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FONASBA



ECASBA

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THE NEW HORIZON



THE FEDERATION OF NATIONAL ASSOCIATIONS OF SHIP BROKERS AND AGENTS

The Baltic Exchange, St Mary Axe, London EC3A 8BH Great Britain
Tel: + 44 20 7623 3113, e-mail: generalmanager@fonasba.com
website: www.fonasba.com

2019 New YEAR UPDATE

1969 - 2019



FONASBA

FONASBA was founded in London on 23rd April 1969 as an eleven member, exclusively European, association. Its expansion towards the organisation it is today had already started by November that year when the first non-European Members joined.

Since then it has grown into a truly international organisation present on all five continents with Members of all shapes and sizes. We enjoy consultative status with IMO, the World Customs Organisation and the European Commission and a wide range of colleague organisations, both within the maritime sector and elsewhere, with whom we work to ensure that the professions of ship broker and ship agent are full protected and recognised.

This achievement has been brought about by the active participation of all our Members and we can all equally share in the celebrations this year, culminating in our Annual Meeting in Miami in October, with pride and satisfaction at a incredible and fulfilling journey so far. It also ensures we are in excellent condition to face the challenges of the next fifty years and beyond.

Happy 50th birthday to us, see you in Miami!

PRESIDENT'S MESSAGE

Dear Friends,

It is with much pleasure that I write the introduction to this latest edition of our FONASBA Newsletter as your 27th President. Having been so honoured, I feel especially fortunate to take office as we head towards the completion of our first half-century. My first year will therefore see us both looking back at the history of this Federation and forward to the next 50 years. Our main 50th anniversary event will take place at the Miami Annual Meeting in October and I look forward to seeing every Member there to join us in celebrating this significant achievement.

Taking on the role of President brings with it great responsibility and I am very aware of that burden by reason of the achievements of my predecessors. Since joining the Executive Committee in 2004 I have had the pleasure to serve under seven Presidents and have benefitted greatly from their knowledge and experience. It is now my intention to fully justify the faith shown in me. I therefore commit myself to ensuring that FONASBA continues to grow its membership, to enhance its standing and prominence in the international maritime sector and to ensure it continues to be recognised as the consultative body for our professions. We have already made a start on enhancing our capability to expand and better serve our membership through the appointment of a fifth Regional Vice President so that we now have two RVP's serving Africa, the Middle East and the Indian Sub-continent, thus enabling us to better cover these vitally important regions. All five RVP's have now appointed deputies from amongst their local member associations, all of whom are very well-connected in their areas of responsibility and will apply their extensive local knowledge and experience to further assist in expanding and supporting the membership. Details of the new Deputy Regional Vice Presidents can be found on page 4.

I attach considerable importance to the continued expansion of our membership which is of course key to ensuring that our Federation truly represents the views of our professions worldwide, whilst at the same time ensuring it is strong enough, and sufficiently well-founded financially, to enable it to better support the needs and requirements of you, our Members, and to provide additional benefits for your member companies. I will be sharing my vision with the newly elected Executive Committee (see page 3) at our first meeting on 25th February and will be proposing ambitious targets for membership expansion over the term of this committee.

We will also increase our efforts to ensure that the voice of the ship agent and ship broker is heard and acted upon. Future developments, such as advanced and disruptive technologies, will have a greater and faster impact on our livelihoods than ever before and we must make sure that we are able to extract maximum benefit from them, whilst also minimising any detrimental effects. Given the challenge that the rapid development of artificial intelligence, Blockchain and other developments will weigh on the future of our profession, we are creating a new working group, operating under the Liner & Port Agency Committee and coordinated by Regional Vice President for Europe Antonio Belmar da Costa, to monitor the impact of these developments on ship agents and ship brokers. Given the complexity of this topic, we will be inviting colleagues from some of our partner organisations, and experts from member associations, to join the group. It will of course report back regularly to the membership.

I would also like to reiterate, as John Foord did last year, that you, our Members, are always the centre of our concerns and our priority is to serve you as best as we can and to give you complete satisfaction. To do this, we need your feedback in order to ensure a close and beneficial interchange exists between you, your members and our Federation. We are therefore open to hear your grievances, your expectations, your views on our action plan and your input to our strategies. On this subject, we will shortly send you a questionnaire on the attractiveness of our Annual Meeting and we are seeking input from all Members, so that we can tailor those meetings to meet your needs and thus increase the attendance.

In this task I will be aided by my colleagues on the Executive Committee, at the Secretariat and, I hope by all of you and your own members. The resources we are able to command are by necessity limited and it is vital for the success of our endeavours that each of you plays an active part. I therefore seek your enthusiastic, active and generous support in developing a Federation fit for, and attuned to, the needs of our industry over the next fifty years.

I look forward to serving as your President.



AZIZ MANTRACH, PRESIDENT



NEW OFFICERS ELECTED AT CANCÚN ANNUAL MEETING

The 2018 Annual Meeting in Cancún (see the detailed report on page 9) saw the election at Council of the new Officers, who will be the first to hold their posts for three years (2018 to 2021) following earlier amendments to the Articles of Association and By Laws.

Recognition of the importance of Africa, the Middle East and the Indian sub-Continent to FONASBA's future growth, and a realisation that this huge area could not be covered by one Regional Vice President (RVP), led to a further amendment to the Articles and By Laws being proposed to Council. This would allow for the creation of another RVP position, covering the Middle East and Indian sub-Continent and so allow the previous position of RVP for Africa and the Middle East to be refocussed on Africa alone. The amendment was duly approved by Council before the election of Officers took place.

