

**MINUTES OF THE
ECASBA PLENARY MEETING HELD AT
THE SHELBORNE SOUTH BEACH HOTEL MIAMI
AT 9.00 a.m. TUESDAY, 1st OCTOBER 2019**

Present:

Mr. M. Tak	ECASBA Chair
Mr. A. Mantrach	President

Mr. J. Dulce	Argentina	Mr. P. Costopoulos	Greece
Mr. J. Delfino	Argentina	Mr. B. Szalma	Hungary
Cdr. R. Nairn	Australia	Mr. U. Masucci MICS	Italy
Mr. R. Rodrigo MICS	Bahrain	Mr. F. Carlini FICS	Italy
Mr. R. Troch	Belgium	Mr. V. Totorizzo	Italy
Mrs. H. Bruggeman	Belgium	Mr. M. El Yaman	Lebanon
Mr. E. Wouters	Belgium	Mr. I. Uba	Lithuania
Mr. S. Gielen	Belgium	Mr. M. Andrade Gomez	Mexico
Mr. W. Rocha jnr.	Brazil	Mr. C. Bennett Lira	Mexico
Mr. G. Gordon Findlay	Brazil	Mr. M. El Mezouar	Morocco
Mr. M. Neri	Brazil	Mr. A. Mata	Panama
Mr. J. Mariano	Brazil	Mr. J. Tyminski	Poland
Mr. A. Zanin	Brazil	Mr. A. Belmar da Costa	Portugal
Capt. N. Hristov	Bulgaria	Mr. R. D'Orey	Portugal
Mr. S. Kraichev	Bulgaria	Mr. G. Necmeskal	Slovenia
Mr. A. Salas	Costa Rica	Mr. J. Fernandez Guillen	Spain
Mr. J. Gonzalez Rivera	Costa Rica	Mrs. B. Blomqvist	Sweden
Capt. J. Karmelić	Croatia	Mr. K. Akbaşoğlu	Turkey
Mr. C.P. Papavassiliou	Cyprus	Mrs. M. Collins	USA
Mr. T.D. Paulsen	Denmark	Mr. P. Hirtle	USA
Mr. T. Arus	Estonia	Mrs. J. Cardona	USA
Dr. A. Geisler	Germany	Ms. M. White	INTERTANKO
Mr. N. Soltow	Germany	Mr. A. Jamieson MICS	ITIC
Mr. J.A. Foord FICS	Great Britain	OBSERVERS	
Mr. S. Gillie FICS	Great Britain	Mr. A. Challinor	Osiris Consultants
Mr. R. Hill FICS	Great Britain		

Present:

Mr. J.C. Williams FICS	General Manager
Mrs. V.L. Marsh FICS	Assistant General Manager

This meeting was undertaken in compliance with FONASBA's Anti-Trust and Competition Policy and at no time were any discussions undertaken in relation to: fixing of terms, prices or rates, matters relating to particular customers or suppliers, boycotting or black listing particular customers or suppliers, dividing markets or customers or otherwise seeking to distort competition

Item		Action
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1.	<p>President's Welcome ASBA President Mr. Hirtle and FONASBA President Mr. Mantrach formally welcomed delegates to the 2019 Annual Meeting. The General Manager reported that apologies for absence had been received from Angola, Dubai, Egypt, Finland, France, Japan, Israel, Montenegro, Russia and South Africa.</p>	
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2.	<p>Welcome Address The meeting was then addressed by Rear Admiral Richard Timme, Assistant Commandant for Prevention Policy at the US Coast Guard. Coverage of his opening address can be found at: http://www.maritimetv.com/Events/FONASBA-Annual-Meeting-2019/VideoId/3824/fonasba-50th-opening-remarks-keynote</p>	
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The **Chair** also welcomed all those present to the 2019 Meeting and thanked ASBA for organising the event.

The **General Manager** reminded those present that the meeting was being held in accordance with FONASBA's Anti-Trust and Competition policy (see above).

3. **Minutes of the Last Meeting held Cancún, 17th October 2018**

No comments were received, the minutes were approved.

4. **Matters Arising**

There were no matters arising that were not otherwise covered in the agenda.

