

**MINUTES OF THE  
LINER & PORT AGENCY PLENARY MEETING HELD AT  
THE GOLDEN TULIP HOTEL, VITÓRIA, ES  
AT 9.00 a.m. ON THURSDAY, 15<sup>th</sup> OCTOBER 2015**

**Present:**

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

**In Attendance:**

Mr. J.C. Williams FICS	General Manager
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Mr. J. Dulce	Argentina	Mr. F. Orozco	Mexico
Mr. R. Garcia Piñeiro	Argentina	Mr. M. Andrade Gomez	Mexico
Mr. S. Diaz Mathé	Argentina	Ms. P. Castrocerio	Mexico
Mr. G. Hernandez	Argentina	Mr. F. Zemetz	Panama
Mrs. H. Bruggeman	Belgium	Mr. J. Contreras	Peru
Mr. W. Rocha Jnr.	Brazil	Mr. A. Mantrach	Morocco
Mrs. M. Lachmann	Brazil	Mr. M. Tak	Netherlands
Mr. P. Alves	Brazil	Mr. R. D'Orey	Portugal
Mr. S. Bonelle	Brazil	Mr. A. Belmar da Costa	Portugal
Mr. M. Bonelli	Brazil	Mr. A. Crespo	Spain
Mr. M. Neri	Brazil	Mr. N. Warner	South Africa
Capt. N. Hristov	Bulgaria	Mrs. B. Blomqvist	Sweden
Capt. J. Karmelić	Croatia	Mr. W. Dziri	Tunisia
Mr. W. Fengshou	China	Mrs. M. Collins	USA
Miss. Xin Sun	China	Mrs. J. Cardona	USA
Mr. Ye Yumang	China	Mr. E. Tovar	Venezuela
Mr. C. P. Papavassiliou	Cyprus	Mr. F. Sarre	BIMCO
Mr. T.D. Paulsen	Denmark	Mr. S. Larsen	BIMCO
Mrs. N. Nandkumar	Dubai	Ms. M. White	INTERTANKO
Dr. A. Geisler	Germany	Mr. A. Jamieson	ITIC
Mr. A. Dobson FICS	Great Britain	Mr. G. Wramfelt MICS	Shipbrokers' Register
Mr. B. Szalma	Hungary		
Mr. V. Totorizzo	Italy	<b>Observers:</b>	
Mr. F. Carlini FICS	Italy	Mr. L. Cordeiro	Brazil
Mr. A. Banchemo	Italy	Mr. L. Felipe Alves Junior	Brazil
Ms. L. Tropa	Italy	Mr. C. Killian de Alvarenga	Brazil
Mr. T. Iigaki	Japan	Mr. H. Barcelos Junior	Brazil
Mr. T. Saita	Japan	Mr. D. Farinelli Leite	Brazil
Mr. H. Morita	Japan	Mr. L. Barbosa Santos	Brazil
Mr. A. Al-Shnag	Libya	Mr. G. Freitas Campos	Brazil
Mr. F. Schupitta	Libya		

**Item**

**Action**

1. **President's Welcome, Chairman's Opening Address**  
The **President** and **Chairman** welcomed all those present to the meeting, the **Chairman** extending a particular welcome to the delegates from China and Mexico.
2. **Minutes of the Last Meeting held Gothenburg, 9<sup>th</sup> October 2014**  
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**

CIANAM: Mr. **Orozco** updated the meeting on CIANAM's efforts to increase membership of the association in the Americas. He said Salvador, Nicaragua and Honduras were expected to join soon, whilst Colombia and Canada were among a number of potential members still giving membership active consideration. He hoped that a number of new or potential members would attend the next CIANAM meeting in Asuncion, Paraguay, in April 2016. CIANAM continued to promote the benefits of both FONASBA and CIANAM membership in the Americas, as indicated by the various events held over the past year, including the visit to the new Panama Canal and the participation of the association, as well as the FONASBA **President**, Mrs. **Collins** and Mr. **Dulce**, at the 2015 AMANAC conference. CIANAM was also supporting member associations on a number of issues related to port development in the region and this would continue.

