

FONASBA MEMBERSHIP ENQUIRY



ENQUIRY RESPONSE FORM

ORIGINATING ASSOCIATION:	Israel Chamber of Shipping
ENQUIRY DETAILS:	<i>Please advise if ship agents, or any other party acting in that capacity, can make customs entries or fulfil other statutory ship-reporting formalities without prior approval of the relevant authority? If prior approval is mandatory, how is it granted, and by whom?</i>

RESPONDING ASSOCIATION COMMENTS: (Please include any attachments)

Argentina	<p>Please be informed that in Argentina, according to Article 193 of the Navigation Act No. 20.094, the maritime agent is designated to carry out before customs the procedures related to the attention of a ship in an Argentine port. Has the active and passive, judicial and extrajudicial representation, jointly or separately, of its captain, owner or shipowner, before public and private entities, for all purposes and responsibilities of the voyage that the ship makes to or from said port and until another is appointed to replace it. It does not have the representation of the owner or the shipowner who is domiciled in the place.</p> <p>On the other hand, the Customs National Code establishes in its article 57, that customs transport agents ("ATA" in Spanish) are persons who, on behalf of the carriers, are in charge of the procedures related to the presentation of the means of transport and its charges before the customs service, in accordance with the conditions set forth in this code. Said transport agents, in addition to being trade assistants, are assistants to the customs service.</p> <p>As per national legislation, the ship agent must be registered before the Authorities, and after that, can act in representation of the ship.</p>
Bahrain	<p>Ship reporting formalities by the agent can be carried out without any prior approval from authorities. However if any restricted countries are involved in the last 3 ports , then separate approval to be taken from Customs prior declaring the vessel to the port.</p>
Belgium	<p>There is no prior approval needed. One simply needs to register to make use of the systems.</p>
Brazil	<p>The role of a shipping agency in Brazil is regulated by a series of legal provisions, ordinances and other rules. The agencies are also subject to rules common to those operating in international trade operations.</p> <p>One of the requirements is to be duly registered in the Brazilian Customs System before the agency can enter information in order to obtain the necessary permissions to berth and cargo handling.</p>

	No other previous authorization is needed as long as the agency is regular to act as representative of the shipowner.
Chile	<p>As commented by our Associates in Chile, Agents are not obliged to provide legal reports about their principal to the authorities.</p> <p>However, Agents must strictly comply with the regulations relating to the reception and clearance of vessels, including cargo information to customs and others applicable to usual maritime traffic.</p> <p>Powers and functions of Shipagents in Chile are defined in National Code of Commerce Art 923 translated as follows:</p> <p>“Without prejudice to the representation of the ship agent before the authorities, the latter, on behalf of the owner, shipowner or master, may provide either directly or through third parties, one or more of the services related to the care of the ship in port, such as:</p> <ol style="list-style-type: none"> 1. Receive and attend the ship that is consigned to upon arrival at a port. 2. Prepare, as soon as necessary, the enlistment and expedition of the ship, practicing the pertinent diligences to provide it and to arm it adequately in all that is necessary; 3. Practice all the diligences as necessary to obtain the dispatch of the ship; 4. Carry out the necessary steps to strictly comply with the provisions, resolutions or instructions received from any authority of the State, in the exercise of its functions; 5. Provide the assistance required by the captain of the ship; 6. Appoint the necessary personnel for the attention and operation of the ship in port; 7. Receive the goods for discharge, in accordance with the relevant documentation; 8. Attend and supervise the loading and unloading operations, including the stowage lashing and unlashng of the goods; 9. Receive bills of lading and deliver the goods to their recipients or warehousemen; 10. Sign as a representative of the master, or of those who are commercially operating the vessel, the bills of lading and other necessary documentation, and 11. In general, carry out all acts or procedures concerning the attention of the ship in the port of its consignment, without prejudice to the specific instructions given to it by its constituents.
Costa Rica	<p>In Costa Rica there are two clearly different figures, related to cargo and ship management.</p> <p>In the first case, all cargo management is limited to the figure of the Customs Agent regulated from article 29 of the Costa Rican Customs Code and the Central</p>

