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ASF/SERC Agreement

A Cooperative Working Agreement

FMC Agreement No. 203-011679

EFFECTIVE
JUN 20 2000
UNDER THE SHIPPING ACT OF 1984
Federal Maritime Commission

Expiration Date: None

This Agreement Is Republished Herein.

FMC Agreement No.: 011679-001 Effective Date: Tuesday, June 20, 2000
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THE PARTIES HERETO HAVE AGREED AS FOLLOWS:

ARTICLE 1: NAME OF AGREEMENT

This agreement shall be known as the ASF/~~STC~~ SERC Agreement (the "Agreement").

ARTICLE 2: BACKGROUND AND PURPOSE

The Asian Shipowners Forum ("ASF") consists of the shipowner associations of Australia, China, Hong Kong, Japan, Korea, Chinese Taipei and the associations of the ASEAN region (Indonesia, Malaysia, Philippines, Singapore, Thailand and Vietnam) ("Associations"). The members of these associations include liner and non-liner carriers operating in various international ocean trades. The purpose of the ASF is to foster mutual trust and cooperation among shipowners in the Asian region and the promotion of their shipping interests in world bodies and international trade. Amongst the subjects ASF addresses are safety, security, removal of substandard ships, ship insurance, seamanship and trade stability. The committee dealing with trade stability is the ~~Stabilization of Trade~~ Shipping Economics Review Committee ("~~STC~~ SERC"). Activities in the SERC ~~STC~~ described in this Agreement are primarily undertaken by the Members, who otherwise participate through Associations in the ASF and its various committees. This Agreement is intended to provide express legal authority for the Members' participation in the SERC ~~STC~~ and related ASF activities under applicable national legislation.

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ARTICLE 3: MEMBERS

The carriers that are participants in the SERC are listed in Appendix A hereto ("Members").

ARTICLE 4: SCOPE

The ASF covers the general subject of international maritime transport between all countries worldwide. The terms of this Agreement and the filing of it with the Federal Maritime Commission ("FMC") do not and are not intended to bring within the scope of the U.S. Shipping Act of 1984, as amended (including the antitrust exemption conferred by the Act), or the jurisdiction of the FMC, any activities hereunder relating to service wholly between foreign ports or points.

ARTICLE 5: AUTHORITY

5.1 The Members, in the context of the ASF, the SERC or any other ASF committee, are authorized to exchange information, discuss and reach non-binding agreement with respect to:

(a) general issues affecting the industry such as standards and/or training for vessel crewing and operations; port and canal operation and development; removal of substandard vessels; environmental regulations, controls and issues; the safety of vessels, crew and cargo, including navigational aids and systems and piloting and tug requirements; piracy, terrorism, smuggling, stowaways and other security issues; safe navigation; insurance; and technological developments relating to or affecting the industry;

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(b) general economic trends affecting the industry such as fiscal and monetary policies of national governments and/or international bodies, trends in trade growth or development, trade and cargo flows and trade imbalances, and vessel overcapacity or undercapacity;

(c) the general level of rates, charges and surcharges and trends with respect to same, as well as general practices, rules, regulations and terms and conditions relating to the carriage of cargo; and

(d) membership in carrier agreements and associations.

5.2 The Members, in the context of the ASF, the SERC or any other ASF committee, are authorized to exchange information, discuss and take a common position with respect to any existing or proposed law, policy, regulation, or court decision of any national or international government, organization or body.

ARTICLE 6: ADMINISTRATION

6.1 Chairmanship of the SERC shall rotate among the Members.

6.2 The ASF shall have such standing and *ad hoc* committees as the ASF deems appropriate.

6.3 Agreement counsel is authorized to execute and file any amendments to this Agreement approved by the Members.

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ARTICLE 7: MEMBERSHIP

The Members are listed in Appendix A. Additional members may be admitted in accordance with Article 8 hereof. Carrier members herein must be members of a shipowner's association which participates in the ASF. Any Member may resign from this Agreement by providing written notice of such resignation to the other Members. Associations may participate in any activities provided for hereunder.

ARTICLE 8: ACTIONS OF MEMBERS

Actions hereunder shall be made on a voluntary adherence basis and no Member shall be bound by any proposed action hereunder unless it so chooses; provided, however, that admission of a new Member, amendments to this Agreement, and decisions on administrative and housekeeping matters shall require the consent of a majority of the Members.

ARTICLE 9: DURATION

This Agreement shall remain in effect indefinitely.

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Signature Page

IN WITNESS WHEREOF, the members have agreed to amend and restate this Agreement as of this 20th day of June, 2000.

COSCO CONTAINER LINES LTD.

By:_____
Name:
Title:

EVERGREEN MARINE CORP. (TAIWAN) LTD.

By:_____
Name:
Title:

HANJIN SHIPPING CO., LTD.

By:_____
Name:
Title:

HYUNDAI MERCHANT MARINE CO., LTD.

By:_____
Name:
Title:

KAWASAKI KISEN KAISHA, LTD.

By:_____
Name:
Title:

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Signature Page (continued)

MITSUI O.S.K. LINES LTD.

By:_____
Name:
Title:

NIPPON YUSEN KAISHA

By:_____
Name:
Title:

YANG MING MARINE TRANSPORT CORPORATION

By:_____
Name:
Title:

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APPENDIX A – LIST OF MEMBERS

1. Cosco Container Lines Ltd.
   1551-1555, Chang Yang Road
   Shanghai, 200090
   People's Republic of China

2. Evergreen Marine Corporation (Taiwan) Ltd.
   Evergreen Building
   330, Mincheng East Road
   Taipei, Taiwan

3. Hanjin Shipping Co., Ltd.
   9th Floor, 25-11, Yoldo-dong
   Youngdeungpo-ku
   Seoul, Korea

4. Hyundai Merchant Marine Co., Ltd.
   15th Floor Hyundai Building
   178 Se Chong Ro, Chongro-Ku
   Seoul, Korea

5. Kawasaki Kisen Kaisha, Ltd.
   Hibiya Central Building
   2-9 Nishi-Shinbashi 1-chome
   Minato-Ku
   Tokyo 105, Japan

6. Mitsui O.S.K. Lines, Ltd.
   1-1, Toranomon, 2-Chome
   Minato-Ku
   Tokyo 105-91, Japan

7. Nippon Yusen Kaisha
   Yusen Building
   3-2, Marunouchi 2-chome
   Chiyoda-Ku
   Tokyo 100-91, Japan

8. Yang Ming Marine Transport Corporation
   53 Hwai Ning Street, 5th Floor
   Taipei, Taiwan 100

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