With the reorganised positions having previously been agreed, and no competing nominations having been received from the wider membership, the following Officers were confirmed in their posts:

PRESIDENT:

Aziz Mantrach (Morocco)

EXECUTIVE VICE PRESIDENT:

Botond Szalma (Hungary)

PRESIDENT DESIGNATE*, REGIONAL VICE PRESIDENT FOR THE AMERICAS:

Javier Dulce (Argentina)

IMMEDIATE PAST PRESIDENT (EX OFFICIO):

John A. Foord FICS (Great Britain)

REGIONAL VICE PRESIDENT FOR AFRICA:

Mohamed Mouselhy (Egypt)

REGIONAL VICE PRESIDENT FOR ASIA:

Takazo Iigaki (Japan)

REGIONAL VICE PRESIDENT FOR EUROPE:

Antonio Belmar da Costa (Portugal)

REGIONAL VICE PRESIDENT FOR THE MIDDLE EAST & INDIAN SUB-CONTINENT:

Capt. Vivek Anand (India)

VICE PRESIDENT FOR EDUCATION:

Capt. Jakov Karmelić (Croatia)

CHAIR, CHARTERING & DOCUMENTARY COMMITTEE:

Fulvio Carlini FICS (Italy)

CHAIR, ECASBA:

Marco Tak (Netherlands)

CHAIR, LINER & PORT AGENCY COMMITTEE:

Waldemar Rocha jnr. (Brazil)

* Whilst Javier Dulce was elected to the position of President Designate at the Cancún meeting, in accordance with the By Laws he will only formally assume that role in October 2020.

FULL EXECUTIVE COMMITTEE COMPOSITION CONFIRMED

Committee Vice Chairs and co-opted members are nominated by the Officers rather than elected and so following the election at Council, the following appointments were made to complete the Executive Committee:

COMMITTEE VICE CHAIRS:

CHARTERING & DOCUMENTARY COMMITTEE:

Mohamed El Mezouar (Morocco)

ECASBA:

Jean-Pascal Bidoire (France)

LINER & PORT AGENCY COMMITTEE:

Simone Carlini MICS (Italy)

CO-OPTED MEMBERS:

Jeanne Cardona (USA)

Gian-Enzo Duci (Italy)

The Committee Vice Chairs and Co-opted members will also serve on the Committee for the same three year period as the Officers.

Full details of the Executive Committee for 2018 to 2021, complete with relevant contact information, can be found on the FONASBA website (www.fonasba.com/fonasba-member/committee-members).

A printable list is also available from the same source or direct from the Secretariat.

MEMBERSHIP NEWS (www.fonasba.com/fonasba-member/fonasba-membership-list)

Since the last Newsletter, FONASBA is pleased to have welcomed the following Members to the Federation:

Full Members: AMAU (Ukraine).

Associate Members: Global Logistics & Trading Company (Cameroon), Maritalia Group (Senegal).

The election of Association of Maritime Agents of Ukraine sees the association return to membership after an absence of fifteen years. Until 2004, the Association was an active member but unfortunately that year the association withdrew from FONASBA. We therefore warmly welcome the re-established association back to the family. FONASBA is of course already represented in Ukraine by the Ukrainian Shipbrokers' Club, which is an Associate member.

The election of GLTC of Cameroon and Maritalia Group of Senegal further enhances our representation in western Africa and both companies are very welcome to the FONASBA community. Maritalia is our second Associate member in Senegal,

EDUCATION (www.fonasba.com/education-and-training)

Five papers were received for the 2018 Young Agent and Broker Award from entrants in Bahrain, Brazil, Portugal and South Africa. After careful scrutiny by the Award Committee of Honorary Member and Past President Gunnar J. Heinonen, FONASBA Vice President for Education Capt. Jakov Karmelić and ITIC Marketing Director Charlotte Kirk FICS, the Award was granted to Filipe Martins, a ship agent from Portugal, for his paper "The 2025 Challenges, a Road Map for Ship Agents". A copy of his paper can be downloaded at: www.fonasba.com/young-agentbroker-award

Filipe received his prizes, again generously sponsored by BIMCO and ITIC, at the 2018 Annual Meeting in Cancún.

The 2019 Award is now underway, with the closing date for receiving initial summary synopses being 1st March. Further details of the entry criteria can be found on the website at the address above.

As in previous years, the winner will be announced in August and invited to participate in the Gala Dinner at the conclusion of the 2019 Annual Meeting in Miami. Both ITIC and BIMCO are continuing their sponsorship of the prizes for this year and we are very grateful for their ongoing support.

The FONASBA Agent Diploma was developed in

joining our longstanding colleagues from Thocomar.

DEPUTY REGIONAL VICE PRESIDENTS APPOINTED:

Our Regional Vice Presidents, including our newly elected RVP's for Africa and the Middle East & Indian sub-Continent (see page 3), are each supported by a Deputy Regional Vice President (DRVP) and we are pleased to announce that the following have recently been appointed DRVP's to serve until 2021:

AFRICA: Katy Aldrick FICS (Kenya)

AMERICAS: Adrian Aguayo (Mexico)

EUROPE: Capt. Nikola Hristov (Bulgaria)

MIDDLE EAST & INDIAN SUB-CONTINENT: Nayana Nandkumar (Dubai)

We thank them for accepting the invitation and look forward to their active and enthusiastic participation in FONASBA's membership development. The position of DRVP Asia is currently vacant but efforts are presently underway to identify a suitable candidate.

conjunction with our colleagues at ASBA in the USA. The course is a modified version of a scheme that ASBA have been successfully running for some years to provide an entry level study course and online examination for ship agents. For the FONASBA scheme, the course and examination have been modified to suit an international student base.

To date nearly 130 students have registered and by the end of 2018, 17 had successfully completed the course and received their Diplomas. Our thanks go to all the associations that have encouraged students to enter the Diploma programme.

Full details of the scope and coverage of the Diploma, and how to register and enter students, can be downloaded from the FONASBA website at: www.fonasba.com/education-and-training/fonasba-agent-diploma

Following its launch in May 2018, the Ship Agents Interchange Learning (SAILNET) project, developed by ECASBA in conjunction with the Escola Europea de Short Sea Shipping in Barcelona, now enjoys the support of our Members in Argentina, Italy, Morocco, Portugal, Spain and Tunisia, with others also expected to join shortly.

