



Fees & Surcharges

Subcom Report Q1 2024



Carrier Automated Tariffs - 2/1/24

- Eliminates Tariff Access Fees
- Allows NVOCCs to cross-reference VOCC tariffs
- Defines NVOCC pass-through process
- Defines coloads for LCL different from FCL
- Miscellaneous definitions and tariff processes

Demurrage & Detention Billing - 5/28/24

- 541.1 Confirms data elements and process for invoice**
- 541.2 VOCCs, MTOs & NVOs must comply with billing rules**
- 541.3 Defines Billed Party, Billing Party and Consignee**
- 541.4 Only contracted parties can be invoiced, but 3rd parties may voluntarily pay o/b/o shipper or consignee**
- 541.5 Missing data elements voids obligation to pay**
- 541.6 Defines data elements required on invoice**
- 541.7 Invoicing required within 30 days of D&D event**
- 541.8 Allows 30 days to dispute and 30 days to resolve**

What D&D Billing Rule Did Not Do:

- ...claim Rail Jurisdiction on storage charges
- ...resolve Early Receipt Date changes
- ...address D&D on government holds
- ...define availability

Rail Storage Jurisdiction – Current Status

- STB has no authority over contract carriage per Staggers Act
- STB has intermodal exemption per USC 10501 and 10502
- FMC claims jurisdiction on through bills to inland destinations over Common Carriers, MTOs, and OTIs, but...

FMC defines *‘demurrage and detention’* as *‘any charges’* related to the use of *‘marine terminal space (e.g., land) or shipping containers’*, and FMC *‘declines to add storage to the definition of demurrage and detention’*.

Recommendation: Early Receipt Date

- The ERD date applicable for a shipment will be the one in effect at the time the empty container is picked up.
- Any subsequent changes in ERD will not result in D&D.

Response: The reasonableness of the fees related to ERD changes is evaluated against the standard in § 41102(c) and the interpretative rule.

Recommendation: Government Holds

- Change in thinking on Government Holds where all stakeholders share in expenses, by eliminating punitive fees, while reflecting more asset cost.
- Terminals and/or VOCCs agree to invoice, and shippers agree to pay, up to 25% of the contracted or published [D&D] amount for any storage days required by government holds and/or inspections.

Response: The Commission thanks the NSAC for this recommendation and will take it into consideration, including as part of the implementation of the Ocean Shipping Reform Act of 2022.

Discussion ?

Thank you!
