



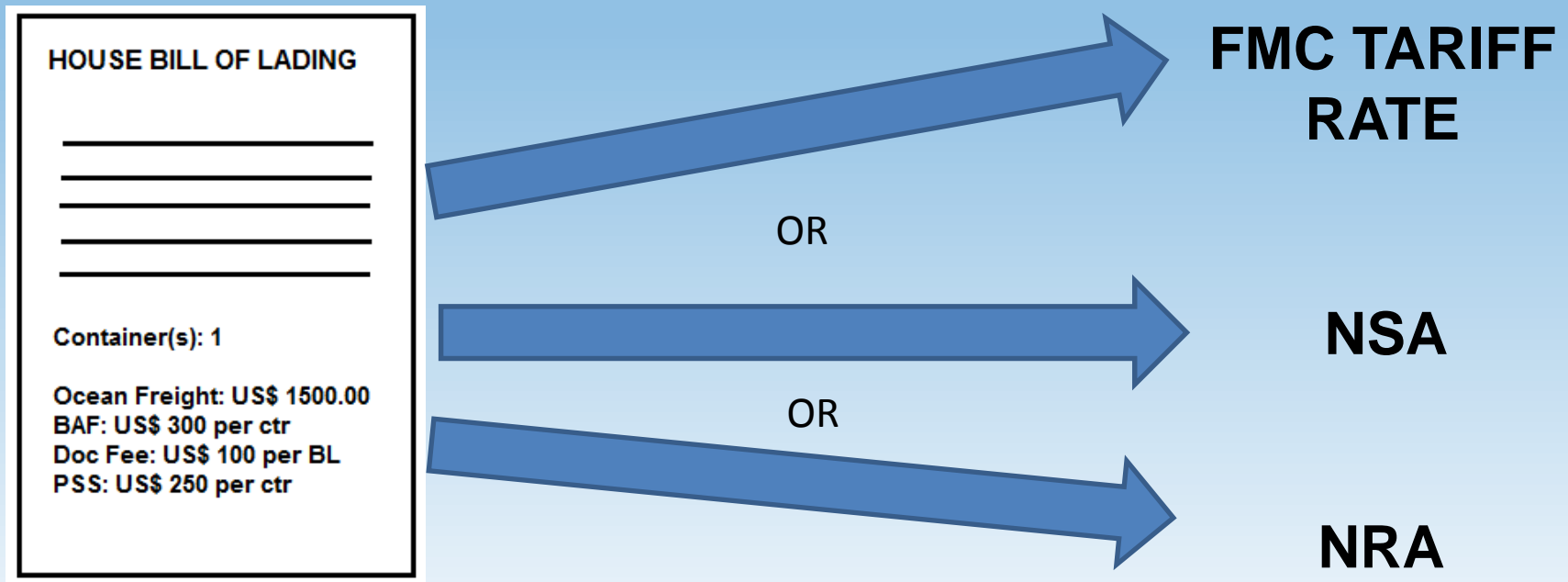
FMC TARIFF REGULATION: KEY POINTS FOR NVOCCs

1. ALL RATES MUST BE FILED

All rates / surcharges applied on NVOCC HB/Ls, (or equivalent shipping documents) to/from the USA must be documented using either a:

- 1) Tariff rate filed in your FMC tariff
- 2) NVOCC Service Arrangement (NSA)
- 3) NVOCC Negotiated Rate Arrangement (NRA)

1. ALL RATES MUST BE FILED





2. FILING REQUIRED BY CARGO RECEIPT DATE:

Rates must be filed and effective in FMC tariffs (or filed in an NSA or NRA) no later than the date cargo is received at the origin shown on the NVOCCs house bill of lading (HBL).

3. TARIFF RATES MUST BE FILED FOR A MINIMUM OF 30 DAYS:

Rates can be filed with or without expiration dates, but must be 'on file' for a minimum of 30 days. This 30 day requirement does not apply to rates in NRAs or NSAs.

