



FONASBA

**ANNUAL MEETING
VITÓRIA 2015**

**LINER & PORT AGENCY PLENARY MEETING
15th OCTOBER 2015**

MEMBER ISSUES UPDATE

JONATHAN C. WILLIAMS FICS
GENERAL MANAGER



A look back at some of the Liner & Port Agency
issues raised by FONASBA members during the
past year

Detailed responses to all of these surveys are
available on the FONASBA website:
www.fonasba.com/member-survey

Initiating Member: AANTA Angola

Enquiry:

Do your national authorities require any level of ownership or supervision of a ship agency company by citizens of the country as a condition of it operating – whether licensing is required or not? If so what is the level of ownership/supervision and how is it monitored?

Enquiry date: November 2014

Number of responses: 32

Initiating Member: SAASOA South Africa

Enquiry:

Please advise if there are any restrictions (other than physical restrictions such as bridge heights) on the movement of High Cube containers by road in your member state.

Enquiry date: November 2014

Number of responses: 21

Initiating Member: FENAMAR Brazil

Enquiry:

- 1) *Does the local Health Authority for each vessel issue in a compulsory way a Free Pratique authorization ?*
- 2) *If question above positive, Is Free Pratique granted before ship's arrival or only after inspections ?*
- 3) *If question 1 positive, in this situation, can the Ship Sanitation Control Exemption Certificate be a substitute for the Free Pratique issued by the local Health Authority ?*
- 3) *If item number 1 positive, can the Free Pratique be issued before the vessel leaves the last Port?*
- 4) *Cabotage - Is there a Free Pratique issued as well to those vessels which operates exclusively in Cabotage routes?*
- 5) *Inspection - What is the time of attendance? 24 x 7? Working hours? Other?*
- 6) *Inspection - Health Authority goes on board with the vessel at roads? How It goes in your country?*
- 7) *Can the vessel start the operation (loading/discharging) while waiting the inspection from the Health Authority?*
- 8) *If negative, Is there a time limit after which the operation can be started regardless of the Inspection?*
- 9) *If Yes for above, after how many hours?*

Enquiry date: November 2014

Number of responses: 18

Initiating Member: KSAA Kenya

Enquiry:

A new development is taking shape in Kenya where consolidators are shipping in to Kenya motor vehicles in PCC (break-bulk) for various importers but all covered under one bill of lading and treat the units as consolidation cargo. Ideally, this is to enable the Consolidator split the bill, lodge a house manifest to Customs for the individual shipments and levy delivery order fees which should in fact be levied by Shipping Agents. We are currently locked in a dispute with the Consolidators Association which dispute is being arbitrated by the Kenya Maritime Authority (KMA), a government body empowered to regulate marine transport in the country. Current practice is for the shipping agents to split the bill of lading, lodge the carrier manifest to Customs and issue carrier delivery orders. But one Consolidator is trying to be smart and insist on splitting the bill, lodge their house manifest and issue the delivery orders.

We would be grateful if you could check practice in the Member Countries.

Enquiry date: November 2014

Number of responses: 8

Initiating Member: Finnish Shipbrokers' Assn. Finland

Enquiry:

Is VAT applied to invoices when the Agent order services to a vessel in international trade on behalf of the vessel but in his own name?

B: Does Authorities approve procedure that invoices issued with zero VAT if the Agents order services to a vessel in international trade as Agent on behalf of the vessel and the invoice is addressed/written out to the Owner/vessel and C/O Agent. (Service provider receive the payment from the Agent and then Agent then settle with Owner in D/A)?

Enquiry date: November 2014

Number of responses: 9 (ECASBA members only)

Initiating Member: MABSA Range Committee

Enquiry:

- 1. Does the ship agent take the customs, immigration or sanitary inspector, other harbourmaster to the vessel or do they drive themselves?*
- 2. Is inward clearance compulsory at anchor if the vessel anchors awaiting a berth for 1 or 2 days or more?*
- 3. On arrival, which authorities attend on board with the agent?*
- 4. Do they all arrive at the same time or as they wish?*
- 5. Can cargo operations start immediately after berthing or does the vessel have to wait for completion of arrival formalities?*
- 6. Is the agent obliged to declare to Port State Control the need for an enhanced inspection?*
- 7. Are shore passes needed for non EU crew?*
- 8. Which authorities board the vessel on departure, if any?*

Enquiry date: December 2014

Number of responses: 18

Initiating Member: ANESCO, Spain

Enquiry:

*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 in the case of port areas not granted under a concession/authorisation (leasing) system.*

() ‘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.*

Do similar responsibilities apply to the ship agent in other ECASBA member states? If so, please provide details.

Enquiry date: December 2014

Number of responses: 13 (ECASBA members only)

Initiating Member: Swedish Shipbrokers' Assn. Sweden

Enquiry:

Following the imposition of the Sulphur Emissions Control Area in the North and Baltic Seas on 1st January, please provide details of any inspection regimes or procedures and/or sanctions to be applied (either in place or planned) by your Member State to ensure compliance with the SECA regulations. Please also advise if there any charges to be levied upon the vessel as part of the compliance process.

