

An aerial photograph of a port and industrial area. In the foreground, there are several large white industrial buildings, some with green roofs, and a cluster of yellow storage tanks. A large yellow ship is docked at a quay. In the background, there are more industrial buildings, a residential area with houses, and a large body of water. The sky is blue with some clouds.

Newsletter for Company Members

Institute of Chartered Shipbrokers

Issue 17 – Autumn 2018



INSTITUTE OF
CHARTERED
SHIPBROKERS
Federation Council



Promoting professionalism in commercial shipping

Institute of Chartered Shipbrokers Newsletter for Company Members

Issue 17 – Autumn 2018

Contents

- 01 Welcome from Steve Gillie FICS Federation Council Chairman
- Dates for your diary
- 02 Your Federation Council
- Your Institute team
- 03 Federation Council representatives 2018/2019
- 04 The Institute's books
- 05 Focus. Port of Montrose
- 08 Foreign currency & risk management
- 09 The launch of the London School of Shipping
- 10 The 'Maersk Tangier' a milestone for the definition of Unit
- 12 Wood pellets imports, fueling UK port activity
- 13 HMRC Notices
- 14 ECASBA update
- 15 New Company Member: Ahlmark Shipping (UK) Ltd
- 15 FONASBA BIMCO joint agency document seminar
- 16 Women in maritime taskforce
- 18 Federation Council AGM
- 19 Head office move
- 20 Circulars. Customs Information Papers issued
- 20 Introduction to UK shipping course
- 21 Federation Companies 2018/2019

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Welcome

Steve Gillie FICS
Institute of Chartered Shipbrokers Federation Council Chairman

Welcome to the autumn edition of the Federation Newsletter. In this edition we feature the Scottish port of Montrose. A port which has a very long and rich history starting in 1493 and has been trading and developing ever since.

I am pleased to report that a new contract has now been signed with Trinity House allowing company members to continue to issue light dues certificates until 30 June 2019. The Institute has also taken out appropriate credit risk insurance to cover any outstanding light dues should a company member go into liquidation or not be able to pay the amount owed to Trinity House. This cost is unwelcome but it is prudent to protect the Institute's exposure.

The new academic year has now opened with examination sessions

in November and May so it is the perfect time to plan your staff training requirements and encourage your staff to undertake Institute qualifications.

The Institute recently moved office to 30 Park Street, London SE1 9EQ and the wonderful facilities there has allowed it to open the London School of Shipping. The London School of Shipping offers evening classes for those studying towards our exams. If you are based in London I would encourage you to include these classes in your staff training and development programmes.

The UK's exit from the European Union is approaching although there are still no clear details available which makes future planning difficult. One thing that we do know is that there will be a period of change and uncertainty which may impact currencies so we

have included an overview of the major currencies which I hope you will find useful. As soon as we have some firm details then we will ensure you are briefed promptly.

At the recent Federation Council AGM it was my pleasure to welcome four new members to Federation Council but unfortunately we also had to thank and say goodbye to some members standing down after serving on Federation Council for many years. I look forward to working with the new members as they bring a great mix of youth and enthusiasm and a wealth of experience and knowledge to Council.

It is also my pleasure to welcome Ahlmark Shipping (UK) Ltd as a full company member and Sterling Shipping Agencies as a new affiliate company member.



Dates for your diary

19 - 29 November	Institute Examinations
23 November	North East of England Branch Annual Tees Dinner, Middlesbrough
27 November	Liverpool Branch AGM, Liverpool
28 November	Baltic Lecture: Charterparty pitfalls and how to salvage, London
29 November	London and South East Branch Social Evening, London
29 November	South Wales and West Branch AGM, Bristol
18 December	The River Tees Christmas Carol Service, Middlesbrough
30 January	Baltic Lecture: Shipping as an economic ecosystem, London

Your Federation Council

The Institute of Chartered Shipbrokers represents its company members through its trade association, Federation Council.

As a Council of the Institute, Federation acts as the representative body for Company Members. It is authorised to take decisions on behalf of the Company Membership, except where those decisions would affect the overall policy of the Institute, in which case any proposal shall require ratification by the Institute's governing body - Controlling Council.

Founded in 1984, Federation Council promotes and protects the interests of Shipbrokers, Managers, Port and Liner agents in consultation with the UK Government, statutory bodies and the European Commission. Federation is governed by a Council of 13 elected Company Member representatives together with the elected Officers of the Institute.

Federation manages a number of standing committees, which act and advise on behalf of members and the industry in their specific sectors.

Federation has permanent membership of a number of Government and industry consultative bodies, including HMRC, Home Office, DfT, Maritime UK, MCA and the Chamber of Shipping.

It is also the recognised Government national contractor for certain sector-specific shipping business activities controlled by HMRC, DfT, and Trinity House. Additionally, Federation links with international organisations including FONASBA, ECASBA, BIMCO, Baltic Exchange, INTERTANKO and INTERCARGO.

**Company members are supported
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Company Member Logo

If you would like to add the company member logo to your webpage or to your stationery items, please do not hesitate to contact us for assistance.



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ITIC

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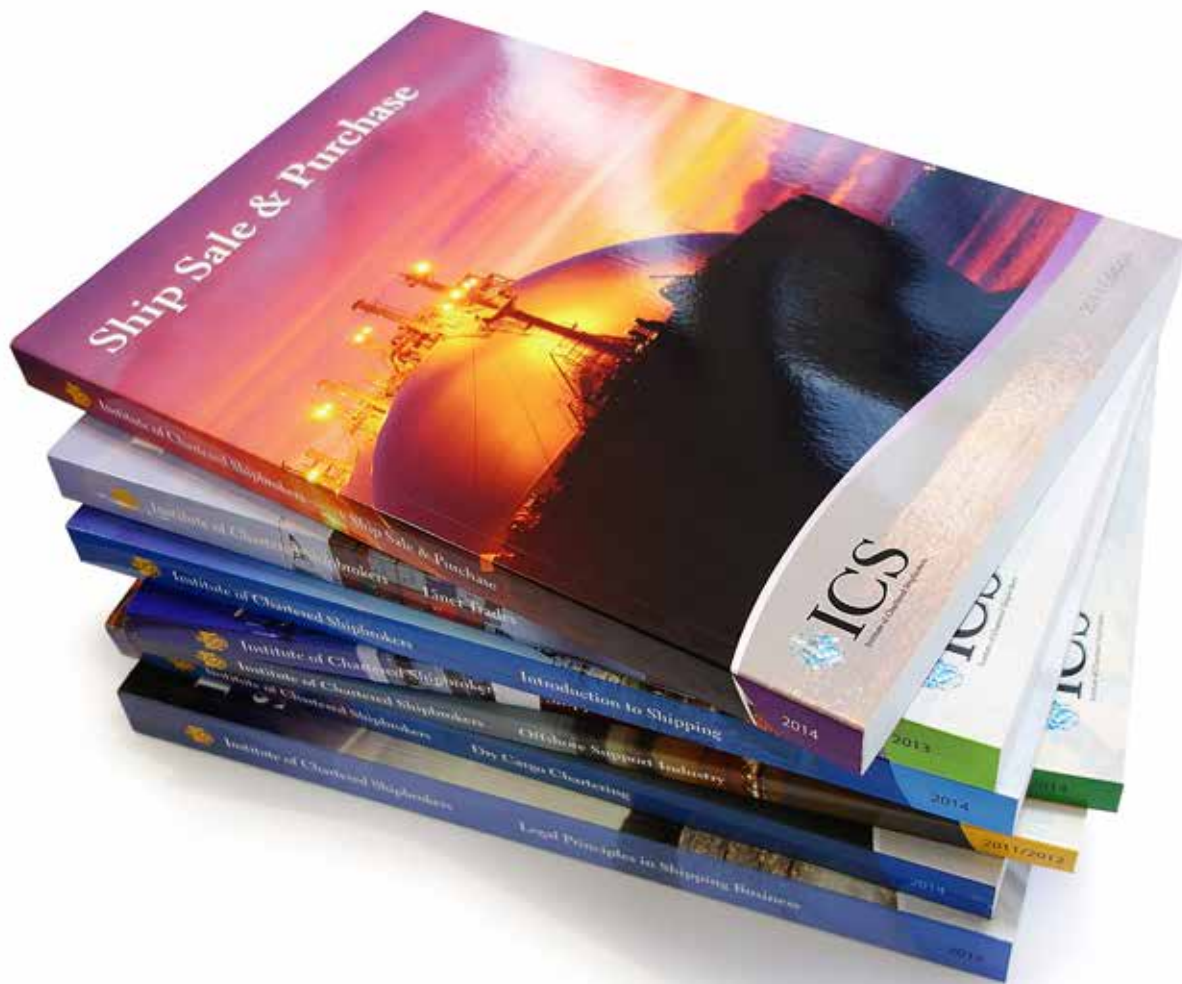
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Institute Chairman
Institute Vice Chairman
Institute Director



