



FONASBA



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GENOA SHIPPING WEEK

16th – 22nd SEPTEMBER 2013

“FONASBA, ECASBA

and the impact of EU Maritime Policy

on the Ship Agent

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Who are we, what do we do?

FONASBA: The international shipbrokers and ship agents association, founded in London in April 1969. Its objective:

“To promote and protect the professions of shipbrokers and ship agents worldwide”

ECASBA: The European committee of FONASBA, formally established in 1993. Its objective:

“To represent the views of the European Community shipbroking and ship agency professions to the EU institutions”

Membership

FONASBA:

- Full Members – national associations representing shipbrokers and ship agents
 - Associate Members – individual companies representing countries where no national association exists
 - Club Members – organisations of importance to the shipbroking and ship agency professions. Membership by invitation only.
- Current members: BIMCO, The Baltic Exchange, INTERTANKO, ITIC, The Shipbrokers' Register

ECASBA:

Full Members of FONASBA domiciled in EU Member, or Applicant Member, States.

Current FONASBA Membership

AFRICA: Kenya, Mauritania, Morocco, Nigeria, Senegal, South Africa, Tunisia

AMERICAS: Argentina, Brazil, Mexico, Peru, USA

ASIA/PACIFIC: Australia, China, India, Japan, the Philippines, Sri Lanka

EUROPE: Belgium, Bulgaria, Croatia, Cyprus, Denmark, Finland, France, Germany, Great Britain, Greece, Hungary, Ireland, **Italy**, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, Russia, Slovenia, Spain, Sweden, Turkey

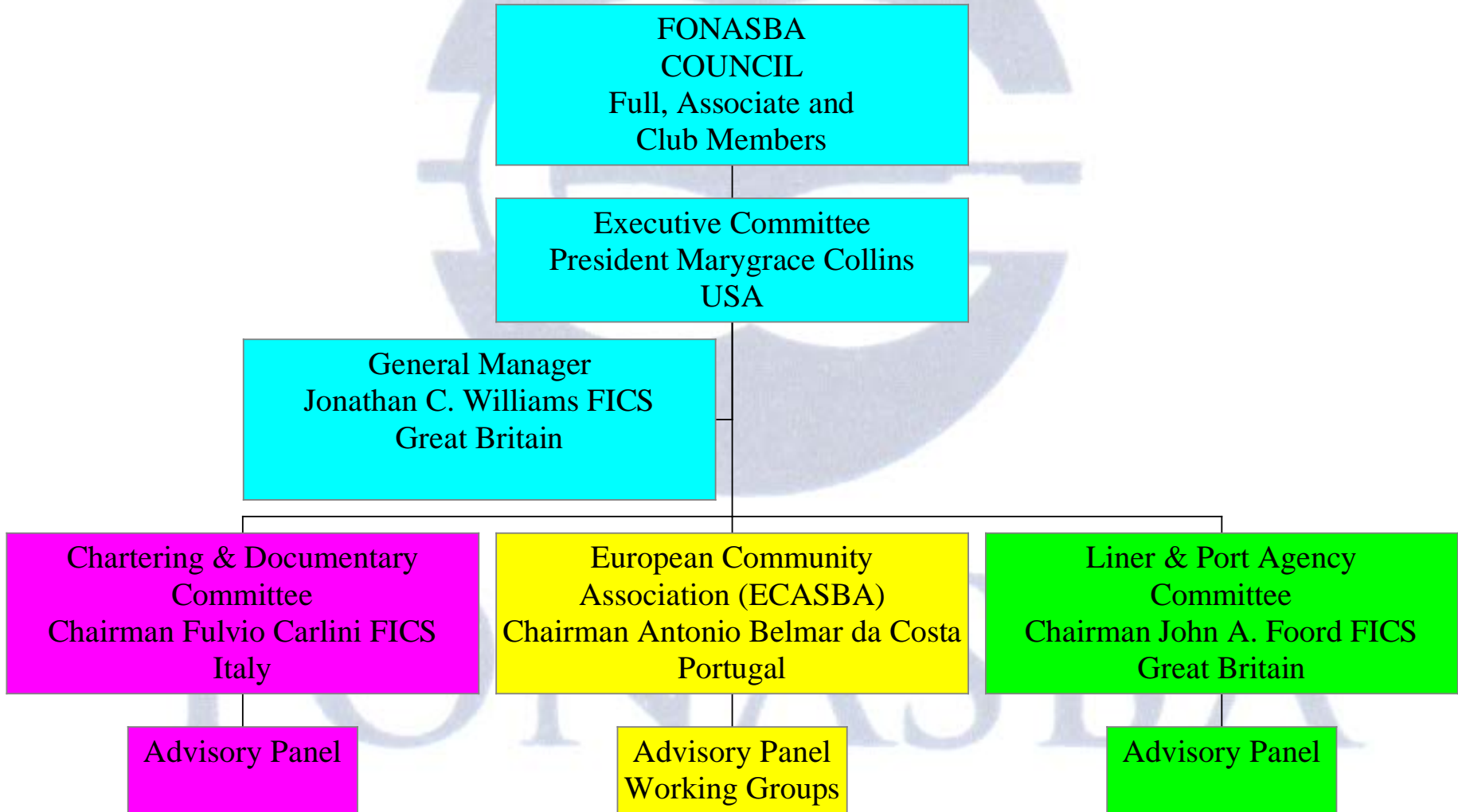
MIDDLE EAST: Dubai, Israel, Jordan, Lebanon, Qatar, Syria, Yemen

