

(4) Select an object group (*e.g.*, rules, locations, groups, etc.) within a particular tariff.

(b) *Search capability.* Publisher must provide the capability to search for tariff matter by non-case sensitive text search. Text search matches for commodity descriptions must result in a commodity or retrievable commodity index list.

(c) *Commodities and TRIs.* Retriever selection of a specific commodity from a commodity index list must display the commodity description and provide an option for searching for a rate (*e.g.*, on the basis of origin/destination) or a TRI list, if multiple TRIs are in effect for the commodity.

(d) *Object groups.* Retriever selection of a specific object group must result in a list of the objects within the group or present a text search mechanism to allow location of an object within the group. For example, selection of the rules object group would present a list of the rules or a text search mechanism for locating specific terms or phrases within the rules.

(e) *Basic ocean freight.* The minimum rate display for tariffs must consist of the basic ocean freight rate and a list of all assessorial charges and surcharges that apply for the retriever-entered shipment parameters. The tariff must indicate when other rules or charges apply to a shipment under certain circumstances.

(f) *Displays.* All displays of individual tariff matter must include the publication date, effective date, amendment code (use codes in appendix A to this part), and object name or number. When applicable, a through date or expiration date must also be displayed. Use of "S" as an amendment code must be accompanied by a Commission issued special permission number.

[64 FR 11225, Mar. 8, 1999, as amended at 89 FR 31, Jan. 2, 2024]

§ 520.7 Tariff limitations.

(a) *General.* Tariffs published pursuant to this part must:

- (1) Be clear and definite;
- (2) Use English as the primary textual language;
- (3) Not contain cross-references to any other rate tariffs, except:

(i) A tariff of general applicability maintained by that same carrier or conference;

(ii) The individual tariffs of members of a non-conference agreement to enter into time/volume rates can cross-reference the tariffs of other members for purposes of said time/volume rates;

(iii) Multiple common tariffs of a conference agreement to enter into time/volume rates can cross-reference their own multiple conference tariffs for purposes of said time/volume rates; and

(iv) An NVOCC may cross-reference an ocean common carrier tariff for the purpose of charging its shipper the ocean common carrier's published and effective surcharges, assessorial charges, and general rate increases, but the NVOCC must clearly list the named charges or categories of charges in the NVOCC's tariff, and must not mark them up above cost. Any fee associated with services provided by the NVOCC to its shipper should be separate and distinguished from the vessel-operating common carrier's surcharges, assessorial charges, and general rate increases, and specify the service for which the shipper is being charged.

(4) Not duplicate or conflict with any other tariff publication.

(b) *Notice of cancellation.* Carriers and conferences must inform BTA, in writing, whenever a tariff is canceled and the effective date of that cancellation.

(c) *Applicable rates.* The rates, charges, and rules applicable to any given shipment must be those in effect on the date the cargo is received by the common carrier or its agent including originating carriers in the case of rates for through transportation.

(d) *Minimum quantity rates.* When two or more TRIs are stated for the same commodity over the same route and under similar conditions, and the application is dependent upon the quantity of the commodity shipped, the total freight charges assessed against the shipment may not exceed the total charges computed for a larger quantity, if the TRI specifying a required minimum quantity (either weight or measurement; per container or in containers) will be applicable to the contents of the container(s), and if the minimum set forth is met or exceeded.

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At the shipper's option, a quantity less than the minimum level may be freighted at the lower TRI if the weight or measurement declared for rating purposes is increased to the minimum level.

(e) *Conference situations.* (1) New members of a conference must cancel any independent tariffs applicable to the trades served by the conference within 90 days of membership in the conference. Individual conference members can publish their own separate open rate tariffs. A new member's participation in the conference tariff is effective on the date notice of membership is published in the conference tariff, unless a later effective date is specified.

(2) New conference agreements have ninety (90) days within which to publish a new tariff.

(f) *Overcharge claims.* (1) A tariff must not limit the filing of overcharge claims by a shipper with a common carrier to a period of less than 3 years from the accrual of the cause of action.

(2) The acceptance of any overcharge claim cannot be conditioned upon the payment of a fee or charge.

(3) A tariff must not require that overcharge claims based on alleged errors in weight, measurement, or description of cargo be filed before the cargo has left the custody of the common carrier.

(g) *Returned cargo.* When a carrier or conference offers the return shipment of refused, damaged or rejected shipments, or exhibits at trade fairs, shows or expositions, to port of origin at the TRI assessed on the original movement, and such TRI is lower than the prevailing TRI:

(1) The return shipment must occur within one (1) year;

(2) The return movement must be made over the line of the same common carrier performing the original movement, except in the use of a conference tariff, where return may be made by any member line when the original shipment was carried under the conference tariff; and

(3) A copy of the original bill of lading showing the rate assessed must be presented to the return common carrier.

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(h) *Charges assessed by ocean common carriers to non-vessel-operating common carriers.* NVOCCs may pass through charges received from ocean common carriers for terminal services, canal tolls, additional charges, or other provisions which are not under the control of the ocean common carrier or conferences and for which the NVOCC merely acts as a collection agent. The charges or categories of charges must be clearly listed in the NVOCC's tariffs and not marked up above cost.

[64 FR 11225, Mar. 8, 1999, as amended at 67 FR 39860, June 11, 2002; 89 FR 31, Jan. 2, 2024]

§ 520.8 Effective dates.

(a) *General.* (1) No new or initial rate, charge, or change in an existing rate, that results in an increased cost to a shipper may become effective earlier than thirty (30) calendar days after publication.

(2) An amendment which deletes a specific commodity and applicable rate from a tariff, thereby resulting in a higher "cargo n.o.s." or similar general cargo rate, is a rate increase requiring a 30-day notice period.

(3) Rates for the transportation of cargo for the U.S. Department of Defense may be effective upon publication.

(4) Changes in rates, charges, rules, regulations or other tariff provisions resulting in a decrease in cost to a shipper may become effective upon publication.

(b) *Amendments.* The following amendments may take effect upon publication:

(1) Those resulting in no change in cost to a shipper;

(2) The canceling of a tariff due to cessation of all service by the carrier between the ports or points covered by the tariff;

(3) The addition of a port or point to a previously existing origin or destination scope; or

(4) Changes in charges which are not under the control of the common carrier or conference (including terminal services, canal tolls, additional charges, or other provisions) for which the carrier or conference merely acts as a collection agent for such charges and the agency making such changes does so without notifying the common