

**MINUTES OF THE
LINER & PORT AGENCY PLENARY MEETING HELD AT
THE FOUR SEASONS HOTEL
SYDNEY
AT 9.00 a.m. ON THURSDAY, 13th OCTOBER 2011**

Present:

Mr. G. Gordon Findlay	Chairman
Mr. C. Papavassiliou	President FONASBA
Mr. J. A. Foord FICS	Vice Chairman

In Attendance:

Mr. J.C. Williams FICS	General Manager
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Mr. R. Garcia Piñero	Argentina	Mr. V. Totorizzo	Italy
Mr. J. Dulce	Argentina	Mr. F. Carlini FICS	Italy
Mr. G. Hernandez	Argentina	Ms. G. Reghellin MICS	Italy
Mr. P. Campbell	Argentina	Mr. T. Iigaki	Japan
Mr. L. Russell	Australia	Mr. T. Saita	Japan
Mr. M. Phillips	Australia	Mr. J. Cutberto Parra Mendoza	Mexico
Mr. S. Adao	Brazil	Mr. V. Banovic	Montenegro
Mr. W. Rocha Jnr.	Brazil	Mr. A. Mantrach	Morocco
Mr. N. Hristov	Bulgaria	Mr. M.S.B. Duin	Netherlands
Mr. Liu Gaixin	China	Mr. K.F. Eriksen	Norway
Mr. Wang Fengshou	China	Mr. L. P. Storfjord	Norway
Capt. J. Karmelić	Croatia	Mr. J. Contreras	Peru
Mr. T.D. Paulsen	Denmark	Mr. S. Zaconeta Torres	Peru
Mr. A. Houtved FICS	Denmark	Mr. A. Tablizo	Philippines
Mr. G.J. Heinonen	Finland	Mr. A. Belmar da Costa	Portugal
Mr. J. Vikström	Finland	Mr. E. Bandelj	Slovenia
Mr. S. Lomberg	Finland	Mr. N. Warner	South Africa
Mr. C. Bele	France	Mr. J. Fernandez	Spain
Mr. C. Génibrel	France	Mrs. B. Blomqvist	Sweden
Mr. P.J. Wood FICS	Great Britain	Mr. K. Turkantos	Turkey
Mr. B.J. Stokes FICS	Great Britain	Mrs. J. Cardona	USA
Mr. B. Szalma	Hungary	Mrs. M. Collins	USA
Mr. U. Masucci	Italy	Mr. S. Larsen	BIMCO
Mr. G-E. Duci	Italy	Mr. A. Jamieson	ITIC

Item

Action

- 1. President's Welcome, Chairman's Opening Address**
The **President** and the **Chairman** welcomed delegates to the meeting. The **Chairman** also expressed his thanks to Shipping Australia for hosting the excellent event the previous evening.
- 2. Minutes of the Last Meeting held Varna, 14th October 2010**
With no comments having been received, the minutes **were approved**.
- 3. Matters Arising**
There were no matters arising that were not otherwise covered in the agendum.
- 4. Range Committee Reports**
The **Chairman** invited representatives of the Range Committees to present their reports. Written copies of the reports produced by MABSA and the Nordic Committee are attached and the PowerPoint presentations covering CIANAM and the Far East are available for download from the Members' Area of the FONASBA website: www.fonasba.com

Each report or presentation was followed by questions and comments, summarised as follows:

- **CIANAM:** Concern was once again expressed that associations within CIANAM but not in FONASBA membership appear to see little or no reason to move to FONASBA membership as there is no incentive for them to do so. Mr. **Rocha** confirmed that the CIANAM board was aware of this issue and was working to promote FONASBA membership as the logical next step for CIANAM members. Mr. **Campbell** confirmed that CIANAM would be using the opportunities presented by the FONASBA Annual Meeting proposed for Lima in 2013 to further enhance awareness of the value of FONASBA membership amongst the CIANAM members. The **President** added that during his attendance at the CIANAM Annual Meeting in Buenos Aires the issue of FONASBA membership had been discussed and he was confident that the existing CIANAM members not currently in FONASBA would apply for membership in the very near future.
- **FAR EAST:** Mr. **Iigaki** also reported on the inaugural meeting of the Westpac and Indian Ocean Range Committee that had been held the previous evening. He said that the participation from delegates was enthusiastic and committed to further develop the committee and ensure it worked effectively. He had chaired the initial meeting but confirmed a new Chairman would be appointed in the coming year. The main task for the committee members was to enhance awareness of FONASBA in the region and to counter the perception amongst some potential members that it was primarily a European organisation. Each committee member had been asked to contact potential member associations in their region and to promote the benefits of FONASBA – including the Quality Standard – at every opportunity. He added that all committee members had committed to regular exchanges of information and to meet formally at every Annual Meeting. TI
- **MABSA:** Following Mr. **Bandelj**'s summary of the committee report, caution was urged in relation to the proposal to develop the broker's e-platform as it was vital to ensure that it was complimentary to the aims and objectives of FONASBA and that its intended outcome does not lead to any other issues. The **President** asked Mr. **Bandelj** and Mr. **Hristov** of the Bulgarian association to provide a draft proposal to the Executive Committee before any substantive work was undertaken on this project. EB/
NH
- **NORDIC:** Following circulation of his report, Mr. **Houtved** reiterated the Committee's concerns regarding crew leave and the complex procedures in place in Nordic countries to police same and also the technical issues that continue to prevent the European electronic customs reporting systems (ENS/EXS) from operating as they should.

