

**MONITORING REPORT FOR CLASS A AGREEMENTS  
AND INSTRUCTIONS**

*Instructions*

A complete response must be supplied to each part of the Report. Where the party answering a particular part is unable to supply a complete response, that party shall provide either estimated data (with an explanation of why precise data are not available) or a detailed statement of reasons for noncompliance and the efforts made to obtain the required information. All sources must be identified.

*Part I*

Part I requires a statement of the full name of the agreement, and the assigned FMC number.

*Part II*

Part II requires a statement of any change occurring during the calendar quarter to the list of other agreements set forth in Part II of the Information Form.

*Part III*

Part III requires the filing party to indicate whether the agreement authorizes the parties to operate as a conference.

*Part IV*

Part IV requires the market shares of all liner operators within the entire geographic scope of the agreement and in each sub-trade within the scope of the agreement during the calendar quarter. A joint service shall be treated as a single liner operator, whether it is an agreement line or a non-agreement line. *Sub-trade* is defined as the scope of all liner movements between each U.S. port range within the scope of the agreement and each foreign country within the scope of the agreement. Where the agreement covers both U.S. inbound and outbound liner movements, inbound and outbound market shares should be shown separately.

U.S. port ranges are defined as follows:

*Atlantic*-- Includes ports along the eastern seaboard from the northern boundary of Maine to, but not including, Key West, Florida. Also includes all ports bordering upon the Great Lakes and their connecting waterways as well as all ports in the State of New York on the St. Lawrence River.

*Gulf* -- Includes all ports along the Gulf of Mexico from Key West, Florida, to Brownsville, Texas, inclusive. Also includes all ports in Puerto Rico and the U.S. Virgin Islands.

*Pacific* -- Includes all ports in the States of Alaska, Hawaii, California, Oregon and Washington. Also includes all ports in Guam, American Samoa, Northern Marianas, Johnston Island, Midway Island and Wake Island.

An application may be filed for a waiver of the definition of "sub-trade," under the

provisions described in 46 CFR 572.709. In any such application, the burden shall be on the agreement carriers to show that their marketing and pricing practices are done by ascertainable multi-country regions rather than by individual countries or, in the case of the United States, by broader areas than the port ranges defined herein. The Commission will also consider whether the alternate definition of "sub-trade" requested by the waiver application is reasonably consistent with the definition of "sub-trade" applied in the original Information Form filing for the agreement.

The *formula for calculating market share* in the entire agreement scope or in a sub-trade is as follows:

The total amount of liner cargo carried on each liner operator's liner vessels in the entire agreement scope or in the sub-trade during the calendar quarter, divided by the total liner movements in the entire agreement scope or in the sub-trade during the calendar quarter, which quotient is multiplied by 100. The market shares held by non-agreement lines as well as by agreement lines must be provided, stated separately in the format indicated.

If 50 percent or more of the total liner cargo carried by the agreement lines in the entire agreement scope or in the sub-trade during the calendar quarter was containerized, only containerized liner movements (measured in TEUs) must be used for determining market share. If 50 percent or more of the total liner cargo carried by the agreement lines was non-containerized, only non-containerized liner movements must be used for determining market share. The unit of measure used in calculating amounts of non-containerized cargo must be specified clearly and applied consistently.

*Liner movements* is the carriage of liner cargo by liner operators. *Liner cargoes* are cargoes carried on liner vessels in a liner service. A *liner operator* is a vessel-operating common carrier engaged in liner service. *Liner vessels* are those vessels used in a liner service. *Liner service* refers to a definite, advertised schedule of sailings at regular intervals. All these definitions, terms and descriptions apply only for purposes of the Monitoring Report.

## *Part V*

Part V requires each agreement member line's total liner cargo carryings within the entire geographic area covered by the agreement during the calendar quarter, each line's total liner revenues within the geographic area during the calendar quarter, and average revenue.

