

# ECASBA

## PLENARY MEETING

OCTOBER 17<sup>TH</sup> 2001 – EUROPEAN INFORMATION POINT ANTWERP

### Present:

Mr. U. Masucci – Chairman, President Designate FONASBA  
Mr. J. Hunter – Vice-Chairman ECASBA  
Mr. B. D'Orey – President FONASBA  
Snr. A. Pérez-Maura – Executive Vice-President FONASBA  
Mr. C.P. Papavassiliou – Vice President FONASBA  
Mr. R.J. Davies – ECASBA Advisory Panel  
Mr. G.J. Heinonen – ECASBA Advisory Panel

Mr. C. Alogoskoufis	Greece	Mr. P.G.D. Smith	ITIC
Mr. E. Bandelj	Slovenia	Mr. J. Stolk	Netherlands
Mr. A. Belmar da Costa	Portugal	Mr. A. Stove Lorentzen	Norway
Mr. F. Carlini	Italy	Mr. B. Szalma	Hungary
Mr. R. Corrias	Italy	Mr. M. Tudor	Croatia
Mr. R. de Meyer	Belgium	Nr. V. Vaichekauskas	Lithuania
Mr. P. Demeter	Hungary	Mr. A. van der Horst	Netherlands
Mr. M. Duin	Netherlands	Mr. R. Veselko	Slovenia
Mr. S. Digre	Intertanko	Mr. L. Werkers	Belgium
Mr. D. Dobrev	Bulgaria	Mr. N. West	South Africa
Mr. G. G. Findlay	Brazil	Mr. S. Winger	USA
Mr. B. Fletcher	Great Britain	Mr. G. Wramfelt	"The Shipbrokers' Register"
Mr. M. Froio	Brazil		
Mr. G. Georgopoulos	Greece	Mr. P.J. Wood	Great Britain
Mr. J.A. Good	Great Britain	Mr. A. Zanin	Brazil
Mr. M. Hennebry	Ireland	Mr. R. Clayton	Lloyd's Register/ Fairplay – Observer
Mr. A. Houtved	Denmark		
Mr. K. Kuusella	Finland	Mr. P. Nieuwland	Observer
Mr. F. LeBars	France	Mr. T. Saelens	Observer
Mr. L. Lindebäck	Sweden	Mr. M. Schoeters	"Transport Echo" – Observer
Mr. A. Lobadowski	France		
Mr. C. Meyeraan	Netherlands	Mr. F. Torfs	Observer
Mrs. G. Noer	Norway	Mr B. van Den Bossche	"de Lloyd" – Observer
Mr. T. Rehder	Germany	Mr. Y van Dooselaere	Observer
Mr. M. Ronayne	Ireland		

### In Attendance:

Ms. H. de Leeuw – ECASBA Brussels Representative  
Mr. J. C. Williams – ECASBA General Manager  
Mr. G. Barclay – Deputy Director EQUASIS

### Item

#### 1. President's Welcome

### Action

The **President** welcomed all those present at this meeting, extending a particular welcome to those representing the non-European countries. He reminded all those present that actions taken within Europe also affect the industry worldwide and he therefore hoped that colleagues from Brazil, South Africa and the USA would find the meeting useful in increasing their awareness of developments taking place in Europe. Before handing the meeting over to the **Chairman** of **ECASBA**, he asked all those present to rise and observe a minute's silence in memory of Edouard de Clebsattel, a founder member of ECASBA and previously President of FONASBA, reminding delegates of the significant contribution Edouard had made to the creation and development of ECASBA and in raising its profile in Brussels.

## 2. **Chairman's Opening Remarks**

The **Chairman** thanked the **President** for his comments on Edouard de Clebsattel, which he felt all those present fully endorsed. He then thanked **Mr. Hunter** and **Mr. de Meyer**, on behalf of the delegates, for hosting this Meeting. Apologies for absence had been received from messrs. Knudsen and Bültjer of Germany and he therefore welcomed **Mr. Rehder** who was attending on behalf of the German Association. Finally he reminded delegates that Mr. Wolfgang Elsner, Head of Unit for Port Policy and Short Sea Shipping at DGTREN, would be making a presentation on EU Port Policy following the Council Meeting on Friday 19<sup>th</sup> and encouraged all those present to attend.

## 3. **Minutes of the Previous Meeting Held in Paris on October 18<sup>th</sup> 2001**

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

## 4. **Matters Arising**

No matters were raised that were not otherwise covered in the agenda.

## 5. **ECASBA Advisory Panel – Reports on Meetings Held January, July and October 2001**

The **Chairman** advised that the Panel had met in London in January and July and here in Antwerp the preceding day. Most of the matters discussed by the Panel were on the agenda and therefore would be discussed in the course of the meeting.

