

RENEWAL NOTICE

To the attention of all NVOCC Operators,

RENEWAL OF NVOCC LICENSE - 2024

To enable direct billing facilitation from the terminals NVOCC operators are required to secure a separate license for the year 2024.

Only applications that adhere to the regulations outlined in government gazette notification extraordinary No. 1877/26 dated 28th August 2014, issued under the Licensing of Shipping Agents, Freight Forwarders, NVOCC Operators, and Container Operators Act No. 10 of 1972 as amended, and are submitted to the Merchant Shipping Secretariat (MSS) on or before **30th November 2023**, along with the necessary supporting documents, will be eligible for renewal consideration.

Please note that this Renewal Notice consists of following annexures.

- Annexure 1 - List of Requirements
- Annexure 2 - Specimen Application Form
- Annexure 3 - Specimen Bank Guarantee
- Annexure 4 - Details of Shareholders
- Annexure 5 - Details of Bank Accounts
- Annexure 6 - Specimen of Certificate of Conformity
- Annexure 7 - Checklist for submission of documents

Ajith Wijesinghe
Director General of Merchant Shipping

Copy: SLANA, SLFFA & CEYFFA.

List of Requirements

(1) Application for NVOCC Operators.

01. Application as per the schedule (Annexure 2)

01. Copy of Bank slip Licensing Fee paid in favor of Director General, Merchant Shipping Secretariat – Revenue Collection.

Account Name: 7040299, Bank of Ceylon, Taprobane Branch.

- a. The annual fee payable for a license is SLRs. 20, 000/-
- b. The stamp fee payable for a license is SLRs. 1,000/-

02. Bank Guarantee for Rs.500, 000/- obtained from a bank approved by Central Bank of Sri Lanka (Annexure 3)

03. The Insurance Liability Cover obtained from an Insurance Company registered under the Insurance Board of Sri Lanka.

- US\$100,000 for All Risk Liability
- US\$50,000 for Errors and Omission
- Freight forwarders who obtained insurance coverage for annual license renewal should protect the freight forwarder or carrier legal responsibility for the goods in event of claim.
- Insurance policy should consist of Goods legal liability, professional indemnity (errors and omission) third party liability, fines and duties, costs and Expenses coverages.

04. A letter to confirm the availability of the staff officer who has a minimum of five years experience in the field of international transportation services.

05. In order to fulfill the requirements of Exchange Control regulations, the following documents should be submitted.

- a) Details of shareholders of the company (annexure 4)
- b) Details of the all bank account(s) maintained by the company (annexure 5)
- c) Submission of Audited Statement of Accounts and Audit Report for the latest financial year
- d) Certificate of conformity (Annexure 6).

06. A letter to confirm the availability of two employees who have completed professional training as per the section 8 (e) of the said regulation.

07. Letter(s) from principal(s) extending agency appointment(s) and validating agency agreement(s) for the year 2024.

08. Copy of the all bill of lading Issued on behalf on principals (not essential those who have submitted to the Merchant Shipping Secretariat for obtained license initially)

09. As per the Gazette No 2334/26 Delivery Order Fee is being charged by the license services provider, the amount of delivery order fee shall be informed to the Director General of Merchant Shipping.

(Please note that all documents submitted should be certified and dated by an authorized person page by page)

SPECIMEN APPLICATION FORM

(TO BE TYPED ON THE COMPANY LETTER HEAD)

APPLICATION FOR A LICENCE OR FOR RENEWAL OF A LICENCE TO CARRY ON BUSINESS AS A NVOCC OPERATORS

1. Name of the Applicant:
2. Registered Address:
3. Number and the Date of Incorporation under Companies Act, No. 7 of 2007. (i)
Company Registration No.:
- (ii) Date of Incorporation:
4. Address of Principal Place of business:
Contact No.: Fax No.: E mail Address:
5. Name(s) of, Addresses and nationality of Directors:

Name	Designation	Nationality	E Mail ID	Contact No

6. State whether Private or Public Company:
7. Paid-up Capital of the Company:
8. Particulars of Foreign shareholding if any:
9. Particulars of bank guarantee:
10. Name of the staff officer referred to in paragraph (b) of regulation 5 and his experience in the field of international transportation service.
11. a) No. of Principals:
- b) Particulars of owner or principal:

Name of Principal	Address
<u>1.Existing Principals</u>	
<u>2.New Principals</u>	

12. Particulars of previous License No. (If applicable): Year:

13. The volume of cargo handled in Sri Lanka by applicant NVOCC Operator in the last three years (Include a separate break down in respect of each year)

We hereby undertake to notify the Director-General of Merchant Shipping within 14 days, if any changes to the Board of Directors.

