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# THE NEW HORIZON



## THE FEDERATION OF NATIONAL ASSOCIATIONS OF SHIP BROKERS AND AGENTS

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### 2014-15 YEAR END UPDATE

Dear Friends,

As we begin another FONASBA year, marked by the arrival of the latest membership invoice, it is probably worthwhile looking back at the year just gone to review the activities that we have undertaken, the progress that has been made and to see how our Federation has changed and developed during that period.

An organisation such as ours cannot stand still. We need to continually develop in order to match, and we hope exceed, the expectations of our Members. Of course, there are always new challenges coming from outside the organisation, such as proposed new legislation, changes to existing procedures, new trades and similar, but we also need to look internally to ensure that the Federation is aware of and responsive to the needs of the membership and is continuously providing greater and more relevant benefits.

In the following pages we summarise the actions we have been taking over the past year. They have been communicated to you directly and, we hope, have met with your expectations. As a membership organisation our actions should be led, guided and held to account by our Members and to do this we need to know from you and your members what we are doing right, what else we should be doing, what you feel is unnecessary and, equally importantly, what we are not doing right. Feedback is vital in ensuring we do this and I would therefore invite you to communicate your views back to me via the Secretariat.

Looking at the list of actions we have taken over the year we believe it is clear FONASBA has made significant progress and you may rest assured we will continue to do so in the coming year.

We believe we can and should do more, however, and we invite you to reflect on the contents of this summary and consider what FONASBA should do for you and your members.

I look forward to seeing as many of you as possible in my home country of Brazil for this year's Annual Meeting, where we will have the opportunity to discuss our future activities and direction in person.

Best regards,

**GLEN GORDON FINDLAY — PRESIDENT**

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## **MEMBERSHIP NEWS** ([www.fonasba.com/fonasba-member/fonasba-membership-list](http://www.fonasba.com/fonasba-member/fonasba-membership-list))

Over the past year we have been pleased to welcome six new Members to the Federation:

Full Member: AANTA (Angola)

Associate Members: Agent Plus (Serbia), Agemar CA (Venezuela), All Seas Shipping (Tunisia)

Candidate Member: The Philippine Ship Agents Association

Club Member: The International Port Community Systems Association.

Each new Member has added to the coverage, breadth and diversity of the Federation and their input to our activities is highly valued.

AANTA's entry to the Federation has allowed FONASBA to develop and expand further into southern-central Africa.

Agent Plus is a river transport agency company based in Belgrade but with offices in a number of ports along the Danube.

The election of Agemar brings another South American country, Venezuela, into our global network.

All Seas Shipping is one of the largest ship agency companies in Tunisia and further spreads FONASBA's representation along the strategically important north African coast.

Similarly, the Philippine Association further enhances our coverage in the Asia Pacific region.

The IPCSA is the worldwide organisation representing, as its name suggests, the operators of port community systems. Born out of the earlier European association, its role in providing electronic customs and other data entry facilities to ship agents, as well as its role developing e-maritime policy, is such that IPCSA was a logical candidate to be invited to join the Federation on a reciprocal membership basis. FONASBA was therefore pleased to be invited to become the first Associate Member of IPCSA.

## **EDUCATION** ([www.fonasba.com/education-and-training](http://www.fonasba.com/education-and-training))

Education is one of the main priority areas for FONASBA and this past year has continued that trend, with the following initiatives being undertaken:

Building on the success of the Lima Declaration, the Young Ship Agent or Broker Award was launched earlier this year.

In spite of the relatively short timeframe available, we received seven completed entries for the Award. All of the entries were assessed by the Review Committee, comprising former FONASBA President and Honorary Member Gunnar J. Heinonen, as Chairman, Education Vice President Jakov Karmelić and Charlotte Kirk FICS, Marketing Director of ITIC, the sponsors of one of the prizes. The winner of the award will be announced in August. The winner, who will be invited to attend the Annual Meeting, will receive both a cash prize of €500.00, sponsored by ITIC, and free access to one of BIMCO's online training modules.

We are of course very grateful to both ITIC and BIMCO for their generous support for the Award this year.

A virtual booklist will soon be joining the education course search facility on the website. The list will provide visitors to the site with details of recognised

industry-standard text books as well as those recommended for, or specifically produced to accompany, education courses provided by Member Associations.

The books are sorted by subject matter, using the same categories as the education course search, and can be further sub-divided by language. An option to purchase those books still in print, either via Amazon or direct from the publisher, will also be provided. The book list is now being finalised but any further suggestions for books for inclusion will be well-received.

With IMO taking education and training as its theme for World Maritime Day 2015, FONASBA took the opportunity to write to the Secretary General, Koichi Sekimizu, to introduce our education initiatives and to express our support the overall aim of this year's WMD theme.

A reply from the Head of the Legal Services and External Relations Division of IMO, on behalf of the Secretary General, has since been received. In it, Mr. Sekimizu acknowledges FONASBA's support for his initiative, as well as our support for the promotion of education and training in the maritime sector.

A copy of the letter is on page 3.