Written by professionals for professionals

Shipping has become more complex to the extent that the name shipbroker, which at one time was thought to apply only to those engaged in chartering dry cargo tramp ships, now embraces separate disciplines in tanker chartering, ship management, sale and purchase, port agency and liner trades.

As an independent international professional membership organisation, the Institute of Chartered Shipbrokers strives to promote a world class programme of education and training to ensure that all its members are knowledgeable about their business. As a result, the Institute produces and publishes a comprehensive series of books on shipping business.

The Institute's sixteen books are unique in that they have been written by professionals for professionals in the shipping industry. They now undergo a regular review where they are peer reviewed, revised and updated by professionals in their particular discipline and peer reviewed again, so that an accurate revision can be ensured.

The books themselves will continue to be part of the TutorShip course, but our goal is to make them more widely available to the general shipping industry, which has long requested our books as general reference titles.

Members are entitled to a 50% discount on all of the Institute's publications.

To place an order, please complete a book order form and return it to us.

For book order forms and support, please visit: www.ics.org.uk/learning

**Members receive
a 50% discount
on all books**



**INSTITUTE OF
CHARTERED
SHIPBROKERS**



FOCUS

Port of Montrose

If you have an idea to feature in this section,
please contact us: federation@ics.org.uk

PORT

Port of Montrose

An Impressive History

With its history dating back to the 10th century, Montrose Port has its fair share of stories to tell; from tales of wealth, prominence and prosperous merchants, to the secrets behind its internationally-influenced architecture and natural harbour, which has been used as an international trading hub for centuries.

Operated today by Montrose Port Authority (MPA), 2018 sees the Port celebrate its 525th anniversary. With a statistic like that, it's clear to see that Montrose Port has been – and remains – of commercial importance to the North East of Scotland.

By a charter of King James IV, dated 20th September 1493, Montrose was granted crucial trading privileges. The Crown saw a vast number of opportunities for international trade via Montrose, due to the Port's proximity to Europe.

Based on the East Coast of Scotland, Montrose Port Authority is a thriving support and service hub for the North Sea energy and shipping industries. Over the centuries, it has established its reputation as a leading centre of international trade and distribution throughout Scotland. But did you know it's been operating for over half a millennium...

This inevitably helped bolster the town's economy, having a lasting impact upon the town's infrastructure and its Dutch-influenced, gable-ended architecture.

An act creating Montrose Harbour Trust was passed on 3rd July 1837, heralding a new era in management of the Port. In return for a fixed payment of £600 to Montrose Town Council - as compensation for the loss of income from the harbour - 21 trustees were granted authority over the whole bay. Crucially, the first act allowed the Trustees to borrow up to £40,000 to build a wet dock and support all harbour facilities and navigational aids.

Following this, an official contract was signed in 1839. The Port's wet dock was built and so began the programme of continuous improvement which carries on today, as the Port adapts to the industry requirements.

The Importance of trust

The Port's trust status continues to play an important part in its operation. MPA's current Board of Trustees includes nine



FOCUS

In this issue our PORT FOCUS is Port of Montrose

members, all of whom bring their own experience and expertise to bear upon the maintenance and development of the Port.

As a trust port has no shareholders or owners, any financial surplus made is reinvested within the port for the benefit of its stakeholders and the local economy. And whilst a trust port is still in the business of making money, studies have shown that without the pressure of shareholders who may require quick results, the timescale of investment plans in trust ports can take a slightly longer-term view. This, in turn, can open up additional options for investment plans, especially where port infrastructure is concerned. For example, Montrose Port Authority is some way into a 25-year strategic master plan which - amongst other objectives - will increase the Port's capacity to allow larger cargo vessels to dock at the Port.

Investing in the Future

At the moment, the Port offers around 1,000 meters of quayside on both the north and south side of the harbour, providing a sheltered haven almost half a mile long, with water berths to a depth of 8.5m, 130,000m² of open storage and over 450,000 sq ft of warehousing and 25,000 sq ft of offices. Since the 1970s and the discovery of North Sea oil and gas, MPA has welcomed key oil and gas suppliers, and more recently, the growing offshore renewables and decommissioning sectors.

The Port's North Sea-centric location, excellent road and rail links to the rest of the UK, have been further enhanced by the recent announcement that the Port has received a £1.5million Ports Mode Shift Grant from the Scottish Government. The Grant will support the master plan's redevelopment of two quaysides on the North side of the

port – berths seven west and eight. Due for completion in 2019, this will increase the Port's capacity, depth alongside and associated utilities work, which in turn will increase the maximum potential size of berthing vessels from 12,000 to 18,000 deadweight tonnage.

Central to its master plan, is Montrose Port Authority's objective to deliver efficient, cost-effective and environmentally-friendly solutions. Reflecting this, it is estimated that this most recent period of development will result in the removal of an estimated 1.26m tonnes of freight from roads and 86,000 HGV lorry journeys.

Flexibility is key

MPA takes pride in its flexible approach, appreciated by all Port users. It has allowed MPA to operate across a number of markets and handle almost any type of cargo on a 24/7 basis; establishing its reputation as a leading centre of international trade and distribution throughout Scotland and northern England.