Current ECASBA Membership

Belgium, Bulgaria, Croatia, Cyprus,
Denmark, Finland, France, Germany, Great
Britain, Greece, Hungary, Ireland, **Italy**,
Malta, Netherlands, Norway, Poland,
Portugal, Slovenia, Spain, Sweden, Turkey

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FONASBA STRUCTURE



ECASBA STRUCTURE

ECASBA Chairman and Vice Chairman are members of FONASBA Executive Committee

ECASBA Advisory Panel comprises Chairman, Vice Chairman, coordinators of Working Groups and three representatives of ECASBA member associations. The Advisory Panel develops ECASBA policy and proposes actions to the FONASBA Executive Committee

Current Working Groups:

- Customs & Transit
- ECASBA 2020
- Education
- Recognition and Licensing of the Ship Agent
- Short Sea Shipping & Environment, New Opportunities

Italy in FONASBA

- A founding member of FONASBA in 1969
- Three Presidents:
 - F. Kielland 1971-1973
 - F. Novi 1987-1989
 - U. Masucci MICS 2002-2004
- Four Annual Meetings
 - Genoa 1971
 - Santa Margherita Ligure 1983
 - Naples 1996
 - Venice 2012
- One ECASBA Chairman
 - Umberto Masucci MICS 2000-2002



Italy in FONASBA 2013

- Umberto Masucci MICS – Honorary Member
- Fulvio Carlini FICS – Chairman, FONASBA Chartering & Documentary Committee – Member of the Executive Committee
- Gian Enzo Duci - Coordinator, ECASBA Recognition & Licensing of Ship Agents Working Group – Member of the ECASBA Advisory Panel
- Vito Totorizzo – Coordinator, ECASBA Customs & Transit Working Group – Member of the ECASBA Advisory Panel

Relations with IMO and the European Commission

- FONASBA was granted consultative status with IMO in November 2007
- FONASBA is the only organisation within IMO representing the ship broking and ship agency sectors
- FONASBA's role is technical and advisory, i.e. to provide input to relevant IMO Committees and correspondence groups on issues of importance to the membership
- ECASBA is one of the core consultative organisations for the European Commission on maritime sector issues
- ECASBA has very close links with DG-MOVE, DG-TAXUD and DG-MARE and is developing similar links with DG-COMP and DG-ENVI. Other links are developed as necessary
- The Commission now actively seeks ECASBA's input on relevant issues

Current FONASBA Actions:

- Agent as Port Single Window
- Quality Standard
- Port Procedures Survey
- Education
- European Issues

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The Agent as “Port Single Window”