The letter from the IMO Director of Legal Services on behalf of the Secretary General, Koji Sekimizu, to FONASBA President Glen Gordon Findlay acknowledging FONASBA's support for the 2015 World Maritime Day theme "Maritime Education and Training" (see previous page):

ORGANISATION  
MARITIME  
INTERNATIONALE



ORGANIZACION  
MARITIMA  
INTERNACIONAL

11 June 2015

Mr. Glen Gordon Findlay  
President  
The Federation of National Associations of Ship Brokers and Agents  
The Baltic Exchange  
St. Mary Axe  
London EC3A 8BH

Dear Mr. Findlay,

On behalf of the Secretary-General of the International Maritime Organization (IMO), I thank you for your letter of 28 May 2015 and the kind compliments on behalf of the Executive Committee and members of FONASBA.

We are most appreciative of your support for the 2015 World Maritime Day theme, namely Maritime Education and Training, and we wish to congratulate you for the important initiatives undertaken by FONASBA in order to promote, support and coordinate the education and training programmes of its member associations.

We look forward to the continued cooperation between FONASBA and IMO to make further progress towards the overall objectives of the Organization of safe, secure and efficient shipping on clean oceans.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "F. J. Kenney", is written over a circular stamp or seal. The signature is fluid and cursive.

Frederick J. Kenney  
Director  
Legal Affairs and External Relations Division

cc: Mr. Jonathan C. Williams, FONASBA General Manager

## **QUALITY STANDARD ([www.fonasba.com/fonasba-initiatives/fonasba-quality-standard](http://www.fonasba.com/fonasba-initiatives/fonasba-quality-standard))**

Since June 2014, the number of Associations covered by the Standard has risen to 24, with Mexico joining the list of those approved.

The following Associations are now covered by the Standard:

Argentina, Australia, Belgium, Brazil, Croatia, Cyprus, Denmark, Finland, France, Great Britain, Hungary, Israel, Italy, Japan, Malta, Mexico, Morocco, Norway, Peru, Portugal, Slovenia, Spain, Sweden and the USA.

The number of companies also continues to rise and at the end of the period under review 375 companies within those Associations have been accredited to the Standard. This is an increase of 28 companies over the year.

The Standard continues to enjoy support from our colleague associations and this has been amply demonstrated by a recent invitation from BIMCO to write an article on it for their Bulletin. The article, written by the General Manager with additional contributions from Jeanne Cardona at ASBA, appeared in the June issue of the BIMCO Bulletin. A copy has been circulated to all members and is reproduced on the following two pages.

Having 24 associations in the Standard means that more than half of our members are now included, but it is vital for the external profile and scope of the initiative that all FONASBA members are covered.

## **PORT PROCEDURES SURVEY ([www.fonasba.com/fonasba-initiatives/fonasba-port-procedure-survey](http://www.fonasba.com/fonasba-initiatives/fonasba-port-procedure-survey))**

The Port Procedures Survey continues to develop into a respected source of information on the way the various procedures are undertaken in member states. Following feedback from the Gothenburg Liner & Port Agency plenary meeting, a number of modifications are being made to allow for easier uploading of information, to enhance the graph capability and ensure that the particular requirements for bulk ports can be as easily accommodated as those for container ports.

The survey now covers more than 200 ports in 37 countries and while the geographical coverage is very good, the spread of ports within those countries is less so. Some countries are only represented by one or two ports and in many cases these are the main container ports. With the enhancements currently being implemented, adding information becomes even more straight forward than previously, so Associations are strongly encouraged to return to the survey, add even more ports and update and expand the information already included.

One of the benefits to ship owners of the initiative is that they can use accredited agents for most of their port calls.

This then leads to those ship owners pressing their associations, for example BIMCO, INTERTANKO or Intercargo, to go further in terms of recognising the Standard, ultimately by including it in their standard agency clauses. This would of course encourage other owners to use Quality Standard-accredited agents, motivate more agents to secure accreditation and drive agents that are not currently members of the Association to join, in order to avoid losing business to their FQS accredited competitors.

Securing and maintaining the Standard by a member association is relatively simple and does not require the Association to undertake a complex or time consuming implementation process. To incentivise those Member Associations outside the Standard to take steps to secure it, FONASBA has developed a short presentation detailing what needs to be done and how expanding the coverage of the Standard is a "win-win" situation for FONASBA, our Associations, their members and the ship owners and operators they represent. In the coming weeks, the Secretariat and the Regional Vice Presidents will be contacting those Associations presently outside the Standard to discuss the issues around its implementation and to offer help and guidance to start the process.

We are of course always interested to receive and accommodate suggestions from Members about the scope and coverage of the survey and in particular to add new procedures as they are introduced. Any suggestions should be sent to the Secretariat and they will be passed on to FENAMAR in Brazil for consideration and implementation.

As with the Quality Standard, better and wider coverage of countries, ports and terminals is key to ensuring the survey remains up to date, accurate and is useful for agents, ship owners and other port users. An added benefit of the survey is that it provides a unique insight to the (often significant) variations in port procedures worldwide, regionally and even in individual countries. This provides useful ammunition for FONASBA and ECASBA to use in their discussions with international and regional authorities and for Member Associations at national level.