The quayside is fully equipped to provide full support for project work from chain and anchor inspections to decommissioning activities and offshore wind projects. One of its key attributes is its excellent track record in mooring systems; storing and handling more than any other port in Europe.

Another new chapter for Montrose Port Authority lies in the tourist industry. As a member of Cruise Scotland, MPA provides the optimum gateway for passengers to enjoy the many cultural and natural attractions of Angus and the north-east of Scotland. It welcomed its first cruise vessel in summer 2018.

The cruise industry plays a key role in the country's economic growth. In 2017, Cruise Scotland recorded a total of 761 cruise ship visits to Scottish Ports, carrying more than 680,000 tourists to regions throughout the country. It is a key market for the Port to expand into and the impact upon the economy of the surrounding area cannot be underestimated.



Foreign Currency & Risk Management

Let us guide you through the choppy waters of foreign exchange.

*Credits: OFX Currency Review – June 2018
Tyler Griffin, Currency Analyst at OFX.*

Currency volatility has a huge impact on UK businesses and the unpredictable movement of foreign currencies creates an insecure environment for many companies that need to make international payments. Below we review the Pound, US Dollar and the Euro; and trust that this currency review will prove useful as we consider what's ahead in the coming months and how best to plan with confidence.

GBP

Momentum was certainly a positive feature for the GBP for the first few months of 2018 and this, in turn, helped frame the way in which market participants viewed incoming data. The [in]famous currency speculator George Soros – the man who was said to have broken the Bank of England back in the ERM crisis of 1992 – coined the term 'reflexivity' to describe the process whereby a feedback loop exists in which investor perceptions change the environment, which in turn then influences the perceptions themselves. To put this theory another, a simpler way, when prices are rising, investors view the economic glass as half-full rather than half-empty. As the GBP/USD exchange rate moved on to a 1.40 for the first time since the EU referendum back in June 2016, investors piled in; joined by

corporate treasurers fearful that a change of 'big figure' might bring 1.50 into play and encouraged by the Bank of England's warnings that another hike in UK interest rates might soon be warranted.

USD

The US Dollar is in much better shape than the majority of analysts had forecast at the beginning of the year. Casting minds right back for a moment to the Presidential Elections in November 2016, the initial reaction was that a pledge to "Make America Great Again" would extend also to its currency. Instead, the false starts and delays to the new Administration's economic programme actually sent the Dollar lower at a time when the Eurozone political and economic outlook brightened considerably.

Investors collectively ignored completely the changed and improving valuation metrics for the USD throughout Q1 – higher interest rates, faster economic growth and better approval ratings for the President himself – until finally, in the middle of April, 10-year US bond yields broke through 3% for the first time in over three years.

The USD outlook from here depends on the weight that investors place on interest rate and economic growth

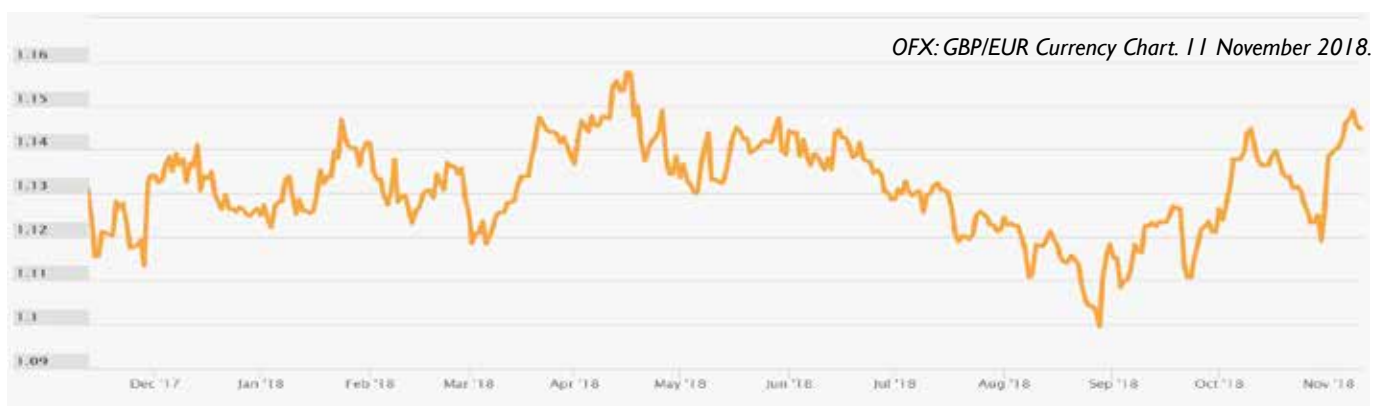


Tyler Griffin, Currency Analyst at OFX

differentials with the rest of G7, as well as the success – or otherwise – of President Trump's style of negotiations. Certainly, there seems plenty of upward momentum in the US and a Federal Reserve Bank which appears determined to pursue further tightening of monetary policy. It is quite possible that by year-end, US short-term rates are 200bp higher than the UK and 250bp above their Eurozone equivalents.

EUR

The Single European Currency performed a full 360-degree turn in the first part of the year. The period was characterised initially by political uncertainty in both Germany and Italy but a seemingly robust economic performance right across the Eurozone which lifted the EUR to a best level in



early February just above USD1.25; its highest since November 2014.

The first weekend of March, however, brought a changed political landscape in the European Union, with Angela Merkel confirmed as head of a new, broader coalition government in Germany.

In Italy, however, the only election outcome was negative; a clear rejection of former leaders Silvio Berlusconi and Matteo Renzi but no obvious way forward to form a new Administration of rival, untested, factions.

Volatility can amount to losses or gains and here at OFX, our specialist knowledge allows us to help our clients protect from the risk and maximise their gains.

Our team of experienced currency specialists will develop an understanding of your business, making sure that the strategies we build are both appropriate and relevant to your business needs and processes.

Our range of specialist foreign exchange tools help us to deliver a tailor-made solution that works alongside your current financial structure, integrating with your own cash management.

By having our personal service to hand that can be trusted to deliver honest and expert guidance is where the true value of a bespoke provision lies. With one reliable point of contact within an expert team, that understands the cash flow processes as well as the challenges of your business, a truly beneficial relationship can be achieved.

By understanding the drivers of the foreign exchange markets, we keep our clients up to date with future concerns or looming risks. Equally we are at the forefront of advantageous moves, making sure our clients are the first to take advantage of the better pricing when positive fluctuations occur.



The launch of the London School of Shipping

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Long on the agenda of the Education and Training Committee and encouraged by the London shipbroking community, the Institute has launched evening classes in London for students preparing their professional examinations. We offer 12 subjects, timetabled into four groups of three, so students may select up to a maximum of four subjects to study and prepare for examinations.

Led by expert tutors, classes take place on alternate Tuesday and Wednesday evenings over two semesters running up to the Spring exam sessions and the classes take place at our fantastic new facilities at 30 Park Street, London.

Please see ics.org.uk for further information or call +44 (0)20 7357 9722 and speak to an advisor.

Students can take up to four subjects during the academic year.

