Panel member. He then gave brief details of Range Committee reports presented at the Liner & Tramp Agency Committee meeting held on October 19th.

The Standard Port Agency Conditions document had been discussed by the L&TA Committee and as no further comment had been received he proposed that the Council Meeting adopt the document as a FONASBA standard document.

He also reported on the discussions relating to the future development of remuneration frameworks, mentioning specifically the letter sent by NAVES that had clearly set out the problems facing liner agents and suggesting possible solutions. **A copy of this letter was despatched with the Liner & Tramp Agency Committee minutes.** He said the meeting had called for the introduction of a new type of relationship with owners/principals based on total trust and transparency from the agent's side and the establishment of a fair remuneration package with the principal. It was agreed that a co-ordinated PR strategy would be necessary to sell this new relationship concept and that this would be developed by the Liner Panel in concert with the **General Manager**.

Brief mention was made of the request from Greece for FONASBA's assistance in developing guidelines for suitable fees for port agency services. Whilst such direct assistance was not possible for a number of reasons, it was agreed that the **General Manager** would draft and circulate a questionnaire on the levels of fees charged by member associations for the provision of port agency services to various types and sizes of vessel. In due course this would be circulated to all members for information.

The Standard Liner and General Agency Agreements had been amalgamated and the proposed combined document had been circulated at the L&TA meeting. Comments received had been noted and these would be incorporated into the final draft which was scheduled to be put before BIMCO for their approval at the May 2001 Documentary Committee meeting. A revised remuneration schedule would also accompany the new document.

4. MEMBER ASSOCIATION REPORTS

As there were no matters of major import to report, **the President**, with the approval of the delegates present, decided to move on.

5. MEMBERSHIP

The President reminded delegates of the ten new members elected since the last meeting. He then advised that negotiations had been on-going with the Association of Ships Agents in Malta in respect of a re-application for associate membership. All other formalities having previously been carried out, it was now appropriate to carry out a ballot of members in respect of this application. Delegates voted by a show of hands and the application for associate membership by the Association of Ships Agents in Malta was carried **unanimously**. The voting method was subsequently opposed by Ireland but in view of the strength of the support for the application the objection was over-ruled.

The President then mentioned the failure by AMAU of the Ukraine to settle subscriptions due for 1998 – 2001 and advised that a decision had been taken at the Executive Committee meeting to expel AMAU from membership. The failure of associate members SABA of the Yemen to settle outstanding subscriptions had also

been discussed at the Executive Committee meeting and the decision had been taken to give them one more chance to settle all fees due.

The President advised delegates of the recent amalgamation of the three Portuguese associations into one (AGEPOR) and the appointment of Mr. Bobone as President and Mr. Belmar da Costa as National Secretary.

At the invitation of **the President, Mr. Georgopoulos** advised the meeting that the establishment of The Hellenic Federation of Shipbrokers and Agents, a body bringing together the existing FONASBA members in Greece, was now nearing completion. **Mr. Georgopoulos** therefore asked the meeting to approve the membership of this Federation as a full member of FONASBA.

The President welcomed the announcement of the new federation but asked that FONASBA be given formal confirmation of the formation of the new body prior to any application for membership being made. He did, however, wish **Mr. Georgopoulos** and his colleagues well in their efforts to bring the various associations together.

6. CONSEQUENCES OF EQUASIS FOR WORLDWIDE SHIPPING

The President briefly gave details of the EQUASIS database currently operating in Europe and its aim of eradicating substandard shipping in European waters. While the system is still being developed and therefore presently limited in scope and effectiveness, **the President** said he believed it would, in time, develop into a useful tool for the maintenance of standards of ship operation. He also reminded delegates that the usefulness of EQUASIS went beyond the member states of the EU.

7. ARTICLES & BY LAWS REVISION

The President reminded delegates that the proposed revisions to the Articles of Association and By Laws had previously been circulated. He then asked delegates for their comments.

