FMC Agreement No.: 011223-002 Effective Date: Friday, November 23, 1990
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203-011223-002

AMENDMENT OF
FMC AGREEMENT NO. 203-011223

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WHEREAS, the Parties wish to amend the Transpacific Stabilization Agreement, FMC No. 203-011223 (the "Agreement") for the purposes of clarifying the authority of the Parties to communicate (a) with conferences and similar agreements effective in the Trade covered by the Agreement in which one or more Parties participate and (b) with each other, concerning matters within the scope of the Agreement;

NOW, THEREFORE, in accordance with subarticle 8.2, the Parties have taken action upon the unanimous vote of all of them to amend the Agreement by adding a new subarticle 5.13, as reflected in Second Revised Page No. 11 and Original Page Nos. 11a, 11b and 11c which are attached hereto and made a part hereof.

IN WITNESS WHEREOF, the Parties have caused this amendment to be executed on their behalf by their duly authorized representative.

EFFECTIVE
NOV 23 1990
Federal Maritime Commission

TRANSPACIFIC STABILIZATION AGREEMENT

By: Robert A. Peavy
Name: Robert A. Peavy
Title: Counsel to the Agreement
(Pursuant to authorization under subarticle 6.9)

Date signed: October 9, 1990

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service contracts, and/or will participate in the separate tariffs and service contracts of conferences and other authorities effective in the Trade.

5.11 On or before 30 days following each six-month period after the Effective Date of this Agreement, or such other period as may be agreed by the Parties and accepted by the FMC (for example, to conform to the Accounting Periods then in effect), the Chairman, Secretariat, counsel to the Agreement or other designee of the Parties will file a report with the FMC as described in Appendix D to this Agreement.

5.12 This Agreement does not authorize the Parties to engage in conduct prohibited by the Shipping Act of 1984.

5.13 (a) The Parties are authorized to transmit to and exchange with the Asia North America Eastbound Rate Agreement, FMC No. 202-010776, the Japan-Atlantic and Gulf Freight Conference, FMC No. 202-003103, and the Transpacific Freight Conference of Japan, FMC No. 202-000150 (collectively, "Conferences"), and some or all of the members of any of such

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service contracts, and/or will participate in the separate tariffs and service contracts of conferences and other authorities effective in the Trade.

5.11 On or before 30 days following each six-month period after the Effective Date of this Agreement, or such other period as may be agreed by the Parties and accepted by the FMC (for example, to conform to the Accounting Periods then in effect), the Chairman, Secretariat, counsel to the Agreement or other designee of the Parties will file a report with the FMC as described in Appendix D to this Agreement.

5.12 This Agreement does not authorize the Parties to engage in conduct prohibited by the Shipping Act of 1984.

5.13 (a) The Parties are authorized to transmit to and exchange with the Asia North America Eastbound Rate Agreement (FMC No. 202-010776), the Japan-Atlantic and Gulf Freight Conference (FMC No. 202-003103), the Transpacific Freight Conference of Japan (FMC No. 202-000150) and any other conferences and similar agreements effective under the Shipping Act of 1984 in which one or more Parties may participate, applicable to transportation of cargo in the Trade and to services provided in connection therewith (collectively, "the Conferences"), and some or all of the members of any of such

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Conferences, information, data, and reports concerning matters within the scope of this Agreement (including without limitation information about matters pending before or decisions made by the Agreement, positions or proposals of Parties or groups of Parties, and data or information relating to any of the foregoing), as they deem appropriate from time to time. Said information, data and reports may be transmitted by a Party or Parties, the Chairman, Agreement committees or committee chairmen, the Secretariat, counsel to the Agreement or other representative of the Parties.

(b) The Agreement is authorized to receive from any of the Conferences or any members of the Conferences information, data and reports as to any Conference matter (including without limitation information about matters pending before or decisions made by any of said Conferences, positions or proposals of a Conference member or members, and data or information relating to any of the foregoing). Said information, data and reports may be transmitted to the Agreement from any of said Conferences through any Party or Parties which are members of any of said Conferences, or through the Chairman, Secretariat, Managing Director or counsel or other representatives of any of said Conferences. The

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Parties are authorized to discuss and reach agreements based upon information, data and reports received from any of the Conferences (including without limitation agreements, proposals or recommendations of any Conference), and to take such actions pursuant to the authorities set forth in this Article 5 as are deemed necessary or appropriate to implement any or all agreements and recommendations of any of the Conferences adopted by any or all Parties.

(c) The foregoing agreements and actions may be taken by the Agreement whether or not any agreement or recommendation reached within any of the Conferences includes carriers which are not Parties hereto.

(d) Two or more of the Parties are authorized to caucus or otherwise discuss, consider and exchange information concerning any matter within the scope of this Agreement, including matters decided by, pending before or to be proposed to the Agreement or any of the Conferences, for the purpose of clarifying differences in their respective viewpoints regarding such matters and of endeavoring to reach common positions for communication to, and discussion or negotiation with, any other Party or Parties, the full Agreement membership or any committee hereunder.

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[Intentionally Blank.]

ARTICLE 6 - AGREEMENT OFFICIALS AND DELEGATIONS OF AUTHORITY

6.1 The Administrative Committee shall be charged with overseeing and effecting the administrative and housekeeping functions of the Agreement, including, but not limited to, screening and making recommendations to the Parties concerning the selection of the Secretariat and the Auditor, establishing the format of reports to be furnished by the Secretariat and the Auditor under this Article and by the Parties under Article 10, recommending procedures for