	<p>American Customs Code III (CAUCA III), who in coordination with land and maritime carriers and air gives treatment of entry or exit of merchandise.</p> <p>On the other hand, there is the figure of the Shipping Agent (correct and internationally recognized name is Ship Consignee), who in general terms assumes ad hoc representation or in case of entry and exit of a ship to a Costa Rican port, who is in charge , among other things, the coordination of reception and dispatch of the ship by the Competent Authorities (Migration, Harbor Master, Customs, Health, Quarantine, among others).</p> <p>By virtue of this differentiation, the Shipping Agent has the powers to exercise this representation and actions internally with the ship at the ship-port interface, once it has fulfilled its obligations of prior registration with the Directorate of Navigation and Security. In addition, it must undergo the controls related to the ISPS Code to enter the port facilities.</p>
Croatia	An agent has to be registered in accordance with national legislation. No additional approval is required.
Cyprus	<p>Please be advised that the Master or his authorised Agent shall lodge with the Customs Department an electronic cargo manifest within twenty-four hours from arrival and in any case before departure of a vessel.</p> <p>The Customs Administration may additionally require the presentation or production of any other document relevant to the cargo manifest.</p> <p>Shipping Agents can also make Customs entries without prior approval by any other Authority/Entity with the exception of clearing of goods a task which falls exclusively within the Clearing Agents responsibilities.</p>
Denmark	Denmark is a legislative liberal country, and Customs systems as well as Report formalities in SafeSeaNet do not require any authorisation other than a VAT no. (CVR). You operate those systems either via web browser, or direct System-to-System solutions integrating with authority systems.
Finland	<p>In Finland the vessels arriving in or departing from a port in Finland, reports into a electronic shipping data management system (Portnet) The registration of vessels, their representatives and shipowners is handled through Portnet. Ship agents are only registered as Portnet users.</p> <p>https://tulli.fi/en/-/regulation-issued-by-finnish-customs-on-the-notification-procedure-for-vessels-arriving-at-and-departing-from-finnish-ports-1</p>
France	As far as France is concerned, no need of a prior approval as long as agent is recognised/known on port where it is located.
Germany	In Germany, no prior approval is required.
Hungary	Agents can do reporting formalities. Custom official entries can done by authorized customs agent only.
India	In India, although Ship Agents are formally required to provide the copy of the appointment received from the owners to authenticate themselves as the vessel's representative as per the governing terms, in practice, most of the Govt run ports don't insist on it as long as no rival claimant are in the scene. But however, the

	<p>Private run ports here make sure to receive the appointment copy every time before letting the agent register the vessel's arrival. Incidentally, for the Indian customs, it is the agent who files the Manifest who would be deemed as the representative of the vessel until a rival turns up at the gate. In cases of disputes, it is the word of Vessel's Master which would be counted as final and binding. As a matter of fact, Indian ports don't have a proper system to screen and certify an agent's self-declaration of appointment. Well, the system here works more "reactive" than proactive.</p>
Italy	<p>With reference to the proposed question, concerning the Italian ports; in order to present the customs declarations, and the other statutory formalities, it is required to present the appointment received by the shipowners as ship agent to the Harbour Master's office in accordance with the national law of the category: "Law 4 April 1977 No. 135".</p>
Japan	<p>The ship agents also have a customs clearance department, so a customs broker is available. Customs brokers are responsible for import and export customs clearance. In this sense, no special application/approval is required.</p>
Jordan	<p>As far as the Customs Department concerned, the Ship Agent should be officially registered by all relevant Departments and Authorities to act as Shipping Agent, and then the Agent should obtain username and password from the Customs Department to be able to enter Data about his Ships and cargoes. Approval is Mandatory, and should register a Shipping Company in the relevant Departments such as MOT, Shipping Association, ASEZA, JMC etc</p>
Kenya	<p>PRIOR APPROVAL is mandatory. Ship reporting formalities is declared by the ship's agent to - Kenya Ports Authority, the Agent will register manifest with Kenya Revenue Authority (Customs) who will approve and issue Manifest number if ALL is well.</p> <p>KRA will share the manifest with OTHER concerned Authorities handling cargo and lastly Customs Agent will register entries on KRA systems after obtaining Manifest number from Ships Agents.</p>
Morocco	<p>In Morocco, in order to be authorized to be a shipping agent, there are access specifications to be respected according to the conditions listed. These access specifications must be sealed and signed by the Ministry of Transport and Logistics in order to have an official authorization to practice.</p> <p>In addition, a bank guarantee must be deposited nearby the port authority as well as another one nearby the terminal operators in order to complete the access conditions.</p> <p>Once these conditions have been met, the shipping agent is entitled to make customs entries, carry out all document deposits and make all customs formalities for the entry of the vessels.</p>
Mozambique	<p>The ship agent needs to be holder of a valid Ships Agency license issued by the relevant authority in order to make statutory reports.</p>
Netherlands	<p>Prior approval is necessary by filling in a special document which has to be send to the Dutch Customs:</p>