Further information on the project will follow in the coming months.

FONASBA YOUNG AGENT AND BROKER AWARD 2019—DEADLINE APPROACHING!

Whilst on the subject of education, we would remind our younger readers (aged 40 or under on 15th June 2019) that the closing date for initial summary entries for the 2019 FONASBA Young Ship Agent or Shipbroker Award is

Friday, 1st March

Those intending to enter for this year's Award are therefore asked to ensure that the short summary of the title and contents of their proposed entry is sent to Victoria at the Secretariat (admin@fonasba.com) by close of business that day to ensure they are eligible for consideration by the Review Committee.

As stated in the Award criteria, a full copy of which can be downloaded from the education section of the website at: www.fonasba.com/young-agentbroker-award, the one page summary paper will be considered by the Committee both to ensure that two students do not write on the subject in the same year and to allow constructive feedback to be given to assist in writing the full paper. Comments will be sent to the entrant by the middle of March to allow adequate time for the paper to be written by the final closing date of 14th June.

Entries for the Award cannot be accepted unless the summary paper has been reviewed in advance.

The winner of the Award receives a cash prize donated by our colleagues at ITIC and also free entry to one of the e-learning courses provide by co-sponsors BIMCO. If that isn't enough to tempt our younger members into putting pen to paper, the winner will also be invited to collect their prizes in person at the 50th anniversary Annual Meeting in Miami in October. They will also see their paper in print on the FONASBA website and join our illustrious list of previous winners, pictured below, left to right:

2015: Renan Queiroz (Brazil), 2016: Tim Polson MICS (Australia), 2017; Niklas Soltow (Germany), 2018, Filipe Martins (Portugal)



All our winners said that completing their entries, whilst working full time was a challenge, but they all felt was a very worthwhile and rewarding exercise, with the challenges in researching the subject and completing the formal entry being stimulating and ultimately very enjoyable. They also felt that writing their paper gave them additional insight to our industry and were unanimous that would be very beneficial to them in their future personal development. We are sure that this year's winner will feel the same.

Further information on the Award can be obtained from the Secretariat. We wish all entrants all the very best in their endeavours and look forward to welcoming our winner to Miami.



FONASBA

YOUNG SHIP AGENT OR SHIPBROKER OF THE YEAR AWARD 2019

PURPOSE:

The aim of the Award is to develop professionalism among young people in ship agency and shipbroking and to encourage them to be actively engaged in the industry. A further objective of the Award is to increase FONASBA's academic resources.

AUTHOR ELIGIBILITY CRITERIA:

The author shall be 40 years of age or under at the time of submission of the paper to the Review Committee and be employed by a company that is a member of a FONASBA Full or Candidate Member association or by an Associate or Club Member.

PAPER CRITERIA:

The paper should present a comprehensive analysis of the role of the ship agent or shipbroker in a specific field or market sector. Candidates may wish to write on a specific shipping market (for example dry bulk, tanker, liner, passenger or offshore shipping or sale and purchase), another sector of the international maritime industry such as ship management or alternatively on a broader topic such as "New business opportunities in a changing shipping world" or "The profession of the ship agent (and or) ship broker in 2025". It should be written in such a way as to be understood by both professionals in the field as well as general (non-maritime) readers. In order to avoid duplication of subjects covered, and to ensure consistently high standards, the subject of the paper will be agreed between the author and the Review Committee prior to work starting. The author will therefore be invited to submit the title and a short summary of the scope and contents of the work to the Committee for review and comment. The Committee may suggest such changes to the proposal as it feels appropriate to ensure the finished work meets the required standards.

The work itself shall comprise a formal written paper (illustrated if appropriate) to a minimum of 5,000, maximum 10,000 words, excluding the title, indices, footnotes and bibliography. The paper will be written in English and submitted in 12 point font.

The timetable for entering a paper to the Award scheme is provided overleaf.

OWNERSHIP/PUBLICATION OF ALL PAPERS:

Copyright of the paper remains with the author but in entering for the award, the author agrees that the work will be made available to the membership and the public via the website.

QUALITY STANDARD (www.fonasba.com/fonasba-initiatives/fonasba-quality-standard)

Coverage of the Quality Standard continues to expand worldwide and by so doing provides a clear and unambiguous demonstration to shipowners, legislators and regulators of the commitment of ship agents and ship brokers to the provision of high quality and professional services.

At the close of 2018, the number of Members covered by the Standard stands at 32, and they are: Algeria, Argentina, Australia, Belgium, Brazil, Croatia, Cyprus, Denmark, Dubai, Egypt, Finland, France, Great Britain, Greece, Hungary, Israel, Italy, Japan, Kenya, Lebanon, Malta, Mexico, Morocco, the Netherlands, Peru, Portugal, Slovenia, Spain, Sweden, Tunisia, Uruguay and USA.

The number of companies holding the Standard continues to rise and at the end of 2018, 483 have been approved to the Standard, an increase of 8 companies since June. With FEDERAGENTI in Italy having recently completed their review of their FQS criteria (the EGO programme) a significant increase in the number of companies covered by the Standard may be expected this year.

Whilst having more than half our member countries covered by the Standard is encouraging, it remains vital for the success of the initiative that all FONASBA Members are covered. It is encouraging to note that a number of applicant members state that the value of the Standard to their members was a significant

factor in encouraging the association to apply for FONASBA membership. There is also considerable prestige and publicity value for the association and its own members in marking the award of FQS certificates to approved companies. All Members, especially those recently accredited, are therefore encouraged to hold an Award ceremony and endeavour to organise local press coverage. The President and General Manager will be attending such a ceremony in Algiers in early February to mark the grant of the Standard to the first APAMA members. Sending a report and some photographs to the Secretariat for inclusion on our Facebook and Linked-In pages, as will be done after the APAMA ceremony, also serves to further acknowledge the successful companies and spread the message of the value and importance of the Standard.