MABSA: Mr. **Mantrach** (standing in for Mr. Bandelj who was unable to attend) reported on the meeting that had taken place the previous afternoon. Attendance had been good and the Committee had been pleased to welcome the new members from Libya. With regard to issues, the meeting had discussed the recent introduction of licensing for ship agents in Slovenia, but unfortunately it was very easy for anyone to secure such a licence so there was little advantage for the established agents under the new regime. Also discussed were single windows, with a number of members highlighting the occurrence of multiple single windows in the same state operated by individual authorities. Not only was this cumbersome and against the intention of the single window initiative, but in many cases utilising these single windows had cost implications for the agent. The meeting also discussed the need for all MABSA members to participate actively in FONASBA and ECASBA surveys. With regard to resolving member issues, Mr. **Mantrach** said that it had been suggested to Slovenia that the association highlight the benefits of the FONASBA Quality Standard within the licensing framework as a means of demonstrating the advantages of approved agents to potential principals and the authorities.

Nordic: The report of the Nordic Committee had been circulated to the members in advance of the meeting and so Mr. **Paulsen** briefly summarised some of the main points. Before doing so, however, he passed on the best wishes of messrs. Vikström and Lomberg from the Finnish association and the new Chairman of the Swedish association, Mr. Ehn, to the meeting.

The main points of discussion included the relatively steady membership numbers across each association, the similar situation with regard to the Quality Standard in Sweden, Denmark and Norway and the development of the single windows in all member countries. The impact on shipping of the Sulphur Emissions Control Area in the Baltic and North Seas had been mitigated by the drop in fuel prices and the better than expected availability of ultra low sulphur fuel but on a more positive note, sulphur dioxide levels in the atmosphere around the Baltic Sea had fallen by 50% since January 2015.

The success of the Finnish association in securing exemption of agency fees from VAT and ensuring that the authorities appreciated that local agents could not guarantee the accuracy of information received from principals and vessels was also highlighted, as was the continuing success of education in Denmark with good numbers of students and high success rates being achieved. He also reported that "Blue Denmark" now employs 100,000 people and that the Schengen visa issues reported in previous years have now been resolved.

Closing the range committee reports, Mr. **Iigaki** said that he would be presenting a report on membership developments in the Far East at the Council meeting so at this time restricted his comments to a presentation of the current trade situation in the region. The presentation is available for download from the Members' Area of the website but in summary he mentioned growth rates in the region (decreasing in China, increasing in India and slow but steady growth in the more mature economies including Japan and Korea) the variations in trans-Pacific container traffic by route (slowing from the USA to Japan and China, increasing between Asia and the USA) and the reductions in trade between China and Europe, albeit balanced by growing trade between Europe and China.

He also briefly mentioned the difficult situation for bulk trade and compared this with more positive prospects for the specialised and passenger sectors.

The **Chairman** thanked all the presenters for their reports.

#### 5. **Quality Standard Update**

At the request of the **Chairman**, the **General Manager** updated the meeting on the current status of the Quality Standard initiative. He reported that at the time of the meeting, the Standard was in place in 24 member countries and just over 400 companies were approved. With regard to the total number of companies approved, he said that some confusion had arisen as a result of member associations not ensuring the Secretariat was kept up to date on changes to the master lists on the website. He said that it was vital to ensure that all amendments, including the removal of companies no longer approved, were notified to the office immediately. He said that the website is the master reference for ship owners seeking FQS approved agents and so they must be kept up to date at all times. He also reminded associations of the need to carry out audits of the companies at the interval shown in their criteria (and not less than once every two years) to ensure that all companies remained eligible and that all contact details were up to date.

With regard to further expanding coverage of the Standard, he congratulated Belgium, and in particular Mrs. **Bruggeman**, on having recently gone in a very short period of time from no approved companies to 23 and said that this significant increase was due to strong support from the NAVES secretariat and a positive promotion campaign amongst their members. He said this was the sort of approach to the Standard that FONASBA hoped to see duplicated elsewhere and once more encouraged all member associations still outside the Standard to take positive action to introduce it. With it now in place in 24 countries, the Standard was finally available in sufficient countries to allow ship owners to start using approved agents on a regular basis, although this would also only serve to highlight the gaps in its coverage. The recent article in the BIMCO Bulletin was greatly appreciated (and thanks were due to Mr. **Larsen** for both his support and the endorsement that appeared in the article) and would further raise awareness within the ship owning sector. Mr. **Larsen** said that as an indication of his organisation's support for the Standard, the new BIMCO website would indicate those BIMCO agent members that had achieved approval.

Mr. **Dziri** asked how an associate member such as his company could achieve the Standard and the **General Manager** said he would provide him with the relevant details.