Following completion of the reports and the discussions, the **Chairman** thanked all the range committee members for their actions over the preceding year and for their input to the meeting.

5. DA Desk Update

The meeting discussed recent developments in relation to the activities of DA-Desk and its impact on the agency community. Issues discussed included:

- The recent visit by DA-Desk to Shipping Australia members
- A meeting in 2010 between DA-Desk and the Institute of Chartered Shipbrokers
- The variation in the impact of DA-Desk on the various sectors of the agency industry
- The need for enhanced exchange of information between company members of national associations, within the range committee structure and between associations and FONASBA to allow a global picture of DA-Desk activity to be built up
- The importance of direct and regular communication between the agent and the principal. The agent must maintain its role as the only link between the principal and the port otherwise DA-Desk will intervene and generate added value for themselves, not the agent
- Agents should demand 100% prefunding of DA's from the principal, and also make the principal aware that it has been alleged that in some cases DA-Desk retain a proportion of the principal's funds before passing a reduced balance to the agent.
- Furthermore, principals should also be reminded that short-funding can affect the ability of agents to settle port dues on time – with the possibility that a vessel will be held in port pending settlement of the fees due.

- Agents should use a suitable intellectual property clause in proformas and other communications with principals to constrain DA-Desk and other parties from using the information for purposes for which it was not originally intended

Concern was also expressed over the volume of information on agents being held by DA-Desk. They are now alleged to be providing advice to principals on the performance of agents and recommending to them on the levels of agency fees they should be prepared to pay to the agent. The meeting felt that these practices could constitute anti-competitive behaviour and recommended that FONASBA both investigate the merits of any action in this regard whilst at the same time take action to promote awareness of these practices amongst the wider maritime community. The **Chairman** asked Mr. **Jamieson** for his opinion and he advised that specialist guidance should be sought from professional anti-trust lawyers before any action was taken – or indeed proposed – in order to avoid any counter action being launched against FONASBA. The **General Manager** asked member associations to collate information on these practices from their own members and then pass them to the Secretariat ahead of any further action being taken.

**GGF/
JCW**

Assns.

Concluding the discussion, the **President** and **Chairman** called on all FONASBA associations to work together with the Executive Committee and Secretariat to mitigate the effects of DA-Desk and other similar organisations (including DIABOS (<http://diabos.biz>), a newly established initiative providing similar services to DA-DESK) on the membership and the global agency community. The **Chairman** said that sharing information across the membership was vital to ensure that the activities of such companies were known and common and effective strategies to minimise their impact could be used as widely as possible. The practice of DA-Desk in talking separately to individual associations and companies was aimed at avoiding the possibility of their overall tactics being revealed and thus preventing the agency industry working together in concert to protect its interests. He said therefore that it was FONASBA's responsibility to gain an overall insight and to lead efforts to combat their expansion plans to the detriment of the agency community.

Assns.

