203-011427

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TITLE PAGE

THE JAPANESE-UNITED STATES
FLAG CARRIER DISCUSSION AGREEMENT
IN THE ASIA-UNITED STATES TRADES

FMC AGREEMENT NO.

(A cooperative working agreement)

Execution Date:

Republished: Not applicable

Expiration Date: Indefinite Term

EFFECTIVE
SEP 1 0 1993
UNDER THE
SHIPPING ACT
OF 1984
Federal Maritime Commission

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TABLE OF CONTENTS

Article		Page
	WITNESSETH	1
1	NAME OF THE AGREEMENT	1
2	PURPOSE OF THE AGREEMENT	2
3	PARTIES TO THE AGREEMENT	2
4	GEOGRAPHIC SCOPE OF THE AGREEMENT	2
5	AGREEMENT AUTHORITY	2
6	AUTHORIZED REPRESENTATIVES	4
7	MEMBERSHIP, WITHDRAWAL, READMISSION AND EXPULSION	4
8	VOTING	4
9	DURATION AND TERMINATION	5
10	EFFECTIVENESS	5
	SIGNATURE	5
	APPENDIX A	6

FMC AGREEMENT No. 203-011427-001

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FEDERAL MARITIME COMM

JAPANESE-U.S. CARRIER
DISCUSSION AGREEMENT
1st Revised Page No. 1

BEFORE THE

FEDERAL MARITIME COMMISSION

FMC AGREEMENT NO.

This Agreement made the 18th day of August, 1993, by and between the undernoted parties.

WITNESSETH

WHEREAS, Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd. and Nippon Yusen Kaisha are parties to Discussion Agreement No. 203-010905, as amended, entitled the "Japanese-Flag Far East-United States Discussion Agreement,"

WHEREAS, American President Lines, Ltd. and A.P. MOLLER-MAERSK SEALAND are parties to Discussion Agreement No. 203-010050, as amended, entitled the "U.S.-Flag Far East Discussion Agreement," and

WHEREAS, the parties to each Agreement desire to amend their respective Discussion Agreements.

NOW, THEREFORE, in consideration of the premises and the mutual undertakings of the parties, it is hereby agreed as follows:

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1. NAME OF THE AGREEMENT

This AGREEMENT shall be known as the "Japanese-United States Flag Carrier Discussion Agreement In The Asia-United States Trades."

2. PURPOSE OF THE AGREEMENT.

The purpose of this AGREEMENT is to promote stability and cooperation in the Asia and United States trades among U.S. and Japanese flag carriers on matters common to the scopes of their respective Discussion Agreements.

3. PARTIES TO THE AGREEMENT.

The names and principal office addresses of the parties to the Agreement are listed in Appendix A hereto.

4. GEOGRAPHIC SCOPE OF THE AGREEMENT.

The Agreement's geographic scope shall extend to ports and points in trades between Asia and the United States, including interior and coastal points in the United States via U.S. ports. "Asia" is defined to include Japan, Siberia, Korea, People's Republic of China, Taiwan, Hong Kong, Macao, Thailand, Democratic Kampuchea (Cambodia), Vietnam, Singapore, Malaysia, Laos, Burma, Brunei, Philippines and Indonesia. "United States" means the several states thereof, its commonwealths, territories and possessions.

5. AGREEMENT AUTHORITY.

A. The parties hereto are authorized to meet together under their respective Discussion Agreements and discuss, exchange information, and reach agreements upon, and strictly limited to,

matters of mutual concern which are common to the scopes of their Agreements, as amended. As this Agreement is not a conference or rate-fixing agreement, it does not authorize (other than the taking and presentment of common positions) the parties to fix, change or implement, jointly or individually, any rate, charge, rule, regulation or practice whether or not required to be filed under section 8 of the Shipping Act of 1984.

B. The parties to each Discussion Agreement shall, from time-to-time, designate a person from their respective memberships to serve as Chairman to preside over all meetings and coordinate exchanges, as required. The parties hereto shall agree upon a schedule for alternating the persons so designated between each Agreement's membership. Such meetings may be held at times and places as the parties may agree. In lieu of meetings, the parties may take actions hereunder via facsimile or other electronic means. The parties may appoint committees as they deem desirable to report upon matters and to make recommendations, but not to take final action. The filing of minutes and other procedural matters except as otherwise provided herein, shall be governed by, and under, the parties respective Discussion Agreements, provided the parties may agree upon the content of the minutes which are the subject of their common activities.