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The 'Maersk Tangier' a Milestone for the Definition of Unit

Article by Miguel Caballero, Claims Executive, Americas Syndicate
Steamship Insurance Management Services Ltd

The decision of the Court of Appeal in *Kyokuyo Co Ltd v A.P. Moller - Maersk A/S (the Maersk Tangier)* [2018] EWCA Civ 778 upheld the judgment of the Commercial Court, which for the first time for the purposes of English law defined the meaning of 'unit' in the context of the Hague and Hague-Visby Rules.

The judgment of the High Court

A consignment of frozen tuna loins was carried in three reefer containers from Spain to Japan for which three non-negotiable waybills were issued by Maersk Line as carrier. The cargo arrived in damaged condition and Maersk was held liable by the receivers.

The cargo interests commenced legal proceedings against Maersk, and in the Commercial Court Andrew Baker J was asked to consider: (a) whether any liability should be subject to package or

The Commercial Court established that in this instance each tuna loin was an individual unit or package as they were identifiable as a separate article for transportation.

unit limitation as calculated in accordance with Article IV Rule 5 of the Hague or Hague-Visby Rules; and (b) how to calculate such package or unit limitation.

The Commercial Court held that the Hague-Visby Rules compulsorily applied as all that was required to satisfy Article I(b) so as to make the Rules applicable was that, when concluded, the contracts of carriage provided for bills of lading to be issued. Consequently, the package

limitation established therein was also applicable.

The Commercial Court established that in this instance each tuna loin was an individual unit or package as they were identifiable as a separate article for transportation. The waybills were also compliant with Article IV Rule 5(c) of the Hague-Visby Rules as it was not necessary to enumerate the cargo "as packed" but was sufficient to simply state the number of packages or units inside the container accurately on the bill of lading.

The appeal

The Court of Appeal was asked by Maersk to consider:

- Is liability limited pursuant to Article IV rule 5 of the Hague Rules or pursuant to Article IV rule 5 of the Hague-Visby Rules (whether applicable compulsorily or contractually)?





- If liability is limited pursuant to Article IV rule 5 of the Hague-Visby Rules, are the containers deemed to be the relevant package or unit for the purposes of Article IV rule 5(c), or are the individual pieces of tuna “packages or units” enumerated in the relevant document as packed in each container for the purposes of Article IV rule 5(c)?
- If liability is limited pursuant to Article IV rule 5 of the Hague Rules, are the relevant packages or units the containers or the individual pieces of tuna?

Flaux LJ delivered the leading judgment from the Court of Appeal, the conclusions of which were agreed by Gloster LJ.

a) Which set of Rules applied? Were the Hague-Visby Rules compulsorily applicable?

Maersk argued that the Hague Rules should have applied to the contract because sea waybills were issued, instead of bills of lading, and the Hague Rules applied contractually by virtue of Maersk’s terms.

The Court of Appeal upheld the judgment of the Commercial Court and, therefore, agreed that the Hague-Visby Rules applied. Although a bill of lading was not finally issued, and a waybill provided in its place, the terms of the contract provided for a bill of lading to be issued. This was sufficient to satisfy Article I (b) of the Rules that, absent any contractual variation or waiver and/or estoppel, the Hague-Visby Rules would compulsorily apply.

b) How is the package and/or unit limitation calculated under the Hague-Visby Rules?

Maersk argued that the judge was wrong to hold that each frozen tuna loin was a “unit”. A tuna piece would only constitute a unit if these pieces

could have been shipped “as is” break bulk without packaging. Maersk claimed that each container should constitute a “package or unit”.

Further, Maersk contended that the Commercial Court had been incorrect to conclude that all that was required by Article IV Rule 5(c) for a bill of lading to be “enumerated” was that the number of units in the container should be correctly stated. Maersk argued that the judge’s decision was wrong and relied on the decision of the Australian Courts in *El Greco I* to the effect that individual pieces would only constitute “units” if it was clearly indicated on the bill whether they were in packages or loose inside the container.

The Court of Appeal confirmed that bills of lading should accurately describe the number of packages or units inside the container, but did not need to use specific words or describe the cargo item by item or “as packed”. The Court considered that to impose any additional or technical requirement to describe how the cargo was packed would give rise to uncertainty and could ultimately lead to uncommercial results.

In this particular case, the Court of Appeal considered that the waybills were compliant as they enumerated the number of pieces of tuna, which were capable of being ‘units’, inside each container.

c) The Hague Rules position

Although the Court of Appeal had confirmed that the Hague-Visby Rules applied, the Court set out some comments on the position as to the relevant “package” under the Hague Rules. The Court upheld the comments of the Commercial Court that the Hague Rules do not require any consideration of how the cargo could have been shipped if not containerised. The decision

confirmed that the definition of “unit” for the Hague and Hague-Visby Rules should be the same, and the tuna loins would have been “units” under either set of Rules.

The Court of Appeal confirmed that if the contract of carriage provides the shipper with the right to demand a bill of lading, regardless of whether such right is exercised, the Hague-Visby Rules compulsorily apply.

Comments

There are a number of points to be taken from the judgment:

The Court of Appeal confirmed that if the contract of carriage provides the shipper with the right to demand a bill of lading, regardless of whether such right is exercised, the Hague-Visby Rules compulsorily apply.

The pieces of cargo do not need to be suitable for shipment as breakbulk to be deemed ‘units’, as no particular packaging is required.

The English Courts departed from the views of the Federal Court of Australia in *El Greco* [1 *El Greco (Australia) Pty Ltd v Mediterranean Shipping Co S.A.* (2004) 2 Lloyd’s Rep 537] and decided that the requirements of Article IV.5(c) will be met by indicating the number of pieces inside the container.

Wood pellets imports, fueling UK port activity

Credits: Richard Scott FICS, member of London & South East Branch Committee.

It may not seem the most gripping aspect of the UK's seaborne trade, but imports of wood pellets provide a substantial and growing contribution to activity in the country's ports. This trade is especially valuable because some other dry bulk commodity imports are much lower than seen several years ago, and are not expected to revive.

In the past two years UK wood pellets imports totalled 7 million tonnes annually, equivalent to one hundred panamax size bulk carrier cargoes. These quantities were over three times the annual volume recorded at the beginning of the current decade. Power plants are the main users, and consumption has been driven by policies promoting a switch away from coal towards cleaner energy sources, including renewable energy as a priority. The majority of pellets consumed in the UK are imported and further power plants burning this fuel are scheduled for introduction, implying expanding future trade volumes.

A comparison with two other bulk commodity import trades, iron ore and coal, emphasises contrasting outcomes. Downwards trends in these commodities have resulted in drastically reduced significance for UK ports. Iron ore volumes arriving declined from about 14mt annually a few years ago, to 9mt currently, according to Clarksons Research. The coal decline was even more dramatic, from 38mt four years ago, to 7mt last year. Steam coal has been the weakest element, partly offset by rising wood pellets imports.

