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Foreign NVOCCs Must Renew Registration with FMC by October 17

The Federal Maritime Commission issued a new rule earlier this year that, effective July 19, registered, foreign-based NVOCCs may take advantage of Negotiated Rate Arrangements (NRAs), in lieu of published rates in their tariffs. Please see our [February 2013 International Trade Alert](#).

In order to take advantage of the NRA exemption, which exempts NVOCCs from the tariff publishing requirements of the Shipping Act of 1984 (the Shipping Act) and Federal Maritime Commission (FMC) regulations, a foreign-based, registered NVOCC must comply with the new registration requirements, including:

- Register by October 17, 2013. Registration is effective for three years.
- Registration can be terminated or suspended pursuant to conditions set forth in 515.19(g), including, for example, knowingly and willfully processing, booking, or accepting cargo from, or transporting cargo for the account of, an NVOCC that is not licensed or registered, or has not provided proof of financial responsibility or published an effective tariff.
- Any NVOCC that enters into an NRA will be subject to the FMC's inspection and reproduction requests. All records must be produced in English or translated.

Importantly, however, the new rule requires that all foreign-based, registered NVOCCs renew their registration by October 17 regardless of whether the foreign-based NVOCC plans to use NRAs.

To renew registration, foreign-based, registered NVOCCs must complete the new Form [FMC-65](#). Form 65 requires the NVOCC to provide basic corporate information and to designate an agent for service of process. Notably, Form FMC-65 also includes a certification that the registrant will use a licensed ocean transportation intermediary for any ocean transportation intermediary activities performed on its behalf in the United States. This is also a new requirement.

There is no fee for registering. The form can be submitted via email, to [\[redacted\]](#), with the Subject Line "NVOCC Registration/Renewal" or mailed to the FMC, Bureau of Certification and Licensing, at 800 North Capitol Street, N.W., Washington, DC 20573-0001.

If your business is interested in better understanding the new registration requirements or the advantages of using NRAs in lieu of published tariff rates, or if you would like assistance in submitting your registration by October 17, please contact Venable's [International Trade and Customs Group](#) for assistance.

Please contact any of the listed authors for further information.