



Scanwell Container Line Ltd.

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Date: January 15th, 2004

Honorable Bryant L. Van Brakle
Secretary
Federal Maritime Commission
800 North Capitol Street, N.W.
Washington, D.C. 20573

RECEIVED
JAN 20 10 00
FEDERAL MARITIME COMMISSION

Re: Petition No. P5-03; Petition of National Customs Brokers and Forwarders Association of America, Inc. for a Limited Exemption from Certain Tariff Filing Requirements of the Shipping Act of 1984

Dear Secretary Van Brakle:

We are submitting these comments in support of the Petition of National Customs Brokers and Forwarders Association of America, Inc. ("NCBFAA") for an exemption to eliminate the requirement that NVOCCs file tariff rates for their cargo shipments.. Scanwell Container Line Ltd. is an NVOCC with headquarters at 406, 4/F., Po Lung Centre, 11 Wang Chiu Road, Kowloon Bay, Kowloon, Hong Kong. We have been operating in the U.S. trades as an NVOCC for 20 years. We have 1125 employees and transported approximately 25,000 shipments in the last year as an NVOCC.

Filing rates in our tariff is costly in terms of both money and management resources. It costs our company approximately \$250,000 per year to maintain our tariff and make the necessary rate filings. Given the low margins that exist in the highly competitive NVOCC industry today, these costs impose a significant burden on our company. Given the fact that, as discussed more fully below, our tariff serves no meaningful purpose in the transportation market, the money spent on rate filing could be put to much better use as an investment in improving our services to our customers.



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In our experience, NVOCC customers do not use our tariff for any reason. To obtain rates from our company, or, indeed, from our competitors, customers simply call or email us with their shipment information and rate request. If they do not like our rates or the combination of our rates and services for their shipments, they simply use one of our NVOCC competitors or a vessel operator for their cargo. In fact, we are not aware of any customer that has referred to our tariff within the past 20 years.

We are aware that several large NVOCCs have filed exemption petitions with the Commission requesting authorization for NVOCCs - - or at least large NVOCCs - - to enter into private confidential service contracts with their customers. Although we support the general principle that NVOCCs should be able to enter into private contractual arrangements with their customers just as the vessel operators are able to do in confidential service contracts, we believe the NCBFAA's request to simply eliminate tariff rate filing requirements makes much more sense for the NVOCC industry. NVOCCs in the United States are subject to comprehensive regulatory supervision by the Commission as a condition of their licenses. Thus, there is no need for NVOCCs to be required to file their customer contracts with the Commission. Further, NVOCC rates are subject to strong, competitive, marketplace pressures that enable NVOCC customers to shop around and obtain the very best deals. The Commission, therefore, has no need to monitor NVOCC rates. If, on the other hand, NVOCCs are found to be treating their customers unfairly, the Commission already has full powers to investigate U.S. NVOCCs pursuant to its licensing powers. Since unlicensed, foreign-based NVOCCs must use licensed U.S. ocean transportation intermediaries as their agents, the Commission also has power to investigate their activities through review of their agents' records.

In sum, we are in complete agreement with the NCBFAA's position that tariff rate filing for NVOCCs should be eliminated. No other type of transportation service provider in the air, land or ocean industries is subject to mandatory rate filing requirements,



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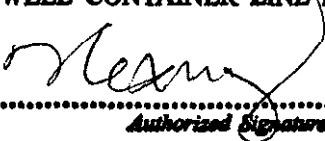
including vessel operating carriers who possess antitrust immunity. The NVOCC industry - - which is highly competitive and market-driven - - should, like air carriers, rail carriers, ocean carriers, and air and rail intermediaries, be able to make individual pricing arrangements with their customers free from mandatory tariff rate filing responsibilities.

Thank you for your consideration of our comments.

Sincerely,

Scanwell Container Line Ltd.

for and on behalf of
SCANWELL CONTAINER LINE LTD.


