

FONASBA MEMBERSHIP ENQUIRY



ENQUIRY RESPONSE FORM

ORIGINATING ASSOCIATION:	The Alexandria Chamber of Shipping
ENQUIRY DETAILS:	<p><i>In cases of abandoned containers, the Port Procedures Survey indicates that in most cases the contents are disposed of by auction. In order to assist our association in its discussions with the port of Alexandria, please advise the following in relation to procedures in your country:</i></p> <ol style="list-style-type: none"> 1. <i>Who (carrier/agent another party) is responsible for organising the auction of the contents?</i> 2. <i>What procedures are in place for the disposal of dangerous or prohibited goods which cannot be auctioned in the normal way?</i> 3. <i>Are the costs of disposing of dangerous or prohibited cargo charged back to the carrier through the agent?</i> 4. <i>Do ports accept abandoned containers from other ports/elsewhere for disposal?</i> 5. <i>After disposal of the contents, is the container returned to the carrier?</i>
REPLY TO:	admin@fonasba.com
CLOSING DATE FOR REPLIES:	FRIDAY 10th NOVEMBER

RESPONDING ASSOCIATION COMMENTS: (Please include any attachments)

Algeria	<ol style="list-style-type: none"> 1. The auction operation is under customs responsibility. 2. The discharge of dangerous goods is submitted to port authorisation with the consignee engagement to take directly the container, in most Algerian ports no containers of dangerous goods are authorised to stay in port. 3. In case of disposal the costs are charged back to the carrier through the agent. 4. Ports do not accept abandoned containers from other ports. 5. Yes.
Belgium	<ol style="list-style-type: none"> 1. The auction can only take place after an authorisation of the court. The court will take into account the so-called "lien on cargo" clause that can be found on the reverse side of the bill of lading. It is the carrier who is authorized by the court to have the cargo sold at the highest bidder. This has to be done by the intermediary of a bailiff. As the sale takes place locally, the agent will follow-up on behalf of the carrier. Remark: the official procedure through court is rather costly. If the proceeds of the sale are expected to be nil or very low, and there is no indication that the goods will ever be revindicated, the carrier may decide to take the risk of selling the goods without intervention of the court.

	<ol style="list-style-type: none"> 2. These are to be disposed of at the carrier's costs and risk. He will have the right to recover his costs from the cargo interests (also shipper) under the bill of lading (if of course still existing / traceable / solvent). 3. Supposing that the agent acted upon instruction / with consent of the carrier, what should always be the case: yes. The carrier is obliged to indemnify and hold harmless the agent for all kind of costs incurred by the agent in fulfilling his duties under the agency contract. 4. If they can be disposed of in a correct and legal manner, and if someone (the agent for instance) is taking care of /making the arrangements for the disposal: yes. 5. Yes.
Brazil	<p>According to survey among our members, here is our comments:</p> <ol style="list-style-type: none"> 1. Customs. 2. In a very simple and brief way, in cases where the importer is known, he will be required to take the appropriate environmental measures for the cargo destination. When the importer is not found, the competent government bodies will be responsible for this. 3. Firstly the importer is notified to bear the costs but, in its absence, the government will be in charge of that. 4. Generally, they do not. 5. As the procedure can be very time-consuming, the carrier usually gets the empty containers back through a Judicial Action, even before the contents are discarded.
Côte D'Ivoire	<ol style="list-style-type: none"> 1. The party responsible for organising the auction of contents is the custom authority 90 days after discharging date in port. 2. The procedures for the disposal of dangerous or prohibited goods which cannot be auctioned are: <ul style="list-style-type: none"> • Return back the cargo to loading port after local import charges are paid • Destruction of the cargo by authorised authorities at carrier's agent request 3. The costs of disposing of dangerous or prohibited goods are charged back to the carrier through the agent. 4. Port doesn't accept abandoned containers from other ports/elsewhere for disposal. 5. After disposal of the contents, the empty container is return to carrier.
Croatia	<ol style="list-style-type: none"> 1. First of all, Carrier/Agent is charged for the storage of full container on the terminal and, consequently, they are interested to find solution. Solutions are: returning of goods back to the Shipper, storage of goods into warehouse, auction of goods at the port of discharge or selling of goods in the third port. 2. Goods may be seized and destroyed by local Customs. 3. Yes. 4. No. 5. Yes.