## 6. **Overview of Main EU Developments Since Last Meeting**

Before handing over to **Ms. de Leeuw**, the **Chairman** reminded delegates of the original reasoning behind the formation of ECASBA as a committee of FONASBA and of the role it had to play in protecting and promoting the role of the entire FONASBA membership within Europe.

**Ms. de Leeuw** then began her presentation (**copies of slides attached**)

She stated that at the request of the **Chairman** the main topic would be the draft Directive on Access to Port Services but before that she gave brief details of the recent changes in personnel within the Commission and also reminded delegates that the **Commercial Agents Directive** was now in force and that it applied to some activities undertaken by ship's agents.

Turning to **Transport Policy**, she advised that the proposed Directive to standardise on **IMO FAL forms** for ship's arrival and departure formalities was likely to be adopted as it had received strong support from most member states. **Ports and terminals** were now included in the **Trans European Networks programme** and there was significant support for the promotion and development of **short sea shipping** and **inland waterways** as environmentally acceptable alternatives to road transport. The **White Paper on Transport** had now been circulated.

Turning to **Safety and the Environment** she mentioned the "**ERIKA**" **I & II Packages** and the measures included therein.

Developments in relation to **Customs and the Internal Market** included a review of the Transit Regime, aimed at improving efficiency and decreasing fraud, and slow progress was being made towards **Customs Union**.

Before **Ms. de Leeuw** proceeded to the draft Directive on Access to Port Services, the **Chairman** called for comments from the floor.

**Mr. Werkers** recommended that ECASBA comment on the Transport White Paper, and in particular on the sections relating to short sea shipping, intermodal transport and infrastructure charging. The **Chairman** agreed and recommended that a small working group be established to review the Paper and formulate a response.

UM/  
JCW

The meeting then discussed the **Commercial Agents Directive**. Picking up on a comment from **Mr. Smith** to the effect that the Directive does not apply in Great Britain, **Snr. Pérez-Maura** expressed concern that in some cases agents may be forced to defend their actions in Great Britain if the other party chose to avoid the requirements of the Directive by initiating proceedings there. The **Chairman** said that all associations should check their liabilities under the Directive and further asked **Ms. de Leeuw** to provide background information on the Directive for circulation. **Mr. de Meyer** also offered to obtain further information on the options for action to be taken in a jurisdiction outwith the scope of the Directive.

HdL  
RdM

**Mr. LeBars** advised the meeting that the Directive now covered any agent that undertook commercial activities. Furthermore, he warned that France had recently tightened its national hazardous cargo regulations following the recent explosion at the chemical plant at Toulouse.

The **Chairman** then asked **Ms. de Leeuw** to continue her presentation on the **draft Directive on Access to Port Services**.

She advised that the draft Directive was one of three parts of the overall Seaport Policy programme, the others being proposals on state aid provision and an inventory on existing port aid provision.

Turning to the draft Directive, **Ms. de Leeuw** gave an overview of the recent amendments proposed by the European Parliament and indicated that these could further delay the implementation of the Directive. At best, she advised, the earliest date for implementation was now some time in 2004.

Thanking **Ms. de Leeuw** for her presentation, the **Chairman** asked for comment from the floor.

**Mr. Alogoskoufis** recommended that ECASBA should press for the retention of the minimum two service providers in any revised proposal. **Snr. Pérez-Maura** disagreed, stating that there were many cases where more than one service provider did not increase competition and he called for the Directive to consider competition between ports, rather than within them. He also suggested that there might be a conflict between the requirements of the current Directive proposals and existing EU Competition legislation.

**Mr. Duin** remarked that many ECASBA association members have links to cargo handling interests and he therefore suggested that ECASBA should reinforce its support for the retention of the self-handling provisions. In response the **Chairman** advised that the ECASBA response did indeed support the original proposals on self-handling.

The meeting also discussed the possibility of excluding pilotage services from the competition requirements. It was agreed that in many ports pilotage represented the largest abuse of monopoly power and a number of delegates called for ECASBA to support its retention. **Mr. Werkers** said that there was no clear majority in the European Parliament for some of the proposed amendments and therefore recommended that ECASBA reiterate its previous position. He also recommended that national associations raise the matter with their MEP's.

Speaking on behalf of Intertanko, **Mr. Digre** said his association was against the abuse of monopoly positions but added that it felt that vital safety implications should not be ignored purely to satisfy competition. He also referred delegates to Intertanko's position paper on the subject.