4. RATES FOR NEW CARGO MOVEMENTS MAY BE EFFECTIVE UPON FILING:

By 'new' we mean a rate that is not already in effect in the tariff for a specific commodity description, origin, destination, container size, rate basis, or other variable allowed by FMC. A wide range of variables is allowed by FMC, most NVOCCs use these to enjoy flexibility in their pricing.

5. TARIFF RATES MUST NOT BE FILED BY SHIPPER / CONSIGNEE NAME

The FMC is quite flexible in the variables it will allow for the specifications of tariff rates, but it will never allow rates that apply only for specifically named shippers or consignees.

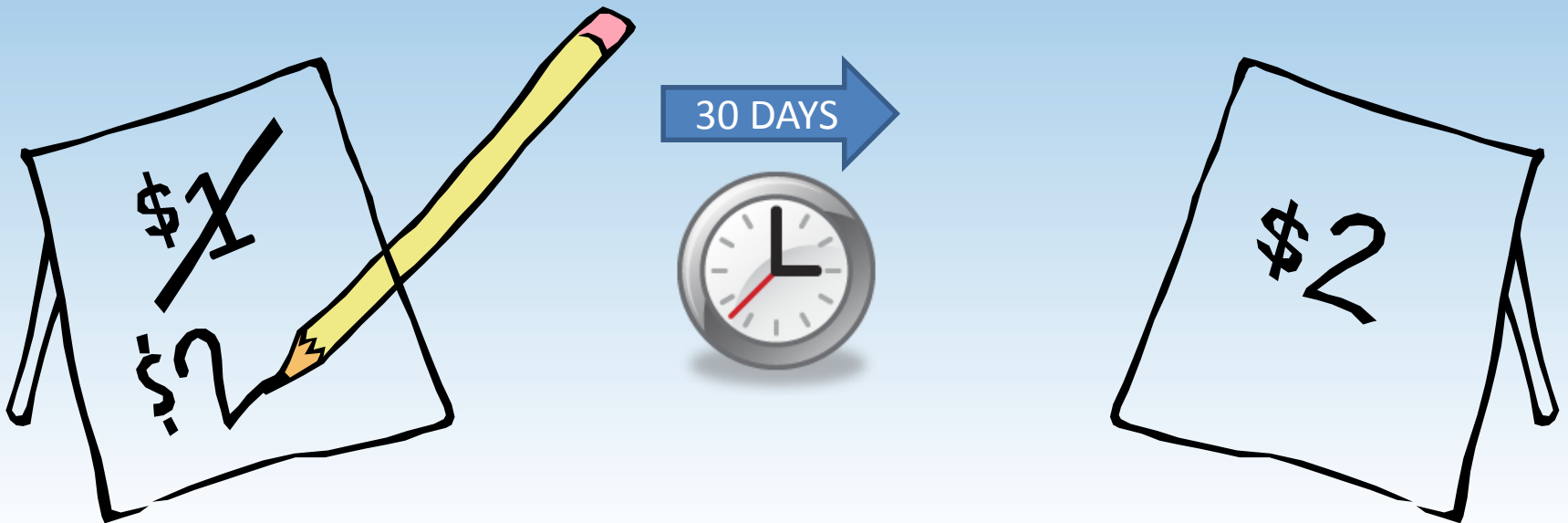
Also, tariff rates that apply to a specific type or class or shipper are not allowed; for example, freight consolidators.

On the other hand, NSAs and NRAs always apply to specifically named shippers or consignees.

~~Example: "Rate applies to XYZ Shipper only"~~

6. INCREASES TO TARIFF RATES & SURCHARGES REQUIRE 30 DAYS NOTICE

Any increase to an existing tariff rate or surcharge must be filed 30 days before its effective date. On the other hand, rates and surcharges in NRAs and NSAs may be increased effective the same day the NRA or NSA is accepted by the shipper.



TARIFF RATE FILE REQUEST: DPI'S ONLINE RATE FILE REQUEST PROCESS

DPI's online Rate File Request process for FMC tariff rate filing has built in options to take advantage of your rate filing options as an NVOCC.

Built in quality controls help ensure that you are in full compliance with FMC regulations, and your DPI Account Representative will continue to review all of your requests before filing into your FMC tariff.