Cyprus	<ol style="list-style-type: none"> 1. The auction of the contents lies with the Customs administration's responsibility according to the prevailing Customs Law/Regulations following a specific procedure. 2. For dangerous goods once they are permitted to be stored in a special area of the port the same procedure is followed as it is the case with all other goods. In the case however that they cannot be auctioned the Customs Authorities may order the said goods to be destroyed. 3. From the net proceeds of the auction the charges due to the State Authorities should be paid first and thereafter all other debts to be settled accordingly. Costs are not charged back to the carrier or the agent. 4. Once a container is landed at any port in Cyprus - subject to the approval by the local port Authorities - irrespective of whether they are abandoned from other ports the same procedures mentioned above are applied. 5. After disposal of the contents the container is returned to the carrier as a ship's tool.
Denmark	<p>The first action prior to an auction of the goods is obviously to get in touch with the shipper. If not succeeded an auction or disposal may be applicable.</p> <ol style="list-style-type: none"> 1. Customs would organise the auction. <p>2 & 3. In case of disposal of dangerous or prohibited goods which have been confiscated, the designated authority would be organising the disposal, and the designated authority charge expenses in connection with the disposal to the carrier or equivalent economic operator, e.g. a liner agent.</p> <p>4. According to the member we have asked, which is a global container carrier, there would not be a situation where an abandoned container would be moved in between ports in Denmark for disposal.</p> <ol style="list-style-type: none"> 5. The empty containers are returned to the carrier.
Dubai	<ol style="list-style-type: none"> 1. Port Authority. 2. Handled by EHS Trakhees. (Environment, Health & Safety) 3. To the Agent. 4. No. 5. Yes.
France	<ol style="list-style-type: none"> 1. Usually cargo is ceased by customs who organise auction. 2. Cargo is usually carried to a company in charge of destruction. Under customs supervision and costs on carrier's account through the agent. 3. Yes 4. Usually no. 5. Yes
Hungary	<p>Abandoned container in inland terminals is an extremely rare case. There wasn't such case with laden container in the past 15 years in Hungary, due to the fact that hinterland road/rail/river transportation from ports to terminals organized by freight forwarders or shipping lines (till Budapest CY), so they can keep continuous contact with client. Some cases client withdraw to take over cargo and deliver cargo from container terminal, this case freight forwarders or shipping lines delivers cargo to warehouse to unload/release container, and after 5-6 month storage and negotiation with client they are responsible to arrest cargo and do further steps (legal step, auction). Usually client decide to send back cargo to country of origin. Abandoned empty containers sometimes happens in Hungary, bankrupt of Hanjin is strengthened the number of cases this year.</p>

