

FONASBA MEMBERSHIP ENQUIRY



ENQUIRY RESPONSE FORM

ORIGINATING ASSOCIATION:	APRAM MOROCCO
ENQUIRY DETAILS:	<p><i>This enquiry relates to terminal handling charges (THC) for containers and regulation of the ship agent.</i></p> <ol style="list-style-type: none"> <i>1. Generally speaking, are terminal operators in your country debiting THC to the ship owner or their agent? If so, does the owner or the agent then recover the THC from the consignee?</i> <i>2. Alternatively, is the terminal collecting the THC directly from the consignee?</i> <i>3. In Morocco, the activities of the ship agent are regulated by the Merchant Marine Administration. If ship agents are regulated in your country, please state which authority is responsible for overseeing their activities?</i>
REPLY TO:	admin@fonasba.com
CLOSING DATE FOR REPLIES:	Friday, 23rd June 2017

RESPONDING ASSOCIATION COMMENTS: (Please include any attachments)

Algeria	<ol style="list-style-type: none"> 1. Terminal and port operators are debiting THC to the agent, the ship's agent will recover THC from consignee. 2. The terminal is not collecting the THC directly from the consignee. 3. In Algeria, the activities of the ship agent are regulated by the Administration of the Merchant Marine and ports.
Argentina	<ol style="list-style-type: none"> 1. Contracts between Terminals and Shipping Lines are negotiated individually and the Tariffs have variations depending on volume, numbers of containers etc. Agents do not intervene in this issue. THC is a surcharge that lines apply to customers in order to recover port costs. 2. We have a particular situation in Buenos Aires Port where the state allowed the Terminal to collect a surcharge similar to THC to consignees (movement from hook to floor and from floor to yard and vice versa). However, Shipping Lines still collect THC on the basis that THC is a registered surcharge and is a part of carriage contract. 3. In Argentina, Ship Agents are registered in the Customs House and Coastguard. There are light provisions in this regulations regarding the overseeing of the activity.

Belgium	<ol style="list-style-type: none"> 1. Terminal handling charges are only due in case of “liner terms” / containers. THC are always invoiced by the agent to the consignee or his representative. After collecting these, the agent settles these with the terminal. 2. No, THC are always invoiced through the intermediary of the agent, unless in case of “free out” which is rather unusual for containers. 3. The profession of ship agent is not regulated in Belgium.
Brazil	<ol style="list-style-type: none"> 1. This is exactly how it works in Brazil. 2. There are no records of this procedure since it is much easier to charge the ship owner/agent instead of lots of consignee. 3. The role of the shipping agent is highly recognized and seen as vital by the government and the consenting bodies, however, in Brazil there is no legal supervisor for their activities.
Bulgaria	<ol style="list-style-type: none"> 1. Terminal operators in Bulgaria are generally debiting terminal handling charges (including containers) to the ship owners. 2. Not applicable. 3. Ship agent activities are not regulated in Bulgaria, you only need to be registered as a commercial firm and have the appropriate contracts with related companies (ports, suppliers, tugs etc.)
Côte D’Ivoire	<ol style="list-style-type: none"> 1. Terminal operators debit directly the equivalent of THC, here called “acconage”, to the consignees, the stevedoring cost being directly debited by terminal operator to the ship owners. 2. Yes, Terminal operator collects directly “the acconage” from the consignee. 3. In Côte d’Ivoire, the ship agent’s activities are regulated by the Ministry of Transports who delivers the agreement to exercise.
Croatia	<ol style="list-style-type: none"> 1. GENERALLY, TERMINAL OPERATOR ARE DEBITING THC TO AGENTS (INVOICE TO THE OWNER C/O TO THE AGENT), AND AGENT IS RECOVERING IN THE NAME AND ON BEHALF OF THE OWNER FROM THE CONSIGNEE (IMPORT) AND SHIPPER (EXPORT). 2. NO. 3. MINISTRY OF SEA ISSUES THE LAW, HARBOUR MASTER KEEPS THE REGISTER OF THE SHIPPING AGENCY AND BOARDING AGENTS, PORT AUTHORITY ISSUES PERMISSION (CONCESSION) TO WORK IN THE PORT.
Cyprus	<ol style="list-style-type: none"> 1. Port Operators are invoicing the port charges concerning ships, goods and passengers to the Shipping Agents including the terminal handling charges. 2. The Shipping Agent is subsequently invoicing the Shipowners or Consignees or Shippers accordingly as the case may be. 3. Although the profession of the Shipping Agent is not officially regulated in Cyprus the responsibility for overseeing their activities/services lies with the Cyprus Ports Authority and the Ministry of Transport Communications and Works.
Denmark	<ol style="list-style-type: none"> 1. THC is invoiced to the shipping Line or agents pending on local agreement who in return invoices THC to Forwarding agents or consignee. 2. No. 3. The activities of ship agents are not regulated in Denmark.