See a video tutorial on DPI's Tariff Rate File Request process by clicking below:



NVOCC NEGOTIATED RATE ARRANGEMENTS (NRAs)

What are NRAs?

- An NRA is a written arrangement between an NVOCC and their customer which documents the agreed rate(s) for shipment(s) of a specific cargo quantity.
- NRAs may act as a substitute for tariff rate filing.
- Apply to a specific shipper named in the NRA.
- NRAs may be amended.
- May list additional charges including pass-through charges which are invoiced with no markup, and charges in NVOCC's rules tariff which must be FIXED once first shipment is received, subject to amendment of the NRA.
- Unlike tariff rates, NRAs remain confidential.
- NRAs may be valid for any time period; 30 days is not required.

NVOCCs must satisfy several requirements before filing NRAs , and NRAs themselves must adhere to the FMC NRA regulations. DPI offers an NRA Management System (NRAMS) to assist with these requirements. For more information on the requirements for filing NRAs, see [DPI's NRA video tutorial](#).

NVOCC SERVICE ARRANGEMENTS (NSAs)

What are NSAs?

- An NSA is a written contract between an NVOCC and its shipper customer. The terms and rates are unique to the named NSA shipper.
- NSAs may include minimum quantity commitment (MQC), non-performance penalties, and apply over a fixed period of time.
- Rates filed in an NSA are not filed in FMC tariffs.
- NSAs may be amended
- Unlike tariff rates, NSA rates are confidential.
- NSAs are best used for validity of 90 days or more.

DPI offers its members our recommended templates for NSAs and our expert advise on how to best use NSAs to meet commercial requirements.

For more information on the requirements for filing NSAs, visit www.dpiusa.com/videos/nsa_information

SUMMARY OF KEY DIFFERENCES: Tariff Rates, NSAs and NRAs

	Tariff Rates	NSAs	NRAs
RATES AND TERMS	<ul style="list-style-type: none"> Commodity rates are never shipper specific. Terms only as provided in tariff rules 	<ul style="list-style-type: none"> Always provide shipper specific rates Must include terms listed in 46 CFR 531.6(a): May include any other terms 	<ul style="list-style-type: none"> Always provide shipper specific rates Must include the rate and any applicable non-rate economic terms.
VALIDITY	30 days, except as provided in 46 CFR 520.8	Any time period agreed by NVOCC and Shipper	Any time period agreed by NVOCC and Shipper
SURCHARGES	<ul style="list-style-type: none"> Surcharges as per tariff rules, with exceptions for individual tariff rate items as noted. Surcharges updated by NVOCC, subject to 30 day-notice requirement. 	<ul style="list-style-type: none"> Surcharges as per tariff rules and/or as provided in NSA. Surcharges as per tariff updated by NVOCC, subject to 30 day-notice requirement. 	<ul style="list-style-type: none"> Must include any applicable surcharges and assessorial charges not included in the rate, including pass-through charges. Surcharges are fixed at time of first shipment; can change only if NRA is amended by NVOCC.

SUMMARY OF KEY DIFFERENCES: Tariff Rates, NSAs and NRAs

	Tariff Rates	NSAs	NRAs
ACCEPTANCE	Not required	Must be signed by NVOCC and Shipper	Shipper may accept terms by: 1) Signing agreement, or 2) Communicating acceptance in writing, including by e-mail, or 3) Booking a shipment after receipt of NRA terms, if NRA includes required notice
ENFORCEABILITY	Binding upon receipt of cargo	Binding upon signatures of NVOCC and Shipper	Binding upon shipper: 1) providing NVOCC with signed agreement; 2) sending written communication accepting NRA terms; or 3) booking shipment after receiving prominent notice
FMC FILING	No, but tariff must be registered with FMC	No	No
PUBLICATION	Yes	No, but tariff rules must be published	No, but tariff rules must be published

Source: FMC Docket 17-10, Final Rule, Part IV., F., with additional clarifications added by DPI

For clarification, examples, or more information on any of the information shown here please contact us at

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