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The **Chairman** thanked Mr. **Larsen** for BIMCO's ongoing support for the FQS and thanked the **General Manager** for his report.

The **Chairman** then invited the **President**, Mr. **Dulce**, as Regional Vice President for the Americas, and Mr. **Diaz Mathé**, as President of Centro de Navegacion, to present a FONASBA Quality Standard certificate to messrs. **Garcia Piñero** and **Hernandez** of Turner & Williams.

#### 7. **The Impact of 3<sup>rd</sup> Party Service Providers on Ship Agents**

The **Chairman** elected to take this item out of turn and invited Mrs. **Cardona** to address the meeting. She said that DA-Desk had offered ship agents the opportunity to be included on their Certified Agents List for a payment of US\$ 50, to which she recommended they say no. She said that the FONASBA Quality Standard was the only quality label ship agents needed. She also reminded the meeting that DA-Desk and other similar organisations are just facilitators, they are not principals and that agents should continue to deal directly with their principals, not go via DA-Desk or similar companies. She said that a number of issues had recently arisen with regard to the security measures DA-Desk had in place on their web portal and elsewhere and although she acknowledged that remedial action was being taken, those concerns remained. DA-Desk's PortPoint facility was being heavily promoted but Mrs. **Cardona** said that the fee of US\$6,000 per year was somewhat high to gain access to information that a good agent would provide free of charge as part of their service. Agents should therefore be proactive in reminding principals of the added value services they provide and ensuring they were the first point of contact for port and other relevant information.

The increased workload on ship agents as a result of changing operational procedures within DA-Desk was also highlighted, as was a recent initiative to offer discounts on courier services.

Mr. **Dziri** said that he was very pleased to hear the issues with DA-Desk and other such providers being discussed within FONASBA as his company had felt isolated when dealing with them. He said the practice of only pre-funding agents for 60-70% of the initial estimate of disbursements was a particular issue for his company as this was not sufficient to cover pre-arrival payments in Tunisian ports. Mrs. **Cardona** said that it was not up to the intermediary to determine the level of pre-funding. She said agents should deal directly with their principal on this issue and ensure that adequate funds were made available in advance of the vessel's arrival. Issues such as these are for direct negotiation between the agent and the principal. She added that if the intermediary then decides to only part fund the agent – in contravention of the agreement with the principal – then the agent should immediately notify the principal.

The **Chairman** reminded the meeting that agents had the right to charge an administration fee to principals that required them to work via DA-Desk and other such companies, adding that this would make the principal aware of the added cost and workload of using such services.

#### 6. **L&PA Port Procedures Update**

Introducing his presentation (available for download from the website) on the current status of the survey, the **Chairman** said that he was challenging FONASBA members to double the number of ports covered by the survey by the time of the next plenary meeting in London.

Following the presentation the **President** advised the meeting of the programme of updates that had been undertaken by FENAMAR as a result of feedback from this and previous L&PA meetings as well as the inclusion of a number of questions that had arisen from the various membership surveys undertaken over the past year and gave the meeting a demonstration of the enhancements. Both the **Chairman** and the **President** reminded delegates of the need to regularly review, check and update the information already held on the survey and to add more ports, especially in the bulk sector.

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

The **Chairman** made a presentation (available for download) on the current status of the initiative itself and on the results of the survey of members on the status of preparations within member states ahead of implementation on 1<sup>st</sup> July 2016.

Discussing the presentation afterwards, he said that the lack of awareness of the imminent implementation amongst member state authorities provided an excellent opportunity for FONASBA members to strengthen their position within the maritime transport chain and to ensure the authorities were fully aware of the role and importance of the agency function. The **President** echoed that sentiment and reminded those present that FONASBA had for many months been recommending that they engage fully with the relevant authorities in their member state.

Ms. **Tropia** asked if FONASBA could issue some guidelines to member associations on the role and responsibilities of the agent. Mr. **Jamieson** said that could be difficult as there a clear differences in approach depending on whether the agent represented the cargo or the carrier.

#### 11. **Market Sector Reports**

The **Chairman** invited Mr. **Neri** and Mr. **Garcia Piñeiro** to make their presentations on the dry bulk sector in Brazil and the global container market. Following both presentations they took questions from the floor. Copies of both presentations are available for download from the website.

