

**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS  
COMPETITION COMMITTEE**

**Working Party No. 2 on Competition and Regulation**

**COMPETITION ISSUES IN LINER SHIPPING**

-- United States --

**19 June 2015**

*This document reproduces a written contribution from the United States submitted for Item IV of the 59th meeting of the Working Party No. 2 on Competition and Regulation on 19 June 2015.*

*More documents related to this discussion can be found at: <http://www.oecd.org/daf/competition/competition-issues-in-liner-shipping.htm>*

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**-- The United States --**

1. rate discussions, beginning with a history of the exemption and subsequent amendments. It then discusses the ongoing Department of Justice enforcement against an international shipping cartel involving roll-on, roll-off cargo. It concludes with a summary of regulatory enforcement related to ocean shipping services.

2. The Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 (OSRA),<sup>1</sup> provides an alternative competition enforcement regime that includes limited antitrust immunity for ocean common carrier agreements from the antitrust laws. The Federal Maritime Commission (FMC) is the independent regulatory agency

<sup>2</sup> The

*inter alia*, monitoring agreements among carriers and certain confidentially filed service contracts for effects on price an

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**1. History of the U.S. Exemption for Ocean Shipping Conferences**

3. The Shipping Act of 1916 is the oldest surviving U.S. statutory antitrust exemption.<sup>4</sup> Since 1916, there has been an exemption, in one form or another, from the antitrust laws for ocean shipping carriers to engage in rate discussions and price-fixing agreements.





**5. FMC Competition**