Securing and maintaining the Standard by a Member association or Associate Member company is relatively simple and does not require a complex or time consuming implementation process to be undertaken. The current minimum requirements for the Standard can be found on the website as above. As always, the Secretariat will provide additional information and guidance on request. Updates on the number of companies covered by the FQS should also be sent to the Secretariat immediately they occur in order that the list on the FONASBA website is always up to date.

PORT PROCEDURES SURVEY (www.fonasba.com/fonasba-initiatives/fonasba-port-procedure-survey)

The Port Procedures Survey currently covers 290 ports in 45 countries, which is a welcome increase on the 254 reported in the last issue of this Newsletter. That said, there are a number of member countries still not represented in the survey and amongst those that are, the entries seem to concentrate on the main, often liner, ports. The real value in this survey should be that it provides detail on all commercial ports in the country concerned, so it is clear there is a long way to go before the survey reaches its full potential.

On the basis that incorrect data is worse than no data at all, Members should also bear in mind that in addition to adding new ports, data on ports currently in the survey should also be reviewed and updated where necessary.

One of the priorities for the Regional Vice Presidents will be to review the ports listed in the survey for the countries under their area of responsibility and to follow up with those Members whose contribution to the Survey is somewhat lacking. The uploading of

data is not restricted to Full Members, it is to be hoped that Associate members would also contribute to the survey by adding data on the ports they serve. Information in respect of six countries already in the Survey has been provided by Associate members, in Greece, Mauritania, Montenegro, Senegal, Tunisia and Yemen, to whom our thanks are due.

Recognising that the burden of entering or updating the data often falls upon already stretched association secretariats, some Members have invited a small number of agents to directly enter the information to the survey, instead of sending it back to the association for input.

Clearly this means giving updaters access to the Members' Area but provided this is done carefully, it should not pose a threat to website security. By sharing the burden of inputting the data, a wider range of ports can be uploaded or reviewed than would otherwise be the case. Other associations may therefore wish to consider this option.

MEMBERSHIP SURVEYS (www.fonasba.com/member-survey)

Engaging with fellow Members is fundamental to the way FONASBA operates and responding to surveys is a tangible and effective means of doing so. It is also a very clear and public commitment to our Federation's guiding principles.

Membership surveys are also a very useful and effective way of supporting individual Members who are facing specific issues in their own country and wish to seek guidance and data from other FONASBA associations to guide their local actions. Members are using the facility in increasing numbers and to the end of January 2019, a total of 69 have been undertaken, 41 across the entire FONASBA membership and 28 amongst ECASBA members only. The success of these surveys and their value to the Member concerned is of course directly related to the level of responses received from across the membership. All Members will therefore appreciate that their active participation in these surveys will encourage others to do likewise, leading to a more comprehensive, open and detailed exchange of views that will enhance the volume and quality of information available to the membership.

As all Members will now be aware, we record which associations reply to the surveys, although we now only assess the response rate by each Member over

the last twelve months. At present the average rate across the surveys carried out over the last year (and weighted to allow for surveys restricted to certain areas, new Members joining and other mitigating factors) is 45% for FONASBA surveys and 66% for ECASBA only surveys, both of which, disappointingly, are down on the numbers reported in the June issue. Clearly there is room for improvement.

We also break the responses down by association and it is disappointing to note that there are still a few Members whose response rate is less than 10%. At the same time congratulations go to our regulars Belgium, Brazil, Croatia, Cyprus, Denmark, Hungary, Israel, Japan, Malta, the Netherlands and Portugal on responding to every survey. This time however, they are joined by the UK. Well done all!

We would also remind Members intending to request a survey to check the Port Procedures Survey and the list of surveys already published on the website (see the address above) before sending the request in case the information they require is already there. The Secretariat also checks enquiries against the PPS and the summary and on a number of occasions the proposed survey has not been issued, or is modified to take account of information already published.

STANDARD DOCUMENT UPDATE (www.fonasba.com/documentation)

Since their launch in 2016 and 2018 respectively, the FONASBA/BIMCO Agency Appointment Agreement (AAA) and the General Agency Agreement (GAA) forms have both established themselves as well-respected, and indeed well-used, forms in the market.

With the core GAA document now in regular use, the focus of the Liner & Port Agency Committee has shifted to the development of the additional clauses that will allow the document to be more closely tailored to the specific needs of various market sectors.

C&D Committee Chairman Fulvio Carlini FICS is a member of BIMCO's GENCON '94 revision committee and FONASBA has established a small sub-committee to support him in this role and this is proving extremely beneficial in enhancing our contribution to the revision project.

As mentioned in the previous issue of this Newsletter, CIANAM proposed a revision of the UNCTAD Minimum Standards for Ship Agents, which document was largely drafted by FONASBA in the mid-1980's. Following a presentation by the General Manager and subsequent discussion during the L&PA

Committee's plenary meeting in Cancún, a small sub-committee has been formed to revise the Standard so that it more accurately reflects the role and responsibilities of ship agents today. Of particular concern in the original document is the definition and role and responsibilities of the agent, which currently includes some activities normally undertaken by shipbrokers. Given that we currently have an IMO-approved definition of the role of the ship agent to hand, it is proposed this will replace the current definition. The revision will also reference the FONASBA Quality Standard, update the language and some of the other definitions and clarify the scope and applicability of the enforcement provisions. It is hoped that the work will be completed in time for approval at the Miami L&PA plenary meeting so that the new draft can be sent to the UN. Due to recent changes in the UN trade facilitation structure we expect it will go to UNCEFACT rather than UNCTAD.

Finally, the document detailing the duties an agent would customarily be expected to provide for a "normal" agency fee is nearing completion. Further information on this project will follow shortly.

