As members of the Florida Customs Brokers & Forwarders Association, Inc. (FCBF), Asia Shipping USA, Inc. fully supports the FCBF’s efforts to reduce or outright eliminate burdensome and unnecessary regulations affecting our members, particularly non-vessel operating common carriers (NVOCCs). Additionally, we applaud and thank the U.S. Federal Maritime Commission (FMC) for undertaking this review to modernize the regulations consistent with commercial practice. For many years, the FCBF has aligned with industry representatives advocating that tariff and rate filing requirements no longer serve a functional purpose. There are three (3) main regulatory activities for which we support full reform.

1. The FMC should entirely exempt NVOCCs from publishing negotiated rate arrangements (NRAs) and filing requirements.

2. If the FMC will not repeal NRA publication, it should remove the significant limitation that precludes NVOCCs from amending NRAs and from including economic terms such as credit, minimum quantities, liquidated damages, etc. Additionally, acceptance and booking of cargo should suffice as acceptance of the rate, in lieu of a written agreement.

3. The FMC should repeal its existing requirement for NVOCCs to file negotiated service arrangements (NSAs) or to publish essential terms of NSAs in their tariffs as this process is extremely cumbersome and is not used by the trade in day to day business as it does not reflect the realities of international trade and commerce.
4. I would recommend that the FMC allows the NVOCC to receive the cargo prior to the acceptance (booking) of the cargo by the customer. It is very typical that exporters/shippers here in the U.S. send cargo to a nominated NVOCC (OTI). We work with constant Routed shipments in South Florida when we are nominated by our offices at destination. Sometimes due to presence at destination. Even before we provide rates cargo is arranged to our site. We have lost potential business at times due to this regulation. So we ask that this is reviewed as well.

Dated: January 10, 2018

Name/Title: Robert Buitrago / Principal