The article on the FONASBA Quality Standard published in BIMCO's June 2015 Bulletin:

BY JONATHAN C. WILLIAMS

## Raising the bar for agents and brokers



The FONASBA quality standard (FQS) was conceived in 2005, when there was much discussion throughout the industry about raising standards. The lack of an international quality regime for ship agents and ship brokers was, therefore, a significant gap in the total quality chain. As the global representative body for those professions, FONASBA was best placed to develop a quality regime that would be both sufficiently robust to be relied on by ship owners and operators, and also be reflective of the responsibilities and obligations of agents and brokers. Furthermore, the requirements had to be flexible enough to be equally applicable to small independent agents or brokers, as well as major multinational companies.

BIMCO is a strong supporter of the FQS as a quality standard for the industry. Søren Larsen, BIMCO's Deputy Secretary General explained why:

*"In the shipping industry it is not difficult to call yourself a broker or an agent and so we believe the FQS is crucial to underpin the attempts of ship brokers and agents to raise standards in their sector. An auditing scheme like FQS makes a real difference to these standards, compared to a voluntary code of conduct. This is why BIMCO strongly supports the scheme which of course depends on broad backing in the brokering and agency business."*

The core FQS criteria require that the company be a member of a FONASBA association, complies with all relevant national accounting regulations, be committed to ensuring that its staff are fully trained (or better still, professionally qualified) and

that it operates to the highest standards of professionalism. Every approved company must also commit to upholding the Federation's Code of Conduct. FONASBA has members in more than 50 countries worldwide, with a broad range of legal, fiscal and operational constraints, so those criteria

An endorsement from a Marine Superintendent with a Swiss ship manager demonstrates, FONASBA's Quality Standard is a valued resource when appointing ship agents and shipbrokers worldwide.

*"When the Chief Officer suffered a medical emergency, I was called at 6 a.m. to divert our ship to a port where we would not normally call and so had no regular agent. I opened the Shipbrokers' Register App, in order to choose quickly a reliable company that would take care of all the formalities at short notice. Since there was no time to discuss costs or send advance funds, I had to follow my instinct, only considering agents holding the FONASBA Quality Standard, were BIMCO members or preferably both. My owner would ask me to justify my decision if something had gone wrong, but with the agent approved to an international quality standard, I was confident everything would go smoothly. As it turned out, the Chief Officer survived the emergency, because of the professionalism of everyone involved. Truthfully, I don't mind paying more for a FQS agent, who adheres to a higher standard, because I know they will take good care of my owner's multi-million dollar ship and it's even more valuable cargo"*

are by necessity somewhat general. Working from those foundations, FONASBA member associations tailor the criteria to comply with their own national laws and regulations. They are also encouraged to strengthen the base criteria in order to enhance their version of the standard.

Today, the FQS is in place in 24 FONASBA member countries and over 350 ship agency and broking companies are approved. Competition amongst ship agents is fierce and in most countries there are no minimum requirements for establishing a ship agency. So it provides a welcome and much-needed opportunity for approved companies to demonstrate clearly their quality service provision and promote themselves ahead of their rivals. All FQS approved agents and ship brokers are listed on the FONASBA website, allowing shipowners and operators to identify them easily. With nearly half our members issuing the FQS, the Federation is now working to introduce it in the remaining countries.

As coverage of the FQS widens, shipowners, operators and charterers can require that their agents and brokers be approved. We have already seen instances where FQS approval is a condition for securing an agency appointment. Furthermore, it is now being actively considered for incorporation in standard agency clauses and FONASBA is working with the developers of those clauses to secure its inclusion.

As stated earlier, responsibility for introducing the FQS, promoting it amongst the members and administering it is passed on to the associations themselves. So, how do they see the FQS locally? The Association of Ship Brokers and Agents (USA) Inc.,

The article on the FONASBA Quality Standard published in BIMCO's June 2015 Bulletin, page 2:



Jonathan C. Williams FCS -  
General Manager

(ASBA), FONASBA member for the USA, developed and introduced its own mandatory certification of ship agent members in 2005. With their criteria already exceeding the FONASBA minima, ASBA was one of the first member associations to gain approval under the FQS. We asked Jeanne Cardona, Executive Director of ASBA and one of our most enthusiastic supporters of the FQS, to contribute her thoughts. She writes:

*"In a recent survey conducted by ASBA, maritime principals ranked the criteria deemed most important in their decision to appoint a ship agent as:*

- A fiscally responsible company
- Employing trained boarding agents
- Experience with the cargo and vessel type
- The principal's past experience of, and relationship with, the agent

*"Except for the pilot, the first and last person to board or depart during every ship's port call is the ship's agent. The agent is like a control tower for a ship's port call, coordinating local scheduling and logistics with the key players - the owner, charterer, shipper, receiver, terminal, and, of course, the ship. That work starts well before the vessel arrives, continues while the vessel waits to berth and long after it has sailed.*

*"The agent dispatches the local services necessary for a successful port call by arranging pilotage, towage and customs entry and clearance, while navigating deftly through the myriad national and local regulatory requirements involving the ship, her cargo*

*and crew. Beyond the commercial operation there is an extensive list of husbanding requirements that includes coordination of ship's stores and spare parts, as well as crew changes, crew medical, and service technicians.*