Lt. Cdr. Smith, for Ireland, proposed an amendment to the wording of By Law 4, Section 4.2 due to a possible ambiguity relating to the position on the Nominating Committee of the Immediate Past President. The Irish Ships Agents Association therefore proposed an amended wording for this By Law. The proposed amended wording was

“The nomination of Officers shall take place in the following manner:

A Nominating Committee of three members, one of whom shall be the Immediate Past President (who shall be Chairman), shall be named by the Executive Committee at its first meeting after the election.”

Ireland also pointed out that in respect of By Law 12, Section 12.3, the proposal to “Delete paragraph 2.....”, should in fact read **“Delete sentence 2.....”** as the section referred to only comprises one paragraph of two sentences.

Mr. Masucci referred briefly to the proposed amendment to By Law 10, regarding eligibility for membership of ECASBA and advised that the proposed wording has the full support of the Advisory Panel.

The reasoning behind the proposed change of name of the Liner & Tramp Agency Committee to the **Liner & Port Agency Committee** – By Law 9, Section 9.1, was discussed briefly as some delegates had reservations about any changes to the future remit of the Committee under this new name. **Mr. Good**, as Chairman of the Committee, reminded delegates that this proposed name change had been discussed

at Sintra in 1999 and the feeling had been that the new title was rather more descriptive and up to date than previously. **The President** also reiterated that this matter had been discussed last year and reassured delegates that there was no intention to change to coverage of this Committee. **Mr. Perez-Maura** said that the Executive believed that the revised title was more representative of the current terminology.

The President proposed that the Articles and By Laws Revisions, as circulated but as amended in accordance with the proposals by Ireland, be adopted. On a show of hands the proposal was carried **unanimously**. **The President** then announced that in deference to the objections raised by Ireland, a secret ballot would be held in relation to the application for associate membership by the Association of Ships Agents in Malta. Whilst this was being arranged, **the President** moved on to the next item.

8. EXTERNAL RELATIONSHIPS

The President mentioned that the relationships between FONASBA and other associations/organisations, such as INTERTANKO, The Baltic Exchange, FIATA and the European bodies such as FEPOR, ECSA etc. were for the best part working well but in some cases there was room for improvement.

Mr. Perez-Maura commented on the situation relating to those organisations that make presentations to Annual Meetings. He said that the feeling in Spain was that those organisations whose views are of interest and benefit to the membership should be encouraged to attend. Those organisations whose only aim, however, was to promote their own self interest should, Spain felt, be charged for the privilege of addressing the FONASBA Annual Meeting. The Federation, he said, was now of sufficient standing and reputation to be able to exercise a measure of control over those organisations invited to make presentations.

Mr. Duin, for the Netherlands, enquired if this was a reference to the BOLERO presentation. **Mr. Perez-Maura** replied that as he was not present for that presentation he could not comment but added this was only a general opinion and not aimed at any one particular presentation.

The secret ballot in respect of the membership application from Malta took place during the next agenda item.

9. FINANCE/FUNDING

The President referred delegates to the financial statements and draft budget that had previously been circulated and asked for comments.

Mr. Duin, for the Netherlands, enquired if the increase in the cost of the FONASBA Secretariat over the past twelve months was in any way related to the move from Rotterdam to London. **The President** advised that the same cost structure had been put into place in London as had been operating in Rotterdam and **the General Manager** reminded delegates that the accounts under review were closed on June 30th and therefore that they only reflected six months London operating costs. Furthermore, as the accounts were closed in Rotterdam on 25th March 2000 they technically only represented some three months London costs. **Mr. Barclay** also reminded delegates that the figures also included the cost of physically effecting the transfer from Rotterdam to London.

Mr. Hennerbry, for Ireland, asked why there was a charge for auditing the accounts but that members had not seen the Audit Report. **The General Manager** advised that the audit report had not, on this occasion, been ready for despatch with the other

financial statements prior to the time limit for receipt of same by national associations i.e. thirty days before the Annual Meeting. **The General Manager** apologised for the delay but assured delegates the Audit Report would be available in good time before the next Annual Meeting.

The General Manager then read the text of the Audit Report to the Meeting. A copy of the Audit Report will be despatched to all associations under separate cover.