Iran	<ol style="list-style-type: none"> 1. The disposed goods would actually be confiscated by the state owned, and this issue is not in carrier or agents hands. 2. Definitely, we do care about the cargos, since they would be removed particularly as soon as they turn into disposal. 3. When the goods are sold, the state owned would pay the port storage & customs duty, also in case of any complaint from the agent, the state owned would draw with the agent citing the court vote which is very time consuming procedure. 4. Our port would normally accept abandoned containers as the other ports do. 5. Finally, the carrier would have the container back after the disposal of the contents.
Israel	<ol style="list-style-type: none"> 1.1) By the respective Agent after 30 days by handling the cargo as per the conditions of the B/L opposite the Consignee and the Shipper plus obtaining the confirmation of the Customs Authorities to the possible Auctioning/Selling of the goods. This can be done 90 days after the container arrival in the port. 1.2) By a "Partnership" of the Port and the Customs. The procedure starts after 60 days of storage in the Port as the cargo is being declared by the Port as "Abandoned". The Port and the Customs share later the money left after the storage expenses and the Auction costs. 1.3) Only by the Customs Authority. 2) Dangerous/Hazardous cargo is being transferred after 90 days to a special designated (remote) disposal area for demolition. 3) The expenses of the container content disposal are being debited to the Consignee. 4) Definitely no. 5) The empty container is always returned to the Carrier. <p>Hopefully we are helpful to our Western closest Neighbors. If they need any further assistance we will be glad to further help them.</p>
Italy	<ol style="list-style-type: none"> 1. The auction is arranged by Customs Authority. For customs purposes, storage within the port / terminal of discharge is considered as "temporary" for a period of 90 days, thereafter, if VAT & Duty has not been paid as per the statutory regulations, cargo may be considered as abandoned and consequently placed at the order of the local competent authorities for further action (to be determined). Upon initial discharge, cargo and containers are declared as 'A3' status (temporary storage) and subsequently changed to 'A4' (longer-term storage) at the exclusive decision and option of the local competent authorities. <p>We are not in the position to know when the Customs Authority will decide to arrange for the auction. This ops is at Customs Authority discretion: the auction can be arranged shortly or within several months. Until the Customs will arrange the auction, storage costs will increase daily and the same are on carrier account. Please also note that Customs could decide to have the goods destroyed and related charged will be on carrier account.</p> <ol style="list-style-type: none"> 2. If cargo cannot be auctioned, Customs can impose the destruction on carrier account. Customs can also impose a disposal site or the same has to be found by the carrier who in turn has to inform Customs. The disposal site changes in accordance to the cargo nature

	<p>because the goods has its own identified code and it could be happened that the disposal firm founds is not allowed to manage the goods.</p> <p>3. If Customs will impose to the carrier to destroy the goods, the costs will be on carrier account through the agent.</p> <p>4. If the cntr has not been declared abandoned by Customs or the same is not already put in an auction, Carrier can decide to move the cntr in a different country where the disposal costs are lower but it has to be checked with Customs if the unit can be moved and, in case of positive reply, carrier has to follow Customs prescription.</p> <p>5. Yes.</p>
Japan	<ol style="list-style-type: none"> 1. Customs Directors organize the auction of contents after public notice is to be taken. 2. Also it will be managed by Customs Officers. 3. The cost of disposing of prohibited or dangerous cargo should be for the account/risk of the consigning parties. 4. Opine it is meaningless to remove abandoned containers to other port. 5. Yes. It is returned to carrier or its owner of empty container.
Jordan	<ol style="list-style-type: none"> 1. The auction is organized by the customs on the request of the carrier agent after 90 days of being idle in port. 2. Dangerous or prohibited goods are not allowed to be disposed of in Jordan. Containers must be re-exported to port of origin or any other destinations accepting disposal. 3. In general the cost of disposing is on the carrier agent's account. Disposal of dangerous / prohibited goods is not allowed. 4. No, port do not accept abandoned containers from other ports/elsewhere for disposal. 5. Yes, the container returned to the carrier.
Kenya	<ol style="list-style-type: none"> 1. In Kenya cargo auctioning is organised by Customs & Border Control Services, a department of Kenya Revenue Authority. 2. Procedure in place for the disposal of dangerous or prohibited cargo which cannot be auctioned – Customs & Border Control Services evacuates the cargo to a designated place for destruction. 3. All costs arising from the destruction of dangerous cargo is on account of the carrier through the agent. 4. Ports in Kenya do not accept abandoned containers from other ports / elsewhere for disposal. 5. Upon completion of disposal of the contents, the carriers' take possession of the empty containers.
Lebanon	<p>Beirut port has unsolved overdue containers lying at the port for many years without solution. THE FOLLOWING PREVAILS IN LEBANON:</p> <ol style="list-style-type: none"> 1. The Lebanese customs authorities organise auction of all types of cargo. 2. Overdue container cargo of special dangerous nature, same procedures are applicable similar to the disposal of general overdue cargo. 3. Disposal charges are for the account of beneficiary cargo owner (consignees). The local law does not force carriers to arrange disposal of overdue cargoes but local authorities may exercise pressure through local agents when a cause of serious safety is involved. 4. Lebanese ports do not accept abandoned containers from other ports for disposal in Lebanon. 5. After cargo disposal, the container is returned to the carrier.