Fresh assessments

New reports becoming available in recent weeks have prompted another look at this positively evolving business. In June the Royal Institute of International Affairs, usually known as Chatham House, published a research paper entitled

'Woody Biomass for Power and Heat', focusing on EU countries. In July the US Department of Agriculture published an analysis entitled 'EU Biofuels Annual 2018'.

Among European Union members the UK has seen the fastest growth in the use of biomass (mainly wood pellets) for electricity generation, according to the RIIA paper. Less than a decade ago in 2009, renewable energy was relatively undeveloped when this country along with other EU member states agreed its target under the Renewable Energy Directive. Since then expansion of energy derived from wind, coupled with biomass and solar, has been rapid.

Production of wood obtained from domestic sources within the UK is limited. Consequently biomass supplies for energy are dominated by imported wood pellets. The RIIA's analysis observes that these are relatively easy to transport and store and well-suited to their main end-uses in large-scale power, and combined heat and power, plants. In 2016 this country consumed just over a quarter of all wood pellets produced worldwide, underlining the magnitude of consumption developments.

Imports ascending

Figures in the USDA report show that wood pellets imports into the UK totalled 6.8mt in 2017 and a similar but slightly higher 7.1mt was seen in 2016. In that year the majority was comprised of long-haul bulk carrier shipments: 58% was derived from the USA and 20% from Canada, accompanied by 13% from Latvia. There are signs that cargoes from southeast USA will remain the principal source.

Several dedicated biomass power plants have been built in the UK, but expanding biomass power output mainly reflects coal-fired power stations which have been converted. Large electricity plant

conversions, to use biomass instead of coal is a major driver within plans to attain renewable energy targets. Support involves the government paying a premium above market price for electricity generated from biomass.

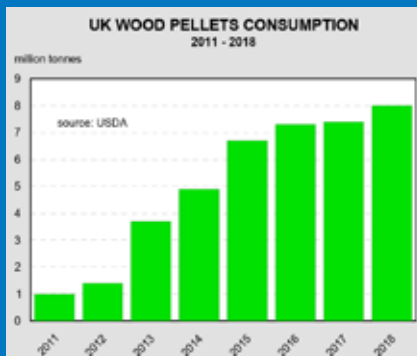
Conversion of three generating units at the mammoth Drax power station has added greatly to UK wood pellet consumption, with each unit consuming about 2.3mt annually. Drax is now the world's biggest biomass-burning power station, and will become even bigger. Conversion of a fourth unit is progressing and is scheduled for completion during second half 2018. But converting the remaining two coal-fired units seems unlikely, according to reports, amid plans to install gas turbines.

Two other projects under way are likely to boost UK wood pellets imports in the next few years. Lynemouth power station, a previously mothballed coal-fired generator has resumed operating this year, and is estimated to consume about 1.4mt pellets annually when functioning at full capacity, of which well over half is expected to be sourced from US suppliers. Slightly further ahead in early 2020, a new dedicated biomass plant at Teesport is scheduled for completion, possibly adding more than one million tonnes annual wood pellets consumption.

Ports performing

Around the UK a number of ports are involved in the trade and, for some, it has become a prominent part of their often diversified activities. Regular and frequent shipments of wood pellets in large bulk carrier loads destined for big consumers require substantial investment in port facilities and logistics, to ensure efficiency, reliability and maintain cargo quality.

Upgrading of quays and unloading equipment, coupled with construction of storage facilities, has proved essential,



necessitating huge capital investment to fulfill long-term contracts. Specialist handling equipment, featuring continuous ship unloaders, is coupled with vast silos to store the product in a dry condition. Unlike coal, wood pellets cannot be stored in the open air in uncovered stockpiles.

At Immingham, one of the ports receiving wood pellets for Drax power station, the Renewable Fuels Terminal is described as the world's largest biomass handling facility. Beginning five years ago this former coal port has revamped its unloading, storage, as well as rail and road connections to handle pellets under long-term contract arrangements. Massive ship unloaders rapidly discharge the cargo, which is carried by conveyor to storage capacity that two years ago was doubled in size. The nearby port of Hull also receives shipments for Drax.

The Port of Tyne is another focus of investment in biomass handling, at South Shields. In 2016 this port received 1.1mt of wood pellets, and will import an additional volume exceeding one million tonnes

annually for the converted Lynemouth power station. Extended quay capacity together with improved handling and storage has been installed, including recently an extra three large silos.

On the other side of the UK, Liverpool is also linked to Drax as a key entry point for imported pellets. Similar to developments elsewhere, major spending on new or upgraded capacity and equipment was required to enable the new trade to evolve.

Various signs point to a continued and intensifying emphasis on cleaner energy sources globally and in the UK. Focusing upon renewables, including biomass, seems set to persist as a policy priority in this country. As described, several sizeable developments are under way which will boost consumption of wood pellets, based on imports. USDA analysts estimate UK pellets usage at 8mt in 2018, about 8% above last year's total. Further ahead, volumes could increase greatly. Benefits from this upwards trend for the UK's ports over the next few years can be envisaged.



HMRC has recently been updating many of the public notices. Public notices can be seen on www.gov.uk

Updates have been made to the following:

- Notice 376 - Anti- dumping and countervailing duties
- Notice 812 – Rules of Origin Turkey
- Notice 827 - EU preferences and export procedures
- Notice 828 - Rules of Origin
- Notice 830 - Tariff Preference
- Notice 831 – Binding Origin
- Notice 832 – Rules of Origin Mexico

If there is any information you would like to see included in these notices do let us know by emailing us on:

dutyliability.policy@hmrc.gsi.gov.uk

Customs & Indirect Tax Directorate

Federation Council represent UK company members on the Federation of National Associations of Ship Brokers and Agents (FONASBA) and its' sub-committee the European Community Association of Ship Brokers and Agents (ECASBA).

ECASBA held its' annual meeting in May in Barcelona as guests of the Asociación Española de Consignatarios de Buques (ASECOB), FONASBA's member in Spain. Federation Council was represented by Robert Hill FICS from head office.

"SAILNET" EDUCATION AND EXCHANGE PROGRAMME

The Ship Agents Interchange Learning (SAILNET) project was launched at the ECASBA seminar. Although initially being offered to students in Europe due to ease of movement amongst EU Member States, it is intended to expand the scheme worldwide in due course. The course combines formal education with exchange visits, thereby giving ship agents the opportunity to spend time working with colleagues overseas.

The programme is being developed jointly between ECASBA and the Escola Europea Intermodal Transport in Barcelona and is aimed at middle management staff in ECASBA member countries.

The formal education element of the course will take place over two weeks - the first week in Barcelona and the following week will be hosted in groups of four in Spain, Portugal, Italy, Morocco and Tunisia. These sessions will cover all the subject areas relevant to the relationship between the agent, the port and the wider transport chain. Practical workshops and visits will also be organised. In the exchange element, students will spend between one and three months in a ship agency office in another participating country, gaining direct practical experience of how the ship agency sector functions in another country. It is anticipated that the first education course will be held in March 2019.

