



Comment on the Ministry of Transport's "Implementation Measures on the Special Port Charges for Vessels"

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(I) Background and Overview

On 3 October 2025, the U.S. Customs and Border Protection (CBP) issued Announcement CSMS#66427144, declaring that, pursuant to the *Section 301 Investigation Report on China's Maritime, Logistics, and Shipbuilding Sectors*, special fees would be imposed on vessels owned, operated, or built by Chinese entities.

In swift response, the Chinese Government, relying on the newly revised *Regulations on International Maritime Transport*, introduced reciprocal countermeasures. On 10 October 2025, the Ministry of Transport issued the *Announcement on the Collection of Special Port Charges on U.S. Vessels* (Announcement No. 54 [2025]), stipulating that such countermeasures would come into effect on 14 October 2025. On the morning of 14 October 2025, the Ministry of Transport released the *Implementation Measures on the Special Port Charges for Vessels* ("the Implementation Measures").

Building upon our prior commentary on the Announcement and our earlier analysis predicting the structure of the forthcoming implementing rules, this article provides supplementary observations and analysis on the newly issued Implementation Measures.

(II) Contents of the Implementation Measures (Unofficial English Translation Provided by Our Firm)

Article 1

To implement the requirements set forth in the *Announcement on the Collection of Special Port Charges on U.S. Vessels* and in accordance with the *Regulations of the People's Republic of China on International Maritime Transport* and other relevant laws and regulations, and to safeguard the interests of China's maritime industry, these Implementation Measures are hereby formulated.

Article 2

Vessels engaged in international maritime transport, calling at Chinese ports, and meeting any of the following conditions shall have their owners or agents pay the Special Port Charges for Vessels:

- a. Vessels owned by U.S. enterprises, other organisations, or individuals;

- b. Vessels operated by U.S. enterprises, other organisations, or individuals;
- c. Vessels owned or operated by enterprises or organisations in which U.S. enterprises, organisations, or individuals directly or indirectly hold 25% or more of the equity, voting rights, or board seats;
- d. Vessels flying the U.S. flag;
- e. Vessels built in the United States.

Vessels built in China that fall under subparagraphs a to d above shall be exempt from payment of the special port charges. In addition, unladen vessels entering Chinese shipyards solely for repairs, as well as other vessels that are recognised and approved for exemption, shall also be exempt from payment.

Article 3

The specific charging standards for the Special Port Charges are as follows (fractions of one net ton shall be counted as one net ton):

1. From 14 October 2025, RMB 400 per net ton for vessels calling at Chinese ports;
2. From 17 April 2026, RMB 640 per net ton for vessels calling at Chinese ports;
3. From 17 April 2027, RMB 880 per net ton for vessels calling at Chinese ports;
4. From 17 April 2028, RMB 1,120 per net ton for vessels calling at Chinese ports.

The Special Port Charges shall not be collected for more than five voyages per vessel per year, with 17 April of each year marking the start of a new annual billing cycle.

Article 4

The maritime administration at the vessel's port of call shall be responsible for collecting the Special Port Charges, which shall be administered and utilised in accordance with relevant national regulations.

Article 5

For vessels calling at multiple Chinese ports within the same voyage, the Special Port Charges shall be collected only at the first port of call, and no further charges shall be imposed at subsequent ports. For vessels calling at Chinese ports more than five times within one year, the charges shall be collected for the first five voyages only, and subsequent

voyages shall be exempt upon presentation of payment proof from the initial five voyages.

Article 6

The ship party or its agent shall, seven days before the vessel's expected arrival at a Chinese port (or, if the voyage is shorter than seven days, upon departure from the previous port), truthfully report to the maritime administration at the port of call information regarding: the vessel's country of construction, flag state, owners and operators, leasing arrangements, and the ports to be called during the voyage, and shall also pay the applicable Special Port Charges.

Article 7

The maritime administration at the port of call shall verify the information of all vessels expected to arrive. If it discovers any vessel suspected of concealing or omitting the information required under Article 6, it shall order the ship party or agent to supplement and correct the information.

Article 8

Any vessel that fails to pay the Special Port Charges in accordance with these Measures shall not be permitted by the maritime administration to complete entry or exit formalities. If the ship party or agent evades payment, and the vessel has already departed Chinese ports, they shall be required to settle all arrears before it call any Chinese port next time.

Article 9

The scope, standards, and implementation period of the Special Port Charges may be adjusted dynamically based on prevailing circumstances.

Article 10

These Implementation Measures shall be interpreted by the Ministry of Transport and shall take effect upon the date of issuance.

(III) Reporting Guidelines

Alongside the promulgation of the above Implementation Measures, the Maritime Safety Administration (MSA) issued the *Guidelines for Submitting the "Reporting Form of U.S.-Linked Vessel Information"*, the contents of which are as follows:

1. Method of Submission

In accordance with the *Announcement of the*

Ministry of Transport on the Collection of Special Port Charges on U.S. Vessels, the ship party or its agent shall, when applying for entry clearance for an international voyage vessel, submit the *Reporting Form of U.S.-Linked Vessel Information* together with the port entry application documents to the maritime administration.

