



ANNUAL MEETING LONDON 2016

**LINER & PORT AGENCY PLENARY MEETING
20th OCTOBER 2016**

MEMBER ISSUES UPDATE

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

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



Initiating Member: ANESCO Spain

Enquiry:

Our Spanish colleagues would be interested to know what protocols or procedures apply at ports in your Member State in relation to giving notice of port closures or navigation restrictions on vessel movements due to anticipated adverse weather conditions. For example, on some occasions in Spain, this notice is only given just a few hours before the vessel should enter the port. Your detailed advices as to when such notices are given (and if that notice varies by vessel type/size) would be appreciated soonest.

Enquiry date: November 2015

Number of responses: 11 (ECASBA members only)



Initiating Member: ASBAC Croatia

Enquiry:

The Republic of Croatia has developed and implemented the national SafeSeaNet system named Croatian Integrated Maritime Information System (CIMIS) which became operational on 1st July 2013 and as from that date every ship arriving in and departing from a Croatian port is obliged to provide CIMIS with the required information.

*The development of CIMIS is based on national as well as EU requirements and EU Directives 2002/59/EC (the Vessel Traffic Monitoring System directive) and 2010/65/EU (the Reporting Formalities directive). Article 2.2b of Directive 2002/59/EC states that this **Directive does not apply to fishing vessels, traditional ships and recreational craft with a length of less than 45 meters.** So in view of the application of these measures to all vessels arriving in Croatian ports, we would like to know what are the protocols or procedures applied at ports in your Member State in relation to reporting formalities through national SafeSeaNet systems for **recreational craft with a length of more than 45 metres.***

Enquiry date: December 2015

Number of responses: 11 (ECASBA members only)

Initiating Member: AGEPOR Portugal

Enquiry:

The designated authority for container weighing in Portugal has asked AGEPOR to provide input from other FONASBA members with regard to using weighbridges for ascertaining container weights. Under normal circumstances containers are weighed on the truck en-route to the terminal using a weighbridge and the weight of the container is calculated after deducting the stated weight of the vehicle. Given that the actual weight of the vehicle can vary significantly from its stated (empty) weight (for example due to the amount of fuel, any modifications after manufacture etc.) the weight of the container assessed by this method could actually be incorrect by a significant amount. Clearly if the container is weighed again at a later stage and the weight is indeed found to be incorrect, issues will arise as no tolerance for inaccurate weight assessment is allowed under SOLAS.

Our question is therefore:

“Has the designated authority in your country given any guidance as to how this issue will be resolved, and if so what is their view on how it should be dealt with within the limitations of SOLAS?”

Enquiry date: December 2015

Number of responses: 23





Initiating Member: ZVDS Germany

Enquiry:

The maritime authorities in Germany are endeavouring to promote the use of English as the first language for navigation in German coastal waters. In cooperation with the German Shipowners' association we are preparing a submission on this topic and we would therefore be grateful to receive information from ECASBA member associations on the use of the English language in coastal navigation in other European countries, and especially in the language used for communication between the pilot and the tug captain in your ports.

We are particularly interested to know what rules govern the use of English in these situations and also the reasons why it is (or is not) accepted by the national authorities.

Enquiry date: January 2016

Number of responses: 14 (ECASBA members only)



Initiating Member: AMCF France

Enquiry:

Being presently under discussions with our French authorities regarding the procedures/methods of treatment to be applied on rough lumber (logs) ready for export, we are very much interested to know what are the procedures/regulations in force in the other EC countries/ports concerning this product, for example spraying of chemical products in the containers, fumigation, barking or any other requirements or constraints

Enquiry date: January 2016

Number of responses: 3 (ECASBA members only, enquiry cut short due to other developments)



Initiating Member: NAVES Belgium

Enquiry:

We would like to know how the principles laid down in article 36 of the Schengen Visa Code are applied in day-to-day practice in the other Schengen countries:

Is there a limitation to the number of crew members leaving the ship and applying for a transit visa at the external border (port)?

Is there any proof required about the exceptional and urgent nature of a transit visa application at the external border (port), and if so, in what way can such proof be delivered?

How are crew changes of half or even the full crew looked upon, is the exceptional and urgent nature or such changes accepted?

Are multiple entry visa with a longer period of validity for the purpose of transit being issued at the external border (port)?

Enquiry date: April 2016

Number of responses: 10 (ECASBA members in the Schengen zone only)

Initiating Member: Israel Chamber of Shipping

Enquiry:

We have been approached by one of the ports regarding value added tax.

They claim that paying 0% VAT by the agents for all their activities is wrong, and begin to start with by demanding full VAT payments for the storage of empty containers in the port. The other port does not demand it, neither all the inland terminals.

Since it comes originally from the VAT Authorities, we must handle the case professionally and in an adequate manner.

The Israeli VAT law indicates clearly that all expenditures pertaining to foreign citizens should be subject to 0% VAT. Until recently, that was the case also in practice.

We wonder what is the practice in other countries and ask your help' either directly or by directing us to the right persons.

Enquiry date: April 2016

Number of responses: 12 (ECASBA members only)





Initiating Member: FENAMAR Brazil

Enquiry:

- 1. Do your members normally receive inward payment for disbursements from 3PFSP's in local currency or another currency, e.g. US Dollars? (If all payments are received in local currency, there is no need to answer the subsequent questions).*
- 2. If that payment is normally made in another currency, have your members received any advice or notification from 3PFSP's that they intend to move to making payment in local currency?*
If so:
- 3. Are there any negative implications for your members in receiving payment in local currency?*
- 4. Are you aware of any reaction from ship owners to the decision to remit payments to agents in local currency?*

Enquiry date: August 2016

Number of responses: 29



Initiating Member: Assn. of St. Petersburg Shipping Agents

Enquiry:

Due to recent changes in the procedures for issuing transit visas to foreign seamen in Russia, the issuing process now takes up to 20 days after the application is lodged. (Previously seafarer transit visas could be issued within 24 hours of application). Such a delay is in contravention of the Maritime Labour Convention and Seafarers Identity Documents Convention (both of which have been signed by the Russian Federation) and an obvious impediment to the efficient change and repatriation of crew members in Russian ports. In order to support our actions to return the visa process to its original 24 hour timescale, we are asking FONASBA members in Europe to advise:

- 1) Is a visa required for the repatriation of a seaman (non-EU citizen) from your country?*
- 2) How long does it take to get the visa?*

Enquiry date: September 2016

Number of responses: 30



In addition, FONASBA has undertaken two surveys in relation to container weighing, in March and September, for which 39 and 30 replies were received. A survey in relation to the FONASBA 2020 project, carried out over the period May to September, generated 40 replies.

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.

GOOD NEWS!: The average response rate has risen over the last year to 51%* (up 10%) for FONASBA surveys and 61% (up 3%) for ECASBA surveys*

*Across all surveys carried out since November 2014