

中国船舶代理及无船承运人协会
China Association of Shipping Agencies & Non-Vessel-Operating Common Carriers

Docket No. 10-03

Comments on NVOCC Negotiated Rate Arrangements

On April 29, 2010, the United States Federal Maritime Commission ("FMC" or "Commission") released a Notice of Proposed Rulemaking in which the Commission requested comments on the proposed rule that, when final, would relieve FMC-licensed Non-Vessel-Operating Common Carriers ("NVOCCs") from the costs and burdens of publishing in tariffs the rates included in an NVOCC Negotiated Rate Arrangement ("NRA").

China Association of Shipping Agencies & Non-Vessel-Operating Common Carriers ("CASA") would like to take this opportunity to submit its comments concerning the subject issue.

1. CASA fully supports the Commission's action in granting economic relief to NVOCCs, and believes that the conditional exemption contained in the proposed rule, i.e., newly added 46 CFR Part 532, will not result in substantial reduction in competition or be detrimental to commerce.

2. However, CASA would also like to point out that, as well known in the industry, all NVOCCs operating in the United States trades, whether they are FMC-licensed entities located in the United States or unlicensed foreign-based ones having registered with the Commission, are subject to the same statutory provisions and requirements contained in both the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998, and the rules and regulations adopted by the Commission. Thus, the unlicensed foreign-based NVOCCs have also to bear the costs and regulatory burdens in publishing rates in their tariffs, same as that of the U.S.-based licensed NVOCCs. Based on this understanding, CASA requests the Commission to extend the applicability of the exemption to the NVOCCs that are unlicensed but registered with the Commission.

3. In its daily business operation, an NVOCC may invoke the exemption: (i) for a specific dealing with a given shipper, or (ii) for all of its dealings with prospective shippers. CASA believes that, in each of the cases, it is necessary for the NVOCC invoking the exemption to provide an

地址: 中国北京朝阳区麦子店西路3号新恒基国际大厦1101室 邮政编码: 100016
电话: (010) 6467 3551 传真: (010) 6468 9432 网址: www.casa.org.cn 邮箱: casa@casa.org.cn
Address: Room 1101, Towercrest Plaza, No. 3 Maizidian West Road, Chaoyang District, Beijing 100016, China
Tel: (010) 6467 3551 Fax: (010) 6468 9432 Website: www.casa.org.cn E-mail: casa@casa.org.cn

CC OS
OGC
OMD
Comm (4)
BTA
BCL
BDE
CADDS
Pub
RECEIVED
MAY 27 PM 3:18
FEDERAL MARITIME COMMISSION

中国船舶代理及无船承运人协会

China Association of Shipping Agencies & Non-Vessel-Operating Common Carriers

indication of its election which shall be duly included, for the purposes of public interests and the Commission's regulatory requirements, both in a prominent place in its rules tariff and on its FMC-1 Form filing with the Commission.

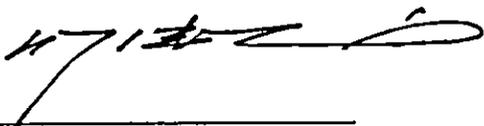
4. When an NVOCC invokes the exemption only for a specific dealing, it still has the obligation to publish the rates for public use in its tariff and only opts out of publishing the negotiated rate(s). This may result in that a tariff rate published by this NVOCC and a duly executed NRA rate appear to address the same shipment, in which case CASA believes the lower rate shall prevail.

5. As for NRA's record keeping issue, CASA believes that the 5-year period shall commence from the date upon which the last shipment under an NRA is received by the NVOCC or its agent, including the originating carrier in the case of an NRA rate for through transportation.

6. CASA believes that an NRA document shall include a prominent notice of the existence and location of the NVOCC's rules tariff, and all the necessary information, including, but not limited to, user's name and password, for the shipper to have a free access to the rules tariff.

In case any of the aforementioned comments is accepted by the Commission upon its consideration, CASA expects that the proposed rule Part 532 shall be revised accordingly.

B. regards.



YE Weilong

Chairman

China Association of Shipping Agencies
& Non-Vessel-Operating Common Carriers