If 50 percent or more of the total liner cargo carried by all the agreement member lines in the geographic area covered by the agreement during the calendar quarter was containerized, each agreement member line should report only its total carryings of containerized liner cargo (measured in TEUs) during the calendar quarter within the geographic area, total revenues generated by its carriage of containerized liner cargo, and average revenue per TEU. Conversely, if 50 percent or more of the total liner cargo carried by all the agreement member lines in the geographic area covered by the agreement during the calendar quarter was non-containerized, each agreement member line should report only its total carryings of non-containerized liner cargo during the calendar quarter (specifying the unit of measurement used), total revenues generated by its carriage of non-containerized liner cargo, and average revenue per unit of measurement.

The Monitoring Report specifies the format in which the information is to be reported. Where the agreement covers both U.S. inbound and outbound liner movements, inbound and outbound data should be stated separately.

### *Part VI*

Part VI requires a list, for each sub-trade within the scope of the agreement, of the top 10 liner commodities (including commodities not subject to tariff filing) carried by all the agreement member lines during the calendar quarter, or a list of the commodities accounting for 50 percent of the total liner cargo carried by all the agreement member lines during the calendar quarter, whichever list is longer. If 50 percent or more of the total liner cargo carried by all the agreement member lines in the sub-trade during the calendar quarter was containerized, this list should include only containerized commodities. If 50 percent or more of the total liner cargo carried by all the agreement member lines in the sub-trade during the calendar quarter was non-containerized, this list should include only non-containerized commodities. Commodities should be identified at the 4-digit level of customarily used commodity coding schedules. Where the agreement covers both U.S. inbound and outbound liner movements, inbound and outbound sub-trades should be stated separately.

### *Part VII*

Part VII requires a statement of the cargo volume and revenue results experience by each of the agreement lines from each major commodity in each sub-trade during the calendar quarter. The Monitoring Report specifies the format in which the information is to be reported.

### *Part VIII*

Part VIII is required to be completed if Part III is answered "YES." Each conference line is required to indicate the extent to which it has taken independent rate actions on each of the leading commodities in each of the sub-trades. Part VIII also inquires into the type of shipper for whom independent rate actions have been taken. The Monitoring Report specifies the format in which the information is to be reported.

### *Part IX*

Part IX requires each of the agreement lines to indicate any change in the nature or type of service it provided at any port within the entire geographic range of the agreement during the calendar quarter.

### *Part X(A)*

Part X(A) requires the name, title, address, telephone number and cable address, telex or fax number of a person the Commission may contact regarding the Monitoring Report and any information provided therein.

### *Part X(B)*

Part X(B) requires that a representative of the agreement lines sign the Monitoring

Report and certify that the information in the Report and all attachments and appendices are, to the best of his or her knowledge, true, correct and complete. The representative is also required to indicate his or her relationship with the parties to the agreement.

**FEDERAL MARITIME COMMISSION**

*Monitoring Report For Class A Agreements Between or Among Ocean Common Carriers*

Agreement Number \_\_\_\_\_  
(Assigned by FMC)

Part I Agreement Name: \_\_\_\_\_

*Part II Other Agreements*

Indicate any change occurring during the calendar quarter to the list of other agreements set forth in Part II of the Information Form.

*Part III Conference Agreements*

Does the agreement authorize the parties to operate as a conference?

Yes  No

*Part IV Market Share Information*

Provide the market shares of all liner operators within the entire geographic scope of the agreement and within each agreement sub-trade during the calendar quarter. The information should be provided in the format below:

**Market Share Report for Calendar Quarter**  
[indicate either entire agreement scope, or sub-trade name]

AGREEMENT MARKET SHARE

	<u>TEUs</u> or other unit of measurement	<u>PERCENT</u>
Line A	X,XXX	XX%
Line B	X,XXX	XX%
Line C	<u>X,XXX</u>	<u>XX%</u>
Total Agreement Market Share	X,XXX	XX%

NON-AGREEMENT MARKET SHARE

Line X	X,XXX	XX%
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Line Y	X,XXX	XX%
Line Z	<u>X,XXX</u>	<u>XX%</u>
Total Non-Agreement Market Share	X,XXX	XX%
Total Market	X,XXX	100%