C. Upon the filing of this Agreement with the Federal

Maritime Commission, the parties hereby agree to file with the Commission the following amendment to Article 5 of their respective Discussion Agreements:

> The parties to this AGREEMENT are also authorized to meet together, discuss, consider, exchange information and reach agreements with the parties to U.S.-Flag Far East Discussion Agreement No. 203-010050, as amended [Japanese-Flag Far East-United States Discussion Agreement No. 203-010905, as amended,] upon matters of mutual concern common to the scopes of the two Agreements. No agreement or understanding reached under this Agreement which is required to be filed under the Shipping Act of 1984 shall be implemented until such agreement is filed with the Commission and becomes effective under the provisions of the said Act.

6. AUTHORIZED REPRESENTATIVES

Authority to subscribe their names to, and file, this Agreement, and modifications thereto as may be authorized, is delegated to:

WARREN & ASSOCIATES, P.C.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036
Attorneys to Agreement No.
203-010905, as amended.

SHER & BLACKWELL
1850 M Street, N.W., Suite 900
Washington, D.C. 20036
Attorneys to Agreement No.
203-010050, as amended.

7. MEMBERHSIP, WITHDRAWAL, READMISSION AND EXPULSION

Not applicable.

8. VOTING

Voting on matters considered shall be governed by, and under, the parties' respective Discussion Agreements.

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UNDER THE SHIPPING ACT OF 1984
Federal Maritime Commission

9. DURATION AND TERMINATION

This Agreement shall continue in effect until terminated by the unanimous assent of the parties and the giving of written notice thereof to the Commission and the Japanese Ministry of Transport, or by the parties to either Discussion Agreement upon the giving of ninety (90) days written notice to the other parties and to the aforementioned governmental instrumentalities.

10. EFFECTIVENESS

This Agreement shall take effect when permitted by the Japanese Ministry of Transport and in accordance with applicable provisions of the U.S. Shipping Act of 1984, whichever is the later. The Japanese parties hereto shall notify the Commission in writing of the date the Japanese government's permission has been granted.

IN WITNESS WHEREOF, the Parties have executed this AGREEMENT through their authorized representative as of the date and year hereinabove first written.

EFFECTIVE
FEB 10 2000
UNDER THE SHIPPING ACT OF 1984
Federal Maritime Commission

Kawasaki Kisen Kaisha, Ltd.
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha

By: Charles F. Warren
Charles F. Warren
WARREN & ASSOCIATES, P.C.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036
Authorized Representative

American President Lines, Ltd.
A.P. Moller-Maersk SeaLand

By: David F. Smith
David F. Smith
SHER & BLACKWELL
1850 M Street, N.W., Suite 900
Washington, D.C. 20036
Authorized Representative

FMC AGREEMENT No. 203-011427-002

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DISCUSSION AGREEMENT
Substitute 2nd Revised Page No. 6

APPENDIX A

KAWASAKI KISEN KAISHA, LTD.
Hibiya Central Building
2-9, Nishi-Shinbashi 1-Chome
Minato-ku, Tokyo 105
Japan

AMERICAN PRESIDENT LINES, LTD.
1111 Broadway
Oakland, CA 94607

MITSUI O.S.K. LINES, LTD.
1-1 Toranomon, 2-Chome
Minato-ku, Tokyo 105-91
Japan

NIPPON YUSEN KAISHA
Yusen Building
3-2, Marunouchi, 2-Chome
Chiyoda-ku, Tokyo 100-91
Japan

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SIGNATURE PAGE

IN WITNESS WHEREOF, the Parties to Agreement No. 203-011427 hereby agree this 21st day of September, 2004 to amend the Agreement as per the attached page(s) and to file same with the U.S. Federal Maritime Commission.

Kawasaki Kisen Kaisha, Ltd.
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha

By: Charles F. Warren
Charles F. Warren
WARREN & ASSOCIATES, P.C.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036
Telephone: (202) 293-2165
Authorized Representative

American President Lines, Ltd.
A.P. Moller-Maersk SeaLand

By: David Smith
David F. Smith
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Telephone: (202) 463-2509
Authorized Representative