.....
Authorized Signature(s)

Alex Ng

Director and General Manager

01 JAN 20 PM 3:01

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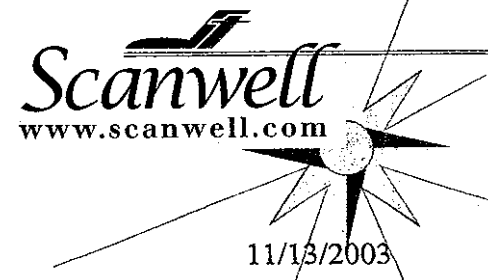
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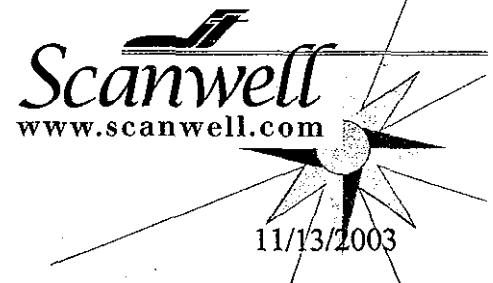
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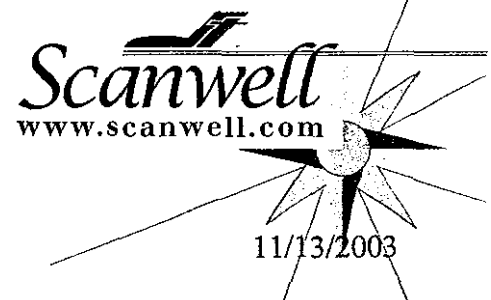
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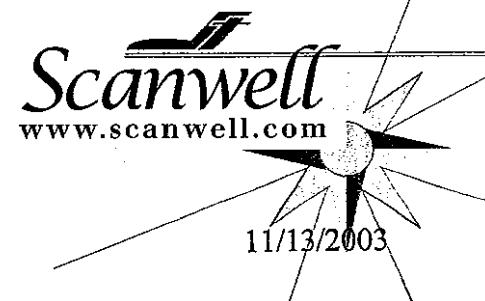
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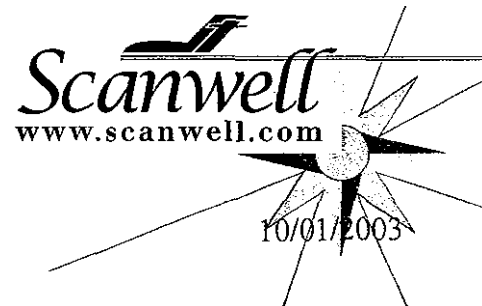
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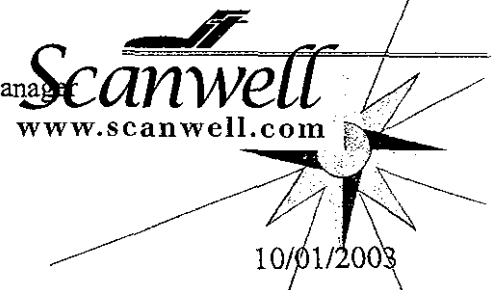
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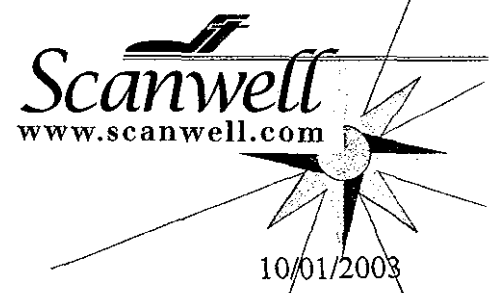
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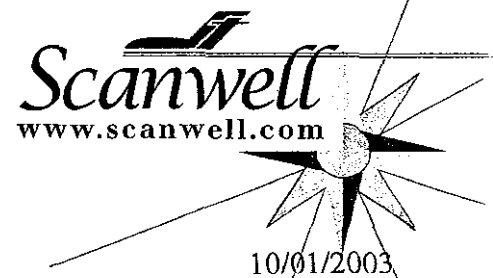
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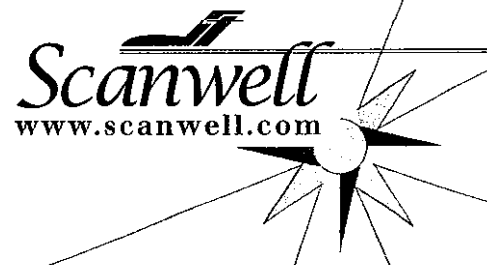
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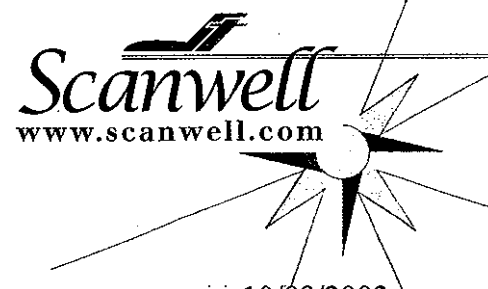
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