- Developed by FONASBA to demonstrate the vital role and importance of the ship agent in the national and global supply chain in the face of moves to automate or outsource the process (e-Maritime/DA-Desk and others)
- Promotes the need for highly qualified and experienced ship agents in every port
- Raises awareness of the individual nature of every single ship call and the variety of actions required to ensure a quick and efficient port call, completed with best possible despatch
- Links to FONASBA Quality Standard and Port Procedures Survey and...
- ongoing efforts to ensure agency fees reflect the level of work done and professionalism applied

The FONASBA Quality Standard

- Now in place in 20 nations: Argentina, Australia, Belgium, Brazil, Croatia, Cyprus, Denmark, Finland, Great Britain, Israel, Italy, Japan, Malta, Morocco, Norway, Portugal, Slovenia, Sweden, Spain and USA
- Approximately 300 companies now accredited
- 6 companies approved in Italy – well done!

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Port Procedures Survey

- Currently covers 37 FONASBA member associations and 210 ports
- Well-received by external bodies, including DG-MOVE
- Proves lack of consistency in procedures nationally and regionally
- Next moves:
 - Increase number of MS represented
 - Increase number of ports covered
 - Ensure information kept up to date and relevant
 - Introduce further refinements in data entry process, coverage of elements
- Italian ports covered: Ancona, Augusta, Bari, Civitavecchia, Genoa, Naples, Ravenna, Savona, Taranto, Trieste. Any more?

Education

- Key to ensuring provision of well-trained, preferably professionally qualified staff
- Regional VP for Education (Jakov Karmelic – Croatia) appointed to Executive Committee to oversee coordination of education programmes
- Wide range of programmes already provided by FONASBA MS
- FONASBA coordinating existing education programmes, will only develop own programmes if agreed by MS
- Education pages on website (under development) allow for review of courses by various criteria: e.g. level, delivery, language

ECASBA – CURRENT ISSUES

- Port Policy
- E-Maritime/Single Windows
- Pilotage Exemption Certificates
- Environment
 - SECA's Update
 - Ship Recycling
- Customs
 - Simplifications and guarantee waiver retention in UCC
 - Delays to progress on modernised customs environment

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Port Policy/1

- Background:
 - 2007 soft law basis not working – still issues of port performance, lack of viable hinterland connections, financial transparency, access to port services, so no level playing field
 - Some progress has been made recently – Concessions Directive, new guidelines for TEN-T and Connecting Europe Facility (CEF) and some reforms of port sector due to financial crisis but other issues remain
 - Structural funding from EU not bringing expected benefits
 - Appears almost no tangible progress since 2007 so opportunity for Comm. to try another approach
 - Stakeholder consultation December 2012, workshop on results January 2013 – ECASBA participated in both.

Port Policy/2

- Legal Form/Scope/Coverage:
 - Measures proposed in Regulation, not Directive, to introduce binding measures and legal certainty to establish Europe-wide level playing field and allow freedom to provide services
 - Scope: market access to port services, and financial transparency. No dock labour (too hard) self-handling (no longer considered a port service) or land lease concessions – covered by Concessions Directive
 - Coverage – only covers 319 ports in TEN-T core and comprehensive networks to avoid overburdening small ports with excessive regulation – but MS have option to include others

Port Policy/3

- Market Access:
 - Does not apply to cargo handling or passenger services
 - Freedom to provide port services across EU
 - Fair, reasonable and non-discriminatory access to essential facilities
 - Port managers have right to check suppliers qualifications and provision of resources to provide full range of service
 - Limitations on number of service providers allowed due to space constraints, safety, security, accessibility but under clearly defined and transparent criteria
 - Ports can provide services (internal operator) but limited to own port/port system

Port Policy/4

- Transparency and Charging:
 - Transparent rules regarding financial reporting, especially in relation to use of public funds
 - Public funds made available for public service obligation may not be used for any other purpose
 - Port charges to be transparent and non-discriminatory
 - Port managers may levy infrastructure charges on port users and service providers
 - Infrastructure charges may be “modulated” for frequent users, promotion of short sea shipping, high environmental standards or similar – terms must be transparent, non-discriminatory and available to all
 - Commission to set methodology for environmental charging classifications and principles