*"An agent's job is to (safely and economically) expedite the vessel's port call. Understanding the impact of high daily operating costs of ships and marine terminals, the pressures of berth congestion, and contract deadlines for loading and unloading cargoes contributes positively to the success of a voyage. Solid rapport and good standing within the local marine community is critical. The agent stands in the shoes of his, or her, principal, protecting their interest at a specified port.*

*"With these actions, obligations and responsibilities in mind, ASBA's certification criteria directly address the needs of the principal and assures them that a certified agent is able to handle their vessel at the highest levels of professionalism and commitment.*

*"As a best practice that supports operational excellence and risk mitigation, ASBA encourages all vessel charterers, owners and operators to nominate and appoint ASBA certified agents whenever possible. ASBA's thirty certified member agents handled approximately 43,000 vessel calls in the USA and Canada in 2013, of which 14,000 were dry bulk and break bulk vessels. ASBA certified agents have therefore represented approximately 65% of the dry and wet bulk vessels calling US ports that year. In terms of experience, these statistics tell a clear story."*

As FQS expands further, more of our member associations will recount similar success stories as the number of port calls attended by FQS approved agents, and ships fixed by approved brokers, continues to rise. The main success of the FQS, however, will be in raising further the already high standards of professionalism within the ship agency and ship broking sectors, ensuring that our members provide owners, operators and charterers with the best possible service at all times. The support and encouragement we have received from BIMCO, since the beginning, has been constant and unwavering and we are confident that, as adoption of the FQS continues to grow, so too will the support of BIMCO members. ■■

*Editor's Note: Jonathan Williams has been General Manager of FONASBA since 2000. He is the accredited representative of the Federation at IMO and with the European Commission and other European institutions. Prior to joining FONASBA, Jonathan spent 25 years as the London representative of an Australian ship agency company. He is a Fellow of the Institute of Chartered Shipbrokers and a member of the Baltic Exchange.*

*List of countries currently accredited to the Standard: Argentina, Australia, Belgium, Brazil, Croatia, Cyprus, Denmark, Finland, France, Great Britain, Hungary, Israel, Italy, Japan, Malta, Mexico, Morocco, Norway, Peru, Portugal, Slovenia, Spain, Sweden and USA.*

## MEMBERSHIP SURVEYS ([www.fonasba.com/member-survey](http://www.fonasba.com/member-survey))

The results of the individual surveys that FONASBA carries out at the request of Members are now published on the website. These surveys usually result from an Association's need to ascertain whether a procedure, or a particular situation in their own country, is mirrored elsewhere. Often this is as a result of a proposed action by their national authorities that would have a negative impact on their members.

Making the results of the surveys available to all FONASBA Members is a useful addition to the growing volume of information available and also enhances the value of the website, thereby bringing more visitors to it.

Responses to the surveys are collated by the Secretariat and summarised on a standard form, which is then available for viewing by both Members and other visitors.

The survey summaries on the site currently cover a range of very diverse issues, ranging from general topics such as the application of VAT on agency invoices and the current stage of cabotage in coastal shipping, to relatively specialised enquires, for example the use of delivery orders for imports of motor vehicles and the liability of ship agents when

they contract port service providers on behalf of their principals.

As well as requests for information from Members, the results of surveys carried out by FONASBA or ECASBA in support of a specific issue, are also shown. An example of this is the ongoing survey on the state of implementation of the newly introduced European Reporting Formalities Directive. The information generated by this survey is being used by ECASBA to support the European shipping sector organisations in determining exactly how the introduction of the Directive is proceeding at ground level.

At the risk of repeating ourselves once again, however, it is clear that the success of these surveys and their value to the originating association is directly related to the level of response received from colleague associations. We are therefore sure that all Member Associations will appreciate that their active participation in a membership survey will encourage others to do likewise, thus leading to an open and comprehensive exchange of views that will enhance the volume and quality of information available to the membership.

## STANDARD DOCUMENT UPDATE ([www.fonasba.com/documentation](http://www.fonasba.com/documentation))

Whilst not trying to emulate our good friends at BIMCO, FONASBA has over the years developed a suite of standard documents that can be used by ship agents and brokers to assist in their activities or protect their interests.

At present the following documents are available for download from the website:

Standard Liner & General Agency Agreement 2001

Standard Liner Agency Agreement

General Agency Agreement

Sub-Details Clause

International Brokers Commission Clause

ISPS Clause (developed in association with ITIC)

Sub-Agency Agreement

Standard Port Agency Conditions

Time Charter Interpretation Code 2000

With the passing of time and changes to legislation, many of these documents are now out of date and so the Chartering & Documentary and Liner & Port

Agency committees have embarked upon an extended programme to review, update, withdraw or, if warranted, replace them with new documents.

The first document to undergo the process is the Standard Liner & General Agency Agreement 2001, which is now being developed into a comprehensive agency agreement form that will cover other sections of the agency market, for example bulk cargo (dry and wet), project, break-bulk, coastal/short sea and similar.

The intention is that the core common conditions of an agency agreement will be incorporated in a standard template that can then be modified by the addition of further modules specifically relevant to the particular trade. At present the core elements are being drafted by reference to standard agency agreements already in use and once this task is complete the additional modules will then be developed.

