

**MINUTES OF THE  
LINER & PORT AGENCY COMMITTEE PLENARY MEETING  
HELD AT THE JW MARRIOTT HOTEL  
LIMA, PERU  
AT 9.00 a.m. ON THURSDAY, 24<sup>th</sup> OCTOBER 2013**

**Present:**

Mr. J.A. Foord FICS	Chairman
Mrs. M. Collins	President FONASBA
Sñr. R. Garcia-Piñero	Vice Chairman

**In Attendance:**

Mr. J.C. Williams FICS	General Manager
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Sñr. J. Dulce	Argentina	Ms. T. Nomura	Japan
Sñr. S. Diaz Mathe	Argentina	Mr. C. Bennet Lira	Mexico
Sñr. G. Hernandez	Argentina	Mr. M. Andrade Gomez	Mexico
Sñr. P. Campbell	Argentina	Mr. V. Banovic	Montenegro
Mrs. M. Lachmann	Brazil	Mr. A. Mantrach	Morocco
Mr. P. Alves	Brazil	Sñr. J. Contreras	Peru
Mr. A. Zanin	Brazil	Sñr. S. Zaconeta Torres	Peru
Mr. G. Gordon Findlay	Brazil	Sñr. L. Franchy	Peru
Mr. W. Rocha Jnr.	Brazil	Sñra. O. Gajate	Peru
Mr. J. Pantoja jnr.	Brazil	Sñr. D. Galindo	Peru
Mr. M. Dos Santos	Brazil	Sñra. Y. Rueda	Peru
Capt. N. Hristov	Bulgaria	Sñr. G. Meza	Peru
Capt. J. Karmelić	Croatia	Sñr. C. Leon	Peru
Mr. C. P. Papavassiliou	Cyprus	Sñr. R. Ponce	Peru
Mr. T.D. Paulsen	Denmark	Sñr. M. Franco	Peru
Mr. G.J. Heinonen	Finland	Mr. A. Belmar da Costa	Portugal
Mr. C. Bele	France	Mr. E. Bandelj	Slovenia
Mr. A. Gourdon	France	Sñr. J. Fernandez	Spain
Dr. A. Geisler	Germany	Mrs. B. Blomqvist	Sweden
Mr. N. Ingle	Great Britain	Mr. W. Stewart	USA
Mr. B. Szalma	Hungary	Mrs. J. Cardona	USA
Mr. G. Masucci	Italy	Mr. K. Stes	BIMCO
Mr. V. Totorizzo	Italy	Mr. A. Jamieson	ITIC
Mr. F. Carlini FICS	Italy	Mr. G. Wramfelt MICS	Shipbrokers' Register
Ms. G. Reghellin FICS	Italy		
Ms. L. Tropa	Italy	<b>Observers:</b>	
Mr. T. Iigaki	Japan	Mr. W. Delvalle	Panama
Mr. T. Saita	Japan		

**This meeting was undertaken in compliance with FONASBA's Anti-Trust and Competition Policy and at no time were any discussions undertaken in relation to: fixing of terms, prices or rates, matters relating to particular customers or suppliers, boycotting or black listing particular customers or suppliers, dividing markets or customers or otherwise seeking to distort competition**

**Item:**

**Action**

**1. President's Welcome, Chairman's Opening Address**

The **President** welcomed all those present to this first Plenary meeting under the Chairmanship of Mr. **Foord**. She thanked the team from APAM for having organised the meeting and also extended a particular welcome to those delegates attending for the first time.

The **Chairman** also welcomed delegates to the meeting and the **General Manager** reminded the meeting that it was being undertaken in compliance with FONASBA's Anti-Trust and Competition policy.

2. **Minutes of the Last Meeting held Venice, 11<sup>th</sup> October 2013**  
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 agenda.

4. **Range Committee Reports**  
Messrs. **Dulce** and **Iigaki** made presentations on the activities of the American (CIANAM) and Westpac & Indian Ocean Range Committees. Copies of their presentations are available for download from the Members' Area of the FONASBA website, [www.fonasba.com](http://www.fonasba.com)

Sñr. **Dulce** welcomed Mr. **Delvalle**, from Camara Maritima de Panama, who was attending his first FONASBA meeting as an observer.

Mr. **Bandelj** then gave a verbal report on the meeting of the MABSA Range Committee that had taken place the previous evening. Concerns regarding the function, purpose and legal standing of delivery orders in some countries around the Mediterranean continued to give cause for concern and it was therefore suggested by MABSA that a definition of same be included in any future FONASBA agency contracts. Issues with customs fines for short-loaded cargo were an issue in Cyprus and other countries but the members of the Committee were discussing amongst themselves how to overcome the problem. The Committee also discussed a number of European issues, including the Blue Belt project, the Union Customs Code and the programme for the 2014 ECASBA European seminar.