EUROPEAN DEVELOPMENTS

The biggest topic of discussion within ECASBA over the past year has been the proposal to appoint a Brussels' representative. The decision to investigate the options was prompted in part by the decision of the United Kingdom to leave the European Union, but also by concerns at the ability of the ECASBA Chairman, General Manager and seconded colleagues from member associations to fully monitor and contribute to the development

of all the initiatives coming out of the European Commission. However, it was clear that whilst the concept of a Brussels representative was fully and enthusiastically supported by nearly all of the members, there were also varying degrees of concern at the impact on some associations of the additional fees that would require to be generated in order to cover the anticipated costs. The proposal was therefore set aside but the ECASBA Chairman was asked to continue investigating other possibilities to enhance ECASBA's Brussels representation, albeit without the significant financial impact.

In the meantime, ECASBA continues to play an active role in the development of European maritime policy. The European Commission has undertaken formal reviews of the Reporting Formalities (RFD) and Port Reception Facilities (PRF) Directives. ECASBA was directly consulted on both, in the latter case as a co-opted member of the subgroup established by the European Sustainable Shipping Forum, but also by providing detailed responses to questionnaires and formal interviews. One of the issues with the original versions of both the RFD and the PRF Directive was that they allowed individual Member States too much latitude, with the result that implementation was far too fragmented across the EU to achieve the levels of consistency and harmonisation expected by ship owners, agents and other stakeholders. In the case of the RFD, this was addressed by designating the revised version a Regulation. The new Reporting Formalities Regulation (RFR) proposal, therefore intends to ensure consistency and harmonisation through the central (i.e. European Commission) development of common user interfaces as well as the establishment of common reporting, ship and hazardous materials databases. In addition, Member States will be required to collect only those data elements detailed in the Regulation. During its discussions with the Commission, ECASBA

supported a two stage process towards ship reporting with the development of effective national single windows being implemented first, with a Europe-wide reporting environment following thereafter, a position that respected the view of our members but went against those of the major international ship owning groups who wanted the facility to lodge all their ship data in one place. In other good news for ship agents, the RFR envisages the continued use of existing national single windows and port community systems. As may be expected, there are a number of areas of concern within the draft Regulation, including the use of macro-enabled spreadsheets as the primary means of inputting data, with all the security issues that would bring, the cost of using the IMO/WCO database and that customs and other reporting formalities remain excluded from the scope of the Regulation.

The revised Port Reception Facilities (PRF) Directive proposal was also published in May. Again the aim was to enhance consistency and harmonization across Member States. The main issue here was the level of the "indirect charge" payable by all vessels, irrespective of whether they discharge waste or not. Inconsistent requirements for the type and quantity of waste being collected across Member States (and in some cases between ports) was the main issue and to a certain extent the new proposal addresses the problem, in part by clearly excluding cargo residues from the indirect charge.

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. ECASBA recently reiterated to DG-TAXUD its concerns at

New Company Member Ahlmark Shipping (UK) Ltd

Ahlmark Shipping (UK) Ltd were recently elected as a full company member.

Federation Council Chairman, Steve Gillie FICS (right) welcomes and presents Danny Carmichael FICS (left), General Manager, Ahlmark Shipping (UK) Ltd with their company membership certificate.



the lack of a facility for the agent to state that they are acting 'for and on behalf of' the principal when lodging entries electronically. The difficulties agents face in independently verifying the accuracy of the information provided and the actions of some customs administrations in holding the agent directly liable for any misdeclaration were once again also drawn to the attention of DG-TAXUD. ECASBA received a letter from Susanne Aigner, Head of Unit Customs Policy, at DG-TAXUD, in which she advised that the Union Customs Code actually contains provisions that allow a ship agent (the declarant) to avoid liability for customs debts and penalties incurred should they make the declaration in utmost good faith. Clearly, as Aigner states, there is an obligation on the declarant to raise any concerns they may have as to the accuracy of the information they are lodging with the authorities at the earliest opportunity, but that is simply good and professional practice and we would expect any agent member of an ECASBA national association to do so without hesitation. It is also comforting to note that the European Court of Justice has supported the concept of "utmost good faith" in finding in favour of declarants that have inadvertently made incorrect declarations. Unfortunately for some of our Members however, it is clear that in spite of these rulings, certain national authorities continue to take the view that agents and other declarants are liable. In this regard ECASBA will be writing back to seek clarification of how the Commission would anticipate an agent could prove they are proactively working to prevent customs fraud.

FONASBA BIMCO joint agency document seminar

All company members were invited to attend a seminar hosted by FONASBA and BIMCO in London in September to introduce their new Agency Appointment and General Agency Agreement documents to the London shipping market.

The presentations comprised of an introductory overview by Simone Carlini MICS, followed by comments from FONASBA President John A. Foord FICS and BIMCO documentary expert Donald Chard FICS, who spoke on the practical usage of the forms and the legal principles underpinning them. The presentations were followed by an enthusiastic Q&A session with the audience and a networking reception. A second seminar was also held in Naples on 28th September as part of Naples Shipping Week.



Women in Maritime Taskforce

Credits: Alastair King, Programmes Manager, Maritime UK

"Any company that is interested in good business is interested in diversity" says BP Shipping CEO, Carol Howle. And any sector that chooses to overlook over 50% of the population when seeking talent and expertise is making a huge mistake.

The figures speak for themselves. Across the globe, just 3% of seafarers are women. And the picture is equally poor across the rest of the sector.

Lilian Greenwood, who chairs the House of Commons Transport select committee, says "right now, our maritime sector is missing out on the skills and talents of outstanding women workforce."

To address fairness, equality and inclusion within maritime, Maritime UK established the Women in Maritime Taskforce. Its aim to identify practical steps to increase the number of women in the maritime sector by making recommendations to industry and government as well as coordinating pan-sector activity and the sharing of best. Crucially, the Taskforce also seeks to redress

the balance in the number of women in senior roles across the sector, which comprises the shipping, ports, services, engineering and leisure marine industries.

Chaired by Sue Terpilowski - who holds a number of roles in the shipping industry, including that of president of the UK branch of WISTA - the taskforce is made up of leaders from across the maritime sector. Terpilowski says she has become more acutely aware of the challenges of women in maritime. "There are women of all ages and abilities wanting to be a part of our maritime future and we must make sure we don't waste any more time in not addressing this issue," she says.

UK maritime minister Nusrat Ghani MP - who herself is only the second woman to hold the UK Department for Transport portfolio for the sector - commended the establishment of the taskforce.

"I am delighted to see Maritime UK taking action to attract more women into our

maritime industries, and I welcome this Taskforce as an important first step," she says. "The [UK] government challenged maritime leaders, businesses and colleges to find ways of increasing the number of women in the sector, and it is great to see them respond in this way. There is a fantastic wealth and breadth of career opportunities in maritime, and I am determined to see more women accessing these."

Greenwood added her support: "A plan to tackle gender inequality isn't just 'nice to have', it's essential."





PLEDGING ACTION

One of the first initiatives from the Taskforce is the Women in Maritime pledge, taken by companies, to signal their intent to deliver change.