Progress on this ambitious project will be reported to the C&D Plenary Meeting at the 2015 Annual meeting in Brazil.

## MEMBER ASSOCIATION VISITS

Regular visits to Members are of course an integral part of our relationship and FONASBA tries to make as many as possible throughout the year. This year has been no exception and over the past twelve months we have met with our Associations in Belgium, China, Germany, the Netherlands, Norway, Panama, Portugal and Spain and discussed a range of topics in an open and friendly manner.

Whilst it is possible to develop good working relationships by telephone or email, direct personal contact is always so much better and further cements the relationship between the Federation and its Members.

We fully appreciate that some associations are only able to send their President or the Secretary General to the Annual Meeting and so visiting the Association in their home country allows the opportunity for more members to meet with the FONASBA delegation.

So whether these visits are combined with another event (for example meeting with our Member in the host nation for European Maritime Day or the CIANAM Annual Meeting) or as a specific visit, they are an excellent opportunity to meet with the Association board, secretariat and other members, to exchange views and better get to know one another.

FONASBA President, Glen Gordon Findlay and Regional Vice President for Europe Antonio Belmar da Costa visited the Norwegian Shipbrokers'

Association in Oslo and NAVES in Antwerp and were joined by General Manager Jonathan Williams FICS for visits to ANESCO in Spain and VRC/VNC in Rotterdam.

Glen Gordon Findlay, Immediate Past President Marygrace Collins, Regional Vice President for the Americas Javier Dulce and Past President Umberto Masucci met with the Panama Maritime Chamber, as well as other FONASBA Members in the region at the 2015 Annual Meeting of CIANAM, the Inter-American Chamber of National Associations of Ship Agents.

Our Regional Vice President Takazo Iigaki and Chartering & Documentary Committee Chairman Fulvio Carlini FICS also visited our colleagues at CASA in Beijing.

Jonathan Williams participated in the annual meeting of AGEPOR in Lisbon, as well as joining once again with colleagues and friends at the annual Eisbeinessen dinner of the Hamburg Shipbrokers' Association.

FONASBA is always pleased to receive invitations to attend Association board meetings, seminars, special events such as local shipping days or Association anniversaries, or indeed to discuss specific issues, and we will make every effort to attend.

At the same time as FONASBA is travelling to meet Members in their home countries, the Secretariat is of course always very glad to meet visitors from our Member Associations whenever they visit London.

## WEBSITE AND SOCIAL MEDIA ([www.fonasba.com](http://www.fonasba.com), [www.facebook.com/fonasba](http://www.facebook.com/fonasba), [www.linkedin.com](http://www.linkedin.com))

The FONASBA website has been developed continuously and extensively over the past year, in order to reflect the actions and changes within the Federation and to enhance the information available to both Members and other visitors.

For example, the addition of the education course search facility has significantly increased the value of the site as a source of information and the Flickr page is allowing our worldwide membership to share pictures of their activities. Other content has also been significantly enhanced and updated.

The next major development to the site will probably pass un-noticed but will have a marked effect on accessibility. This involves making the site "responsive" for easier access from mobile devices, which currently account for around 80% of all hits on our site, an extremely high proportion compared with other sites of a similar nature. Responsive sites

automatically adjust the view to match the device, so it is no longer necessary to scroll left to right when viewing the site on a mobile phone, for example. Other improvements in the background will enable the Secretariat to make changes and upload data more effectively.

On social media, FONASBA has launched both a Linked In profile and a Facebook fan page. They will allow registered users of both social networking sites easier access to photographs, posts and other reports on FONASBA activities and to "like" what they see. Currently under investigation is the best way of ensuring that the information on both Facebook and Linked In is coordinated and consistent.

FONASBA Members are encouraged to provide material to post to these sites. Please send contributions for the fan page to the Secretariat: [admin@fonasba.com](mailto:admin@fonasba.com)

## FONASBA/ECASBA EVENTS ([www.fonasba.com/news-and-events/fonasba-events](http://www.fonasba.com/news-and-events/fonasba-events))

FONASBA's flagship event is the Annual Meeting. Given the geographical spread of the membership, this is the only occasion during the year where all Members can meet, discuss current issues affecting the ship broking and ship agency sectors, exchange views and play their part in the organisation and administration of the Federation. Members of the host association are also encouraged to attend.

The work programme for every event includes meetings of the ECASBA Advisory Panel and FONASBA Executive Committee, as well as the plenary meetings of FONASBA's three Standing Committees: ECASBA, Chartering & Documentary and Liner & Port Agency. A seminar on local issues or a maritime themed visit and the Council Meeting, (the annual general meeting of the Federation), bring the week to a close. An extensive social programme is also organised, further enhancing the opportunities for networking.

The 2014 Annual Meeting took place in Gothenburg, hosted by the Swedish Shipbrokers' Association. More than 90 delegates and nearly 30 partners were present at the event. The city's long history of shipping and seafaring was celebrated in the work and social programmes, one highlight being a visit to a replica of the largest sailing vessel of the eighteenth century, the aptly-named "Gothenburg".