Mr. Masucci referred to the discussion held during the Advisory Panel meeting relating to the late request of the balance due to FEPORG for representation fees.

The President proposed that the Financial Report and Accounts be approved and on a show of hands this proposal was approved **unanimously**.

The President then reminded delegates of the proposal for 2001/2002 to increase the FONASBA fee by 3%.

Mr. Besman advised that in his capacity as the representative of ASBA he was required to vote against any increases but stressed this was not his own personal view.

There then followed a discussion as to why there was a need to increase fees while the Federation retained a large budget surplus. **The President** and Executive Committee members reminded delegates of the previous decision to both stabilise the finances and also to ensure that the Federation had reasonable operating reserves of not less than one year's income. Furthermore it should be incumbent upon FONASBA to be in a position to defray some of the costs of Executive Committee members and others travelling to meetings etc. Whilst the surplus was now getting close to the stated aims, it was not yet there. **The President** said that he hoped that it would be possible to begin defraying some of the Executive Committee and other expenses from 2001/2002.

Mr. Barclay suggested that in the very near future the accounts of FONASBA should be structured to allow for sums to be reserved for specific allocated contingencies.

The President called for a vote on the proposed 3% increase in the FONASBA membership fee for 2001/2. On a show of hands only ASBA voted against. The proposal was therefore **carried**.

The President then advised delegates of the proposal to increase the additional fee payable by members of ECASBA by 8%. **Mr. Masucci** advised the meeting that in view of the increased costs incurred in maintaining a presence in Brussels and in promoting the Association's interests in Europe. Furthermore, he said that it was necessary for ECASBA to shoulder more of the cost burden of running the Federation as it utilised a large proportion of the Secretariat and other resources provided through the membership fees.

The President called for a vote by ECASBA members only on the proposed 8% increase in the additional fee payable by members of ECASBA and on a show of hands there were no votes against and only Denmark abstained. The proposal was therefore **carried**.

At this time the votes in the secret ballot for Malta were counted and the application was approved unanimously.

Following the break, **the General Manager** reminded delegates of the need to ensure that financial charges for all remittances to FONASBA were to be for the account of the remitting party and not the receiver. He advised delegates that whilst each

individual charge was relatively small, the total over a whole financial year had a significant impact on FONASBA's income.

10. "SHIP'S AGENT & BROKER CONTRACT"

The President reminded delegates of the arrangements relating to the annual contract with the publishers and gave details of the negotiations with the new publishers, Informa Group, for the coming year. He also indicated his disappointment that at no time had Informa formally advised FONASBA of their intention to replace Roger Overall and Suzanne Starbuck with their own staff writers. He further expressed his concerns about the future of the relationship with the magazine, those remarks being echoed by **Mr. Smith**.

In response to a question from Ireland, **the General Manager** reminded delegates that national associations are entitled to a reduced subscription fee.

11. FONASBA STANDARD DOCUMENTATION

The President proposed that delegates vote to approve the final draft version of the Standard Port Agency Conditions document as circulated previously. On a show of hands the proposal was approved **unanimously**.

Delegates were then asked to approve the amendments to the combined Standard Liner and General Agency Agreement form as discussed at the Liner & Tramp Agency Committee meeting and further to authorise **Mr. Good** to both issue the amended document as an approved FONASBA document and also place it before BIMCO for approval at their meeting in May. On a show of hands the proposals were approved **unanimously**.

12. WEBSITE & INTERNET

The General Manager gave details of the recent changes to the website and the development of the ECASBA pages within the FONASBA site. Delegates were also reminded that e-mail is the preferred method of communication throughout FONASBA and asked those associations currently without the facility to make the necessary arrangements as soon as possible and further to ensure that all associations can open attachments in Microsoft Word and Excell, version 97 at the minimum.

Mr. Wramfelt of The Shipbrokers Register asked delegates to ensure that the information provided to his publication is up to date and in particular the data published on websites. He revealed that some information has been found to be three of four years out of date. In addition he recommended that all e-mails clearly identify the sender - as at present many such messages do not automatically do so.

