



# NCBFAA

The National Customs Brokers & Forwarders Association of America, Inc.

## News Release

**Contact:**

Ed Greenberg @ 202-342-5277  
Jan Fields @ 912-963-2964  
Tom Mathers @ 202-466-0222

**For Immediate Release**

### NCBFAA Comments on FMC Service Contract/NSA Rulemaking

**Washington, DC:** The National Customs Brokers & Forwarders Association of America, Inc. (NCBFAA) has [submitted comments](#) in response to an Advance Notice of Proposed Rulemaking (ANPRM) recently published by the Federal Maritime Commission.

The ANPRM proposes several changes to the regulations pertaining to the timing within which amendments or corrections to service contracts and NSAs may be filed, and alerts industry participants to a more convenient way of filing NSAs and amendments or corrections via a web-based process. In its letter, the NCBFAA expressed support for the proposed amendments because they reduce unnecessary regulatory burdens and ease the process of complying with filing and publication requirements.

However, the NCBFAA does not believe that the proposals are far reaching enough to provide needed meaningful relief for the NVOCC industry from costly, ultimately unnecessary regulatory burdens associated with the NSAs filing and reporting requirements. To the contrary, the Association again requests the Commission to consider a fundamental change to the regulation of NSAs by completely removing these unnecessary filing and essential terms publication requirements, instead of trying to make compliance with those requirements less cumbersome.

The NCBFAA has been urging the Commission to eliminate the NSA publication and filing requirements since their inception. It seems that these NSA filing requirements have only been introduced to maintain the superficial parity in the way VOCCs and NVOCCs are regulated, as no other reason has yet been advanced for including this requirement as part of the NSA process. The Association pointed out when the NSA regulations were first promulgated that this purported parity is not warranted because VOCCs and NVOCCs are not similarly situated, and their activities in the shipping industry are quite different.

NCBFAA urges the Commission to determine that given the inherent differences between NVOCCs and VOCCs, the identical regulation of agreements entered into by those two different classes of industry participants and their customers is not required. Instead, the agency should initiate the rulemaking proposed in the ANPRM, but expand it to seek comments relating to a possible elimination of the filing and essential terms publication requirements for NSAs in their entirety.

NCBFAA greatly appreciates the Commission's efforts to streamline its regulations so that they are more in line with contemporary commercial practice, and urge that the agency give further consideration to the issue for NSAs and NRAs. The Association believes that the amendments proposed in the ANPRM would merely serve as a band-aid solution in making the NSAs publication and filing requirements slightly easier even though there is no rational basis for maintaining these requirements in the first place. The NCBFAA therefore requests that the Commission eliminate these publication and filing requirements in their entirety.

Headquartered in Washington, DC, the NCBFAA represents more than 1,000 member companies with 100,000 employees in international trade - the nation's leading freight forwarders, customs brokers, ocean transportation intermediaries (OTIs), NVOCCs and air

cargo agents, serving more than 250,000 importers and exporters. Established in 1897 in New York, NCBFAA is considered the national voice of the industry. Through its various committees, counsel and representatives, the Association maintains a close watch over legislative and regulatory issues that affect its members. It keeps them informed of these and other related issues through its weekly Monday Morning eBriefing and various meetings as well as conferences throughout the year.

\* \* \* \* \*