Malta	<ol style="list-style-type: none"> 1. Malta Customs is responsible for organising the auction of the contents of the abandoned cargo. 2. This will require the approval and involvement of various entities such as Malta Customs, Malta Environmental & Planning Authority, Civil Protection etc. 3. Yes. 4. No 5. Yes
Mexico	<ol style="list-style-type: none"> 1. In Mexico there is a Government agency that is in charge of auctioning the merchandise of the containers. 2. The dangerous goods are destroyed and the government is responsible for the prohibited merchandise. 3. Carrier is not responsible for that. 4. No 5. Yes
Morocco	<ol style="list-style-type: none"> 1. Customs' Administration. 2. Dangerous cargo could be also disposed of auction. Prohibited cargo expected to be destroyed. 3. No 4. No 5. Yes <p>Indeed, the immobilization of the containers in the port for such reasons which lasts long time is an important subject to which Apram has given its priority to try to solve this situation which exists since many years.</p> <p>Apram has accordingly developed a roadmap as a procedure project which specifies the rule to follow for each case of immobilized container and the concerned parties public or private.</p> <p>This project has been remitted to the Port Authority and to the Customs Administration to enrich and to support same to become a community draft which necessitates the involvement of all the parties concerned.</p>
Netherlands	<ol style="list-style-type: none"> 1. Auction will be organised by the carrier in cooperation with Dutch P&I(local P and I club).Cost recovery for the carrier therefor by means of selling the goods in the container. 2. A lot of costs can be involved, but cheaper options are also possible. This depends on what kind of conditions local health-and environment authorities will impose. 3. This is not relevant for the agent. The insurance of the carrier will take care of funding and he or the carrier will charge the shipper/owner/forwarder of the goods. 4. No acceptance. The port and the agent of destiny will have to take care. 5. Yes.
Portugal	<ol style="list-style-type: none"> 1. After 90 days counting from the date of discharge, Portuguese Customs is the responsible entity to auction the Cargo. Items are regularly included on the auctioned list of cargoes through the Customs website https://vendas.portaldasfinancas.gov.pt/bens/home.action 2. Are subjected to prior approval from Portuguese Customs and ruling entity according with type of cargo (i.e. Vet authority for cargoes of animal origin) with acceptance from the Disposal yard licensed to receive the cargo 3. Can be charged to the carrier/agent or to the receivers/consignee depending on the particularity of the case 4. Depending on the type of cargo and prior approval from the ruling entity 5. Generally yes.

Russia	<ol style="list-style-type: none"> 1. Auction is not a workable option in our port. 2. Re-export is the one option to move such content/containers from the port. 3. Shipper is charged in case of re-export. 4. No. 5. Yes.
Slovenia	<ol style="list-style-type: none"> 1. For abandoned containers is responsible Port of Koper in close connection with Owner's of containers. Case HANJIN 2. Resolving case per case always with Custom' s approval 3. Yes 4. No 5. Depend on agreement.
Tunisia	<ol style="list-style-type: none"> 1. Customs Authorities 2. IMO never stay in port. It is discharged on truck and leave or stay on board. 3. No 4. No 5. Yes
UK	<p>We do not have a UK wide answer for this - each port deals with this in their own way and that way is on a case by case basis so we cannot give a definitive answer.</p> <p>But, for example, here is an answer from one of our ports:</p> <ol style="list-style-type: none"> 1. If the goods are Customs cleared the carrier/agent is responsible to dispose/sell. If duty is payable, then Customs will sell to recover duty. 2. Dangerous goods as above. If prohibited goods, then Customs will seize and dispose. 3. No 4. Not normally. 5. Yes.