For 2015, the Annual Meeting will be held in Vitória, Brazil hosted by FENAMAR. The event starts on Monday 12<sup>th</sup> October and the meeting programme concludes on Friday 16<sup>th</sup>. In addition to the meetings, the programme will include a visit to the port of Tubarão, home to Vale and the biggest iron ore export facility in the world.

Each Annual Meeting is unique but also builds on the one that went before, thus allowing FONASBA to evolve year on year. The President, Executive Committee and our colleagues at FENAMAR therefore hope that every FONASBA Member Association will be represented in Vitória this year to continue that upward trend. We would take this opportunity to remind all our readers that participation in the Annual Meeting is not limited to national association representatives only. If a company member of a FONASBA national association wishes to be present at the Annual Meeting, they are very welcome to do so. Increasing participation in FONASBA's activities at individual company level is a great way of enhancing the level of engagement within the Federation and we would encourage companies to register.

Full details of the 2015 Annual Meeting are available

via the FONASBA website (the address is above) or directly from the FENAMAR website at: [www.fenamar.com.br/?page\\_id=2507](http://www.fenamar.com.br/?page_id=2507)

FONASBA's other major event each year is the ECASBA seminar which is usually held in spring in Brussels or another European maritime city, with recent hosts having included Naples and Hamburg. The 2016 seminar will take place in Lisbon. This event brings ECASBA (and FONASBA) Members into direct contact with the European Commission and colleague European maritime associations to discuss relevant issues in a frank manner, with the private nature of the meeting ensuring confidentiality and openness.

The 2015 seminar was held as part of the inaugural European Shipping Week celebrations that saw Brussels become the centre of the European maritime industry for the first week in March.

This tenth anniversary event was the best attended yet, with participation being boosted by the presence, during the afternoon session, of representatives from the European Shortsea Network and other organisations such as ESPO and the World Shipping Council. This broadened the scope of the topics discussed (although customs and e-Maritime headed the programme as they have done for many years) and opened up the discussion. More details of the seminar are given in the European report which starts on page 11. As with the FONASBA Annual Meeting, attendance is not limited to official Member Association representatives, nor indeed to just European Associations. Any member of FONASBA, at whatever level, is welcome to participate. Information on the 2016 ECASBA seminar in Lisbon, supported by the Port of Lisbon and the European Maritime Safety Authority, will be circulated to members and posted to the website early next year.

As well as our own events, FONASBA also supports the CIANAM Annual Meetings, London International Shipping Week and European Shipping Week.

ECASBA is a member of the Steering Committee for European Shipping Week, which is now actively working on preliminary plans for the second Shipping Week in 2017.

Details of the events FONASBA supports are available from the website.

## RELATIONS WITH INTERNATIONAL ORGANISATIONS

FONASBA continues to maintain effective and close working relations at international level with its partner maritime sector organisations.

Within IMO, FONASBA has played an active role in the development of the guidelines for container weighing and in the review of the FAL Directive.

With regard to container weighing, the amendments to SOLAS will come into force on 1st January 2016 and there remains considerable confusion and doubt as to how the regulations will be implemented locally and their impact on container traffic. FONASBA has therefore encouraged all Member Associations to engage with their national maritime safety authorities to ensure the measures are introduced effectively and with minimum impact on port and shipping operations.

In relation to the FAL review, notable success has been achieved in securing the first definition of the role of the ship agent in an IMO Convention. During the initial discussions leading up to the development of the revised document, it was noted that although the ship agent was mentioned throughout the text, there was no separate definition. Moreover, the existing definition of the ship owner made reference to the duties of the ship agent towards the owner, but by implication also bound the agent to the obligations and liabilities of the owner. Clearly this was not appropriate or relevant to the relationship between the parties so FONASBA proposed that a new definition be drafted and inserted.

The definition remains in the new Convention as it awaits final ratification in 2016, so we are hopeful it will be fully enshrined in international maritime regulatory usage from next year. The definition reads: *“Ship Agent: The party representing the ship’s owner and/or charterer (the Principal) in port. If so instructed, the agent is responsible to the Principal for arranging, together with the port, a berth, all relevant port and husbandry services, tending to the requirements of the master and crew, clearing the vessel with the port and other authorities (including preparation and submission of appropriate documentation) along with releasing or receiving cargo on behalf of the Principal”*. As a consequence of this clause, a number of other amendments were made elsewhere in the text of the Convention for consistency.

As reported on page 2, FONASBA is also supporting the IMO Secretary General’s 2015 World Maritime Day initiative on maritime education and training.

Our relationship with the World Customs Organisation continues to develop following the signing of our enhanced Memorandum of Agreement in May 2014.

Unlike IMO, WCO does not grant consultative status to industry organisations but does allow those associations with MoU’s to be present at, and participate in, the meetings of its Council and technical committees. Our commitment to working with WCO was underlined by the presence of General Manager Jonathan Williams at the 124th/125th Council Meetings of the organisation in Brussels in early June. Although the meeting was largely taken up with administrative and procedural matters, including the election of the Directors of the Committees on Compliance & Facilitation, Capacity Building and Tariff & Trade Affairs, it was an ideal opportunity to make FONASBA known within WCO and the network of other associations that support its work.

