

**MINUTES OF THE PLENARY MEETING OF
THE LINER & PORT AGENCY COMMITTEE HELD AT
THE HILTON HOTEL, PUERTO MADERO
AT 2.00 p.m. ON THURSDAY, OCTOBER 11th 2007**

Present:

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| Mr. C. Génibrel | Chairman |
| Mr. M.J.L. Froio | FONASBA President |
| Mr. M.S.B. Duin | Vice Chairman |

In Attendance:

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| Mr. J.C. Williams FICS | General Manager |
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| Mr. P. Campbell | Argentina | Mr. G-E Duci | Italy |
| Mr. R. Garcia Piñero | Argentina | Mr. G. Masucci | Italy |
| Mr. G. Hereñu | Argentina | Mr. M. Gorgoni | Italy |
| Mr. P. Marassi | Argentina | Miss. E. Masucci | Italy |
| Mr. M. Phillips | Australia | Mr. V. Totorizzo | Italy |
| Mr. L. Russell | Australia | Mr. T. Iigaki | Japan |
| Mr. J. Hunter | Belgium | Mr. E. Itoh | Japan |
| Mr. G. Gordon Findlay | Brazil | Mr. M. Casanueva | Mexico |
| Mr. A. Zanin | Brazil | Mr. J. Arriaga Vega | Mexico |
| Mr. J.E. Lopes | Brazil | Mr. M. Andrade Gomez | Mexico |
| Mr. W. Rocha Junior | Brazil | Mr. F. Bracamontes | Mexico |
| Mr. L. Oliveira da Silva | Brazil | Mr. V. Banovic | Montenegro |
| Mr. J.C. Gomes | Brazil | Mr. A. Mantrach | Morocco |
| Mr. M. Tudor | Croatia | Mr. B. Kjeldsen | Morocco |
| Mr. E. Kouzapas | Cyprus | Mr. J. van Zevenbergen | Netherlands |
| Mr. C.P. Papavassiliou | Cyprus | Mrs. G.C. Noer | Norway |
| Mr. A. Houtved FICS | Denmark | Mr. H. Sander | Norway |
| Mr. T. Paulsen | Denmark | Mr. A. Belmar da Costa | Portugal |
| Mr. S. Lomberg | Finland | Mr. J. Azerado | Portugal |
| Mr. R. Sandberg | Finland | Mr. E. Bandelj | Slovenia |
| Mr. F. Le Bars | France | Mr. N. Warner | South Africa |
| Mr. K. Bültjer | Germany | Mrs. B. Blomqvist | Sweden |
| Mr. F. Naumann | Germany | Mr. G. Wramfelt MICS | Sweden |
| Mr. J.A. Foord FICS | Great Britain | Mr. R. Cooper | Uruguay |
| Mr. P.J. Wood FICS | Great Britain | Mrs. M. Collins | USA |
| Mr. B. Szalma | Hungary | Mrs. J. Cardona | USA |
| Mr. G. Knudsen | Intertanko | Observers | |
| Mr. R. Zuck | Israel | Mr. J. Contreras | Peru |
| Dr. R. Corrias | Italy | Mr. P. Dunbar | USA |

Item

Action

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

The **President** and **Chairman** welcomed those all present.

2. Minutes of the Last Meeting held Marrakech, November 2nd 2006

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

3. Matters Arising

There were no matters arising that were not covered elsewhere in the agenda.

4. Range Committee Reports

CIANAM

Mr. Casanueva introduced the CIANAM report that had been circulated in advance. He made particular reference to the introduction of the FAL forms in Peru – which had reduced the number of forms to be completed on arrival from 105 to 14, and it was expected that further progress in reducing this total would be achieved in due course. Additionally, CIANAM would be writing to the Brazilian authorities in a bid to have the pilotage charges reduced to encourage foreign trade. In Mexico, a new merchant marine law had been introduced and customs procedures had been streamlined.

He also reported briefly on the meeting of the committee held prior to the Plenary Meeting. All the previous items had been progressed and it had been agreed that the next meeting would be held in Brazil in 2008, at which time it was hoped more countries in the region would join CIANAM. Finally he announced that APAM of Peru had confirmed its intention to apply for Full Membership. This news was extremely well received by all present. The **General Manager** proposed that a ballot be held at the Council Meeting on Friday, October 12th and with no objections being raised, it was taken that **the meeting agreed to a short notice ballot** being held.

FAR EAST

A written report had been circulated in advance and at the request of the **Chairman, Mr. Iigaki** briefly went through the main points.

MABSA

The Mediterranean and Black Sea committee had met before the Plenary Meeting and **Mr. Bandelj** summarised the topics under discussion. He said a written report would be produced and a copy is attached to these minutes.

NORDIC

Mr. Houtved summarised the report of the Nordic range committee that had been circulated in advance.