6. **Quality Standard Update**

The **Chairman** began by reminding those present that following discussions between himself and former INTERTANKO representative Gunnar Knudsen (before his retirement at the end of 2010) FONASBA was endeavouring to have the Quality Standard incorporated as an approved quality label in INTERTANKO's Standard Agency Clause. Recording his grateful thanks to Mr. Knudsen for his intervention on this issue, he said that during the previous month (September) the **General Manager** had made a presentation to the INTERTANKO Documentary Committee which had been very well received. Any decision as to whether the FONASBA Standard would be incorporated in the clause was not expected for some time but it was encouraging that INTERTANKO were giving the Standard their close attention. In providing a brief summary of the presentation, the **General Manager** said that one of the questions asked by the INTERTANKO Committee related to the relatively low level of coverage of the Standard within FONASBA's membership. He reiterated his concerns, and those of the **Chairman** and the Executive Committee, that this was possibly the single most important issue preventing the Standard from gaining increased support from the wider maritime sector. Any attempt to promote the Standard would eventually fall foul of a question about why, after four years in operation, the take-up by member associations, and therefore the implicit support from within FONASBA, was relatively low. The **Chairman** therefore reiterated his request that all Full Member associations take steps to introduce the Standard as soon as possible, primarily for the benefit of the associations and their members, but also to enhance the profile of the Standard externally.

Assns.

Mrs. **Cardona** then made a presentation on the Standard to remind delegates of its aims, objectives and current status within the Federation. A copy of the presentation is available from the Members' Area of the website.

Mr. **Masucci** said that FEDERAGENTI had introduced its own quality scheme, known as EGO, and offered to provide information on the criteria to the Secretariat to enable it to be assessed in terms of its compliance with the FONASBA Standard.

Italy

In the discussion that followed, Mr. **Russell** enquired if granting the Standard would leave an association open to action should an approved company fail or be found to be acting other than in accordance with the Standard criteria. The **General Manager** said that similar to any other quality label, the Standard was only a validation of the company's commitment to uphold the criteria, it was not a guarantee of performance, in exactly the same way that a company rating or a risk analysis was.

Mrs. **Blomqvist** said that in Sweden her association used an independent specialist company that checked the financial standing of each approved company and in order to retain the Standard the member company had to achieve and maintain a certain level.

Mr. **Larsen** said that BIMCO had already given its support to the Standard but reiterated the earlier remarks by the **Chairman** and **General Manager** that in order to progress, the Standard needed increased support, in terms of the number of accredited associations, from the membership. He also indicated that FONASBA might wish to provide an article on the Standard for the BIMCO Bulletin. The **Chairman** thanked Mr. **Larsen** for his comments and asked the **General Manager** to make contact with BIMCO after the meeting in relation to providing the article. Concluding the discussion the **Chairman** called on all associations, present and otherwise, to fully support the Quality Standard by taking action to introduce it to their members as soon as possible.

JCW
Assns.

7. **Agents Remuneration Survey Update**

The **Chairman** advised that based on the answers provided by 19 member associations to the 2009 survey, the data was reviewed and duplicate items removed by Mr. **Piñero** (liner) and Mr. **Carlini** for the bulk trades, in order to develop a revised template for a new Survey which will be launched by the L&PA in 2012. They were then invited to present the current status of the project to the meeting.

RP/FC
/GGF

Following an extended discussion on the items covered in the survey, the **Chairman** summarised the results. He said that to date the survey had proven very useful in ensuring that FONASBA members were aware of the various types of charges being levied elsewhere but again called on associations that had not responded to do so in order to further expand the information available and therefore the overall benefit of the exercise. He also reiterated that in order to comply with FONASBA's anti-trust and competition policy, no information on the levels of the charges levied was being collected, it only covered the type of charges applied.

Assns.

8. **Port Procedures Survey Update**

The **Chairman** gave delegates an overview of the current status of the Port Procedures survey online, demonstrated the range of information available and the various methods by which it can be presented (tabular and graphical), the means up inputting data and the benefits of the forced field convention in ensuring consistency. He also highlighted the 14 countries that had already contributed and again called on those outstanding to do so as soon as possible in order to further increase the effectiveness and coverage of the survey.

Assns.

Mr. **Foord** supported the **Chairman's** comments, stating that this initiative was of significant benefit to the membership – and through them to the rest of the maritime sector. He said it provides a unique and vitally important resource that has been developed by FONASBA alone. As a result, its successful introduction and promotion will be a major boost to the profile and standing of the Federation and its members. He could see no reason, therefore, why all FONASBA associations did not participate by providing the required data.

9. **IMO Single Window Update**

The **General Manager** provided a brief update on progress on the development of single windows within IMO. He said that the organisation remained focussed on standardisation of electronic data transmission methods rather than on the practical application of the concept within member states. The work of the various correspondence and working groups within IMO's Facilitation Committee (FAL) would continue to be monitored for any developments of significance to the agency sector. He also reminded delegates that messrs. **Belmar da Costa** and

Eriksen had made presentations on the development of single windows in Portugal and Norway during the ECASBA Plenary Meeting and suggested that in the near future it is likely to be individual member states that would progress the single window concept with coordinated regional and international systems (Europe and globally) lagging rather further behind.