FONASBA VISITS

The President, Executive Committee and the General Manager regularly visit international organisations and other bodies to consult on relevant issues, exchange views and promote our Federation and profession. Visits to our Members are equally vital in ensuring that they are fully aware of the actions being taken on their behalf as well as allowing face to face discussions and developing personal contacts. Meeting potential members is also key to ensuring that FONASBA continues to expand its coverage and raise its profile. Some of the visits undertaken since June are summarised below:

President Aziz Mantrach, C&D Committee Chair Fulvio Carlini FICS and General Manager Jonathan C. Williams FICS attended the 20th anniversary celebrations of APRAM in Casablanca in early December and spoke at the association's seminar. En-route to Casablanca, Jonathan Williams used his stopover in Madrid to meet informally with ASECOB.

At the same time, Immediate Past President John Foord FICS met with Her Royal Highness the Princess Royal when she attended a celebration of the 100th meeting of IMO's Maritime Safety Committee.

The President and Regional Vice President Antonio Belmar da Costa visited Paris and met with Nicholas Barnaud, the President, and Jean-Pascal Bidoire, the Executive Director, of AMCF.

Regional Vice President Javier Dulce participated in 102nd anniversary celebrations of Centro de Navegación del Uruguay and Antonio Belmar da Costa represented FONASBA at the inaugural Portugal Shipping Week event.

Education Vice President Capt. Jakov Karmelić visited IMO for the 4th annual meeting of IMO Ambassadors.

John Foord, Jonathan Williams and Assistant General Manager Victoria Mott FICS joined with colleagues from BIMCO in a seminar to introduce the AAA and GAA forms to the London market and they, together with Aziz Mantrach, Fulvio Carlini, Simone Carlini MICS and Antonio Belmar da Costa, attended a parallel event in Naples whilst participating in Naples Shipping Week.

John Foord and Jonathan Williams met with representatives of BASCAP, (Business Action to Stop Counterfeiting and Piracy) to discuss collaboration and Jonathan Williams took part in the first meeting of the IMO port sector NGO's and the second meeting of the Maritime Anti-Corruption Network's cross industry working group.

As mentioned previously, FONASBA will be pleased to participate in events, meetings and other activities held by Member associations and to contribute to those activities. We look forward to meeting as many of you as possible in this 50th anniversary year.

WEBSITE AND SOCIAL MEDIA (www.fonasba.com, www.facebook.com/fonasba, www.linkedin.com)

The FONASBA website is under constant review to ensure that it remains an effective tool for providing information to both Members, the wider shipping sector and the general public. It currently receives up to 6,000 hits per month.

FONASBA², the Members' Area for company members of national associations, is now being rolled out and detailed instructions on how their member companies can obtain access to the site are now being circulated. As mentioned at the Cancún Annual Meeting, company members can register themselves for an initial period, rather than involving the association, although there will be a role for the association secretariat in ensuring all the companies that do apply are bona fide members of the association. The e-Commerce module, to allow non-members to purchase copies of the AAA and GAA will also be introduced at the same time.

Initially, FONASBA² will include the FONASBA membership survey summaries, the Word versions

of the AAA and GAA, newsletters (immediately upon publication) and the presentations and other documentation given at Annual Meetings, ECASBA seminars and similar. Other resources will also be added in the future. These pages will mirror those in the Members' Area of the main site, so Members will of course be able to access these and any pages subsequently added to the site without the need to separately log-in to FONASBA².

Our social media pages on Facebook and LinkedIn (the addresses are above) are an excellent means of publicising the activities of the Federation beyond the membership and of better promoting our Federation and its activities. There is also a separate private, invitation-only, Facebook page for shipbrokers. A private LinkedIn account is also being established to allow association secretaries to communicate and exchange views on the running and development of their organisations.

FONASBA/ECASBA EVENTS (www.fonasba.com/news-and-events/fonasba-events)

With the Annual Meeting being the only opportunity for all Members to come together and exchange views, it is important as many associations as possible attend.

The 2018 Cancún meeting, hosted by AMANAC, was attended by 73 delegates and partners representing 22 associations and 3 Club members. Amongst those attending for the first time were our newly elected members from Bahrain. The meeting enjoyed the active participation of observers from Costa Rica, Guatemala, Paraguay and the inter-american agents association, CIANAM. It was also enthusiastically supported the Mexican transport authorities and the local authorities in Cancún.

Prior to the ECASBA plenary meeting, the meeting received a presentation on the Mexican port industry by the General Director of Promotion and Port Management at the Department for Communication and Transport. Topics discussed in the ECASBA meeting itself included presentations on customs developments, the maritime and customs single window projects and the newly-launched ECASBA position papers. These topics are covered in more detail in the European report on page 12.

Amongst other topics, the Chartering & Documentary plenary meeting included an update on the private Facebook page for shipbrokers, as well as a progress report on the revision of the GENCON '94 charterparty. Søren Larsen of BIMCO and Michele White of INTERTANKO updated delegates on their documentary work whilst Andrew Jamieson MICS gave his annual presentation on issues giving rise to claims against agents and brokers.

The Liner & Port Agency Committee plenary meeting received updates on the FONASBA Quality Standard and the Port Procedures Survey as well as a follow up on the introduction of the AAA and GAA forms. Presentations covered the impact of blockchain technology, the IMO and EU single window actions and the launch of the project to update the UNCTAD Minimum Standards for Ship Agents (see page 7).

The seminar organised by host association AMANAC featured presentations looking in detail at issues of port development in Mexico as well as the legal implications resulting from the introduction of autonomous ships.

In addition to the usual general meeting issues relating to finance, governance and similar, the Council Meeting saw Italy nominated as the host association for FONASBA's annual meeting in 2020,

and the election of the new President and Executive Committee, see page 3.

As always, copies of the agenda and minutes of the plenary and Council meetings can be downloaded from the Members' Area of the website.

The formal meeting proceedings closed with the Gala Dinner, during the course of which Aziz Mantrach was formally installed as President. Participants also applauded the award of the 2018 FONASBA Young Agent and Broker Award to Filipe Martins of Portugal (see page 4).