The Council Meeting was also an opportunity to discuss with the Secretary General’s office FONASBA’s application to join the Private Sector Consultative Group, PSCG. This Group is currently being reorganised but it is hoped that FONASBA will be considered for a place on it early next year.

As well as IMO and WCO, FONASBA continues to maintain close and effective working relationships with other maritime sector organisations at both international and European level. As well as our Club members the Baltic Exchange, BIMCO, INTERTANKO, IPCSA, ITIC and the Shipbrokers Register, we also work with Intercargo, the International Chamber of Shipping, the International Group of P&I Clubs and the World Shipping Council, to name but a few.

At European level, ECASBA is the voice of the ship agency and ship broking professions in the EC in discussions with the European Parliament, Commission and other institutions. It also has formal cooperation agreements with the European Community Shipowners Association (ECSA) and the Escola Europea de Short Sea Shipping (2E3S). ECASBA also works regularly with those bodies representing other sectors of the maritime and shipping industries (see page 11).

Cooperation on common issues and the pooling of resources are vital to the successful achievement of shared goals and we are committed to maximising the benefits of working together with our colleagues where such opportunities present themselves.

## EUROPEAN DEVELOPMENTS

The flow of new proposals from the European Commission for changes to maritime transport and related legislation continues unabated. Over the past year ECASBA has continued to monitor those proposals and to express the views of our Members in bilateral and other discussions with the Commission, the Parliament and, through our members, with national authorities.

Of particular importance to the European maritime sector at this time is the introduction on 1st June this year of the Reporting Formalities Directive, which was intended to usher in a new era of seamless, harmonised reporting for vessels arriving at European ports. The proposal offered the prospect of ships and their agents being able to lodge all their data through one single portal, which would then distribute that information to all the relevant authorities. Clearly this would be a major benefit to ship agents in terms of reducing their administrative workload. Unfortunately, however, the reality is that the complexities of harmonising all the data requirements, combined with a lack of coordination between authorities, has prevented the initiative from delivering on its promises. In many countries, individual authorities have continued to require separate filings, whilst elsewhere disagreements over technical specifications have prevented effective data interchange.

ECASBA has surveyed our European Members to obtain a clear understanding of the current situation and at the same time supported a similar survey, coordinated by ECSA, of the member state authorities responsible for implementing the Directive. It is clear from both surveys that more work will be required before the project is fully operational but our ongoing survey has revealed that what is actually happening does not always match the official position reported by the authorities! A summary of the reports provided by ECASBA Members is available on the website under Membership Surveys (see page 4). ECASBA will continue to monitor developments and ensure Members are kept fully informed.

The development of e-Maritime, of which the reporting Formalities Directive is but one part, continues to be a primary objective of DG-MOVE, the Directorate General for Transport and Mobility. It recently announced the establishment of a Digital Transport and Logistics Forum (DTLF) which aims to bring all relevant parties together to develop a coherent and all-embracing policy for maximising the benefits of digital technology and information exchange for transport across all modes in Europe.

This is a huge and ambitious undertaking but fortunately it is expected that the overall topic will be divided into rather more manageable sections based on common themes. Places on the Forum were in significant demand but we are pleased to report that ECASBA has been invited to participate. We will therefore be taking every advantage of this opportunity to ensure the views of our Members are fully represented. Menno Duin of our Dutch member VRC is the appointed ECASBA representative on the DTLF.

Another issue is the need for transshipment containers with cargoes of animal origin to undergo documentary or full out-turn checks if they remain at the transshipment port beyond certain limits. Unfortunately the recent downturn in the frequency of feeder services has caused more containers to require documentary checks and ECASBA has been instrumental in raising this issue with DG-SANCO, the Directorate General for Health and Consumer Affairs.

ECASBA has argued that modern reefer containers can hold their temperature within close limits for extended periods so the arbitrary inspection deadlines set when the legislation was first introduced in the 1990's are no longer valid. Unfortunately however, a lack of engagement with the issue by the main container ports, combined with an anticipated change to temporary storage limits following from the anticipated introduction in June 2016 of the Union Customs Code, mean that our concerns have not gained sufficient traction within DG-SANCO to convince them to reconsider the current limits. The exercise has, however, given us some useful contacts within SANCO which will doubtless prove useful in the future.

Reference to the Union Customs Code is a timely reminder that the project to harmonise Europe's customs rules and regulations continues towards the planned, but possibly unachievable, deadline for the introduction of the Code next year. DG-TAXUD, the Directorate General for Taxation and Customs Union, continues to devote significant resources to the project but the sheer complexity of the task, combined with some resistance from member states, look set to delay the introduction.

ECASBA and other European maritime associations are represented in the discussions through the Trade Contact Group and we are fortunate to be able to call on the skills of Hilde Bruggeman, General Manager of the Belgian association, NAVES, to guide us through,

*(Continued on page 12)*

## EUROPEAN DEVELOPMENTS/2

*(Continued from page 11)*

and make sense of, the significant quantity of complex paperwork that is issued by TAXUD on an almost daily basis. Since her appointment earlier this year as coordinator of the ECASBA Customs & Transit Working Group, Hilde has ensured that ECASBA is fully represented at the TCG meetings and in discussions with DG-TAXUD.