The **Chairman** thanked **Mr. Digre** for his comments but added that ECASBA felt there was scope for some revisions of pilotage arrangements. Supported by **Snr. Pérez-Maura**, he reiterated, however, that ECASBA was firm in its insistence that safety must not be compromised but equally should not be used as a pretext for maintaining a monopolistic position.

**Mr. Werkers** then offered to provide a draft position paper on the present state of the Directive proposal and also to comment upon the actions proposed to combat monopolies in port pilotage.

LW

**Snr. Pérez-Maura** then asked what the reaction of other organisations was to the proposals relating to self-handling and other measures in respect of port labour. **Ms. de Leeuw** advised that the International Transport Workers Federation (ITF) was very much against any proposals to force competition into cargo handling and in particular those relating to self-handling. She said that strikes had been held in a number of ports on these issues.

Both **Mr. Davies**, for Great Britain, and **Mr. Lindebäck**, for Sweden, indicated that local dock workers were totally opposed to the reforms. **Mr. Lindebäck** added, however, that such was the inflexibility of dock labour in Sweden that some reform was urgently needed.

Bringing the debate to an end, the **Chairman** advised that all the comments made would be taken into account and, if necessary, ECASBA would revise its response to the Commission. He thanked **Ms. de Leeuw** for her presentation and asked that she ensure the Advisory Panel and membership were kept advised of future developments.

HdL

## 7. Working Groups

The **Chairman** asked **Mr. Stolk**, coordinator of the Customs & Transit Working Group to make a brief comment about the activities of his group.

**Mr. Stolk** advised that his group had been very busy in dealing with the new legislation and that he had attended a number of meetings in Brussels with the other European groups in this field. He also confirmed that through the activities of his group ECASBA had been fully involved in the ongoing discussions. He also referred members to his report to the Advisory Panel, **copy attached**.

With Education and Training being a separate agenda item, the **Chairman** then asked **Mr. de Meyer**, as coordinator of the new Marine Safety and the Environment Group, to brief delegates on its aims and objectives. Again, **Mr. de Meyer** referred to his report to the Advisory Panel, **copy attached**, advising that at present the main areas of focus were the Directives on Vessel Monitoring and Port Reception Facilities. It was his intention to despatch a questionnaire to all member associations to ascertain the level of reception facilities currently provided, the charges levied and other information relevant to the production of a Europe-wide survey.

RdM

In order to achieve these aims, **Mr. de Meyer** asked for assistance from national associations in identifying and proposing additional members of the group – with particular emphasis on those in northern and southern Europe. At present the group consisted of himself, **Mr. Duin** of the Netherlands and Mr. Čok of the Slovenian association. In response, **Mr. Corrias** of Italy offered to join and the

**General Manager** advised that Mr. Dundon of Ireland had also volunteered to assist. For Sweden, **Mr. Lindebäck** offered to endeavour to identify a suitable candidate.

LL

Following the conclusion of the Working Group reports, the **Chairman** introduced Mr. George Barclay, Deputy Director of the EQUASIS ship quality database project who had kindly agreed to make a presentation on the uses and abilities of the system.

Following the presentation, which included demonstrations of the various types of data available and the layout of the site, Mr. Barclay answered questions from the floor. During the questions he reiterated that the system was available to users worldwide and also confirmed that it would remain free to use even after expiry of the current French government funding arrangements.

At the conclusion of the presentation, the **Chairman** returned to the agenda.

## 8. Short Sea Shipping Promotion Centres

The **Chairman** reported that in practical terms only two littoral member states, Great Britain and Spain, were now without their own centres although both were in the process of establishment. He then asked for comment from member associations.

**Mr. Duin**, for the **Netherlands**, reminded the meeting that the Dutch centre had only expected to be in operation for about three years but its success in promoting SSS had led to it being continued for the foreseeable future.

The **Chairman** advised that the **Italian centre** had commenced in late 2000 and was based on a core of members representing shipping lines, ports and the agency community with other associations, such as those representing road haulage, terminal operation and forwarding interests, joining later.

**Mr. de Meyer** reported that the **Flemish centre**, with ASV as a core member, was also very active and was instrumental in commissioning the recent PriceWaterhouseCoopers study into bottlenecks and documentation flow.

For **Portugal**, **Mr. Belmar da Costa** advised the centre had only begun operations the previous week and had been established on similar lines to the Italian centre. He was also pleased to report that the President of AGEPOR, Mr. Bobone, had been appointed the first President of the centre.

**Mrs. Fletcher** confirmed that discussions with interested parties and the **UK** Government had begun and it was hoped the centre would become operational early in 2002.