Dubai	<ol style="list-style-type: none"> 1. To the Agent. Agent then recovers from the Consignee. 2. No. 3. All Agents have to have a Licence in order to operate here. Licences are issued by various Authorities such as, JAFZA, Department of Economic Development etc. depending on where they are located.
Egypt	<ol style="list-style-type: none"> 1. Generally speaking, terminal operators in Egypt debiting THC to the agent. And the agent then recover the THC from the consignee. 2. No. 3. The activities are regulated by Ministry of Transport “Maritime Transport Sector”.
Finland	<ol style="list-style-type: none"> 1. Yes, operator debit ship owner/agent. Yes, owner/agent recover from consignee. 2. Generally No. 3. Ships agents not regulated but do need provide funds/guarantee to Customs for collectable fairway dues.
France	<p>As far as France is concerned</p> <ol style="list-style-type: none"> 1. THC are billed by terminal operators to the shipping line or its agent. Shipping line or its agent charge consignees. 2. Terminal operators are not billing THC to cnees. However it may happen in case of liquidation - When Hanjin Shipping failed to pay THC to terminals, cnees were charged directly by terminals. 3. Big issue in France. Maritime Agent is not officially recognized.
Greece	<ol style="list-style-type: none"> 1. THC CHARGES ARE PAID TO THE LINE AGENT BY THE SHIPPER OR THE CONSIGNEE. 2. SHIP AGENT’S LEGISLATION IS PART OF THE COMMERCIAL LAW. THE SHIP AGENT’S LICENSE HOWEVER IS REGULATED BY THE MINISTRY OF MERCHANT MARINE AND GRANTED BY THE COAST GUARD.
Hungary	<ol style="list-style-type: none"> 1. Generally, inland terminals debits THC either to shipping lines, or to rail operators. 2. Sometimes it happens that terminals collecting THC, or part of THC from Consignee, or its freight forwarder. It happens usually when client requesting additional service on terminal (e.g. stuffing and stripping, etc.) 3. Activity of shipping agents in Hungary is not regulated by special Authority. Of course, ship agents must keep laws, regulations of Hungary, and could be controlled by several authorities of Hungary like as other companies.
Israel	<ol style="list-style-type: none"> 1. In Israel the local agents are charging the Customers (Exporters and Importers) with the THC on behalf of the Owners in addition to the Ocean Freight. 2. The answer is negative. 3. The Port Activities in Israel are regulated by various laws. The organ which is the Watch Dog of applying these laws is the Administration of Shipping and Ports within the Ministry of Transportation. The Ship Agent activities are not regulated by the Shipping and Ports laws. <p>The Israeli Chamber of Shipping adopted a kind of an alternative by using FONASBA'S Quality Standard (With FONASBA 's Consent and Supervision) to Confirm that specific agents which are operating as per FONASBA 's Quality Standard might be certified/ awarded by FONASBA and the Israeli Chamber of Shipping with the respective local Agency Certification. It does not have a legal standard but ensures the Agency a correct business attitude.</p>

