
Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping(Liner Conferences) Act 1982, Cross Heading: Article 11 Consultation Machinery. (See end of Document for details)

SCHEDULE

THE TEXT OF THE CODE

PART ONE

CHAPTER III

RELATIONS WITH SHIPPERS

Article 11 Consultation Machinery

- 1 There shall be consultations on matters of common interest between a conference, shippers' organizations, representatives of shippers and, where practicable, shippers, which may be designated for that purpose by the appropriate authority if it so desires. These consultations shall take place whenever requested by any of the above-mentioned parties. Appropriate authorities shall have the right, upon request, to participate fully in the consultations, but this does not mean that they play a decision-making role.
- 2 The following matters, *inter alia*, may be the subject of consultation:
 - (a) Changes in general tariff conditions and related regulations;
 - (b) Changes in the general level of tariff rates and rates for major commodities;
 - (c) Promotional and/or special freight rates;
 - (d) Imposition of, and related changes in, surcharges;
 - (e) Loyalty arrangements, their establishment or changes in their form and general conditions;
 - (f) Changes in the tariff classification of ports;
 - (g) Procedure for the supply of necessary information by shippers concerning the expected volume and nature of their cargoes: and
 - (h) Presentation of cargo for shipment and the requirements regarding notice of cargo availability.
- 3 To the extent that they fall within the scope of activity of a conference, the following matters may also be the subject of consultation:
 - (a) Operation of cargo inspection services;
 - (b) Changes in the pattern of services;
 - (c) Effects of the introduction of new technology in the carriage of cargo, in particular unitization, with consequent reduction of conventional service or loss of direct services; and
 - (d) Adequacy and quality of shipping services, including the impact of pooling, berthing or sailing arrangements on the availability of shipping services and freight rates at which shipping services are provided; changes in the areas served and in the regularity of calls by conference vessels.
- 4 Consultations shall be held before final decisions are taken, unless otherwise provided in this Code. Advance notice shall be given of the intention to take decisions on matters referred to in article 11, paragraphs 2 and 3. Where this is impossible, urgent decisions may be taken pending the holding of consultations.

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- 5 Consultations shall begin without undue delay and in any event within a maximum period specified in the conference agreement, or in the absence of such a provision in the agreement, not later than 30 days after receipt of the proposal for consultations, unless different periods of time are provided in this Code.
- 6 When holding consultations, the parties shall use their best efforts to provide relevant information, to hold timely discussions and to clarify matters for the purpose of seeking solutions of the issues concerned. The parties involved shall take account of each other's views and problems and strive to reach agreement consistent with their commercial viability.

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