

September 12, 2008

Dear Valued Customer,

After many months of discussion and review, the US Census Bureau now requires mandatory filing of export information through the Automated Export System (AES) for all shipments where a Shippers' Export Declaration (SED) is required. Hamburg Süd will no longer be able to accept hard copy SEDs, as the US Government mandates that all SED's must be filed electronically effective October 1, 2008. Carriers are not permitted to load any shipments on board vessels unless they have received shipping instructions indicating the Internal Transaction Number (ITN), an approved exemption legend or filing citation.

As some background to this change, the primary responsibility for compliance with these rules will fall on U.S. Principal Parties of Interest (USPPIs – i.e U.S. exporters) who will be required to present to the exporting carrier, not later than 24 hours before vessel loading from the U.S port where the cargo is laden either:

- 1) A proof of filing citation- the Internal Transaction Number (ITN), which is a confirmation number generated by AES indicating that the USPPI filed the SED electronically, or
- 2) An authorized SED exemption legend if no SED is required to be filed for the shipment.

Once the proposed rules take effect, the exporting ocean carrier will not be allowed to accept paper SEDs under any circumstances, or to load export cargo without having first received from the USPPI the appropriate proof of filing citation (ITN), or SED exemption legend. The carrier will need to present this information as an annotation to the export manifest filing. Please note that exporting carriers will not be responsible for verifying the accuracy of this information. The exporting carrier will be subject to penalties if it accepts paper SEDs or if it loads cargo without the appropriate AES citations or SED exemptions legends.

Accordingly, as a function of these US Government mandated changes, we will implement a "No docs/ITN number. No load policy" for all Hamburg Süd Services calling in the United States effective October 1st. Cutoff for receipt of Shipping Instructions including the ITN numbers or exemption legend will be 24 hours prior to vessel loadings in all ports. Cargo received and lacking the ITN number by the documentation cutoff will not be loaded. All costs in the form of terminal charges, equipment demurrage and penalties as a result of no docs/ITN number will be billed back to the US Exporter. Further, cargo that fails to load as a function of lack of required documentation will be rebooked to the next available sailings, which given the strong US export market may not be the next sequential week, but in subsequent following weeks.

These changes will be challenging for all of us to cope with in the days ahead, and require additional discipline from all parties in complying with these government regulations. We hope to work closely with you to minimize the difficulties with these changes, and thank you in advance for your understanding and continued support.