**Mr. LeBars** reported that the **French centre**, which had secured EU and French Government funding, had taken a leading role in efforts to move goods from road to short sea haulage but it was proving difficult to make significant inroads. The agency associations were, he confirmed, fully engaged in all aspects of the centre's work.

## 9. Port Services Directive

The **Chairman** decided that this matter had been adequately covered in previous items.

## 10. Education and Training

Before asking **Mrs. Fletcher** to give details of the current state of ECASBA

education and training initiatives, he reminded delegates that she was to retire from the Institute at the end of the year. She had, however, agreed to remain as coordinator of the group until a successor could be found. The **Chairman** then thanked **Mrs. Fletcher** on behalf of the ECASBA Membership for her contribution to the development of the education programme.

**Mrs. Fletcher** thanked the **Chairman** for his comments and also the membership for their assistance, particularly those associations that had taken part in the ECASBA Diploma and video-conferencing projects.

Referring to her report to the Advisory Panel, **copy attached**, she advised delegates that of the 43 students from Spain that had taken the ECASBA Diploma examinations, just less than 30 had passed. She said that programme had gone well and there were now opportunities for other associations to take part.

In spite of initial teething problems, many of which were related to the technology, the video conferencing project had also been a success and again there were opportunities for this course to be run again.

Finally she mentioned another project, this time being run in conjunction with a UK tertiary college, to provide tuition by use of CD-ROMs. A course in maritime geography was already available for inspection and comment on the college website. She advised that both Lithuania and Finland had indicated an interest in taking part and asked any other interested associations to contact her.

## 11. Enlargement of ECASBA

The **Chairman** advised the meeting of the discussions at recent Advisory Panel and Executive Committee meetings relating to the inclusion by the European Commission of countries within the European Economic Area (EEA) in the consultation process on maritime matters. In order that the membership criteria for ECASBA reflects current EC thinking, (and also mirrors the membership of other European maritime organisations such as ECSA) it had been proposed that an amendment be made to the By-Laws to allow those FONASBA full member associations based in countries within the EEA - but outside the European Union - to join ECASBA.

He explained that of the members of the EEA, only Liechtenstein, Iceland and Norway were not already members of the EU. Of these only Norway was, as a full member of FONASBA, eligible to join ECASBA. At the request of the **Chairman**, the **General Manager** advised that a new sub-section could be added to By-Law 10 to cover the extension of membership and read the proposed wording, provisionally known as By-Law 10.1.2, to the delegates. Having received the approval of the Advisory Panel and the Executive Committee, and there being no adverse comment at this meeting, the proposal would be put to the Council Meeting for final approval.

The question of whether Croatia had been invited by the European Union to enter into substantive membership negotiations was raised. The **General Manager** undertook to check with the European Commission and if so then membership of ECASBA would be extended to the Association of Maritime Agents of Croatia.

JCW

## 12. ECASBA/FEPORT COOPERATION

The **Chairman** reminded delegates of the arrangement that had been concluded with FEPORT to increase ECASBA representation in Brussels and also of the sliding scale of fees payable in this regard. The **Chairman** said that the Advisory Panel was pleased with the level of service being given by **Ms. de Leeuw** and the FEPORT staff and he hoped that this would continue to improve in the future.

In response to a question about possible conflicts of interest between FEPORT and ECASBA, the **Chairman** advised that FEPORT only provides information to ECASBA. It does not formulate policy, that is the duty of the Advisory Panel, or speak on behalf of ECASBA unless expressly authorised to do so by the Advisory Panel. It was therefore felt that no conflicts of interest would arise.

**13. Introduction of the Euro**

With twelve member states adopting the Euro on January 1<sup>st</sup> 2002, the meeting briefly discussed its impact on the agency and broking industries.

**14. Any Other Business**

The **Chairman** advised the meeting that he would be attending the Plenary session of the European Maritime Industries Forum in Barcelona, accompanied by **Mr. Hunter**, ECASBA Vice-Chairman, and **Snr. Pérez-Maura**, representing the host country.

He also advised delegates of the proposal by the Advisory Panel, supported by the Executive Committee, to increase ECASBA subscriptions by 9% for 2002/3. He advised this would amount to an increase in ECASBA membership fees ranging from € 7.00 for the smallest association to € 125.00 for the largest. He reminded delegates of the previous resolution that ECASBA members should bear the cost of the increased activity undertaken on their behalf by the Secretariat and the Brussels office and accordingly recommended that the meeting approve the proposal ahead of formal ratification at the Council meeting. There being no adverse comment from the floor the **proposal was approved.**

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

The **Chairman** advised the meeting that the next ECASBA Plenary meeting would take place on Wednesday October 9<sup>th</sup> 2002 in Rio de Janeiro.

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

**JCW 12/01**