

FMC Proposes Changing Common Carrier and Marine Terminal Operator Rules

MARCH 3, 2016

On February 23, 2016, the United States Federal Maritime Commission issued an Advanced Notice of Proposed Rulemaking seeking comments on changes to the Commission's rules governing agreements by or among ocean common carriers and/or marine terminal operators.

In the notice, the Commission indicated that it has reassessed the current exemptions from filing applicable to marine terminal operators and that it believes that there is now a need for certain terminal services agreements to be filed with the Commission due to increased cooperation among operators over the past decade. Furthermore, the Commission indicated that it believes that it is appropriate to establish, as a standard Monitoring Report Requirement, a rule to require that all marine terminal operators participating in any conference or discussion agreement on file and in effect submit to the Commission all of their effective terminal services agreements.

The Commission also proposes to change its rules governing which ocean common carrier agreements may be effective upon filing rather than waiting 45 days before they can become effective. Lastly, the Commission intends to clarify when additional agreements may be entered into in reliance upon the authority of a filed agreement without further Commission review.

Comments may be submitted to the docket prior to April 4, 2016.

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