We hereby confirm that we are fully conversant with the provisions of the Licensing of Shipping Agents, Freight Forwarders, NVOCC Operators and Container Operators Act No 10 of 1972 as amended, the regulations promulgated under the said Act and the law relating to the activities covered by this license

We hereby declare that we will not provide any service to any company, partnership, individual or corporation purporting to act as Shipping Agent or Container Operator other than under the authority of a license issued under the Licensing of Shipping Agents, Freight Forwarders, Non-Vessel operating Common Carriers and Container Operators Act, No 10 of 1972.

We declare that, to the best of our knowledge and belief, all the statements contained in this application are true and correct.

Names and Signatures of the Directors:

.....
Date

.....
Name/Names and Signature/ Signatures of the Director/ Directors

SPECIMEN OF BANK GUARANTEE

Whereas Company herein after called “The Principal” has agreed to enter in to contract with the Director General, Merchant Shipping Secretariat, Ministry of Ports, Shipping and Aviation, No. 79, Technical Junction, Maradana Road, Colombo 10, herein after called “The Beneficiary” for “**due performance**” to the value of **Rs. 500,000/-** (Rupee FIVE HUNDRED THOUSAND)

We the Bank, a banking company duly incorporated in the Republic of Sri Lanka under the companies Act No. 07 of 2007 and having its registered office atand the Branch Herein after called “The Bank” hereby guarantee and undertake to pay on first written demand the Beneficiary a sum not exceeding Rs. 500,000/- (Rupee FIVE HUNDRED THOUAND ONLY) in the event the principal fails or neglects to perform the business of NVOCC Operator as required by the beneficiary.

A demand addressed to us under the hand of the Beneficiary (so far as we the Guarantor are concerned) be conclusive evidence that we are liable to pay the sum demanded but not exceeding the amount aforesaid and accordingly, we the Guarantor shall not be entitled to dispute in any manner any demand made on us under the hand of the Beneficiary. Every payment made by us in response to such demand, which shall be paid in Colombo, shall be deemed to be in discharge pro tanto to our liability.

Annexure 4

Details of the shareholders of the company carrying out business as a NVOCC

Submitted by:

Name of the NVOCC:

Registered Address :

Company Registration No. :

(A) Details of the Shareholding Structure# as at 30th September 2023
(Please use separate sheet if the space provided here is not sufficient.)

	<u>Name of the Shareholder</u>	<u>NIC / Comp.Reg.No.</u>	<u>R* / NR</u>	<u>R** / NR</u>	<u>No of Shares held</u>	<u>% held</u>
1						
2						

#R refers to "Resident in Sri Lanka" and NR refers to "Resident outside Sri Lanka" within the meaning of the Gazette (extraordinary) No. 15,007 dated 21.04.1972 under the Exchange Control Act. No. 24 of 1953

(B) Shareholding Summary

	<u>No of Shares held**</u>	<u>% held**</u>
No of shares held by persons residents in Sri Lanka
No of shares held by persons residents outside Sri Lanka
Total		100.00%

*Individual resident in Sri Lanka or any business entity registered/incorporated in Sri Lanka

**If the shareholder listed above is a company registered in Sri Lanka, please indicate the residential status of the ultimate shareholder.

(C) Please provide details if you have obtained any approval from Board of Investment Sri Lanka in respect of foreign shareholding of your company. (Please attach copy of such approvals, if any)

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I/We, as registered Secretaries / Auditors / Chartered Accountants of
hereby confirm that the details given above is true and correct.

.....
Name	Signature	Date	Rubber Stamp

Details of the all bank account/s maintained by company as a shipping agent, on behalf of principal/(s)

Name of the NVOCC:

.....

Registered Address:

.....

