
Comments on Docket No. 11-22

René Zimmermann <Zimmermann@fiata.com>
To: "secretary@fmc.gov" <secretary@fmc.gov>

Thu, Apr 25, 2013 at 9:56 AM

Dear Ms Gregory,

On behalf of FIATA, please find enclosed the FIATA submission on the FMC Docket No. 11-22 Comments on Notice of Proposed Rulemaking NVOCC

Negotiated Rate Arrangements: Tariff Filing Exemption.

Thank you in advance for taking our comments into your considerations.

Sincerely yours,

René Zimmermann
Manager, Multimodal Transport Institute

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Karen V. Gregory
Secretary
Federal Maritime Commission
800 North Capitol Street NW
Room 1046
Washington D.C. 20573-0001
U.S.A.

Glattbrugg / Switzerland, 25 April 2013

**“FMC Docket No. 11-22 Comments on Notice of Proposed Rulemaking NVOCC
Negotiated Rate Arrangements; Tariff Filing Exemption”**

Dear Ms Gregory

The International Federation of Freight Forwarders Associations (FIATA, established in 1926) is the largest and leading non-governmental organization in the field of transportation, representing 40'000 forwarding and logistics companies employing up to 10 million people in 150 countries. FIATA has consultative status with several United Nations bodies and is recognized by many governmental and private organizations worldwide. The Federation's main objectives are to promote and protect the interests of the freight forwarding industry, to improve the quality of freight forwarding services, to assist with vocational training and to familiarize the business world in particular, and the public in general, with the wide range services rendered by the industry. Many of the FIATA member companies are engaged in maritime transportation and are acting as an NVOCC.

We refer to the Notice of Proposed Rulemaking (NPRM) on extending the existing tariff filing exemption to foreign based non-vessel-operating common carriers (NVOCCs) not licensed by the Commission. The International Federation of Freight Forwarders Associations (FIATA) wishes that the following comments are considered by the Federal Maritime Commission (FMC).

FIATA

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We understand that industry views are sought on simplification of the existing limited exemption so that it will receive more widespread acceptance and use.

During the past years, FIATA has strongly supported use of the Commission's exemption authority (Shipping Act of 1984) to relieve NVOCCs from the burden and expenses of tariff publication. An exemption of tariff filing is intended to 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.

FIATA supports equal treatment for all NVOCCs so that they are permitted to use the exemption whether or not they are licensed by the FMC. It is our view that the FMC can always revoke the exemption for any company found to be abusing it and we therefore support expansion of the exemption.

An NVOCC not using the exemption has the expense of maintaining tariff publication with no offsetting benefit to the shipping public. Furthermore such data can be seen by third parties whilst an NVOCC using a Negotiated Rate Agreement can keep rate information confidential.

FIATA takes the view that the Commission should be moving forward with this Notice of Proposed Rulemaking to extend the existing tariff exemption for foreign-based, unlicensed NVOCCs. This action will resolve the problem of unequal playing fields for foreign-based NVOCCs and their competitors in the United States and will give them the same tools to serve their customers without additional costs. We would be grateful that our views are taken into consideration and appreciates the Commission's work on this matter.

Yours sincerely,

FIATA

A handwritten signature in black ink, appearing to read 'Chris Gillespie', written over a horizontal line.

Mr Christopher J. Gillespie
Chairman of the Multimodal Transport Institute

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*the global voice of
freight logistics*