

## CARRIERS IMPORT LINE DEMURRAGE AT US PORTS

### 1. Freetime and Terminal Storage Charges Marine Terminal Operator

Terminal operators may assess Free Time provisions and Terminal Storage Charges, as filed in FMC terminal tariffs, for equipment occupying space on their terminals. These charges may be charged by the terminal operators directly to the shipper or consignee. When applicable, these charges are in addition to any charges herein for use of carrier's equipment under Carriers Line Demurrage.

See also the following Sub-Rules.

### 2. Carriers Import Line Demurrage Freetime (Inbound Cargo)

#### 2a. Carrier Inability

When the carrier, due to circumstances within its control, is unable to tender cargo for delivery during free time, free time will be extended for a period equal to the duration of the carrier's inability to tender the cargo. If such condition arises after the expiration of free time, no demurrage will be charged for a period equal to the duration of the carrier's inability to tender the cargo.

#### 2b. Freetime Calculation -

Freetime at Port of Delivery (excluding port of Los Angeles/Long Beach)

Free time for cargo in carrier's equipment will commence at 0800 on the first business day following complete discharge of the vessel and run for the number of business days as stated below in part 2c.

Freetime at Port of Delivery (ports of Los Angeles/Long Beach)

Free time for cargo in carrier's equipment will commence at 0800 on the first business day following discharge of the container and run for the number of business days as stated below in part 2c.

EXCEPTION: Customs Holds for port of Long Beach at ITS terminal and LBCT terminal :

For inbound containerized cargo on either of the following U.S. Customs & Border Protection holds, free time shall commence upon the release of the hold by U.S. Customs & Border Protection :

i. Security-related inspections, otherwise known as On-Terminal Non-Intrusive Inspections, designated with code "1H".

ii. Agricultural Quarantine Security Inspections, designated with code "2H".

## 2c. Freetime Days

Category A - All US ports not otherwise specified below:

- i. Cargo in non-temperature controlled equipment (including non-operating temperature controlled equipment): Five (5) business days
- ii. Cargo in operating temperature controlled equipment): Two (2) business days (see note in section 2c)

Category B Ports of Boston, Philadelphia, Baltimore, Seattle, New York

- i. Cargo in non-temperature controlled equipment (including non-operating temperature controlled equipment): Four (4) business days
- ii. Cargo in operating temperature controlled equipment): One (1) business days (see note in section 2c)

Category C Ports of Long Beach and Los Angeles

- i. Cargo in non-temperature controlled equipment (including non-operating temperature controlled equipment): Three (3) business days
- ii. Cargo in operating temperature controlled equipment): Two (2) business days (see note in section 2c)

Category D Port of Miami

- i. Cargo in non-temperature controlled equipment (including non-operating temperature controlled equipment): Five (5) business days
- ii. Cargo in operating temperature controlled equipment): Three (3) business days (see note in section 2c)

Note: Shipments of Cheese in Temperature Controlled Containers imported into the United States under quote restrictions imposed under the Agricultural Adjustment Act of 1933 :

Five (5) business days

## 3. Carriers Import Line Demurrage Charges (Inbound Cargo)

3a. All US Ports of Delivery not otherwise specified below :

After expiration of free time, as provided in Section 2 above, the demurrage charges shall apply per calendar day and include Saturday, Sunday and holidays in accordance with the following:

- i. General Purpose Containers/Dry Loading Refrigerated (Non-Operating) Equipment: \$150 per container per day
- ii. Operating Refrigerated Equipment: \$275 per container per day
- iii. Flat Rack, Open Top and Hard Top Equipment; Tank and Ventilated containers: \$200.00 per container per day

NOTE: For 45-ft containers the demurrage rate will be \$150 per day and increase to \$200/day beginning with the 22nd day of demurrage and increase to \$250/container with the 32nd day. This does not apply to the ports of New York.

3b. Port of Delivery New York

After expiration of free time, as provided in Section 2 above, the demurrage charges shall apply per calendar day and include Saturday, Sunday and holidays in accordance with the following:

i. General Purpose Containers/Dry Loading Refrigerated (Non-Operating) Equipment:

Days 1 thru 4 : \$166 per container per day  
Days 5 thru 9 : \$218 per container per day  
Days 10 + : \$389 per container per day

ii. Operating Refrigerated Equipment:

Days 1 thru 3 : \$394 per container per day  
Days 4 + : \$550 per container per day

iii. Flat Rack, Open Top and Hard Top Equipment; Tank and Ventilated containers:

Days 1 thru 4 : \$300 per container per day  
Days 5 + : \$450 per container per day

4. Notes

Note 1:

When shipments are held at Carrier's interchange port or bill of lading discharge port pursuant to instructions from the consignee or his agent; or shipment is not interchanged to inland carrier by reason of, but not limited to, delays to processing documentation requirements of governmental agencies beyond the control of the Carrier for a period in excess of the free time, all demurrage charges which may have accrued prior to the removal of the shipment from Carrier's terminal shall be assessed and collected from the consignee.

Note 2:

Shipments not removed from Carrier's terminal within the free time period may, at any time thereafter, at the option of the carrier or governmental agency, be placed in public storage at the full risk and expense of the consignee. All demurrage charges which may have accrued prior to removal from Carrier's terminal shall be assessed and collected from the consignee.

Note 3:

In the event that consignee/shipper or its agent instructs carrier to divert and re-consign the shipment to a port or point, or to a consignee other than shown on the original bill of lading, diversion rules and charges shall apply. All demurrage charges which may have accrued prior to such instructions shall be assessed and collected from the party who instructs the carrier.

Note 4:

In the event that terminal and/or rail demurrage charges

and/or storage costs are incurred with respect to cargo being transported by the Carrier in the US on a carrier haulage basis due to inability of the consignee to receive the containers for any reason whatsoever (INCLUDING WEEKEND CLOSURE OF THE CONSIGNEES FACILITIES) and/or a shortage or unavailability of CONSIGNEE NOMINATED Motor carriers or trucks, any such demurrage charges and/or storage costs shall be for the account of the cargo.