Details of the all bank account/s maintained by our company as a NVOCC, on behalf of our principal/(s) are given below.
(Please use additional sheet/s if necessary)

##	Name of the Bank Account (as appeared in the Bank statements)	Type of Account	Bank	Branch	Account No.	Type of Currency (i.e. LKR, USD)	On behalf of: (Name of the principal & country)
1							
2							
3							
4							
5							

We here by confirm you that we have declared details of all bank account/s maintained by our company as a NVOCC, on behalf of the principal/s and also confirmed the accuracy of the details given above.

.....
Director/CEO

.....
Date

Rubber Stamp

Specimen of Certificate of Conformity

DGMS

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Dear Sir/Madam,

Certification from the Auditors/Chartered Accountants for the purpose of renewal the license to carry out business as a shipping agent / a freight forwarder and NVOCC operator

We, (*firm*), as the Auditors/Chartered Accountants of (*name of the company*) wish to certify that Is in full compliance / non-compliance / partially compliance with the relevant regulatory requirements*. Further, during our examinations the following deficiencies/non compliances were identified and have already brought the attention of the Board of Directors.

- 1.
- 2.
- 3.

(Auditor/Chartered Accountant)

*Including minimum agency fees, receipts of all dues from the as due, shares held by persons resident outside Sri Lanka (direct and indirect),

NVOCC

Only repatriable funds have been remitted within approved limit for foreign shareholders

All dues from foreign counter parts has been received within months

Approved limit of shares held by persons resident outside Sri Lanka

Checklist for submission of documents for Renewal of NVOCC License -2024

Name of the Company:.....

Contact Details: Name of the officer:..... Contact Number :.....

	Document	Mark a (√) for documents being submitted (by Company)	For MSS Office use only
1	Dully filled Application		
2	Receipt of License Fee		
3	Bank Guarantee (Original)		
4	Insurance Liability Cover (Original)		
5	A letter to confirm availability of staff officer who has experience in the shipping field		
6	A letter to confirm availability of 2 officers who have completed professional training		
7	No of Appointment Letter(s) ...		
	7.1. No of Existing Principal ...		
	7.2. No of New Principal ...		
8	Details of Shareholders		
9	Details of Bank ACs		
10	Audited Accounts		
11	Certificate of Conformity		
12	Delivery Order Charges		
13	B/L Copy		

Checklist for submission of documents for Renewal of NVOCC License -2024

Name of the Company:.....

I hereby acknowledge the receipt of the below documents submitted to renew NVOCC License for the year 2024.

	Document	
1	Dully filled Application	
2	Receipt of License Fee	
3	Bank Guarantee (Original)	
4	Insurance Liability Cover (Original)	
5	A letter to confirm availability of staff officer who has experience in the shipping field	
6	A letter to confirm availability of 2 officers who have completed professional training	
7	No of Appointment Letter(s) ...	
	7.1. No of Existing Principal ...	
	7.2. No of New Principal ...	
8	Details of Shareholders	
9	Details of Bank ACs	
10	Audited Accounts	
11	Certificate of Conformity	
12	Delivery Order Charges	
13	B/L Copy	

.....
Signature

	Merchant Shipping Secretariat Ministry of Ports & Shipping	MSS
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MERCHANT SHIPPING SECRETARIAT**Ministry of Ports, Shipping and Aviation****EVALUATION 2023- The Process of Renewal of NVOCC Licenses- Feedback Form**

Please take a few moments to provide us with some important feedback about our process of Renewal of Licenses. This information will be used to improve the existing process.

<i>Aspects</i>		<i>Grade</i>	<i>Remarks</i>
01	Current services offered (Working Procedure)		
02	Payment System		
03	Clarity and Provision of relevant Information		
04	Ability to meet your requirement (satisfied)		
05	Timeliness and reliability of services provided (Time consume)		
06	Regularity and means of communication with our division		
07	Environment & Staff		

Grades **A- Excellent** **B - Good** **C - Average** **D - Below Average**

Comments or suggestions:

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Thank You for your feedback.

DOI:2021-10-05	Rev. No	00	Forms & Checklist		Prepared By : MR
Page 01 of 01	DOR:		DOC. NO.	LI/FO/FF/001	Reviewed and Approved By: DGMS
Issue No. 01			SEC. NO.	Annex- 13	LICENSING UNIT