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OTI MONTHLY RISK MANAGEMENT ALERT

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**FEDERAL MARITIME COMMISSION TO ABOLISH TARIFF PUBLICATION  
FOR NVOCCs**

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The Federal Maritime Commission voted today to initiate a rulemaking that would eliminate the requirement for NVOCCs to publish tariff rates.

The Commission directed its Staff to prepare a notice of proposed rulemaking that would relieve licensed NVOCCs from publishing and adhering to rates in tariffs, while imposing several conditions, including:

- NVOCCs would continue to publish standard rules tariffs containing contractual terms and conditions governing shipments
- NVOCCs would be required to provide those rules to the public free of charge
- Rates charged by NVOCCs must be agreed to and memorialized in writing by the date cargo is received for shipment
- NVOCCs must retain documentation of the agreed rate and terms for each shipment for a period of five years, and must make that documentation available promptly to the Commission on request

This is certainly a welcomed departure from a practice which was well known to have little or no commercial or even regulatory value. Our suggestion is for NVOCCs to be alert for the terms of the proposed rule-making and participate in that process to insure that final rules reflect a realistic and practical approach. Additionally, NVOCCs should be especially alert to instituting tariff rules which will provide them appropriate legal benefits. Tariffs, even rules tariffs, have the effect of law. Carefully drafted tariff rules can be important in disputes between carriers and shippers.

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