The Meeting ended with a visit to the spectacular Mayan Temple at Chichén Itzá and an opportunity to swim in a cenote.

As reported on page 1, the 2019 50th anniversary Annual Meeting will take place in Miami, Florida, hosted by the Association of Ship Brokers and Agents (USA) Inc. (ASBA), with the plenary programme starting on Tuesday 1st October. Initial details of the event will be available via the FONASBA website shortly.

FONASBA's other major annual event is the ECASBA seminar which usually alternates between Brussels and another European maritime city. 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.

Whilst the seminar usually takes place in April or May, it was proposed that the 2019 seminar should be held in late January or early February to discuss the expected implications on customs and other European maritime matters in the light of the post-Brexit Withdrawal Agreement. To add interest, the meeting would be held jointly between Dover and Calais or Dunkerque with delegates travelling across the English Channel by ferry. Due to the continued lack of agreement on the state of the relationship between the UK and the European Union however, it was agreed to defer the meeting until after Brexit at the end of March. A decision on the date of the seminar, and whether to proceed with the proposed subject matter, or revert to the usual format of reports and discussions on EU developments affecting ECASBA members, will then be taken in the light of the current situation.

Further details of the 2019 ECASBA seminar will therefore be communicated to Members at a later date.

RELATIONS WITH INTERNATIONAL ORGANISATIONS

FONASBA's relationships with other international and maritime industry organisations are vital to ensure that we have the means to influence policy, to raise the profile of the ship agency and ship broking communities and make our voice heard on matters of interest or concern to our Members. Actively expanding links with relevant organisations across a wide range of maritime-related fields at international and regional level is therefore of prime importance to our Federation.

Our consultative status with the International Maritime Organisation (IMO) is of course vital in terms of giving our Federation a voice on maritime affairs at the highest level. Elsewhere within the UN institutions, FONASBA enjoys membership of the Private Sector Consultative Group (PSCG) of the World Customs Organisation and has consultative status with both UNCITRAL and UNCTAD.

FONASBA is also working closely with other IMO NGO's in both the Maritime Anti-Corruption Network (MACN) and a port sector group brought together recently by the International Association of Ports and Harbours (IAPH). All these relationships allow FONASBA to play an active role in the issues concerned and grant us the facility to make representations as and when the need or opportunity arises.

Within IMO, FONASBA remains a member of the correspondence groups working on revising FAL.5/36, the Guidelines for Establishing a Maritime Single Window and on the Explanatory Notes for the revised FAL Convention. Both these working groups will report to FAL 43 in April 2019 and FONASBA's contribution to their work will be noted.

Whilst we are not directly involved in the current discussions at IMO surrounding the development of autonomous ships, concentrating as they do on technical, safety and operational matters, the presentation on the subject at the Cancún Annual Meeting (see page 9) raised some interesting points in relation to how actions currently carried out by agents in conjunction with the vessel's crew, for example noting protest and clausings mates' receipts, would be addressed when the crew is not present. FONASBA has therefore started preliminary discussions with the IMO Secretariat, initially under the FAL Committee, to bring these issues to the attention of IMO, and ensure they are noted and addressed as an integral part of the autonomous ship discussions.

FONASBA continues to work with MACN as a member

of its cross industry working group. As reported in the last Newsletter, the group's information paper was very well-received by delegates to FAL 42 and on the back of that success a proposal for the inclusion of an item on the FAL Committee's work programme has been lodged for consideration at FAL 43. Requests for work items can only be made by Member States so for this paper the group members have been joined by Liberia, the Marshall Islands, Norway, the United Kingdom, the United States and Vanuatu. The request (see the cover page opposite) asks that the issue of maritime corruption be addressed through an amendment to the FAL Convention.

The proposal put forward by the Comité Maritime Internationale for a draft instrument on the judicial sale of ships, supported by FONASBA was favourably received by UNCITRAL at its meeting in New York, where it was agreed that the subject would be considered by one of the standing Working Groups, with the project to commence some time this year. In an email to the FONASBA Secretariat after the New York meeting, the then President of CMI, Stuart Hetherington, gratefully acknowledged FONASBA's support for the action. As always, FONASBA remains ready to provide further assistance to CMI and UNCITRAL should the need arise,

The ad-hoc group of port related NGO's in IMO proposed by our long-standing friend and colleague Dr. Patrick Verhoeven, Managing Director of Policy and Strategy at the International Association of Ports and Harbours, held its first meeting at the Baltic Exchange in September, during which the members were joined by Guy Platten, recently elected Secretary General of the International Chamber of Shipping, who gave his support to the initiative. The next meeting of the group will take place at IMO during FAL 43 in early April.

As reported during the Cancún L&PA meeting, and on page 6, FONASBA's engagement with UN bodies has widened as a result of the proposal to revise the UNCTAD Minimum Standards for Ship Agents.

Early in January, FONASBA added its name to the Buckingham Palace Declaration, which urges the international transport industry to take action to prevent the illegal trade in protected species. Given the role of ship agents in facilitating trade, United for Wildlife, the organisation behind the declaration, were very pleased to welcome FONASBA as a signatory. Further information on this initiative will be circulated to Members soon.

