

BEFORE THE  
FEDERAL MARITIME COMMISSION

FMC Docket no. 11-22  
NVOCC Negotiated Rate Arrangements – Tariff filing exemption  
Response to N.O.I.

Comments  
Submitted by

FEDESPEDI  
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Piero Ugo Lazzeri  
President  
March 23rd, 2012

Fedespedit – Federazione Nazionale delle Imprese di Spedizioni Internazionali – submits these comments on Docket no. 11-22 as a follow up of the document sent in June 2010 commenting on FMC Docket no. 10-03 on the proposed rulemaking (by that time) on an exemption from tariff rate publications applicable to non-vessel-operating common carriers (NVOCCs). The final rule on the item, effective April 18<sup>th</sup>, 2011, exempted licensed NVOCCs from their tariff rate publication obligations when entering into a “negotiated rate arrangement” (NRA) but did not extend this exemption to foreign-based unlicensed NVOCCs.

### **WHO IS FEDESPEDI**

Established in June 1946, FEDESPEDI - Federazione Nazionale delle Imprese di Spedizioni Internazionali - is the Federation of the Italian Freight Forwarding companies.

Fedespedit currently is the trade association in the field of transport representing and safeguarding the interests of almost all international freight forwarders in Italy.

Our members are engaged in the national and international movement of freight by all modes of transport (road, rail, sea, air), having deep knowledge and professionalism within the supply chain and a natural vocation towards internationalization.

Most of our members are referred to as “Multimodal Transport Operators” or “Logistics Service Providers”: stakeholders which are able to plan, deal with and safeguard the whole freight forwarding business and to take care of the interests of their customers, providing a considerable role within the Italian economic system.

### **FEDESPEDI NUMBERS**

Fedespedit represents about 2.200 companies, employing directly more than 80.000 individuals and 100.000 as an industry. Fedespedit members are located throughout Italy, producing a turnover of about 20 billions €

At international level Fedespedit is a member of:

- Clecat (Comité de Liaison Européen des Commissionnaires et Auxiliaires de Transport) which is the European Association for forwarding, transport, logistic and customs services
- Fiata ( Fédération Internationale des Associations de Transitaires et Assimilés) which is the world organization of the freight forwarding community.

## **FEDESPEDI MISSION**

Our Federation, in brief, has the mission to:

- Promote the knowledge, the analysis and the solution of problems concerning the freight forwarding industry, so as to improve efficiency and profitability;
- Create and maintain appropriate connections with national, foreign and international bodies;
- Represent members in the relationships with national, regional or local authorities or with private institutions;
- Safeguard the nature of the freight forwarding activity and promote and improve it;
- Safeguard the interests of the industry in the legislative and regulatory field, as well as in social, economical, financial, union, fiscal and insurance areas;
- Promote publications, debates, conferences, training courses and seminars.

## **WHY WE SUBMIT COMMENTS**

Fedespedi decided to support the actions taken by other “sister associations”, namely TIA and NCBFAA, as well as that of our world federation - FIATA -, in order to assist our members who are engaged in daily business with the US.

Fedespedi does retain that the exemption should be available to all lawful NVOCCs, including foreign registered, not just licensed, companies, because the rule as it stands is discriminatory. We believe that ALL NVOCCs should benefit of the exemption, whether or not they are subject to the licensing requirement under the Shipping Act.

Fedespedi is of the opinion that the FMC has the tools to check if companies are compliant with the regulations and take the consequent measures (after all registered but unlicensed NVOCCs have still to maintain a \$ 150.000 bond) and the exemption can always be revoked.

The expansion of the exemption will reduce operating costs for our NVOCC members, and allow them to concentrate on quality and price, rather than expending unnecessary time and expense on administrative compliance.

For the reasons set forth above, Fedespedi asks the Commission to consider its comments and act accordingly.

Respectfully submitted,

Piero Ugo Lazzeri  
President