Following this item, the **President** and Mr. **Rocha jnr.** presented certificates of attendance to a group of local maritime studies students who had been present at all three plenary meetings.

9. **IMO-FAL Revision**

The **General Manager** updated the meeting on progress within IMO towards the introduction of a revised FAL Convention. He said the current draft remained on track for adoption at FAL 40 in April 2016. He also reported that the draft definition of a ship agent remained unchanged at this time and it was therefore anticipated that this would indeed form part of the revised Convention. He reminded the meeting that all going well this would be the first time such a definition had been included in an IMO Convention and would mark a high point in FONASBA's actions to secure recognition of the ship agency profession at the highest levels of maritime policy making. He also said that once a definition was included in a Convention, it was usually repeated verbatim in other IMO instruments and documents, thus further spreading awareness of the function and role of the ship agent. He then took the opportunity of thanking Mr. **Jamieson** for his assistance in drafting the definition.

10. **Promotion of Short Sea Shipping at International Level**

Mr. **Belmar da Costa** introduced the concept of FONASBA acting as the international representative body for short sea shipping. He said that the suggestion had come from colleagues representing short sea and lakes shipping in Canada who had realised there was no representation of the short sea, coastal and inland waterways sectors at IMO and in other major maritime fora. They had approached Mr. **Belmar da Costa** and the **General Manager** at a short sea conference in Lisbon and the concept had developed from there. The closeness of the links between the agency and short sea sectors had been further demonstrated by both the presence at the ECASBA seminar in Brussels in March 2015 of the European Short Sea Network and through the signing of a cooperation agreement between ECASBA and the European Short Sea School (2E3S) at the same event.

He said that the ECASBA Advisory Panel had proposed to the Executive Committee that the coordinator of the ECASBA SSS Working Group, Dr. **Geisler** would lead the sub-committee, whose role would be to work together with partner organisations in Europe and internationally to promote the benefits of short sea, coastal and inland waterways transport at IMO and elsewhere, to coordinate actions and establish a functioning global network. He said he would be attending a short sea conference in Athens in early December and would take the opportunity of launching the initiative at that time. *(Post meeting note: It is understood that the International Chamber of Shipping is also looking at the promotion of short sea, coastal and inland navigation at IMO and so opportunities for cooperation with that organisation will be explored).*

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

The **Chairman** advised the meeting that the review was ongoing, with work currently being undertaken to identify the common elements in the agency agreements collected and those elements would form the basis of the common core agreement. This would then be supplemented by additional clauses to adapt the document to more specialised trades. He also advised that BIMCO had offered to assist in the development process, for which he thanked Mr. **Larsen** and Mr. **Sarre** for their support. Mr. **Larsen** said BIMCO were pleased to assist and said he hoped that a first draft would be available for discussion at the April 2016 BIMCO Documentary Committee meeting.

13. **Membership Survey Review**

Inviting the **General Manager** to present a summary of the results of the surveys carried out during the past year, the **Chairman** reminded the meeting of the importance of all eligible associations (some surveys were for ECASBA members only, others FONASBA-wide) participating in these surveys as they provided valuable information on international best practice and current operational standards. As a result they were of significant benefit to both the originating member and also to FONASBA as a whole – in this case by expanding the Federation's knowledge resource base. He also reminded the meeting that summaries of all surveys were now uploaded to the public area of the website as a service to the wider maritime sector. At present an average of 50% of the eligible members are responding to surveys and the **Chairman** said he hoped that as a result of presenting this information, this percentage would be increased. A copy of the summary presentation is available for download from the Members' Area of the website.

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

The **Chairman** said that the Committee was always open to suggestions from members for future work items and asked that any suggestions be directed to the **General Manager** for forwarding to the Committee. No items had been proposed ahead of the meeting but Mrs. **Cardona** said that she was aware that some tanker operators had been requiring agents to supply copies of their ethical practices and business continuity statement. She had no details of what would happen were an agent to refuse – or be unable to provide one – but they should be aware this practice was growing. The **Chairman** invited her to send what information she had to the Secretariat so that FONASBA could investigate and if appropriate carry out a survey to ascertain the spread of the practice.

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No other issues were raised at the meeting so the **Chairman** asked that any issues that may arise in the future be sent to him for further action.

**15. 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 ECASBA would take place in October 2016 in London, with the date expected to be Thursday, 13<sup>th</sup> October.

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

**JCW/12.2015**