“We are committed to building an employment culture that actively supports and celebrates gender diversity, at all levels, throughout our organisation, and our industry”

Over 60 companies and organisations have already signed the pledge, including AMI Marine, Carnival UK, DP World, Lloyd's Register, BP Shipping, IMarEST and the Royal Navy. They are all committing to take practical steps and set measurable, ambitious goals. The Taskforce plans to support companies through the Women in Maritime Charter, launched during Maritime UK Week in September 2018. They will be supported by toolkits comprising best practice, workshops and mentoring. Performance against the Charter commitments will be monitored through a joint industry-government annual report.

Despite being behind the curve on diversity, there is now real momentum to deliver change. Starting from behind has allowed the Taskforce to learn from others and see what works. This included meeting with HM Treasury to learn from their experience in developing the Women in Finance Charter as well as with Royal Mail – a leading diversity proponent.

The Taskforce is keen to highlight and celebrate improvement. Annual awards to recognise company performance will be established.

The experience of some women in the sector testifies to the need for change. Nicola d'Hubert, global head of brand and external relations at Lloyd's Register Marine & Offshore, recalls a time in her maritime career when she felt that her gender made a difference. She was working in China on an expat posting as part of her nautical career:

“The entire system, at that time, was built around the expat employee being male,” she remembers. “Not only did that mean that you had to actively push for access to the same benefits, it was also a challenge socially as the only female expat in the management team. I am not saying that my colleagues weren't fantastic... but you didn't feel automatically accepted and part of that world as you were changing the status quo from a system and process perspective. It took a lot of extra effort although the overall experience was a positive one.”

WORKSTREAMS

Beyond the Charter, the Taskforce has identified key areas in which to focus effort: Recruitment, Progression, Retention and Total Package. Subgroups have been established comprising relevant practitioners and each will feed into the Taskforce's recommendations, toolkit development and provide a forum for knowledge sharing.

Proposals from early subgroup meetings include workshops on unconscious bias, sharing best practice on the role of job description language in attracting women applicants and sharing of HR personnel between companies.

Data is important, so the Taskforce will commission a robust survey to properly understand where we are today to ensure progress can be measured going forward.

Maritime UK's National Council – the sector's leadership – is firmly behind the initiative, and formally signed the pledge in July.

David Dingle, Chairman of Maritime UK and Carnival UK said, “Without a diverse workforce we will not be able to tackle the challenges we face – including innovating cutting-edge technology, such as that required to decarbonise shipping. A plurality of ideas and creative thinking is absolutely critical to the future success of UK maritime, one of Britain's biggest industries.

And there's reason to be hopeful according to Dingle: “I'm encouraged by the reaction from companies right across the sector. There is real determination to make progress, and to do so as an industry. Given the size of our sector, we have a real opportunity to affect significant change across the whole country.”

For further details or to get involved please check www.womeninmaritime.uk

Federation Council AGM

*Credits: Steve Gillie FICS
Federation Council Chairman*



Federation Council held its' AGM in the historic Trinity House in Newcastle on 9th October 2018. I was delighted to see some new faces attending the AGM and more importantly some new nominations to join Federation Council. It is my pleasure to welcome the new members to Federation Council but unfortunately we also had to thank and say goodbye to some members standing down after serving on Federation Council for many years.

The meeting received an update on company membership and agreed a 2.5% increase to the nearest pound in the company membership rate for the 2019-20 membership year.

Federation Council is seeking a representative join the Education and Training Committee. Education and training is at the forefront of company membership so it was felt that it was important to have a representative on the Education and Training Committee to be the voice of company members and be a conduit between the two.

I reported that a solution for the Trinity House light dues collection contract renewal had been found at short notice

although the cost of credit insurance was not welcome. There was a discussion about light dues and the future of this arrangement.

There was a general discussion on Brexit however without any clear direction from government it is difficult to offer any clear guidance or support to company members. Once an agreement is reached then Federation Council will look to hold briefings for company members. The meeting agreed that Brexit could present an opportunity for Federation Council as the trade body representing port agents in the UK to offer its assistance and support to government departments during the Brexit transition.

The meeting also received an update on Federation Council's participation in Maritime UK. Maritime UK has created regional hubs and intends to hold meetings at different locations around the UK and so invited any Federation Council member to attend if they were available. The Women in Maritime Charter and Pledge was also explained.

The activities of FONASBA and ECASBA were discussed and it was noted the John Foord FICS would complete his

term as President of FONASBA at the FONASBA Annual Meeting on 19th October 2018. The meeting agreed that he had been a wonderful ambassador for the Institute and represented Federation Council with great dignity during his term.

The meeting discussed the port agent apprenticeship scheme being developed in England and all attending were in support of the project and pledged their support.

Federation Council agreed to make enquiries to see if it is possible to create a common identity pass to cover multiple UK ports as currently every port and in some cases terminals have their own pass and this can be cumbersome for agents operating in multiple ports.

Federation Council will assist the Maritime & Coastguard Agency (MCA) to help share the forthcoming updates to the Consolidated European Report System (CERS) workbook with port agents.

We will hold our next meeting in conjunction with the company members seminars planned early in 2019.

Head office move



From 6-9 July head office moved its central London office location to the other side of the River Thames near London Bridge. We are located on the first floor of 30 Park Street, London, SE1 9EQ and have easy access to the first-rate conference facilities for Institute meetings and events.

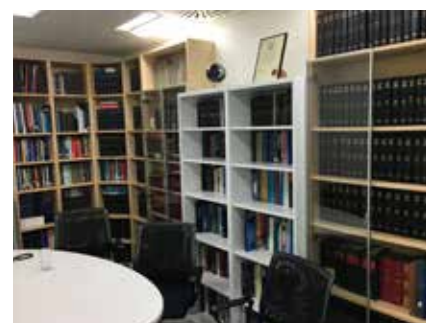
We are now sharing high quality modern office space with a cluster of other important shipping organisations including UK Chamber of Shipping, Maritime UK, Merchant Navy Training Board, UK Major Ports Group, Ports Skills and Safety and British Ports Association.

Our new neighbours have been very welcoming. Their offices were closed for a fortnight while the whole space was reengineered by contractors to allow for the higher headcount in a large open plan space. The Chamber hosted a drinks and fish n'chips evening in our first week. Since a few of our senior managers here sit on various industry boards, taskforces and working groups which invariably meet at our new address, another benefit has been to reduce travel time for these meetings!

Office moves are always a complex logistics and IT challenges involving careful planning and in order to move from our

Gracechurch Street home, head office had to find solutions knowing that we would be giving up significant basement storage and distribution facilities. Book despatch has now been outsourced to a 3rd party specialist logistics provider and off-site storage facilities rented for archive materials. The move itself was a huge team effort, packing and shifting hundreds of crates and supervising the loading and unloading of several van trips.

Members are welcome to drop in to visit us just as they were in Gracechurch Street and they will still see familiar features including our extensive library and ship models.



CIRCULARS

Customs Information Papers issued

Customs Information Papers (CIPs) are released throughout the year and we try and keep this list up to date for you.