The first anniversary of the issue of the Athens Declaration by the EU Transport Ministers in May 2014 provided an opportunity for the maritime sector, organised and coordinated by ECASBA, to issue a reminder to the Commission, Parliament and Member States of the value of short sea and coastal shipping to Europe's economic well-being and to encourage all parties to take urgent, practical action to enhance the usage of this vital, but underused mode of transport.

In a new development, ECASBA was one of the organisations supporting the first European Shipping Week event held in Brussels in March this year. The event sought to promote the value and importance of the European shipping sector to the European institutions and to the wider public. Supported by DG-MOVE, the event allowed organisations to host their own events around a central conference that covered the main issues facing the industry in Europe. As reported on page 6, ECASBA held its Brussels seminar as its contribution to the programme. As well as similar events held elsewhere, the programme featured visits to terminals, ports and ships. ECASBA was also represented at the main conference by Chairman Antonio Belmar da Costa, who took part in a number of panel discussions throughout the day.

The programme finished with a Gala Dinner attended by politicians, Commission officials, members of the Steering Committee and invited guests.

The event was judged by all concerned to have been a major success and another event is planned for March 2017. ECASBA remains on the Steering Committee and will again play a role in shaping the next event.

As mentioned previously, ECASBA works in close cooperation with its European colleague associations and in particular with ECSA. In December last year, ECSA and ECASBA signed a cooperation agreement which gives us access to their extensive knowledge and experience of European issues and the institutions. Under the agreement ECASBA receives

regular updates on all the issues ECSA is working on, and has the opportunity to join some of its internal working groups. Whilst some of the issues are not directly relevant to our Members, the agreement has certainly increased the flow of information available to us and ensured that we are fully up to date on all developments - and thus able to comment appropriately.

As well as our relationship with ECSA, ECASBA also works closely with other European organisations including the Cruise Line Industry Association (Europe), the European Shippers Council, the European Tugowners Association, the European Union Dredging Association, the European Federation of Inland Ports, the European Seaports Organisation, the European Terminal Operators Association and the Brussels office of the World Shipping Council. By cooperating and collaborating with our colleagues, the voice of the maritime and shipping communities is considerably strengthened in front of the European Commission and Parliament.

There are, of course, occasions when it is better for ECASBA to make its own representations to the Commission and our ability to do so is significantly boosted by the network of active and current contacts within the DG's covering transport, customs, health, maritime affairs and environment. These contacts range from Director General to policy officer level and enable ECASBA's contacts to be tailored to the specific issue in hand. The strength of these relationships is further demonstrated by the willingness of senior Commission staff members to meet with us at short notice and to participate in our Brussels seminars, where the closed nature of the meeting, without the press being present, allows for a frank and open exchange of views between the Commission and our members.

ECASBA also has an excellent relationship with the European Maritime Safety Agency, as indicated by their support for the 2016 ECASBA seminar, and the Escola Europea de Short Sea Shipping (2E3S) (see page 6) and these further broaden our influence over European maritime matters.

Decisions taken in Europe have a profound impact on maritime transportation worldwide and ECASBA remains committed to ensuring that the role of the ship agent and ship broker are acknowledged by legislators and that the practical realities of the shipping sector are taken into account when framing legislation.

PHOTO PAGES



*Left to right: FONASBA General Manager Jonathan C. Williams FICS, ECASBA Chairman Antonio Belmar da Costa, ANESCO Board member Antonio Crespo, FONASBA President Glen Gordon Findlay, ANESCO Board members Albert Oñate and Ramón Oliete Cossia, Barcelona, January 2015*



*Left to right:  
ECASBA Chairman  
Antonio Belmar da  
Costa, FONASBA  
President Glen Gordon  
Findlay, 2E3S Director  
Eduard Rodes and  
FONASBA General  
Manager Jonathan C.  
Williams FICS,  
Barcelona, January  
2015*

PHOTO PAGES/2



*Left to right: ECASBA Chairman Antonio Belmar da Costa, FONASBA President Glen Gordon Findlay, VRC Board member Graham Wastell, VRC Secretariat member Marco Tak, FONASBA General Manager Jonathan C. Williams FICS, VRC Chairman Kees Groeneveld and VRC General Manager Menno Duin, Rotterdam January 2015.*



*FONASBA President Glen Gordon Findlay (centre right) and 2E3S Director Eduard Rodes (centre left) sign the cooperation agreement at the ECASBA seminar in March. Also pictured are FONASBA President Designate John A. Foord FICS (left) and ECASBA Chairman Antonio Belmar da Costa (right).*

PHOTO PAGES/3



*ECASBA Chairman Antonio Belmar da Costa participates with Greek ship owner John Lyras in a panel discussion during European Shipping Week 2015, Brussels, March 2015.*



*Left to right:  
FONASBA RVP  
Americas Javier Dulce,  
CIANAM President  
Francisco Orozco,  
FONASBA Immediate  
Past President  
Marygrace Collins,  
FONASBA President  
Glen Gordon Findlay  
and Past President  
Umberto Masucci at the  
12th Annual Meeting of  
CIANAM, Panama City,  
April 2015*