Enquiry date: January 2015

Number of responses: 4 (Note: this enquiry was only circulated to those ECASBA member associations that are covered by the North Sea and/or Baltic SECA's)

Initiating Member: ECASBA

Enquiry:

The convention “As Agents Only” is traditionally used, under English Law at least, to offer protection to agents from errors or omissions of their principal. Developments in European maritime and customs policy would indicate that this protection is under threat. In order to determine whether to base ECASBA’s future actions on reporting formalities, customs liability and similar on this convention, ECASBA members are asked to advise if it, or something similar, is in regular use by ship agents in their country.

Enquiry date: March 2015

Number of responses: 12 (ECASBA members only)

Initiating Member: AGEPOR, Portugal

Enquiry:

One month ago, Portuguese customs began asking the ship agents to deliver a new T2L document in all cases where the out-turn quantity differs from the original declaration. As you all know it is common that bulk commodities such as grain etc. often have a different weight at discharge than originally recorded on the T2L. In the past if the difference was within a range of +/- 3 percent Customs didn't take any action and the T2L as delivered (with the originally-stated weight) was accepted without a problem.

Now and according to Portuguese Customs it's compulsory (European rules) to deliver after discharge an additional T2L showing the weight difference at discharge. The question is are you subject to the same procedure in your country or if you still have the tolerance of a certain percentage.

Enquiry date: March 2015

Number of responses: 12 (ECASBA members only)

Initiating Member: ECASBA

Enquiry:

With the Reporting Formalities Directive due for introduction on 1st June 2015, ECASBA associations are requested to update the secretariat on the current situation regarding implementation of the Directive in their Member State. Please also state whether the authorities will allow the current system to run in parallel with the new system for a specified period after 1st June.

Enquiry date: March 2015

Number of responses: 15 (ECASBA members only)

Initiating Member: Centro de Navegación, Argentina

Enquiry:

- a) Can a foreign vessel carry cargo between two ports in your country?*
- b) If so, can a foreign vessel leave a cargo that will be picked by other foreign vessel of the same shipowner/ shipping line to be carried to another port in the same country?*

Enquiry date: May 2015

Number of responses: 24

Initiating Member: KSAA, Kenya

Enquiry:

- 1) Do the relevant authorities in your member state levy a charge for carrying out port state control inspections - and if so what is the charge?*
- 2) Do the inspectors advise the master in advance - either directly or through you as the agent - of their intention to carry out a PSC inspection. If so, what notice is given?*

Enquiry date: May 2015

Number of responses: 24

Initiating Member: FENAMAR, Brazil

Enquiry:

The National Confederation of Transport in Brazil is seeking information on universities in FONASBA member countries that provide MA and PhD courses in water transportation or in similar subjects. The Confederation wishes to contact universities that do so in order to seek opportunities for students from Brazil to further their studies in this area.

The Confederation already has agreements with a number of Brazilian universities through which students can obtain an MBA or other post-graduate qualification at no cost to the individual.

FONASBA members are therefore asked to provide contact details of universities that provide such courses for FENAMAR to pass on to the Confederation.

Enquiry date: May 2015

Number of responses: 11

Initiating Member: The Assn. of Ships Agents, Malta

Enquiry:

A series of detailed questions relating to the implementation in ECASBA member states of Regulation 97/78/EC in relation to the transshipment of cargoes of animal origin including:

The need for agents to register as AEO's

Pre-notification of any incoming cargoes

Declare in advance any cargoes anticipated to remain at the port more than seven days

Organise the inspection by the veterinary authorities of any cargo that requires it and...

Information on the electronic lodgement of documents in this respect

Enquiry date: June 2015

Number of responses: 6 (Note: ECASBA members only, responses were received from most major European transshipment ports)

Initiating Member: CSA, Cyprus

Enquiry:

Is it normal practice that port dues levied on cargo landed at oil terminals are usually charged via the agent to the vessel? Alternatively are these charges invoiced to another party directly by the terminal?

Enquiry date: September/October 2015

Number of responses: 6

In addition, FONASBA has undertaken surveys of member associations, to which 32 replies were received, and in relation to container weighing, for which 34 replies were received. ECASBA also undertook a survey of all members in relation to recognition and licensing of ship agents.

The results of these surveys have been referenced elsewhere during this meeting.

CONCLUSIONS

- Surveys such as these play a vital role in facilitating the exchange of information and best practice amongst member associations
- The member asking the question is relying on their colleagues in FONASBA for help
- They add to the knowledge base available to our members
- They add value to being a member of the FONASBA family and...
- Responding to a survey indicates an association's commitment to participating in FONASBA's activities and supporting their fellow members so...
- Why is the average response rate 41%* for FONASBA surveys and 58% for ECASBA surveys?

* Taking out the membership and container weighing surveys drops the average to 34%