



## AgTC One-Pager (on 2 pages!)

### Final Rule on Detention and Demurrage Billing Practices

**Effective May 28, 2024**, ocean carriers and marine terminal operators (MTOs) will be subject to new requirements for how they must bill for demurrage and detention (D&D) charges, providing clarity on who can be billed, within what timeframe, and the process for disputing bills. Here are the highlights:

- **Demurrage or detention (D & D) invoices can only be issued to:**
  - the **person (or company) who contracted with the carrier for the transportation**, and for, and whose account the carriage or storage was provided or
  - the **"consignee,"** defined as "the ultimate recipient of the cargo; the person to whom final delivery of the cargo is to be made".
  - D & D bills cannot be issued to truckers, customs brokers or others. And cannot be issued to multiple parties simultaneously.
- D & D bills must be **presented by the ocean carrier within 30 days** of the alleged D & D event, or they become null and void. When the carrier's customer is an NVOCC, it must present the D & D invoice within 30 days. Then, the NVO has up to 30 days to issue D & D charges to its shipper, or alternatively, pass through the carrier's invoice directly to its shipper (within 30 days)
- Billed parties have **30 calendar days to seek fee mitigation, refund, or waiver**. If a timely filed request is made, the billing party (carrier) must attempt to resolve the matter within 30 calendar days, unless both parties agree to a longer timeframe.
- The D & D invoices **must contain 20 specific information items**; if the invoice does not include all, the billed party is not required to pay the invoice. [Note: some of these are being reviewed by OMB, which may take till after May 28, at which point they can be enforced.]
  1. The Bill of Lading number(s);
  2. The container number(s);
  3. For imports, the port(s) of discharge;
  4. The basis for why the billed party is the proper party of interest and thus liable for the charge.
  5. The invoice date;
  6. The invoice due date;
  7. The allowed free time in days;
  8. The start date of free time;
  9. The end date of free time;
  10. For imports, the container availability date;
  11. For exports, the earliest return date;
  12. The specific date(s) for which demurrage and/or detention were charged.
  13. The total amount due;

# Agriculture Transportation Coalition

"The principal voice of agriculture exporters in transportation policy"

[www.agtrans.org](http://www.agtrans.org) | [info@agtrans.org](mailto:info@agtrans.org)

14. The applicable detention or demurrage rule (e.g., the tariff name and rule number, terminal schedule, applicable service contract number and section, or applicable negotiated arrangement) on which the daily rate is based;
15. The specific rate or rates per the applicable tariff rule or service contract.
16. The email, telephone number, or other appropriate contact information for questions or request for fee mitigation, refund, or waiver;
17. Digital means, such as a URL address, QR code, or digital watermark, that directs the billed party to a publicly accessible website that provides a detailed description of information or documentation that the billed party must provide to successfully request fee mitigation, refund, or waiver; and
18. Defined timeframes that comply with the billing practices in this part, during which the billed party must request a fee mitigation, refund, or waiver and within which the billing party will resolve such requests.
19. The charges are consistent with any of the Federal Maritime Commission's rules related to demurrage and detention, including, but not limited to, this part and [46 CFR 545.5](#); and
20. The billing party's performance did not cause or contribute to the underlying invoiced charges.

For the Complete D&D Rule: [Detention and Demurrage Billing Requirements](#)

---

**For further information:**

Peter Friedmann, Executive Director, AgTC.

202 329 7040

[ExecutiveDirector@agtrans.org](mailto:ExecutiveDirector@agtrans.org)

---