

## OCEAN FREIGHT SHIPPER BILL OF RIGHTS

U.S. businesses require accessible, reliable, and efficient ocean transportation services to meet their supply chain requirements and the needs of their customers and American consumers. As a freight shipper, it is essential for ocean carriers to establish clear and fair practices when contracting and performing ocean transportation services to deliver cargo around the globe.

The following "Bill of Rights" serves as a framework for ensuring transparency, accountability, and fairness in the ocean shipping and cargo delivery process. This document outlines the key "rights" and expectations that shippers have when engaging with ocean carriers.

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### 1. Right to Transparent Pricing

- Shippers have the right to receive clear and transparent pricing structures that detail all rates and charges associated with ocean transportation, including base rates, fuel surcharges, terminal handling charges, and any other applicable additional fees or charges at the time of vessel booking.
- Shippers have the right to expect that any permissible surcharges can be justified as a legitimate cost recovery mechanism based on specific calculated costs and will not be used as a revenue enhancing mechanism.

### 2. Right to Reliable and Timely Service

- Ocean carriers should adhere to sailing schedules specified at the time of booking.
- Ocean carriers must make reasonable efforts, without discrimination as to cargo size, weight, value, character, or revenue generation, to maintain the integrity of the shipment in accordance with the schedule specified in the booking.
- Ocean carriers must avoid delays but in cases of unavoidable delays, must notify shippers promptly, and no later than 48 hours, with an explanation and an updated schedule.
- U.S. Export shippers have the right to receive Export Receiving Windows ("ERW") from the ocean carrier at the time of booking that are fixed and offer reasonable receiving times at marine terminals for export cargo, not less than 3 days. The latest receiving date in an ERW may be extended (but not reduced) by the ocean carrier to prevent unnecessary supply chain disruption and related inefficiencies and cost increases.
- Shippers have the right to expect that ocean carriers will manage the performance of their contractors and agents to adhere to the ocean carriers' service commitments.

### 3. Right to Accurate and Complete Documentation

- Shippers must receive all necessary documentation for shipping goods, including booking confirmations within 24 hours (or 48 hours for hazardous materials), bills of no later than 48 hours after vessel departure, and cargo arrival notices and collect freight invoices no later than 5 days prior to arrival.
- All documents should be accurate, complete, and provided in a timely manner.



#### **4. Right to Cargo Safety and Security**

- Shippers have the right to expect that their goods will be handled and transported safely and securely, with proper stowage and protection against damage, theft, or loss.
- Ocean carriers are responsible for complying with safety regulations and maintaining secure facilities until delivery as per the contract of carriage.

#### **5. Right to Claims Assistance and Resolution**

- In the event of cargo damage, loss, or delay, shippers have the right to prompt assistance and clear guidance on how to file claims with the carrier.
- Ocean carriers must provide a fair and timely process for claim investigation and resolution, and any settlements must be mutually acceptable to all parties.
- Ocean carriers must acknowledge claims promptly, within 48 hours, and provide a fair and timely process for claims investigation, resolution, and settlement. If there are delays to resolution or settlement of cargo claims, ocean carriers should not unreasonably delay responding to requests for extensions of time to the 1-year statute of limitations for civil actions regarding the claim.

#### **6. Right to Timely Communication and Customer Support**

- Shippers have the right to prompt, clear, and consistent communication from ocean carriers, including responses to booking requests, updates on the status of shipments, any issues encountered. Changes impacting a booking or shipment should be communicated directly by the ocean carrier to the impacted shipper(s).
- Ocean carriers must offer accessible customer support channels to address inquiries, resolve issues and provide guidance throughout the shipping process, including the option for the shipper to speak directly to persons with the ability and authority to assist.
- Ocean carriers must respond promptly to customer service inquiries, and endeavor to respond within 24 hours.

#### **7. Right to Expect Compliance with Regulations and Laws**

- Shippers have the right to expect that their cargo is being transported in compliance with all applicable international, national, and local laws and regulations governing the shipping of goods, including environmental and safety standards and any other regulatory requirements.

#### **8. Right to Fair Dispute Resolution**

- Shippers have the right to access a fair, efficient, and transparent dispute resolution process if disagreements arise with the ocean carrier.

#### **9. Right to Protection of Confidential Information**

- Shippers have the right to expect that their sensitive information, including shipment details, pricing, commodity-type, and business practices, will be kept confidential and used only for the purpose of completing the shipment or complying with applicable laws.



- Ocean carriers must ensure that data is protected from unauthorized access or misuse in compliance with applicable data protection laws, and data sharing should be prohibited unless the shipper “opts-in” to authorize any data sharing.

#### **10. Right to Non-Discriminatory Practices**

- Shippers have the right to non-discriminatory treatment by ocean carriers, regardless of the frequency of shipments, nature of the commodity, or other factors, consistent with existing laws and regulations.

#### **11. Right to Service Continuity and Disaster Recovery Plans**

- Shippers have the right to know that ocean carriers have contingency and disaster recovery plans in place to mitigate the impact of exceptional events, including but not limited to natural disasters, strikes, civil or military unrest, geo-political events, or equipment failures.
- In cases of service interruption, including force majeure events beyond the control of the ocean carrier, shippers should be notified immediately, and reasonable alternative solutions should be provided in a timely manner, and coordinated with impacted shippers, to complete the shipment.

#### **12. Right to Container Quality and Availability**

- Shippers have the right to expect that the containers provided by the ocean carrier meet defined safety, quality, and cleanliness standards for containers, ensuring proper protection of cargo.

#### **13. Right to Fair Terms and Conditions**

- Shippers have the right to fair, clear, and balanced terms and conditions in ocean contracts of carriage.

#### **14. Right to Environmental Responsibility**

- Shippers have the right to expect that ocean carriers are taking proactive measures to reduce their environmental impact through sustainable practices, such as reducing emissions, managing waste, and utilizing eco-friendly technologies.
- Shippers should be made aware of carriers’ environmental policies and efforts to comply with international standards for environmental sustainability.

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By adhering to this Bill of Rights, shippers and ocean carriers can ensure a fairer, transparent, and mutually beneficial relationship, fostering trust and long-term partnerships in global trade.