

## COMPROMISE AGREEMENT

FMC File No. 17160

This Compromise Agreement is entered into between:

- (1) the Federal Maritime Commission (Commission); and
- (2) Worldwide Container Transfer, Corp. (WCT) and U-Ocean USA, Corp. (U-Ocean),  
(jointly referred to as Respondents).

WHEREAS, the Commission is considering the initiation of an assessment proceeding against Respondents for the recovery of civil penalties for alleged violations of sections 10(a)(1) and 10(b)(2) of the Shipping Act of 1984 (Shipping Act), 46 U.S.C. §§ 41102(a) and 41104(2)(A) and 46 C.F.R. §515.20 (c) (previously § 515.18 (c));

WHEREAS, such proceeding would be based on Commission allegations that Respondents engaged in certain practices violative of the Shipping Act and the Commission's regulations, to wit:

Between June 1, 2014 and December 31, 2015, Respondent WTC knowingly and willfully obtained ocean transportation for property at less than the rates or charges that would otherwise be applicable by the device or means of unlawfully accessing service contracts executed by United Arab Shipping Company, S.A.G., COSCO Container Lines Company Limited and Mediterranean Shipping Company S.A., among others, to which WTC was neither a contract signatory nor a named affiliate.

During the time period stated above, WTC provided ocean transportation for property in a liner trade that was not in accordance with the rates and charges contained in its published tariff or any non-tariff alternative authorized by the Commission's regulations.

Respondents operated without a Qualifying Individual as required by 46 C.F.R. Part 515 for a period in excess of one year.

WHEREAS, the Commission is authorized under section 13(c) of the Shipping Act, 46 U.S.C. § 41109 (a)-(b), and Subpart W of the Commission's Rules of Practice and Procedure, 46

C.F.R. § 502.601 – 502.605, to compromise and collect civil penalties arising for the alleged violations set forth and described above;

WHEREAS, Respondents have terminated the practices that are the basis of the alleged violations set forth herein;

WHEREAS, Respondents have cooperated in good faith and voluntarily disclosed to the Commission information, facts, and documents relevant to their transportation activities and practices giving rise to the above alleged violations; and

WHEREAS, Respondents have committed to maintaining measures designed to eliminate such practices in the future, including the commitment to conduct independent annual compliance audits of their operations for each of the three years following the date of this agreement;

NOW THEREFORE, in consideration of the premises herein, and in compromise of all civil penalties arising from the Commission's investigation of Respondents for the alleged violations, Respondents and the Commission hereby agree upon the following terms of compromise and settlement:

1. Respondents shall make payment to the Commission by a bank or cashier's check in the total amount of \$220,000.
2. This Compromise Agreement shall forever bar the commencement or institution of any assessment proceeding or other claim for recovery of civil penalties from Respondents, their officers, directors, employees, or agents arising from the Commission's investigation of and disclosure by the Respondents for the alleged violations set forth above that occurred between June 1, 2014 and December 31, 2015.
3. It is expressly understood that this Compromise Agreement is not, and is not to be construed as, an admission by Respondents to the alleged violations set forth above.

4. This agreement is subject to approval by the Commission's Managing Director in accordance with 46 C.F.R. § 502.604.

**Worldwide Container Transfer, Corp.**

**U-Ocean USA, Corp.**

Signature:

Signature:

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Printed Name:

Printed Name:

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Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVAL AND ACCEPTANCE OF COMPROMISE AGREEMENT**

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The above Terms and Conditions and Amount of Consideration are hereby approved and  
accepted:

By the Federal Maritime Commission:

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Brian L. Troiano, Deputy Director      (Date)  
Bureau of Enforcement

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Peter J. King      (Date)  
Deputy Managing Director