

LEGAL UPDATES

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FMC Proposes \$200,000 Fees on Spanish-Flagged Vessels and Restrictions on Spanish Imports

Today, October 15, 2026, the Federal Maritime Commission (FMC) proposed significant new restrictions after Spain denied port access to certain U.S.-flagged vessels. The FMC concluded that Spain's actions created conditions unfavorable to U.S. foreign shipping under 46 U.S.C. § 42101 and potentially unduly impaired U.S.-flagged vessels' access to ocean trade between foreign ports under 46 U.S.C. § 41108(d). Relying on its remedial authority under Chapters 421 and 423 of Title 46, the FMC proposes to charge Spanish-flagged vessels \$200,000 each time they enter a U.S. port and restrict certain imports from Spain.

The proposed import restrictions cover five Harmonized Tariff Schedule (HTS) chapters: oils and fats, including olive oil; sugar and confectionery; perfumery and cosmetics; articles of stone; and ceramics. The two proposed remedies create separate risks. The FMC could restrict covered Spanish goods regardless of vessel flag, while the \$200,000 fee could affect a Spanish-flagged vessel even when it carries no covered Spanish goods.

Notably, the FMC has not finalized the proposal. The FMC issued a Notice of Proposed Rulemaking (NPRM), which allows the public to comment before the Commission decides whether to adopt the proposed restrictions. Spain also has the right to request a hearing before the FMC imposes remedies under 46 U.S.C. § 41108(d). As a result, neither the vessel fees nor the import restrictions take effect through this proposal alone.

What This Means to You

Although the proposed restrictions do not yet apply, companies with potential exposure should consider using this time to understand how the measures could affect their operations if the FMC moves forward.

Shippers whose cargo may travel aboard Spanish-flagged vessels may want to review service contracts, bills of lading, carrier tariffs, and NVOCC arrangements to understand how those agreements address government-imposed fees, surcharges, rate adjustments, and routing changes. Importers of Spanish goods may also want to identify products that fall within the proposed HTS chapters and review supply and sales contracts for changes in law, government restrictions, delivery delays, additional costs, alternative sourcing, or possible exceptions.

Companies with significant exposure may also consider whether to participate in the FMC's rulemaking process. The comment period gives affected businesses an opportunity to explain how the proposed measures could affect their supply chains and commercial relationships before the FMC decides whether and how to move forward. Companies that import other goods from Spain may also want to monitor the rulemaking because the proposal allows the FMC to add additional HTS chapters if Spain takes retaliatory measures against U.S. carriers or shippers.

Contact Us

If you have questions about the proposal or your potential exposure, please contact Julie Maurer, Benjamin Nashed, Serena Tang, or your Husch Blackwell attorney.

Our Transportation & Logistics and International Trade teams advise shippers, importers, cargo owners, carriers, and transportation intermediaries on FMC regulatory matters, maritime contracts, import compliance, and supply chain risk. We can help companies assess how the FMC's proposed Spanish vessel fees and import restrictions may affect their operations, evaluate potentially covered imports, review relevant contracts, and consider whether to participate in the FMC's rulemaking process.

This article provides general legal information. It does not constitute legal advice to the reader and does not create an attorney-client relationship between the reader and Husch Blackwell LLP. The reader should seek legal advice if they have questions about how this legal information may apply to their own circumstances.