Port Policy/5

- Coordination and Supervision:
 - Ports to establish and provide support and facilities to user committees, with participation available to all service providers
 - User committees to have say in coordination of port services, defining and setting infrastructure charges, simplification of port procedures
 - Member States to establish independent supervisory bodies to ensure correct application of the Regulation – “debureaucratisation”

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E-Maritime

- Ship Reporting Formalities
- Single Windows



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E-Maritime

Ship Reporting Facilities

- Reporting Formalities Directive (2010/65/EC) effective 01.06.2015
- Requires all statutory information to be provided electronically
- Port Community System operators to provide means of access to national single windows, agents to feed into PCS
- No definition in Directive of the scope of the information to be provided, to be determined by Member States so possibilities for Member States to allow for or require the exchange of commercial information, concerns over confidentiality!
- Commission have accepted that the agent is the provider of all information going into the system
- Conference on E-maritime: Brussels November 2012 – ECASBA presentation
- ECASBA now contributing association to AnNA Project

E-Maritime

Single Windows

- Objective: to harmonise and streamline the exchange of statutory data between ship and shore
- ECASBA fully engaged with DG-MOVE to provide input on practical issues
- Invited to present case at November 2012 conference
- e-Maritime presents ideal opportunity to thoroughly review and reduce volume of information being submitted – if you don't need it, don't ask for it!
- ECASBA initiative “The Agents is THE Port Single Window” gaining acceptance
- Concerns over “as agents only” in electronic reporting

Pilotage Exemption Certificates

- Enhanced access to PEC's is fully supported by ECASBA
- Vital in ensuring effective use of short sea shipping
- Unnecessary and unjustified barriers must be removed:
 - Obligatory/exclusive use of national language
 - Narrowly defined experience requirements
 - Unacceptably high number of qualifying calls
- All criteria should be specifically safety orientated, objective and proportional
- Only common language should be English
- ECASBA and member association contributions to consultations – May 2012, April/May 2013

Emission Control Areas – Review of Sulphur Directive

- 0.1% Sulphur Emissions for N. Sea and Baltic ECA's in 2015
- Major concerns for short sea shipping industry on cost and practicalities
- Will result in modal backshift from sea to road due to significant fuel price rises
- ECASBA Position Paper March 2012
- Commission to establish forum to discuss technical development, abatement process and financing
- Possibility of introducing Mediterranean SECA and NECA's (Nitrogen), also CO₂ monitoring

Sustainable Ship Recycling

- European Parliament Environment Committee (ENVI) proposed levy on ship calls in the European Union to fund sustainable ship recycling.
- Major campaign by European maritime sector organisations to oppose these measures basis:
 - Increased port costs for ships in EU ports damaging trade and competitiveness
 - Likely to see Hong Kong Convention consensus damaged
- EP vote on 18.04.13 defeated proposal 299-292!
- Commission now ordered to develop alternative incentive-based scheme for sustainable recycling

Customs Issues/1

- Modernised Customs Code/UCC – transfer of level 2 simplifications and guarantee waivers
 - Intention in creating UCC from MCC was technical and limited to Lisbon Treaty compliance but...
 - TAXUD trying to make other changes, including reducing levels of simplifications and removing guarantee waivers from maritime transport
 - ECASBA joined with industry and most EU MS to retain same via an amendment to Article 77.
 - TAXUD now forced to look again at simplifications

Customs Issues/2

- Modernised Customs Code/UCC – delays to progress and centralised clearance/single filing
 - Trade Contact Group pressing for urgent action to make progress on customs reform, seeking industry support
 - ECASBA unable to participate due to TCG support for centralised clearance/single filing which not supported due to impact on some MS
 - ECASBA therefore taking own line and in direct contact with Parliament Committees and DG-TAXUD to urge action to accelerate introduction of UCC for benefit of European trade - but without CC.

Customs Issues/3

- Liability of agents for accuracy of information
 - Concerns about customs authorities taking criminal action against agents for misdeclaration, e.g. Belgium
 - Issue over ability to clearly state “as agents only” on electronic customs entries
 - Also potential issue under “e-Manifest” proposals
- Regulation of Customs Agents
 - CLECAT/CONFIAD proposals, impact on ship agents



THE END
THANK YOU

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