5. Working Group Reports

At the request of the **Chairman** the coordinators of the Port and Tramp Agency and Liner Agency Working Groups, respectively **Mr. Knudsen** and **Mr. Foord**, summarised the activity of their groups during the previous year. Written copies of their reports are attached to these minutes.

6. FONASBA Quality Standard

At the request of the **Chairman** the **General Manager** summarised the rationale behind, and the actions taken in developing, the proposed final version of the quality standard that had been circulated previously. He also took the opportunity of thanking all those that had assisted in the development of the document. Prior to opening the document for discussion, he said that subject to approval being granted by Council on Friday 12th, the document would be sent to all FONASBA member associations and also be placed before all the major shipowner organisations – BIMCO, Intertanko, Intercargo and the International Chamber of Shipping – as

well as IMO and the European Commission, in order to achieve the highest possible level of support for the initiative. The version of the standard to be made available externally would include notes on the rationale behind the initiative and its application. A logo or “quality mark” for use by approved companies would be designed as part of the process.

Overall the meeting was very supportive of the initiative and the presented version of the standard. Some concerns were raised as to the possibility of member associations being held liable for any failure by its members and further that there was no commitment to education and training implicit in the standard. The **General Manager** said that there was no intention to make associations liable for any failure and further that the standard incorporated the FONASBA Code of Conduct – which did include a commitment to education and training. It was agreed, however, that two minor amendments be made to the proposed draft to clarify these points.

With the revised wording having been agreed, the meeting **endorsed the revised draft** for presentation to the Council Meeting.

7. Standard Port Agency Conditions Revision

The **General Manager** briefly outlined the reasons for revising the Conditions document. A copy of the proposed revised document had been circulated in advance. As discussed at the Marrakech meeting those reasons were: to confirm unambiguously the right of the agent to vary the proforma disbursements account should the need arise and also to recognise the role of the agent in the exchange of information between the ship and shore and to limit his liability in this respect. He confirmed both revisions had been approved by ITIC.

Following a brief discussion, the meeting **endorsed the revised draft** for presentation to the Council Meeting.

8. INTERTANKO’s Poseidon Challenge

At the request of the **Chairman, Mr. Wood** summarised the background to FONASBA’s participation in the INTERTANKO initiative and also the need to expand and improve the survey for the second edition due for publication in March 2008. He said that as well as input being sought from more member associations, the new edition would include information on the relative responsibilities of all parties involved – ships, terminal operators, discharge facility operators – as clearly stated in MARPOL. He said it was clear that some terminal operators did not appreciate the role they had to play in ensuring the provision of adequate discharge facilities for slops and other noxious substances and it was hoped the FONASBA survey would clarify their obligations.

Mr. Knudsen then made a short statement on behalf of INTERTANKO thanking FONASBA for its role in the successful development of the Poseidon Challenge. A copy of his statement is attached to these minutes.

10. Ship-Generated Waste Disposal

In order to allow for an open discussion under agenda item 9, the **Chairman** elected to take this item first.

Accordingly, the **General Manager** made a short presentation on FONASBA’s role in the development within IMO of the proposed Standard Waste Disposal Notification and Receipt forms, and in particular its liaison between the port reception facilities working group, led by INTERTANKO, and the European Commission. He said that FONASBA was committed to the development of these forms and would continue to work closely with the group to bring this about.

9. More Work For Less Pay?

This open, wide-ranging discussion covered a number of topics relating to the ability of the agent to secure adequate compensation for the work carried out on behalf of the principal. Subjects discussed included:

- The need to secure recognition of the importance of the agent to the efficiency and effectiveness of the transport chain
- The fact that agents do provide a high-quality service at a very low cost
- The financial impact on owners and charterers of agents getting it wrong
- The ever-increasing nomination of agents by charterers at owners expense and the blurring of the lines of responsibility this brings about and,
- the iniquitous practice of charterers demanding a commission for nominating agents
- The continued use of the word “competitive” in agency nomination clauses
- The need for liner agents to look outside commission-based remuneration arrangements

It was agreed that FONASBA should:

- Redraft and recirculate the 2004 letter seeking information on liner agents remuneration categories
- Promote the use of good quality agents – in conjunction with promoting the FONASBA Standard
- Publicise even more widely the role and responsibilities of the agent
- Campaign to remove the word “competitive” from agency agreements and replace it with more equitable terminology
- Use the current strength of the market to encourage owners to resist charterers calls to nominate agents and instead appoint owners’ agents at an appropriate fee

These actions would require considerable effort by all concerned and the **Chairman** called on all member associations to take the issues forward. It was also agreed to raise the issue with the European Commission and elsewhere.

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11. Member’s Issues

No topics had been suggested.

12. Date and Place of Next Meeting

The **Chairman** advised that the next Plenary meeting of the Liner & Port Agency 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