	https://download.belastingdienst.nl/douane/docs/aanvraag_vergunning_elektronisch_aangeven_do2172z14fol.pdf
Portugal	According to the law the agent must be registered at the Mobility Institute and also with the Port (s) Authority (ies) of the port(s) he intended to work.
Romania	In Romanian ports the Agent needs to submit IN THE CUSTOM SYSTEM, an Entry Summary declaration (ENS). ENS can be submitted by Agent without authorization basis cargo documents. The ENS is MAINLY for cargo that has been loaded at Non EU ports.
Russia	The following docs are required to be presented by ship agent in address of Customs and other port authorities to confirm their authorization for servicing arriving vessel: 1) Agency agreement between Line and ship's agent; Or 2) Nominations from Charterers/ Shipowners.
South Africa	In South Africa the Vessel Agency has to be registered with Transnet National Port Authority as required by the Port Regulator and open the necessary Harbour revenue account by lodging the applicable guarantees to allow vessels under the control of the agency to berth and work in the port. The same applies to Customs who may also require a surety bond applicable to a vessel operator. In both instances when the registration forms and referred formalities have been completed, submitted and approved by both authorities the registered ships agency would provide a letter to both TNPA and Customs confirming the names of vessel agents in their employ who are permitted to sign and stamp documents on the agency's behalf. As a formality the Ships Agency would also advise Immigration, Port Health the names of vessel agents in their employ as they are also involved in the inward and outward clearance of the vessels port call.
Spain	In Spain you must be authorised by Customs House, normally upon presentation of Bank guarantee, although you can be exempted in case of AEO or due to import/export volume handled.
Turkey	In Turkey, the companies acting in capacity of ships agents must have a licence released by the Ministry of Transport and Infrastructure and a special code allowing them to fulfil all formalities related to vessels calling Turkish ports and/or transiting Turkish straits in transit.
UK	To clear import cargo, the responsible party must be authorised in advance by UK Customs and hold a customs "badge" allowing access to the systems. It is not necessary for the party making the import declaration to be a ship agent. In all cases, the import declaration is made in the name of the cargo owner. There is no requirement for pre-authorisation to make export declarations, there is a facility to do so on the UK Government website. Ships clearance In the UK it is the ship operator's responsibility to enter and clear the ship, although usually this is passed onto the ships agent. ALL inwards and outwards ships clearances are done via an online portal - Anyone can register to use the

	portal, but prior registration is required. Registration is specific to your company and password protected etc.
Uruguay	In Uruguay, maritime agents are the ones who must exclusively comply with the legal formalities of announcing the arrival of ships and making declarations within the corresponding deadlines before each of the competent authorities, be it the health authority, the maritime authority, the port, customs and immigration.
USA	<p>US Customs & Border Protection (CBP) entries for cargo are required by the receiver of the cargo who works with a Customs Broker and a 3rd party (some ship agents provide this service) to file cargo entry via the CBP Automated Manifest System (AMS).</p> <p>To enter and/or clear the vessel to/from a US port, typically the ship agent and/or a representative of the vessel (master) must file the Electronic Notice of Arrival (ENOA) or Electronic Notice of Departure (ENOD).</p> <p>In all cases, the ship agent while working with CBP on behalf of the vessel must possess a valid customs bond.</p>