§ 520.10 Integrity of tariffs.

(a) Historical data. Carriers and conferences shall maintain the data that appeared in their tariff publication systems for a period of five (5) years from the date such information is superseded, canceled or withdrawn, and shall provide on-line access to such data for two (2) years. After two (2) years, such data may be retained on-line or in other electronic form, and shall be made available to any person or the Commission upon request in a reasonable period of time. Carriers and conferences may charge a reasonable fee for the provision of historical data, not to exceed the fees for obtaining such data on-line. No fee shall apply to federal agencies.

(b) Access date capability. Each tariff shall provide the capability for a retriever to enter an access date, i.e., a specific date for the retrieval of tariff data, so that only data in effect on that date would be directly retrievable. This capability would also align any rate adjustments and assessorial charges that were effective on the access date for rate calculations and designation of applicable surcharges. The access date shall also apply to the alignment of tariff objects for any governing tariffs.

(c) Periodic review. The Commission will periodically review published tariff systems and will prohibit the use of any system that fails to meet the requirements of this part.

(d) Access to systems. Carriers and conferences shall provide the Commission reasonable access to their automated systems and records in order to conduct reviews.

§ 520.11 Non-vessel-operating common carriers.

(a) Financial responsibility. An ocean transportation intermediary that operates as a non-vessel-operating common carrier shall state in its tariff publication:

1. That it has furnished the Commission proof of its financial responsibility in the manner and amount required by part 515 of this chapter;

2. The manner of its financial responsibility;

3. Whether it is relying on coverage provided by a group or association to which it is a member;

4. The name and address of the surety company, insurance company or guarantor issuing the bond, insurance policy, or guaranty;

5. The number of the bond, insurance policy or guaranty; and

6. Where applicable, the name and address of the group or association providing coverage.

(b) Agent for service. Every NVOCC not in the United States shall state the name and address of the person in the United States designated under part 515 of this chapter as its legal agent for service of process, including subpoenas. The NVOCC shall further state that in any instance in which the designated legal agent cannot be served because of death, disability or unavailability, the Commission’s Secretary will be deemed to be its legal agent for service of process.

(c) Co-Loading. (1) NVOCCs shall address the following situations in their tariffs:

(i) If an NVOCC does not tender cargo for co-loading, this shall be noted in its tariff.

(ii) If two or more NVOCCs enter into an agreement which establishes a carrier-to-carrier relationship for the co-loading of cargo, then the existence of such agreement shall be noted in the tariff.

(iii) If two NVOCCs enter into a co-loading arrangement which results in a shipper-to-carrier relationship, the tendering NVOCC shall describe its co-loading practices and specify its responsibility to pay any charges for the transportation of the cargo. A shipper-to-carrier relationship shall be presumed to exist where the receiving NVOCC issues a bill of lading to the tendering NVOCC for carriage of the co-loaded cargo.

(2) Documentation requirements. An NVOCC which tenders cargo to another
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§ 520.13 Exemptions and exceptions.

(a) General. Exemptions from the requirements of this part are governed by section 16 of the Act (46 U.S.C. 40103) and Rule 67 of the Commission’s Rules of Practice and Procedure, §502.67 of this chapter.

(b) Services. The following services are exempt from the requirements of this part:
(1) Equipment interchange agreements. Equipment-interchange agreements between common carriers subject to this part and inland carriers, where such agreements are not referred to in the carriers’ tariffs and do not affect the tariff rates, charges or practices of the carriers.
(2) Controlled carriers in foreign commerce. A controlled common carrier shall be exempt from the provisions of this part exclusively applicable to controlled carriers when:
(i) The vessels of the controlling state are entitled by a treaty of the United States to receive national or most-favored-nation treatment; or
(ii) The controlled carrier operates in a trade served exclusively by controlled carriers.
(3) Terminal barge operators in Pacific Slope states. Transportation provided by terminal barge operators in Pacific Slope states barging containers and containerized cargo by barge between points in the United States are exempt from the tariff publication requirements of Act and the rules of this part, where:
(i) The cargo is moving between a point in a foreign country or a non-contiguous State, territory, or possession and a point in the United States;
(ii) The transportation by barge between points in the United States is furnished by a terminal operator as a service substitute in lieu of a direct vessel call by the common carrier by water transporting the containers or containerized cargo under a through bill of lading; and
(iii) Such terminal operator is a Pacific Slope state, municipality, or other public body or agency subject to the jurisdiction of the Commission, and the only one furnishing the particular circumscribed barge service in question as of January 2, 1975.