5. **European Issues Update**

The **General Manager** made a presentation outlining the current status of ECASBA's actions in respect of European Maritime Policy. This was followed by an intervention from Dr. **Geisler** in which he advised that a recent court decision in Germany had reduced the liability of ship agents for sanctions in respect of incorrect customs declarations. Whilst the decision was likely to be challenged by German Customs, he said it was welcomed by ship agents. Mrs. Bruggeman then made a short presentation on why the decision in Germany would not necessarily apply elsewhere in Europe. She said that whilst the provisions of Articles 79(3)(b) or 124.7 may assist in mitigating liability, provisions remain in national customs legislation that may result in agents still being held liable for misdeclarations. At the conclusion of the presentation, by a show of hands Belgium, Greece, Italy and Spain indicated that their customs authorities do take direct action against the ship agent for misdeclared cargo. The **General Manager** and Mrs **Bruggeman** therefore took the opportunity of reminding the meeting that actively seeking cooperation agreements with national authorities (as referred to in Article 124.7) was an effective way for associations to support their members in reducing the liability for misdeclarations. The presentation, and the others given during this meeting, can be downloaded from the Members' Area of the FONASBA website. *(Post-meeting note: The amendments to the regulations in respect of the inspection-free dwell time for transshipment cargoes of animal origin, and the ability to sight copy documents, came into force on 14th December 2019).*

6. **ECASBA 2020 Seminar/European Shipping Week Update**

The **General Manager** gave a short update presentation on the programme for ECASBA's 2020 European Seminar and the upcoming European Shipping Week, which will run concurrently during the week commencing 17th February 2020. *(Post-meeting update: The ECASBA seminar has now been confirmed for Wednesday 19th February at the NH Berlaymont Hotel in Brussels. Further information will be provided in due course).*

7/8. **ECASBA Position Papers**

The **Chair** gave a short introductory presentation on the development of the papers and then organised the meeting into breakout groups formed around the papers on Recognition of Agents, Harmonisation of Border Controls, Customs Procedures and E-Maritime & Single Windows. In view of the developments in relation to transshipment of cargoes of animal origin, this paper was not discussed. Delegates were then invited to join whichever group was of most interest to them and their association members.

Following enthusiastic and engaged debate amongst all the groups, the coordinators presented the recommendations to the meeting as follows:

- Recognition of Agents: Review and if necessary update current FONASBA and ECASBA documentation on the role of the ship agent and recognition of their importance to maritime trade; support and assist member associations in seeking to maximise recognition of the ship agency sector locally
- Harmonisation of Border Controls: Review and suggest amendments to Annex IX of the Visa Code in respect of issuing visas on departure for off-signing seafarers; complete the planned position paper on cash to master to better educate customs officials of the purpose and use of cash advances to vessels; review the relevant sections of the Port Procedures Survey to update and enhance the information relevant to the preceding issues
- Customs Procedures: Exchange information about the agent's liability for misdeclaration of cargo across ECASBA member states; issue another survey to ascertain the issues directly affecting ship agents and to identify issues of incorrect application of the UCC; encourage and guide associations to develop appropriate customs cooperation agreements in line with Article 124.7; ascertain the value of the AEO programme; increase contact with customs authorities in Member States
- E-Maritime and Single Windows: Collect information on the reports required by the authorities across all ECASBA Member States; ensure that all member associations are active in discussions with their authorities on the basis of the policy set out in the position paper.

At the conclusion of the breakout session, the **Chair** advised that the Advisory Panel would continue to develop the action plans based on the input from the discussion groups and circulate same for the information of member associations. He also reminded the meeting that the position

papers and action plans were designed to be used by both ECASBA to progress policy at EU level and by individual associations to inform and guide their authorities and hopefully to ensure consistent application of appropriate measure across all member states.

With regard to customs matters, Mr. **D'Orey** commented that there appeared to be a lack of relevant and current knowledge and experience within associations in relation to the applicable European and national legislation and he recommended bringing experienced customs practitioners, for example retired customs officers, into the association to assist in the technical discussions on such matters. Mr. **Foord** also reminded the meeting that FONASBA is a member of the Private Sector Consultative Group (PSCG) of the World Customs Organisation and of Business Action Against Counterfeiting and Piracy (BASCAP) and that those bodies could also be used to support actions and raise issues of concern at international level.

Bringing this item to a close, the **Chair** thanked the breakout session coordinators for having moderated each session and presenting the feedback. He advised that it was his intention that the same format be used for the next meeting. On the basis of feedback from the delegates, however, he agreed that more information on the topics to be addressed should be circulated in advance to allow for prior consideration, thus further enhancing the level of discussion during the meeting. He also agreed that regular updates from the group coordinators to the ECASBA members would be useful to keep the conversation going between meetings.

The **President** congratulated the **Chair** on having hosted a very informative and engaging meeting and said that he too fully supported the retention of the new format for the future.

9. Any Other Business

None

10. Date and Place of Next Meeting

The **Chair** advised that the next plenary meeting of ECASBA would take place in **Genoa** the week commencing **12th October 2020**, with the exact date to be notified in due course.

There being no further business to discuss, the Chair brought the 2019 ECASBA Plenary Meeting to a close.

JCW/12.2019