

this chapter for waiver of the reporting requirements in subpart G of part 535 of this chapter.

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(o) Authority to require Monitoring Reports from, or prescribe alternative periodic reporting requirements for, parties to agreements under §§ 535.702(c) and (d) of this chapter.

(p) Authority to require parties to agreements subject to the Monitoring Report requirements in § 535.702(a)(2) of this chapter to report their agreement commodity data on a sub-trade basis pursuant to § 535.703(d) of this chapter.

3. Revise part 535 to read as follows:

PART 535—OCEAN COMMON CARRIERS AND MARINE TERMINAL OPERATORS AGREEMENTS SUBJECT TO THE SHIPPING ACT OF 1984

Subpart A—General Provisions

Sec.

- 535.101 Authority.
- 535.102 Purpose.
- 535.103 Policies.
- 535.104 Definitions.

Subpart B—Scope

- 535.201 Subject agreements.
- 535.202 Non-subject agreements.

Subpart C—Exemptions

- 535.301 Exemption procedures.
- 535.302 Exemptions for certain modifications of effective agreements.
- 535.303 Husbanding agreements—exemption.
- 535.304 Agency agreements—exemption.
- 535.305 Equipment interchange agreements—exemption.
- 535.306 Nonexclusive transshipment agreements—exemption.
- 535.307 Agreements between or among wholly-owned subsidiaries and/or their parent—exemption.
- 535.308 Marine terminal agreements—exemption.
- 535.309 Marine terminal services agreements—exemption.
- 535.310 Marine terminal facilities agreements—exemption.
- 535.311 Low market share agreements—exemption.
- 535.312 Vessel charter party-exemption.

Subpart D—Filing of Agreements

- 535.401 General requirements.
- 535.402 Complete and definite agreements.
- 535.403 Form of agreements.
- 535.404 Agreement provisions.
- 535.405 Organization of conference and interconference agreements.
- 535.406 Modification of agreements.
- 535.407 Application for waiver.
- 535.408 Activities that may be conducted without further filings.

Subpart E—Information Form Requirements

- 535.501 General requirements.
- 535.502 Agreements subject to the Information Form requirements.
- 535.503 Information Form.

535.504 Application for waiver.

Subpart F—Action on Agreements

- 535.601 Preliminary review—rejection of agreements.
- 535.602 Federal Register notice.
- 535.603 Comment.
- 535.604 Waiting period.
- 535.605 Requests for expedited review.
- 535.606 Requests for additional information.
- 535.607 Failure to comply with requests for additional information.
- 535.608 Confidentiality of submitted material.
- 535.609 Negotiations.

Subpart G—Reporting Requirements

- 535.701 General requirements.
- 535.702 Agreements subject to Monitoring Report and alternative periodic reporting requirements.
- 535.703 Monitoring Report form.
- 535.704 Filing of minutes.
- 535.705 Application for waiver.

Subpart H—Mandatory and Prohibited Provisions

- 535.801 Independent action.
- 535.802 Service contracts.
- 535.803 Ocean freight forwarder compensation.

Subpart I—Penalties

- 535.901 Failure to file.
- 535.902 Falsification of reports.

Subpart J—Paperwork Reduction

- 535.991 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

Appendix A To Part 535—Information Form and Instructions

Appendix B To Part 535—Monitoring Report and Instructions

Authority: 5 U.S.C. 553; 46 U.S.C. app. 1701–1707, 1709–1710, 1712 and 1714–1718; Pub. L. 105–258, 112 Stat. 1902 (46 U.S.C. app. 1701 note); Sec. 424, Pub. L. 105–383, 112 Stat. 3440.

Subpart A—General Provisions

§ 535.101 Authority.

The rules in this part are issued pursuant to the authority of section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 2, 3, 4, 5, 6, 7, 8, 10, 11, 13, 15, 16, 17, and 19 of the Shipping Act of 1984 (“the Act”), and the Ocean Shipping Reform Act of 1998, Pub. L. 105–258, 112 Stat. 1902.

§ 535.102 Purpose.

This part implements those provisions of the Act that govern agreements by or among ocean common carriers and agreements among marine terminal operators and among one or more marine terminal operators and one or more ocean common carriers. This part also sets forth more specifically

certain procedures provided for in the Act.

§ 535.103 Policies.

(a) The Act requires that agreements be processed and reviewed, upon their initial filing, according to strict statutory deadlines. This part is intended to establish procedures for the orderly and expeditious review of filed agreements in accordance with the statutory requirements.

(b) The Act requires that agreements be reviewed, upon their initial filing, to ensure compliance with all applicable provisions of the Act and empowers the Commission to obtain information to conduct that review. This part identifies those classes of agreements that must be accompanied by information submissions when they are first filed, and sets forth the kind of information for certain agreements that the Commission believes relevant to that review. Only information that is relevant to such a review is requested. It is the policy of the Commission to keep the costs of regulation to a minimum and at the same time obtain information needed to fulfill its statutory responsibility.

(c) To further the goal of expedited processing and review of agreements upon their initial filing, agreements are required to meet certain minimum requirements as to form. These requirements are intended to ensure expedited review and should assist parties in preparing agreements. These requirements as to form do not affect the substance of an agreement and are intended to allow parties the freedom to develop innovative commercial relationships and provide efficient and economic transportation systems.

(d) The Act itself excludes certain agreements from the filing requirements and authorizes the Commission to exempt other classes of agreements from any requirement of the Act or this part. To minimize delay in the implementation of routine agreements and to avoid the private and public cost of unnecessary regulation, certain classes of agreements are exempted from the filing requirements of this part.

(e) Under the regulatory framework established by the Act, the role of the Commission as a monitoring agency has been enhanced. The Act favors greater freedom in allowing parties to form their commercial arrangements. This, however, requires greater monitoring of agreements after they have become effective to assure their continued compliance with all applicable provisions of the Act. The Act empowers the Commission to impose certain recordkeeping and reporting