Submission channel:

China International Trade "Single Window" Platform → Vessel Transport Tool → Inbound (Port) Dynamic Declaration → Attachment Management.

The screenshot displays the 'China International Trade Single Window' platform. The 'Vessel Transport Tool' is selected, leading to the 'Inbound (Port) Dynamic Declaration' section. The form includes fields for vessel details, port information, and declaration status. A red box highlights the 'Attachment Management' section at the bottom.

2. Instructions for Completing the "Reporting Form of U.S.-Linked Vessel Information"

船舶涉美信息报告表

Reporting Form of U.S.-Linked Vessel Information

船名 Vessel Name	IMO 编号 IMO No.	根据船舶真实情况,如实填写此处 14 项船舶基本信息。
国籍 Flag	建造国 Built in (country)	
所有人 Owner	地址 Address	
光船承租人 Bareboat charterer	地址 Address	
经营人 Operator	地址 Address	此处勾选“否”的船舶无需填写以下全部内容。
靠泊港口 Arrival port	靠泊时间 Arrival time	
航次号 Voyage No.	净吨 Net tonnage	
本船是 (否) 为《对美船舶收取船舶特别港务费实施办法》第二条第一款第 (一) 至 (五) 项规定船舶。 This vessel is (not) as stipulated in Article (1) to (5), Paragraph 1, Section 2 of the Implementation Measures of Special Port Fee for the U.S. Vessels.		
以下内容仅一栏中填写“是”的船舶填写 The following is to be filled by vessels selecting Yes in the preceding section		
本船是 (否): This vessel is (not):		
(1) 美国的企业、其他组织和个人拥有船舶所有权的船舶 (1) owned by an entity, other organization, or a citizen of the U.S.		是 (Yes) 否 (No)
(2) 美国的企业、其他组织和个人运营的船舶 (2) operated by, or controlled by, an entity, other organization, or a citizen of the U.S.		是 (Yes) 否 (No)

对照规定内容,在此栏勾选是/否。
注意:符合(一)至(五)项规定但属于豁免范围的船舶同样需要勾选“是”。

根据船舶真实情况,逐一对照(1)至(5)项描述,在符合的条款旁勾选“是”,不符合的条款旁勾选“否”。

由于本航次已在此前港口缴费、本缴费年度已缴五次及其他豁免情形而免于缴费的船舶，在此栏勾选“否”，并写明原因。无豁免或免缴情形的船舶在此栏勾选“是”。	(3)美国的企业、其他组织和个人直接或间接持有25%及以上股权（表决权、董事会席位）的企业、其他组织拥有或运营的船舶 (3)owned by, controlled by, or operated by an entity with 25 percent or more of this entity's equity interest, outstanding voting interest, or board seats is held directly or indirectly by an entity, other organization, or a citizen, of the U.S.	是 (Yes)	否 (No)
	(4)悬挂美国旗的船舶 (4)U.S.-flagged	是 (Yes)	否 (No)
	(5)在美国建造的船舶 (5)U.S.-built	是 (Yes)	否 (No)
	本船本次进口岸应（否）缴纳船舶特别港务费。 This vessel shall (not) pay the special port fee for this arrival. 原因: Reason:	是 (Yes)	否 (No)
	本船本航次船舶特别港务费缴费情况 Payment status of the special port fee of this vessel for this voyage		
是否已缴费 Paid (or not)	航次号 Voyage No.	缴费日期 Payment Date	缴费港口 Payment Port
本船本收费周期内靠泊中国港口及船舶特别港务费缴费情况 Calling and payment status of the special port fee of this vessel in China in this billing year			
靠泊日期 Arrival Date	航次号 Voyage No.	靠泊中国港口 Arrival Port	是否已缴费 Paid (or not)
本收费周期内曾靠泊中国港口并缴费的（不含本航次），如实填写所有靠泊与缴费信息。本收费周期内首次靠泊中国港口的，无需填写此栏。			
备注: Remarks:			
此处盖印船章或船长章，或由船长签字			
以下由海事管理机构填写 The following is to be filled by the Maritime Safety Administration			
经核查，确认该船本次进口岸应（否）缴纳船舶特别港务费:		是	否
经办人: 日期: 年 月 日			

Hereinafter referred to as the “Reporting Form” and the “Reporting Guidelines.”

(IV) Supplementary Commentary

1. Conciseness and Flexibility of the Measures

The Implementation Measures are notably concise, likely reflecting the government’s intent to preserve room for adjustment in response to future developments in China–U.S. negotiations, as well as a desire to avoid excessive disruption to the international shipping industry at this stage. Accordingly, while certain provisions are phrased in relatively moderate terms, the Implementation Measures deliberately retain flexibility for future refinement and escalation.