Before beginning the report of the Nordic Committee, Mrs. **Blomqvist** updated the meeting on the current state of health of Mr. Eriksen from Norway, and the **President, Chairman** and all those present asked that their best wishes for his recovery be passed on to him. Mrs. **Blomqvist** then reported on adoption of General Terms of Business by the Norwegian and Swedish associations and the decision by all four members of the Committee to introduce an indemnity insurance facility, organised through ITIC for their members. All four associations continue to work closely with ICS in the UK in providing maritime education but the Swedish association had also introduced its own diploma that incorporated elements of the ICS Advanced Diploma qualification. The presentation accompanying this report is also available for download from the website.

The **Chairman** thanked all the Range Committee representatives for their reports and offered FONASBA's fullest support to the local associations to assist with any local issues they may have. He also noted the request from MABSA for the inclusion of a definition of "delivery order" and said this would be considered by the SL&GAA revision working group (see item 12).

**JAF**

5. **Third Party Financial Service Providers**  
The **Chairman** reminded the meeting that a survey had been carried out amongst the membership and he would be presenting the results. Before doing so, however, he reported that shortly after the survey was issued, FONASBA had been contacted by DA-Desk to express its concerns about the action. It was therefore clear, he said, that there had been a leak and in future all FONASBA surveys should be kept confidential amongst the members. Following the initial contact from DA-Desk, however, he and the **General Manager** had met with representatives of the organisation and this had resulted in an in-depth discussion on the concerns that had been raised by the FONASBA members through the survey. He said the discussion had been very useful in giving DA-Desk a number of examples of problems that their current operational systems caused to ship agents. DA-Desk had acknowledged that there were a number of issues with their procedures that required further work and confirmed that the Agency Relations Management section were working to identify and rectify those issues.

The **Chairman** then introduced the presentation provided by DA-Desk, a copy of which is available for download from the website. The information provided by DA-Desk was discussed in detail by delegates, particular matters for discussion included the unauthorised use of the FONASBA logo, the apparent lack of any noticeable growth by the organisation in recent years

and the claim by DA-Desk that they do not hold on to principals' funds or seek to delay payment of same to the agent, a contention that was not borne out by the results of the FONASBA survey.

The meeting then discussed the results of the survey, which showed that issues such as the lack of shipping knowledge demonstrated by DA-Desk staff, the need to regularly repeat information previously provided and the fact that DA-Desk claim they do not take unilateral actions without the principal's direct and specific consent were not borne out by the responses received. Another issue clearly identified by the survey was the overall concern about the use of KPI's, which most respondents felt provided a skewed view of the performance of an agent based entirely upon the time taken to produce a disbursements account. The practice of recommending agents based on those KPI's was therefore similarly skewed, taking no account of the actual performance of the agent during the port call.

A number of other issues, including the lack of coordination between instructions from principals sent direct to the agent and those given to DA-Desk, a lack of understanding of agency issues by the DA-Desk staff and the requirement that agents work fully in compliance with the DA-Desk procedures, rather than those that best suit the principal and agent, were also raised and discussed in detail.

In order to counter some of the misunderstandings and/or misconceptions about the role of the agent towards the principal and other parties, it was suggested that a short briefing paper be drawn up and circulated amongst the membership for use in situations where these were not fully understood or possibly misused.

Concluding this item, the **Chairman** thanked the delegates for their input and said that in spite of the inauspicious start, the internal survey and the direct discussions with DA-Desk had proven to be very positive. He said that he would respond to DA-Desk on the main points and further that the briefing paper would be drafted and circulated.

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#### **APAM "Callao Online" Presentation**

Following the conclusion of this item, Sñr. Galindo of APAM made a presentation on the "Callao Online" initiative, a joint venture between shipowners using the port, the local agency community and the association.

#### **6. FONASBA Quality Standard Update**

The **General Manager** reported on the current status of the FONASBA Quality Standard initiative and also confirmed that AMCF (France) had been accredited to the Standard, which was warmly received by the delegates.

Mrs. **Cardona** then made a presentation on the results of the short survey undertaken at ASBA's Cargo Conference held just before this meeting. A copy of the survey results is available for download from the website. Of particular interest to the meeting was the finding that the level of the agency fee charged is of considerably less importance to owners, operators and charterers than past experience with the agent. At the conclusion of her presentation, Mrs. **Cardona** suggested FONASBA establish a working group to look at more effective methods of promoting the Standard as the take up was now declining. She offered to be part of that group. Capt. **Karmelic** advised that he was aware of an oil company in Croatia that now required its agents to be FQS certified.

#### **7. L&PA Agents' Remuneration Survey**

The **Chairman** advised the meeting that the Executive Committee had agreed to change the name of the survey in order to avoid any issues that were against the Federation's Anti-Trust and Competition Policy. Henceforth it would be known as the Agents' Activities Survey and it would be rewritten to remove any reference to fees. During the revision process, the survey would be made available on request for the private use of member associations only.

