



"FEDERAGENTI"
FEDERAZIONE NAZIONALE AGENTI RACCOMANDATARI MARITTIMI
E MEDIATORI MARITTIMI

MYBA CHARTER SHOW 2009

THE YACHT AGENT IN ITALY: THE KNOWN UNKNOWN

A clarification of its role, rights and duties

Genoa, 5th May 2009



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THE RACCOMANDATARIO MARITTIMO

The shipagent, or "raccomandataro marittimo", is an auxiliary of the shipowner appointed to provide assistance to the ship in the port of call where the agent operates.

The importance of the activity performed by the shipagent and the relevance of his role in the maritime traffics determined the interest of the Italian State to subject the profession of shipagent to a direct control.

Said control of the State is substantiated in the provisions of Law 4.4.1977 n. 135, which applies to all ships calling Italian ports, including commercial yachts.

Article 1 of Law no. 135/77 provides that in order to exercise the profession of shipagent it is necessary to be enlisted in the Registry of Ship Agents.

Article 2 of the Law defines the profession of "raccomandataro" and the activities rendered by the shipagents in the interest of the Master and of the Shipowner.

The most relevant activities are:

- assisting the Master towards local authorities and third parties;
- taking care of loading and unloading of goods from the ship, embarkation and disembarkation of passengers;
- entering contracts relating to carriage of goods and passengers.

Art. 3 of the Law governs the specific obligations and liabilities of the shipagent of a foreign ship towards third parties and the Coast Guard. In particular, art. 3 provides that:

- At the arrival of a foreign ship in a port, the agent must deposit the with Harbour Master a note reporting the details of the Owners and/or the Charterers
- The agent of a foreign ship, prior to the sailing of the ship from the port must:
 - obtain from the Owners or the Master funds sufficient to guarantee the payment of the services and supplies effected during the permanence of the ship in the port
 - render to the Harbour Master a statement confirming the availability of such funds
- In the absence of the agent's confirmation of availability of funds, clearance to the vessel is denied
- Failure by the ship agent to comply with the provisions regarding availability of funds, amounts to a criminal offence

As previously pointed out, the profession of ship agent in Italy is considered of State interest. In fact (i) the ascertainment of the professional qualification of the candidate to the enlistment in the Registry and (ii) the control over the exercise of the profession of shipagent are delegated to a Commission, a public body formed by

- a Magistrate of the local Court;
- an officer of the Coast Guard;
- a representative of the local Chamber of Commerce;

- two representatives of the Unions;
- two representatives of the Shipowners Associations;
- two representative of the Agents Associations

The conditions which a candidate ship agent must satisfy to be enlisted in the Registry of Ship Agents are such that a candidate must:

- Have titles including:
 - no previous criminal offence of any kind
 - no previous bankruptcy
 - full access to civil rights
 - two years training
- Pass an examination

The Commission is deputed to verify also the maintaining of the moral and professional requirements of the shipagents and, according to art. 13 of the Law, may issue sanctions against the shipagent who commits criminal offences, fails to apply the tariffs, abuses his profession or maintains a behaviour offensive to the dignity of the profession.

The sanctions vary depending on the importance of the offence and include the suspension (for 6 months maximum) from the Registry and the cancellation from the Registry.

Art. 19 of the Law n. 135/77 provides that the unauthorized exercise of the profession of shipagent amounts to a criminal offence.

The activity and services rendered by the shipagents are subject to tariffs.

Said tariffs, according to art 16 of the Law, are established, and periodically reviewed, by decree of the Ministry of Transport, issued after consultation with the national Agents Associations, such as Federagenti.

THE BUONA GOVERNANCE STANDARD



Federagenti, the Official Italian Federation representing the maritime agents and brokers, has recently finalised a quality standard that will be applied to its associates to certify the excellence of business organizational processes.

The standard, named "Buona Governance" (Good Governance), gathers the most significant elements of the international standards and rules related to: quality management system, environmental management standards, global social accountability standard for good working conditions, health and safety standard. All the above standards have been shaped on the peculiar features that characterise the maritime agencies and broker companies.

The reasons why Federagenti has decided to create this new standard for its associates are fundamentally two. First of all the fact that the international standards for quality management systems are often not very effective when applied to the maritime agency and brokers companies as they do not really consider their distinctive characteristics.

Secondly, creating the "Buona Governance" standard, Federagenti follows FONASBA (Federation of National Associations of Ship Brokers and Agents) path that has already adopted a quality standard specific to its field, leaving to the national local associations the possibility to define the best requirements according to the country reality and peculiarities.

Federagenti has chosen RINA as partner for the certification process which is one of the most prestigious certification bodies in the whole country. RINA will carry on the required auditing within the companies in order to issue or renew the certificate empowered by Federagenti.

Every company autonomously decide whether to apply to the Federagenti standard. At the end of the auditing process, the company will obtain the Certification and the possibility to use the Ego logo, Excellent Governance acronym. The path to get the certification will go through a deep revision and monitoring of the business processes to ensure they are effective and to improve the control of the company in terms of efficiency and client satisfaction.

The standard effectiveness -finalised with the Pragma Consulting company technical advice and with the precious cooperation of some Federagenti associates representatives - will soon become official, after the Federagenti stakeholders will express their assent for the project.

THE CUSTOMER CARE E-MAIL PROJECT



The Federagenti Yacht Division has recently decided, based on the President input, to establish a new Customer care E-mail. This absolutely new project will be operative within the beginning of the 2009 season.

All clients of any yacht agents will be able to write to a dedicated e-mail address (see e-mail address below indicated) in case they notice any inefficiency or contradiction in the service delivered by the agency.

A board of arbitrators chosen among maritime professionals with a long and proved experience not including, for obvious reasons, any yacht agent or broker, will answer to the questions or the reports and will take note of every communication in order to keep a track of the warnings received.

yachtcustomercare@federagenti.it

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