*Part V Cargo and Revenue Results Agreement-Wide*

For each agreement member line, provide total cargo carryings (measured in TEUs or other unit of measurement) during the calendar quarter within the entire geographic area covered by the agreement, total revenues within the geographic area during the calendar quarter, and average revenue per TEU or other unit of measurement. The information should be provided in the format below:

<u>Carrier</u>	<u>Calendar Quarter</u>		
	<u>Total TEUs</u> or other unit of measurement	<u>Total Revenues</u>	<u>Avg. Revenue per TEU</u> or other unit of measurement
A	--	\$ --	\$ --
B	--	\$ --	\$ --
C	--	\$ --	\$ --
Etc.	--	\$ --	\$ --

*Part VI Leading Commodities*

For each sub-trade within the scope of the agreement, list the top 10 commodities carried by all the parties during the calendar quarter, or list the commodities accounting for 50 percent of the total carried by all the parties during the calendar quarter, whichever list is longer. The information should be provided in the format below:

**Calendar Quarter**

- I. Sub-trade
  - A. First leading commodity
  - B. Second leading commodity
  - C. Third leading commodity
  - etc.
- II. Sub-trade
  - A. First leading commodity

etc.

### *Part VII Cargo and Revenue Results by Sub-Trade*

For each sub-trade within the scope of the agreement, and for each of the leading commodities listed for each sub-trade in the response to Part VI, and for each party, state the total TEUs (or other unit of measurement) carried and average gross revenue per TEU (or other unit of measurement).

The information should be provided in the format below:

#### **Calendar Quarter**

- I. Sub-trade A
  - A. First leading commodity
    - 1. Carrier A
      - (a) Total TEUs (or other units of measurement) carried
      - (b) Average gross revenue per TEU (or other unit of measurement)
    - 2. Carrier B
      - (a) etc.
- II. Sub-trade B
  - A. First leading commodity
    - 1. etc.

### *Part VIII Independent Rate Actions (if applicable)*

For each sub-trade within the scope of the agreement, and for each of the leading commodities listed for each sub-trade in the response to Part VI, and for each party, state (a) the total number of independent rate actions taken during the calendar quarter applicable to that commodity moving in that sub-trade; (b) how many of the total were independent rate actions taken to service specific shipper accounts; (c) of those, how many were for non-vessel-operating common carriers, and how many were for shippers' associations. The information should be provided in the format below:

#### **Calendar Quarter**

- I. Sub-trade A
  - A. First leading commodity
    - 1. Carrier A
      - (a) Number of IA rate actions
        - (i) Number of IA rate actions taken to service specific shipper accounts
          - (i)(a) Number taken to service non-vessel-operating common carrier accounts
          - (1)(b) Number taken to service shippers' association accounts

- 2. Carrier B
  - (a) etc.
- B. Second leading commodity
  - 1. Carrier A
    - (a) etc.
- II. Sub-trade B
  - A. First leading commodity
    - 1. etc.

*Part IX Port Service*

For each party, state any change in the nature or type of service (such as base port designation, frequency of vessel calls, use of indirect rather than direct service, etc.) effected at any port within the entire geographic scope of the agreement during the calendar quarter.

*Part X*

(A) Identification of Person(s) to Contact Regarding the Monitoring Report

- (1) Name \_\_\_\_\_
- 
- (2) Title \_\_\_\_\_
- 
- (3) Firm Name and Business \_\_\_\_\_
- 
- (4) Business Telephone Number \_\_\_\_\_
- 
- (5) Cable Address, Telex or Fax Number \_\_\_\_\_
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(B) Certification

This Monitoring Report, together with any and all appendices and attachments thereto, was prepared and assembled in accordance with instructions issued by the Federal Maritime Commission. The information is, to the best of my knowledge, true, correct, and complete.

Name (please print or type) \_\_\_\_\_

—  
Title \_\_\_\_\_

Relationship with parties to agreement \_\_\_\_\_

—  
Signature \_\_\_\_\_

—  
Date \_\_\_\_\_

—