RELATIONS WITH INTERNATIONAL ORGANISATIONS/2



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FACILITATION COMMITTEE
43rd session
Agenda item 17

FAL 43/17
4 January 2019
Original: ENGLISH

WORK PROGRAMME

Proposal for a new output regarding maritime corruption and the impact on global trade, port governance and seafarers

Submitted by Liberia, Marshall Islands, Norway, United Kingdom, United States, Vanuatu, ICS, IAPH, BIMCO, ICHCA, IMPA, IFSMA, INTERTANKO, InterManager, IPTA, IHMA, IBIA, FONASBA, ITF and NI

SUMMARY

Executive summary: This document contains a proposal for inclusion of a new output in the agenda of the FAL Committee to address the issue of maritime corruption through an amendment to the FAL Convention and the development of IMO Guidelines and/or a Code of Best Practice

Strategic direction, if applicable: 5 and 6

Output: Not applicable

Action to be taken: Paragraph 24

Related documents: FAL 42/17, FAL 42/16/3; PSCWS 7/3/7; MSC-MEPC.4/Circ.2; resolutions A.947(23), A.1043(27), A.1110(30), A.1111(30) and A.1119(30)

Introduction

1 This document is submitted in accordance with the provisions of paragraph 4.7 of, and annex 1 to, the *Organization and method of work of the Facilitation Committee* (FAL.3/Circ.214), and proposes a new output to address the issue of maritime corruption through an amendment to the FAL Convention and the development of IMO Guidelines and/or a Code of Best Practice.

Background

2 FAL 42 considered document FAL 42/16/3 (ICS, IAPH, ICHCA, IHMA, IMPA, INTERTANKO, InterManager, IPTA, IBIA, FONASBA, ITF and NI) related to maritime corruption and its impact on global trade, port governance and seafarers.

EUROPEAN DEVELOPMENTS

ECASBA ADVISORY PANEL APPOINTED

Newly-elected ECASBA Chair Marco Tak has named his Advisory Panel for the current term. The role of the Panel is to assist and support the ECASBA Chair and Vice Chair in developing and implementing ECASBA's policies on relevant issues. Panel members are drawn from ECASBA member associations.

The Panel for 2018 - 2021 comprises:

CHAIR

Marco Tak (Netherlands)

VICE CHAIR

Jean-Pascal Bidoire (France)

MEMBERS

Capt. Nikola Hristov (Bulgaria)

Dr. Alexander Geisler (Germany)

Botond Szalma (Hungary)

Alberto Banchemo (Italy)

Berit Blomqvist (Sweden)

POLICY ACTIONS

Policy development has slowed somewhat over the past year, due primarily to the forthcoming European Parliament elections in May, which will also see the appointment of a new Commission and President. With little in the way of new policies on maritime matters being proposed, the work of the Commission has therefore concentrated on policies already underway. These include the revision of the Reporting Formalities Directive (which will now become a Regulation), implementation of the Port Reception Facilities Directive and the ongoing development of the Union Customs Code.

As reported in Newsletter 45, ECASBA has maintained regular contact with DG-MOVE and DG-TAXUD and has expressed its views on the issues relevant to Members. ECASBA Chair Marco Tak and General Manager Jonathan Williams will be meeting with representatives of DG's MOVE, TAXUD and SANTE in mid February and will follow up on the matters concerned.

Following the publication of the draft Reporting Formalities Regulation proposal in May 2018, ECASBA responded formally in October, a copy of which was sent to all members at the time. The overall tone of the proposal was cautiously supported, especially in respect of the use of a Regulation to ensure more uniform application

across all Member States and the retention of existing means of data entry, including port community systems and graphic user interfaces. That said however, a number of points were made and areas of concern identified.

ECASBA reminded DG-MOVE of the parallel actions being taken in IMO to develop single windows for maritime transport and recommending they be regularly monitored to ensure that so far as possible, the EU proposals align as closely as possible with those of IMO, especially to ensure that datasets and procedures are harmonised worldwide.

Furthermore, DG-MOVE and national authorities should take the opportunity provided by the Regulation proposal to thoroughly review all data reported by ships to ensure it is relevant to current regulations and practices, the result being that any data found to be redundant should no longer be collected.

In terms of concerns, ECASBA sought clarification on the introduction of a "harmonised interface" which appeared to be another process laid on top of the current data entry procedures. Any increase in complexity in entering data is not supported by ECASBA so DG-MOVE has been asked to clarify this point. (See below).

Another issue is the proposed use of macro-enabled spreadsheets as a means of data entry. ECASBA's considerable concerns about the data security elements of this proposal are shared by a number of other trade bodies.

There was no commitment in the Regulation proposal to "Reporting Once", the facility by which data is only entered once and automatically passed on to any authority that requires it. As this was a core element of the previous Directive proposal, clarification has again been sought from DG-MOVE.

Clarification was also requested on the proposal to establish databases for ship, port and hazardous materials information. ECASBA enquired whether these databases would be acquired from commercial producers or developed internally, our preference being the former.

In early January, further information emerged on the "harmonised interface" referred to above. This indicates it may now be known as the "EU Common Access Point Interface", which was highlighted in a recent report into the Regulation proposal by the

Continued on page 12

EUROPEAN DEVELOPMENTS/2

Continued from page 12

European Parliament, the “Clune Report”. Whilst in many areas this report supported the views of the maritime transport sector, opposition to the Common Access Interface was strongly signalled to DG-MOVE and the Parliament in a joint letter signed by ECASBA, IPCSA and other bodies representing forwarding agents, shippers, ports, terminals and pilots. The letter was sent in January and circulated at the time.

The revised Port Reception Facilities (PRF) Directive was published in May 2018. As reported in our previous Newsletter, the main changes to the Directive related to charging procedures and other administrative matters, whilst the scope was expanded to include the collection and disposal of discarded fishing gear and marine litter. For the first time, leisure craft over 2.5 m LOA are included in the Directive. A review by ECASBA has not revealed any major increases in the obligations and liabilities of agents Europe-wide, although there may be minor changes to the procedures at national level.

Discussions on customs developments continue to focus on the detail of the procedures and their impact on stakeholders. Amongst others, the need to retain the convention of “as agents only” in relation to the lodgement of customs entries is paramount, as is the consistent application of customs legislation across all Member States.