Italy	<ol style="list-style-type: none"> 1. In Italy terminal operators debiting THC to their agent and then agent recovers the THC from the consignee. 2. No 3. In Italy the activities of the ship agent are regulated by Law 135/1977 and the authority responsible for overseeing activities is the Ministry of Infrastructure and Transport.
Japan	<ol style="list-style-type: none"> 1. Generally speaking, terminal operators in our country settling with Carrier and Carrier's agent will collect THC from the Consignee. 2. No. 3. Ship agents must notify to local office of districted transport department under Maritime Bureau, MLIT (Ministry of Land, Infrastructure, Transport and Tourism) in Japan.
Jordan	<ol style="list-style-type: none"> 1. Discharging containers from ship to the berth we call it STEVADORING and this paid by The Agent on Behalf of the line. 2. THC is handling containers within the terminal and this paid directly by the consignee directly to the terminal. 3. Ship Agents regulated by the Jordan Maritime Authority.
Kenya	<ol style="list-style-type: none"> 1. THC is debited to ship owner which is recovered from the shipper (importer/exporters). The terminal operator in Kenya debits the carrier/ship. 2. No. 3. The agent responsible in regulating ship agents is Kenya Maritime Authority (KMA) - A state corporation.
Libya	<ol style="list-style-type: none"> 1. Terminal Operators in Libya are not dealing with owners in any case but with agents, the THC in case FIOS terms are invoiced to consignee and in case liner terms to the ship agent. 2. In case FIOS terms, yes direct from consignee. 3. The ministry of transport, Marine division and the Libyan Chamber of Shipping.
Malta	<ol style="list-style-type: none"> 1. No. 2. Yes. 3. The Ship Agents are not regulated, but Transport Malta, formerly Malta Maritime Authority, is the authority that is responsible to oversee the activities of the Ship Agents.

Mexico	<ol style="list-style-type: none"> 1. - 2. IN MEXICO TERMINAL OPERATORS DEBIT THC TO THE SHIPER OR CONSIGNEE THROUGH THE BROKER AGENT. 3. IN MEXICO THE AUTHORITY IS THE GENERAL COORDINATION OF PORTS AND MERCHANT MARINE.
The Netherlands	<ol style="list-style-type: none"> 1. Shipping agent is recovering THC from the consignee, which includes the terminal handlings of the full container at the terminal plus the empty handling depot. Terminal is charging the shipping agent for the handling charges at the terminal as per individual commercial contract. 2. No. 3. N/A.
Portugal	<ol style="list-style-type: none"> 1. THC is included in the all in rate debited by the terminal operators to the ship owners who then will charge the exporters and importers. 2. No. 3. Ship agents are regulated by IMT - Instituto de Mobilidade e Transporte.
Slovenia	<ol style="list-style-type: none"> 1. THC is debiting ship owner and ship owner/agent is recovering THC from consignee. 2. No. 3. Ministry of infrastructure are the one who are controlling agents and normally the Ministry of finance.
South Africa	<ol style="list-style-type: none"> 1. It is debited to the vessels agent who will then recover the THC from the consignee on settlement of all charges and release of the container. 2. Negative. 3. All shipping lines and vessel agents register with SAASOA and the National Port Authorities and operate under their regulations.
Spain	<ol style="list-style-type: none"> 1. The law admits both options. 2. Mainly option 1, especially in container and ro-ro traffic. <p>In same cases of shipments of liquid or solid bulks, non-containerized cargos,... option 2 is used.</p> <ol style="list-style-type: none"> 3. We have a Spanish law for both Merchant Marine and national ports.
Tunisia	<ol style="list-style-type: none"> 1. TO THE AGENT AND YES INVOICED THEN 100% TO THE CNEE. 2. NEVER. 3. DIRECTION GENERALE DE LA MARINE MARCHANDE DGMM.
UK	<ol style="list-style-type: none"> 1. THC in the UK is charged by the shipping line/carrier to the consignee. 2. There is normally no direct contact between the terminal operator/stevedore and the consignee, all communication is via the agent. Stevedoring charges are debited by the terminal operator or stevedore to the line, either directly or via the agent. 3. In UK the ship agent is not regulated, other than general business laws that are not specific to our industry. There are no Government Departments having direct responsibilities for 'ship agents'.

Uruguay	<ol style="list-style-type: none"><li data-bbox="363 192 1466 282">1. The Uruguayan Terminal Operators debit the THC to the ship owner which is recovered from the consignee through the ship agent for the account by order of the ship owner<li data-bbox="363 286 1466 349">2. No, in all cases the THC is recovered through the ship agent for the account by order of the ship owner.<li data-bbox="363 353 1466 443">3. In Uruguay, the Maritime Agents are authorized by the National Customs Office, under the Ministry of Economy and Finance and must register with the National Ports Administration in order to be able to operate.
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