

**COMPROMISE AGREEMENT**  
FMC File No. 17200

This Agreement is entered into between:

- (1) The Federal Maritime Commission, hereinafter referred to as Commission, and
- (2) DSV Air & Sea Inc. (DSV US) and DSV Ocean Transport A/S (DSV OT),  
hereinafter collectively referred to as Respondents.

WHEREAS, the Commission is considering the initiation of an assessment proceeding against Respondents for the recovery of civil penalties for alleged violations of sections 8, 10(a)(1), and 10(b)(2)(A) of the Shipping Act of 1984 (Shipping Act), 46 U.S.C. §§40501, 41104(1) and (2)(A), respectively, and section 515.20(a)(5) and (c) of the Commission's regulations, 46 C.F.R. §515.20(a)(5) and (c); and

WHEREAS, such a proceeding would be based on the Commission's allegation that Respondents engaged in certain practices, to wit:

Over the course of the 5 year period preceding May 4, 2016, Respondents violated the Shipping Act by providing service in the liner trade that was not in accordance with the rates, charges, classifications, rules, and practices contained in a published tariff or in any non-tariff alternative authorized by the Commission's regulations; and

Within the same time period, Respondents violated the Shipping Act by misrepresenting certain entities as affiliates in various service contracts; and

Within the same time period, DVS US operated without a Qualifying Individual for a period in excess of one year in violation of the Commission's regulations.

WHEREAS, the Commission is authorized under section 13(c) of the Shipping Act, 46 U.S.C. § 41109(a), and Subpart W of the Commission's Rules of Practice and Procedure, 46 C.F.R. § 502.604, et seq. to compromise and collect civil penalties arising for the alleged violations set forth and described above; and

WHEREAS, Respondents have cooperated and disclosed to the Commission information and factual details relevant to their transportation activities and practices giving rise to alleged violations set forth and described above ; and

WHEREAS, Respondents have terminated the practices which are the basis of the alleged violations set forth and described above, and have taken corrective actions and committed to maintaining measures designed to eliminate such practices in the future.

NOW THEREFORE, in consideration of the premises herein, and in compromise of all civil penalties arising from the alleged violations set forth and described above, Respondents and the Commission hereby agree upon the following terms of settlement:

1. Respondent shall make payment to the Commission by cashier's check in the total amount of \$175,000.00.
2. This instrument shall forever bar the commencement or institution of any assessment proceeding or other claim for recovery of civil penalties from Respondents, their officers, directors, employees, or agents arising from the alleged violations set forth and described above that occurred between September 30, 2012 and May 4, 2016.
3. It is expressly understood that this Agreement is not, and is not to be construed as, an admission by Respondents to the alleged violations set forth and described above.

4. This Agreement is subject to approval by the Commission's Managing Director in accordance with 46 C.F.R. § 502.604.

**DSV Air & Sea Inc.**

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**DSV Ocean Transport A/S**

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVAL AND ACCEPTANCE**

The above Terms and Conditions and Amount of Consideration are hereby approved and accepted:

By the Federal Maritime Commission:

\_\_\_\_\_  
Brian L. Troiano, Deputy Director (Date)  
Bureau of Enforcement

\_\_\_\_\_  
Karen V. Gregory (Date)  
Managing Director