

FONASBA MEMBERSHIP ENQUIRY



RESPONSE SUMMARY

ORIGINATING ASSOCIATION:	ANESCO
ENQUIRY DETAILS:	<p><i>Spanish Ports Law, in its chapter about Safety, states that the ship agent, as representative of the Owner, is obliged to take responsibility for the "coordination of activities" (see * below)... during vessel's mooring, unmooring and anchorage operations <u>in the case of port areas not granted under a concession/authorisation (leasing) system.</u></i></p> <p><i>(* 'Coordination of activities' means to take the necessary steps in order to ensure that those other employers or companies that carry out activities in the same 'work area' (place) receive relevant information and instructions regarding labour risks existing in that work area, for example prevention and protection measures, emergency measures if necessary, etc.</i></p> <p><i>Do similar responsibilities apply to the ship agent in other ECASBA member states? If so, please provide details.</i></p>
Date:	November 2014

ASSOCIATION	RESPONSE
BELGIUM	Similar responsibilities do not apply to the ship agent In Belgium, all mooring/unmooring/anchorage operations in port areas are subject to a concession/authorisation (leasing) system and therefore performed by qualified companies only.
CROATIA	No.

CYPRUS	<p>Please be advised that in Cyprus such a practice does not exist. The Cyprus Ports Authority is responsible for the coordination of activities during vessel's mooring, unmooring either within the port or at anchorage. For the handling of goods onboard the vessels (i.e.: discharge and/or loading) either at the port or at roadsteads the responsibility lies with the Agent. In this regard he is obliged to take responsibility for the coordination of the stevedores' activities and for their proper insurance cover.</p>
DENMARK	<p>The workflow and responsibility refer to the party that is responsible for the area and conducted work in the area and not the owner or broker unless damage occurs because of negligence by the owner or broker.</p> <p>In the case of anchoring in the roads, there are rarely 3rd party operator involved, why it is the company's responsibility except for special circumstances, such as STS operations where liability is already divided between the different operators.</p> <p>The conclusion is that the agent only in very rare cases, are responsible and only in the case of very serious failures of the agent</p>
FRANCE	<p>No such similar responsibilities apply to the ship agent in France.</p>
FINLAND	<p>The mooring / unmooring services are provided by the Port Authorities or private companies. These companies and authorities are always responsible for the safety of their employees. The labour laws in Finland require this and there are no exceptions.</p> <p>The agent is in this case not responsible.</p>
GERMANY	<p>There is no similarly responsibilities in Germany.</p>
HUNGARY	<p>We do not have in Hungary any similar responsibilities apply to the ship agent.</p>
ITALY	<p>There are no such obligations in Italy. Ship Agent is not taking any responsibility for a "coordination of activities" regarding risks existing in a "work area" not under concession. Usually the person undertaking such responsibility in front of the</p>

	Authority is a delegate of the company giving the service to the vessel.
MALTA	Please note that similar responsibilities do not apply in Malta.
NETHERLANDS	The shipagent as such is not mentioned in any law in the Netherlands whatsoever, so no obligations on his side as far as this subject is concerned.
SWEDEN	This doesn't apply to Sweden.
TURKEY	<p>No, in our opinion ship agents no need to take the risk of labour at ports, shipyards or anchorage areas. Ship agents have to arrange the coordination between vessel, owners to 3 rd parties like suppliers, ports tugboat companies etc as usual.</p> <p>It is not necessary for agents to take the risk at working areas of ships where agents have enough risk on their shoulders.</p>