13. EDUCATION & TRAINING

Mr. Masucci advised delegates of the formation of the Education & Training Working Group under **Mrs. Fletcher** and asked her to give further details of the two education initiatives currently underway.

Mrs. Fletcher reported on the increasing importance of education within the shipping industry and stressed the need for FONASBA to maintain a lead in the provision of relevant training. She then gave details of the internet based training scheme and also the proposed ECASBA validated qualification, stressing that whilst initial development would be made under the umbrella of ECASBA - due to the availability to EU funding - it was intended to broaden the scope to include non-ECASBA members as soon as possible.

14. HONORARY MEMBERSHIPS/ELECTION OF OFFICERS

The President advised the meeting of the decision by the Executive Committee to propose that Honorary Membership of FONASBA be bestowed upon former Presidents **John Besman** and **John Barclay** in recognition of their valued service to the Federation.

The agreement of the delegates was confirmed by a spontaneous standing ovation, following which **the President** confirmed that the honours would be presented at the Gala Dinner.

With respect to the election of officers, **the President** began by advising that ECASBA Chairman **Mr. Masucci** had proposed that **Mr. Hunter**, of Belgium, be appointed as Deputy Chairman following the resignation of Mr. De Lange. He also reminded delegates of the decision taken two years before to nominate **Mr. D'Orey** as President Designate and therefore that he would assume the Presidency at the Gala Dinner. The delegates gave **Mr. D'Orey** a round of applause.

The President then notified the meeting of the decision taken earlier by the Executive Committee to nominate **Mr. Masucci** as the new President Designate and he gave the meeting a brief resume of **Mr. Masucci's** career and background.

The President also advised the meeting of the retirement of **Mr. Besman** as Chartering & Documentary Committee Chairman and the subsequent nomination of **Mrs. Noer** as the new Committee Chairman. **The President** advised **Mrs. Noer** of the willingness of the Greek chartering community to work within the C&D Committee and indicated that a meeting would be arranged for early in 2001 to look into this further.

The President then formally announced the names of those proposed for office within FONASBA for the next two years:

President Designate – Umberto Masucci
Executive Vice- President - Angel Perez-Maura
Vice-Presidents – Soren Winger, Chris Papavassiliou
C&D Committee Chairman – Grete Noer
ECASBA Chairman – Umberto Masucci
Liner & Port Agency Committee Chairman – John Good

The above were nominated unopposed by the Nominating Committee

C&D Committee Vice-Chairman – Paul Smith
ECASBA Vice-Chairman – John Hunter
Liner & Port Agency Committee Vice-Chairman – Volkert Knudsen

The above were nominated and appointed by the relevant Committee chairmen.

There being no alternative candidates nominated from the floor, the nominations for officers were taken as being **approved**.

ANY OTHER BUSINESS

15.

Lt. Cdr. Smith, for Ireland, called for a secret ballot on the nominations for officers. This call was over-ruled by **the President** on the grounds that no opposing candidates had been nominated. **Lt. Cdr. Smith** also called on the meeting to record the appreciation of FONASBA for the support which had been given by Roger Overall and Suzanne Starbuck during their period as editor and deputy editor of the "Ship's

Agent & Broker" magazine. On this latter point **the President** fully concurred.

PLACE AND DATE OF NEXT MEETING

16.

The President advised the meeting that the 2001 Annual Meeting would be held in Antwerp between 16 – 19.10 as guests of NAVES. He then called upon **John Hunter** to say a few words. In recognition of the offer by FENAMAR to host the 2002 Annual Meeting in Rio de Janeiro, **the President** also asked **Mr. Froio** to give brief details of the plans for that meeting. In doing so, he advised delegates of FENAMAR's intention to broaden the membership of FONASBA within South America.

The President thanked **Mr. Froio** for his offer to host the 2002 meeting and also pledged the support of the Executive Committee to the efforts of FENAMAR to strengthen the FONASBA presence in South America.

The date and place of the next Council Meeting was confirmed as **Friday October 19th 2001 in Antwerp.**