The last Newsletter reported in detail an exchange of letters with DG-TAXUD in which the Commission confirmed that facilities did exist in the Union Customs Code by which ship agents could mitigate the impact of unintentional misdeclarations of cargo. One such facility was to provide clear evidence that the agent was directly engaging with their customs authorities in the fight against fraud and we speculated at the time that one way of evidencing same would be to have a formal cooperation agreement between the national agents’ association and the customs authorities, as was recently established in Belgium. This was subsequently confirmed by DG-TAXUD and at the ECASBA plenary meeting in Cancún, Hilde Bruggeman of NAVES gave delegates a short presentation on the Belgian agreement and encouraged other associations to do likewise. A copy of Hilde’s presentation is in the Members’ Area of the website.

Prevention of customs fraud is a major issue for all governments and, in Europe, for the European Commission. Maximizing income from duties is

currently a high priority for OLAF, the Commission’s fraud prevention directorate, and two recent actions have brought this to our attention. The first is the introduction in April 2019 of the PIF Directive, which aims to harmonise the rules for preventing fraud and the sanctions for doing so. The second is the demand from OLAF that the correct HS Code be reported for all cargoes in transit via EU ports. Use of the Code for transshipments varies across Member States, with some reporting that it is provided and others not. Given that buyer and seller information, including the HS Code, is to be included in the proposals for the revised Import Control System (ICS2) which is expected to be in place by 2024, ECASBA wonders why OLAF have raised this issue now. On the basis that ship agents can not be expected to report information they do not possess, ECASBA has raised this issue with DG-TAXUD ahead of the meeting in February and guidance will be provided thereafter.

DG-TAXUD is now undertaking preparatory work for the establishment of a customs single window and whilst ECASBA’s preference has always been for one single window covering all ship, customs and other statutory reporting formalities, the likelihood of that being achieved have always been slim, a point which was conceded by the lack of any reference to customs reporting in the Reporting Formalities Regulation proposal. Whilst two single windows is not optimum, it may be easier to achieve in practice and TAXUD’s plans will also be on the agenda for the February meeting.

As mentioned in issue 45, a review of Directive 97/78, covering imports of cargoes of animal origin, is now anticipated. The layover times for transshipment cargo allowed in the Directive remain a concern for some Members given the reduced frequency of feeder services from main hub ports. Again this matter will be discussed with representatives of DG-SANTE and further information will follow.

In order to reinforce its messages consistently at European and national levels, ECASBA has drafted a series of concise policy papers that set out our main points of view on each relevant topic, including those mentioned above. The papers are currently with ECASBA members for comment and will be circulated and published in February. Each policy issue will also be assigned to a member of the Advisory Panel for further development and communication with members. Member associations will also be able to use the papers as the basis for discussions with their own national authorities.

PHOTO PAGES: FOR MORE PICTURES GO TO OUR FACEBOOK PAGE (WWW.FACEBOOK.COM/FONASBA)



Delegates at the Annual Meeting in Cancún, October 2018



Left: Newly elected FONASBA President Aziz Mantrach and his predecessor, John A. Foord FICS

Right: Young Agent Award Winner Filipe Martins (centre), receives his certificate from John Foord, watched by prize sponsors Søren Larsen of BIMCO and Andrew Jamieson MICS of ITIC.



AMANAC Vice President Norma Becerra (left) and FONASBA President John A. Foord FICS (right) welcome delegates to Cancún



PHOTO PAGES/2: FOR MORE PICTURES GO TO OUR FACEBOOK PAGE (WWW.FACEBOOK.COM/FONASBA)



Left: John Foord being interviewed by Mexican TV during the Annual Meeting

Right: Rui D'Orey of Portugal (second from left) and Julio Fernandez of Spain (fourth from left) signing their SAILNET project agreements, watched by John Foord, Regional Vice President for Europe Antonio Belmar da Costa and Education Vice President Capt. Jakov Karmelić



Left: Members of the newly elected Executive Committee for 2018 - 21 with (far left) Past President Glen Gordon Findlay

Right: General Manager Jonathan C. Williams FICS (left) and Assistant General Manager Victoria Mott FICS (right) with the AMANAC organising team - and guests!



Pictures from the spectacular show enjoyed by delegates and partners during the Cancún Annual Meeting

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Past President John A. Foord FICS talks to Her Royal Highness Princess Anne, the Princess Royal , during her visit to IMO to celebrate the 100th meeting of the Maritime Safety Committee (picture courtesy of IMO)



Aziz Mantrach, President of FONASBA and the Moroccan association APRAM, invited Chartering & Documentary Committee Chairman Fulvio Carlini FICS, General Manager Jonathan C. Williams FICS and Andrew Jamieson MICS of ITIC to join the association for their 20th anniversary seminar and celebrations in Casablanca

PHOTO PAGES/4: FOR MORE PICTURES GO TO OUR FACEBOOK PAGE (WWW.FACEBOOK.COM/FONASBA)



Celebrating education successes.

Above, some of the successful completed students in the FONASBA Agent Diploma programme

Right, FONASBA Assistant General Manager Victoria Mott FICS with her Institute of Chartered Shipbrokers Fellowship certificate



PHOTO PAGES/5: FOR MORE PICTURES GO TO OUR FACEBOOK PAGE (WWW.FACEBOOK.COM/FONASBA)



Two very successful seminars were held in London and Naples in September to publicly launch the FONASBA/ BIMCO AAA and GAA forms.

Top left: Grant Hunter and Donald Chard FICS of BIMCO with Simone Carlini MICS at the London seminar. Top right: C&D Chair Fulvio Carlini FICS addresses the Naples event. Bottom left: Past President John A. Foord FICS and Donald Chard. Bottom right: The Naples audience.



Signing SAILNET Project agreements with Morocco, Tunisia and Italy, Naples, September.

*Left (L to R): Aziz Mantrach (Morocco), John Foord, Regional Vice President for Europe Antonio Belmar da Costa, Walid Dziri (Tunisia) and Eduard Rodes of the Escola Europea, the SAILNET partner
Right: Antonio Belmar da Costa, Gian Enzo Duci (Italy) Eduard Rodes and Aziz Mantrach*