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OFFICE OF THE SECRETARY  
FEDERAL MARITIME COMMISSION



BRITISH INTERNATIONAL  
FREIGHT ASSOCIATION

28<sup>th</sup> May 2010

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

Dear Ms. Gregory

"Docket No. 10-03 Comments on NVOCC Negotiated Rate Arrangements"

Further to the issue of the notice of proposed rulemaking dated 29<sup>th</sup> April 2010 (Docket 10-03), The British International Freight Association (BIFA) wishes for the following comments to be considered by the Federal Maritime Commission (FMC)

BIFA is the prime Trade Association for UK Freight Forwarders that move goods internationally. Many BIFA members act as NVOCCs and have existing FMC bonds. Full details of our role and can be found at our website [www.bifa.org](http://www.bifa.org)

Whilst BIFA approves of the rule change that would allow freight forwarders to publish their NVOCC tariffs on the internet which will provide long-awaited rate flexibility and confidentiality for US based NVOCCs and their shipper customers BIFA is concerned that this will create a two tier system, under which the non-US based freight forwarder may be disadvantaged.

As currently drafted, NVOCCs that are not licensed in the US by the FMC will not be entitled to benefit from the exemption. They will continue to be subject to all of the administrative requirements of the Act, including publication of tariffs. Importantly, non-US based and licensed NVOCCs would still be subject to continued regulatory scrutiny and enforcement actions (with civil penalties for tariff infractions).

In conclusion BIFA objects to the disparate treatment of licensed NVOCCs and foreign (unlicensed) NVOCCs and the recordkeeping "safe harbor" requirement that will protect anyone complying with it from enforcement action.

There is no reason to treat unlicensed and licensed NVOCCs any differently for tariff publication purposes and BIFA requests that all parties are both treated equally and allowed freedom to compete on a "level playing field".

Yours sincerely  
British International Freight Association (BIFA)

A handwritten signature in blue ink, appearing to read 'Robert Keen', is written over the typed name and title.

Robert Keen  
Executive Director