2. Exemptions

The Implementation Measures explicitly provide only two exemption scenarios:

- vessels built in China, and
- unladen vessels entering Chinese shipyards solely for repairs.

The previously rumoured exemption for newly constructed vessels in China was not adopted.

However, since Article 2 concludes with a clause allowing exemption for “other vessels recognised and approved for exemption,” this wording leaves some discretionary scope. Therefore, it is advisable for vessel owners or operators performing humanitarian relief, emergency medical, search and rescue, or distress-related calls at Chinese ports to consider formally applying for exemption with the MSA.

3. Scope of “Vessel Operator”

The Implementation Measures themselves do not explicitly define the term “operator.” Nevertheless, Article 6 requires submission of information concerning “owners, operators, and leasing arrangements,” and the Reporting Form similarly requests information on the owner, bareboat charterer, and operator. This suggests that parties other than the owner or bareboat charterer may also be recognised as “operators” and thus fall within the countermeasure’s scope.

Since “leasing arrangements” generally refer to bareboat or financial leasing, but not to time or voyage charters, time charterers are unlikely to be considered “operators” solely by virtue of their charterer status. However, as previously noted, below entities may still be categorised as operators, such as:

- o companies holding an International Ship Transport Licence under the Regulations on International Maritime Transport,
- o international liner operators (including those engaged in vessel sharing, slot exchange, or joint operation), and
- o non-vessel-operating common carriers (NVOCCs)

It should also be noted that, under prior practice, the ship party typically entered the company name recorded on the DOC (Document of Compliance) in the “operator” field when using the International Trade Single Window system. Going forward, the ship party should exercise particular caution when completing this field and, where necessary, consult the MSA for clarification or confirmation.

4. Scope of Entities “Directly or Indirectly Holding More Than 25% Equity, Voting Rights, or Board Seats”

The most contentious issue concerns the scope of entities covered by this clause. The Implementation Measures provide no direct guidance, but the official English version of the Reporting Form states: “owned by, controlled by, or operated by an entity with 25 percent or more of this entity’s equity interest, outstanding voting interest, or board seats held directly or indirectly by an entity, other organization, or a citizen of the U.S.” (emphasis added). This phrasing suggests that the determination may be limited to a single entity, aligning more closely with the beneficial ownership (UBO) concept, and that aggregation of shares or interests held by multiple U.S. entities or individuals may not be required

at this stage.

5. Procedures for Reporting and Payment

Under the Implementation Measures, the Reporting Form, and the Reporting Guidelines, the responsible reporting parties include the vessel owner and operator (“the ship party”), or their authorised agent in China. Such parties must, no later than seven days before the vessel’s expected arrival at a Chinese port (or, if the voyage is shorter than seven days, upon departure from the previous port), submit the required information via the “China International Trade Single Window” platform to the local Maritime Safety Administration. The platform was updated at 00:00 on 14 October 2025 to support this process. The Implementation Measures do not specify whether the special port charges must be paid before entry or before departure. While, in principle, payment should be made prior to port entry clearance, in practice, the MSA may permit payment before departure to accommodate operational realities.

6. Consequences of Non-Compliance

The sanctions under the Implementation Measures are relatively moderate. For vessels suspected of false or incomplete reporting, the MSA will require the shipowner or

its agent to supplement or correct the information. Vessels that fail to fully pay the special port charges will be denied port entry and exit formalities. For vessels that evade payment and have already departed Chinese ports, the MSA will require payment of outstanding fees before their next call at a Chinese port, potentially including late payment surcharges.

7. Dynamic Adjustment Mechanism

The Implementation Measures also stipulate that the scope, standards, and duration of the special port charges will be adjusted dynamically as circumstances evolve. This implies that, depending on the United States’ subsequent implementation of its own measures, the Ministry of Transport may introduce corresponding countermeasures or adjustments to these Measures at any time.

Given the concise nature of the Implementation Measures, they cannot cover every possible scenario. For issues that remain unclear or case-specific, it may need to consult directly with the competent authorities. Our firm will continue to closely monitor the enforcement and evolution of these measures, provide timely updates and commentary, and remains available to offer legal assistance.



John Wang is the executive managing partner of Wang Jing & Co. Before joining this firm in 2006, he served for over a decade with a maritime administrative authority, where he was responsible for the supervision of dangerous goods transport and marine pollution prevention, and took part in drafting and amending domestic legislation and international conventions in those areas. John specializes in dispute resolution and transaction structuring across the full spectrum of shipping, marine insurance, ship finance, and offshore engineering. He has extensive experience in international maritime arbitration in London, Singapore, and Hong Kong. A number of cases handled by John have been selected as leading or exemplary cases by the Supreme People’s Court, and featured in publications such as China Maritime Adjudication Typical Cases, and Outstanding Foreign-related Legal Service Cases by the All China Lawyers Association, as well as compilations of typical cases by Higher People’s Courts and Maritime Courts. (email: wangjun@wjnc.com)





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