Please note that all Customs Information Papers issued are available directly from the Government website at: <https://www.gov.uk/government/collections/customs-information-papers--2>

Alternatively you can access them from the Institute website page at: <http://www.ics.org.uk/membership/knowledge-hub>

2018

Customs Information Paper (11)
Application of the REX System by GSP Beneficiary Countries

Customs Information Paper (11)
Changes to the Whisky Export Refund Scheme (WERS)

Customs Information Paper (10)
Change in approach on indirect representation for some customs authorisation holders

Customs Information Paper (9)
Changes to the additional duty rate on goods from the USA

Customs Information Paper (8)
Changes to form CI331 used to declare a pleasure craft

Customs Information Paper (7)
Customs examination powers

Customs Information Paper (6)
Power to use force to search a vehicle or vessel

Customs Information Paper (5)
Valuation procedures under the Union Custom Code - earlier sales

Customs Information Paper (4)
End-Use procedure

Customs Information Paper (3)
Customs duty repayment claims aren't protected under the UCC

Customs Information Paper (2)
Reclaim import VAT on returned goods as a Fast Parcel Operator
Customs Information Paper (1)
EU ban on the import and placing on the market of seal products

2017

Customs Information Paper 33 (2017)
End Use procedure changes

Customs Information Paper 32 (2017)
Reassessment of customs open-ended authorisations

Customs Information Paper 31 (2017)
Update on the withdrawal of Low Value Bulking of Imports (LVBI)

Customs Information Paper 29 (2017)
Withdrawal of personal credit card payments (CIP29)

Customs Information Paper 28 (2017)
Changes to Transfer of Residence relief codes

INTRODUCTION TO UK SHIPPING COURSE



This one-day course will give participants an understanding of how the UK shipping industry operates, plus regulations, constraints and current issues.

Participants will learn from a variety of subject matter experts on regulatory, business, political, legal, employment and training in the shipping industry. The course will be interactive and up-to-date with sessions on current issues.

All participants will be given a free copy of the course book, worth £40.00, which covers all the topics from the course.



Topics include:

- What is meant by 'British Shipping'
- International regulation
- Regulation of UK ships
- Crewing and employment
- Running a shipping business in the UK
- The UK shipping market
- Trading and operating a ship
- Ports and their customers
- Customs rules
- Passenger shipping

Next dates available:

27 November 2018
20 February 2019
5 June 2019
2 October 2019

£275+VAT for UK Chamber members. For further details and dates:
www.ukchamberofshipping.com/courses/



Federation Companies 2018/2019

List of company members with
Federation Council

UK liaison office

Aberdeen

ASCO Group PLC
Fathom Offshore Services Limited
Petersons (UK) Limited
Searoute Port Services Ltd

Ardrossan

C.A. Mair (Shipping) Ltd

Barrow-in-Furness

James Fisher Shipping Ltd

Bedington

Cory Bros Shipping Agency Ltd

Belfast

Hamilton Shipping Ltd
Doyle Shipping Group (Belfast) Ltd
Johnson Stevens (NI) Ltd

Belvedere

PD Shipping & Inspection Ltd

Berwick

Berwick Harbour Commission

Birkenhead

Sterling Shipping Agencies

Birmingham

Pan Line Ltd

Bristol

Osprey Shipping Ltd
Wessex Shipping Ltd

Cardiff

Bay Shipping Ltd
Cargo Services (UK) Ltd

Dover

George Hammond PLC

Dundee

Kinnes Shipping Ltd

Ellesmere Port

Quality Freight (UK) Ltd

Falmouth

Falmouth Petroleum Ltd

Felixstowe

China Shipping (UK) Ltd
Grange Shipping Ltd
Maersk Line UK & Ireland
VM Liner Ltd

Glasgow

Henry Abram & Sons Ltd

Goole

Danbrit Shipping Ltd

Grangemouth

Denholm Wilhelmsen Ltd
GAC Shipping (UK) Ltd
W. Knight Watson & Co Ltd

Hull

Ahlmark Shipping (UK) Ltd
Dan Shipping & Chartering Ltd
J R Rix & Sons Ltd
John Good Shipping Ltd
Thos. E. Kettlewell & Son Ltd
Yorkshire Shipping Ltd

Immingham

Carlbon Shipping Ltd
DFDS Tor Line PLC
Eimskip Ltd
Graypen Ltd
Lockwood Shipping Ltd
PD Port Services Ltd

Ipswich

Clarkson Port Services Ltd
MSC (UK) Ltd
Nidera UK Ltd

Kirkwall

John Jolly (1978) Ltd

Liverpool

ACL (UK) Ltd
CMA CGM (Shipping) Ltd
Warrant Group Ltd

London

Baltic Exchange (The)
Braemar Seascope Ltd
Chamber of Shipping (The)
Clarksons PLC
E A Gibson (Shipbrokers) Ltd
Galbraiths Ltd
Greek Shipping Cooperation
Intercargo
Kennedy Marr Limited
O'Keeffe & Partners
S5 Agency World Ltd
Sequana Maritime Ltd
Simpson, Spence & Young Ltd

Middlesbrough

Casper Shipping Ltd
Cockfield Knight & Co Ltd
LV Shipping Ltd

New Holland

New Holland Dock Wharfingers Ltd
New Holland Shipping Ltd

Newcastle

G.T. Gillie & Blair Ltd

Newport

Tata Steel UK Ltd
TU Agencies Ltd

Northfleet

Seacon Terminals Ltd

Par

Imerys Minerals Ltd

Penarth

Harvest Agency Services Ltd

Plymouth

Victoria Wharves Ltd

Portsmouth

MMD (Shipping Svs) Ltd

Ripon

International Marine Survey Ltd

Rochester

Armac Shipping Services Ltd
Intrada Chartering Ltd

Rochford

Active Chartering Ltd

Runcorn

Frank Armit & Son Ltd

Scunthorpe

British Steel Ltd
Flixborough Wharf Ltd

Shoreham-by-Sea

Lacy & Middlemiss Ltd

South Shields

NSA UK Ltd

Southampton

Inchcape Shipping Services Ltd
Wainwright Bros & Co Ltd

St. Peter Port

Allied Coasters Ltd

Stallingborough

Selvic Shipping Services Ltd

Stansted

Kestrel Liner Agencies Ltd

Teignmouth

Pike Ward Ltd

Tilbury

Wijnne & Barends UK

Upminster

Thurley & Co Ltd

Warrenpoint

Anley Maritime Agencies Ltd

Warrington

EMR Shipping Ltd

Non-UK liaison office

Douala

NGA Marine Services Ltd

Guayaquil

Andinave

Geneva

SGM Shipping Services SA

Georgia

Assa Trans Caucasus

Limerick

Argosea Services Ltd
Mullock & Sons Ltd

Lome, Port De Peche

Oil & Marine Agencies Ltd

Nicosia

Spanaco Shipping Services Ltd

Oslo

INTERTANKO

Singapore

Moore Stephens LLP
New Asia Shipbrokers Pte Limited



INSTITUTE OF
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SHIPBROKERS
Federation Council



Promoting professionalism in commercial shipping