FMC Aims at Carrier Alliances, Consolidation under Amended US Shipping Act



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Title: FMC Aims at Carrier Alliances, Consolidation under

Amended US Shipping Act

Description: President Trump's changes to the U.S. Shipping Act would see the Federal Maritime

Commission address antitrust issues related to recent consolidation in the maritime industry, according to Holland & Knight partners.

Signed into law on December 4, 2018, The Federal Maritime Commission Authorization Act of 2017 marks the first substantive revision to the U.S. Shipping Act since 1998 and provides several of the most significant changes to the Shipping Act since 1984.

Namely, the changes are primarily related to antitrust issues regarding a recent wave in maritime industry consolidation and the emergence of ocean carrier alliances.

Enacted in 1916, the Shipping Act confers authority upon the Federal Maritime Commission (FMC) to regulate maritime commerce in the U.S. The Shipping Act regulates common carriers (both non-vessel and vessel operating) and marine

terminal operators (MTOs) and affords limited antitrust protections to filed agreements among regulated parties.

In 2017, Congress began serious efforts to review and amend the Shipping Act to address these changes to the maritime industry, all of which have affected U.S. infrastructure investment. The legislative efforts represent the first step toward bolstering the U.S. maritime industry.

The amendments are a part of the Frank LoBiondo Coast Guard Authorization Act of 2018 (S. 140), which authorizes appropriations for the Coast Guard and for the Federal Maritime Commission through Fiscal Year 2019, reauthorizes the Department of Commerce's hydrographic services program administered by the National Oceanic and Atmospheric Administration through Fiscal Year 2023, and provides for the establishment of uniform standards for the management of vessel discharge.

"These changes are expected to help protect marine terminal service providers as well as other U.S. marine equipment and services providers, and to preserve investment in domestic shore-side maritime infrastructure," Holland & Knight partners said.