10. CASA Presentation on Third Party Logistics Providers (3PL's) in China

At the request of the **Chairman**, Mr. **Wang**, deputising for CASA Chairman Mr. Ye, who was unable to attend the meeting, made a detailed presentation on the development, role and strategy of 3PL's in the rapidly expanding Chinese logistics sector. Following the presentation, which was very well received by the delegates, Mr. **Wang** answered questions from the floor. A copy of the presentation is available from the Members' Area of the FONASBA website.

11/12. Demonstrating the Value of the Agent/What can the Liner & Port Agency Committee do to provide Real Added Value to the Members?

The **Chairman** said that in order for the L&PA Committee – and by implication the other committees – to work most effectively it/they needed input from the membership to notify issues that affect the global agency community and which therefore require action from the Committee and FONASBA as a whole. He said that whilst the current L&PA work programme was limited to the issues already discussed during the meeting, there were certainly other matters that required its involvement but they needed to be brought to its attention by the membership.

Capt. **Karmelic** suggested that FONASBA put together a PowerPoint presentation on the role of the agent and its responsibilities to the principal, highlighting the role of FONASBA and its benefits to current and applicant members. He said making that available to member associations would certainly assist in their discussions with outside authorities and other bodies. He said this should be professionally produced to ensure all the issues were covered. The **Chairman** supported the suggestion and confirmed the L&PA Committee would take on the task. Suggestions from the membership for issues to be included in the presentation would be welcomed and should be sent to the Secretariat.

**GGF
Assns.**

The **Chairman** then invited Mrs. **Blomqvist** and Mrs. **Cardona** to present the results of the member association survey that had been undertaken during the previous year. A copy of the presentation is available from the Members' Area of the FONASBA website.

In presenting the results, Mrs. **Cardona** said that 27 associations had replied and whilst this response rate was significantly better than average, input from all the Full Member associations would be appreciated and she therefore requested that the survey be reissued and those associations that have not responded be asked to do so.

**JCW/
Assns.**

Following the presentation, the meeting discussed the need for associations:

- to be proactive in their dealings with their members, FONASBA and their national authorities
- to endeavour to secure sufficient funding and be adequately resourced to allow them both to carry out the needs of their members and
- to participate fully in the activities of FONASBA.

Achieving most or all of these objectives would strengthen the position of the association as an integral part of their national maritime sectors and at the same time allow FONASBA to expand and enhance its role regionally and globally.

It was also agreed that the survey should both be issued regularly – in order to maintain an up to date overview of the membership – and also expanded to include information on the senior members, details of the associations own website, details of the benefits it provides to its members, its media promotion and other communications activities and also its position in relation to the overall agency and broking sector in its member state. The open exchange of this information will, similarly to the procedures and remuneration surveys, be very useful to other associations looking to expand their operations and generally enhance communication and the exchange of views amongst the membership.

Closing the discussion, the **President** said that it should be the aim of all member associations to strengthen their activities, membership and role at home, to participate fully in FONASBA and ECASBA activities and to actively assist in making FONASBA sufficiently effective, relevant and well known that associations outside membership will be fully aware of, enthusiastic about, its activities to want to join.

13. Member Benefits – A Presentation by FEDERAGENTI

The **Chairman** invited Mr. **Masucci** to make a presentation on the FAMA and FASC schemes providing pension scheme and employee liability cover recently introduced by FEDERAGENTI for its members. A copy of the FAMA Pension scheme presentation is attached to these minutes.

The **Chairman** thanked Mr. **Masucci** for his excellent presentations. He said that whilst, as presented, the schemes may not necessarily be applicable in other FONASBA member states, he said that the concepts could be of benefit to other associations and recommended that any further enquiries be directed to Mr. **Masucci** via FEDERAGENTI.

14. Any Other Business

Mr. **Turkantos** raised a question relating to the use of delivery orders in other FONASBA members states. The **Chairman** recommended that in order to get the best possible overview, Mr. **Turkantos** should refer to the relevant section of the Port Procedures Survey.

15. Date and Place of Next Meeting

The **Chairman** thanked his Vice Chairman Mr. **Foord** and committee members Mr. **Carlini** and Mr. **Garcia Piñero** for their support over the past year and the presenters and delegates for their input to a very engaging, enthusiastic and productive meeting. He then advised that the next Plenary Meeting of the Liner & Port Agency Committee would take place in October 2012 in Venice, with the date to be confirmed in due course.

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

JCW/01.2012