**JCW**

#### **8. L&PA Port Procedures Survey**

At the request of the **Chairman**, Mr. **Gordon Findlay** made a short presentation to update the

meeting on the current status of the survey (copy available from the website) and advised that FENAMAR had recently introduced additional functionality to allow the location of users to be tracked, an added feature that would be beneficial for recording usage statistics. He also recommended the survey as a vital tool for use during discussions with authorities and principals, confirming its usefulness to FENAMAR in its discussions with the Brazilian authorities. He also said additional categories and other fields could now be added to the survey quickly and simply, thus enhancing the responsiveness of the survey to changing demands.

In order to avoid repeat users having to scroll through all the explanatory text on the relevant page of the FONASBA website to access the survey, it was recommended that another link be placed at the top of the page (*Done*).

JCW

The **Chairman** then reminded delegates of the need to add further ports to expand the coverage and usefulness of the survey and also to revisit their entries on a regular basis to ensure the information remained accurate and up to date. Furthermore, he said that modifications were being made to the data fields to allow for easier input of information, especially with regard to non-unitised cargo. Whilst these would significantly improve the data entry process, any associations that found other issues in this regard were requested to notify the Chairman accordingly.

#### 9. **IMO Initiative on Container Weight Verification**

The **Chairman** summarised his report (circulated in advance) on the initiative in IMO to require accurate verification and notification of container weights to the carrier prior to arrival at the port. He said that it was vital that the ship agency community raised its concerns about the initiative) in every forum – IMO and national and regional administrations – as often as possible in order to ensure the message gets through. (The concerns included the lack of any clarity of the meaning of the terms “shipper”, “shipping document”, the lack of available weighing facilities in many countries and the likelihood that lines will devolve their responsibilities under the initiative to the agent). To this end he asked that all member associations took the issue up with their national governments to secure backing for the initiative in IMO and further that they raised any concerns on this issue with the Secretariat so that the views of the ship agency community could be presented to IMO by the **General Manager**.

Assns.

The **Chairman** then gave a short presentation, originally authored by the TT Club, on the background to the initiative and the problems of misdeclared container weights (copy attached).

#### 10. **IMO-FAL Revision**

The **General Manager** updated the meeting on the actions in IMO to revise the IMO FAL Directive and in particular the intention to make representations to the correspondence group to input FONASBA's views on the proposed revisions. The draft letter had been circulated in advance and this was discussed in committee. Mr. **Jamieson** offered a number of amendments which were gratefully noted. The **General Manager** said that he would amend the proposed letter following further discussion with Mr. **Jamieson** and the Executive Committee ahead of despatch to the correspondence group.

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Mrs. **Blomqvist** recommended that the letter be circulated to the membership with the request that they take the issues up with their national maritime administrations. (*Post-meeting note: The letter to IMO is attached. Subsequent to the letter, FONASBA was invited to provide a definition of the ship agent for the Convention. Same has now been sent to the correspondence group and is being discussed amongst the group members*).

#### 11. **HNS Convention 2010**

At the request of the **Chairman**, Mr. Garcia Piñero made a short presentation (copy on the website) on the current status of the convention. The **Chairman** then voiced FONASBA's concerns that by the law of unintended consequences ship agents may find themselves being considered as the receiver of the cargo and therefore liable for payment of compensation for any spill or pollution incident. Given that the Convention was not yet in force, it was opportune to remind national associations of the need to enter into discussions with their regulatory

authorities to ensure that those authorities are aware that the ship agent is not the receiver. The **General Manager** undertook to issue a reminder. **JCW**

The **Chairman** also asked that the previously issued survey on the status of the HNS Convention be reissued with the request that all associations respond. Mr. **Stes** said that BIMCO had already undertaken a survey on this subject and he would make the results available to the Secretariat. The **Chairman** thanked Mr. **Stes** and said the information would be gratefully received. **KS**

**12. Standard Liner & General Agency Agreement Review**

The **Chairman** summarised his report on this topic for the benefit of the delegates. He said that the intention was to expand the current agreement beyond liner services to produce a comprehensive agency agreement that covered as many sectors as possible. He said this was an ambitious project but with the support of the Working Group and member associations it was achievable. He also offered BIMCO and ITIC places on the Working Group and these were gratefully received by messrs. **Stes** and **Jamieson**. Volunteers to join the Working Group were invited to contact the **General Manager**.

**13. Members' Suggestions for the Committee's Future Work Programme**

The **Chairman** invited delegates and member associations to submit issues, proposals and suggestions to the Secretariat for action that the Committee could take forward. He said that FONASBA needed input from the membership to ensure that it was covering all the issues and also feed back on initiatives to ensure that all the views were known and taken into account.

He then invited Mr. **Ingle** to address the meeting. Thanking FONASBA for its warm welcome and hospitality on his first attendance at an Annual Meeting, he then introduced the Missions To Seamen's "Woolly Hat Day" initiative, which he hoped the meeting would support.

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

The **Chairman** thanked all those present for their contributions to an excellent and productive meeting. He then advised that the next Plenary Meeting of the Liner & Port Agency Committee would take place in October 2014 in Gothenburg, 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/02.2014**