



## **FEDERAL MARITIME COMMISSION**

### **46 CFR Part 551**

**[FMC-2026-0463; Docket No. 26-14]**

#### **Investigation into Conditions Affecting Shipping in the Foreign Trade and Denial of Entry of Vessels into Spanish Ports and Proposed Remedies to Meet or Adjust the Unfavorable Conditions.**

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Maritime Commission (Commission) proposes to adjust or meet unfavorable shipping conditions created by the Government of Spain. The Commission proposes a per-voyage fee on all Spanish vessels of \$200,000 and restrictions on the import of certain Spanish goods into the United States. The Commission also proposes using additional statutory authority to impose these remedies because the Government of Spain has unduly impaired the access of U.S. flag vessels to trade between foreign ports. The Commission herein offers an opportunity for a public hearing. The Commission invites public comment on all aspects of this proposed rule.

**DATES:** Comments and related material must be received by the Commission on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** To view background documents or comments received, you may use the Federal eRulemaking Portal at *www.regulations.gov* under FMC-2026-0463. See the “Public Participation and Request for Comments” portion of the SUPPLEMENTARY INFORMATION section for further instructions on submitting comments. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

**FOR FURTHER INFORMATION CONTACT:** David Eng, Secretary; Phone: (202)

523-5725; Email: [secretary@fmc.gov](mailto:secretary@fmc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

*A. Legal Authority*

The Federal Maritime Commission (Commission) is charged with investigating and prescribing regulations to adjust or meet conditions unfavorable to shipping in the foreign trade of the United States which arise out of or result from the laws or regulations of a foreign country. 46 U.S.C. 42101(a). The Commission must also investigate when a foreign government is unduly impairing the access of a vessel documented under the laws of the United States to ocean trade between foreign ports and take appropriate action to remedy any such violation. 46 U.S.C. 41108(d). The Commission is empowered to remedy foreign government actions that impair the access of U.S. flag vessels to ocean trade between foreign ports by Chapter 423 of Title 46, United States Code. The remedies provided by Chapter 421 and Chapter 423 of Title 46 authorize the Commission to charge fees to foreign-flagged vessels entering U.S. ports and limit the import into the United States of amounts or types of cargo.

*B. Investigation*

The Commission initiated this investigation in December 2024 under Title 46, Chapter 421 of the United States Code to determine whether the Government of Spain (Spain) is creating general or special conditions unfavorable to shipping in U.S. foreign trade by barring certain vessels from its ports, including vessels transporting cargo under the United States Maritime Administration's (MARAD) Maritime Security Program (MSP). Docket No. 24-30; FMC-2024-0022. Initial reports that prompted this investigation indicated that Spain had refused port access in November 2024 to three MSP vessels on the grounds that they were carrying cargo bound for or coming from

Israel. Spain reportedly cited European Union (EU) regulations as the basis for these port refusals.<sup>1</sup>

The Commission published a notice of investigation and request for comments in the FEDERAL REGISTER on December 6, 2024. *Investigation into Conditions Affecting Shipping in the Foreign Trade and Denial of Entry of Vessels into Spanish Ports*, 89 FR 96973 (Dec. 6, 2024) (December 2024 notice). That request resulted in over 8,000 comments from the public and interested parties. Many comments expressed views about Spain's policy based on views about Israel. That is not part of this investigation, which is focused only on maintaining the reliability and efficiency of the U.S. ocean shipping supply chain, including whether Spain is refusing docking privileges to certain vessels, and if so, how Spain's refusal of docking privileges is affecting shipping in U.S. foreign trade.

The Commission reviewed these comments and also ordered information to be supplied under oath as necessary to further the investigation. 46 U.S.C. 42104(a). Materials the Commission ordered to be supplied under oath will not be disclosed to the public. 46 U.S.C. 42105.

The Commission published a second notice and request for comments in the FEDERAL REGISTER on December 22, 2025. *Investigation Into Conditions Affecting Shipping in the Foreign Trade and Denial of Entry of Vessels Into Spanish Ports; Request for Additional Comments*, 90 FR 59826 (Dec. 22, 2025) (December 2025 notice). The evidence the Commission received up to that point confirmed that the unfavorable conditions identified in this investigation still existed, and the Commission provided 60 additional days for commenters to weigh in. The Commission also described its authority to prescribe remedies and solicited comment on possible remedies, including remedies

---

<sup>1</sup> The Commission consulted with other appropriate U.S. governmental agencies and received information that will not be disclosed to the public. 46 U.S.C. 42105, 42109.

focused on vessels with links to Spain, cargo from Spain that might be appropriately limited, or other possible remedies. The second notice resulted in only one comment that was not relevant to the purposes of the Commission's investigation.

## **II. Public Comments**

The Commission received over 8,000 comments in response to the December 2024 notice. The Commission received only one comment in response to the December 2025 notice. The Commission reviewed these comments and considered the issues they raised.

Many of the responses to the December 2024 notice and the lone comment on the December 2025 notice did not raise issues relevant to this investigation. For instance, the one comment responding to the Commission's December 2025 notice urged the National Oceanic and Atmospheric Administration to approve an economic fishery disaster declaration.<sup>2</sup> Many of the responses to the December 2024 notice focused on concerns about possible human rights violations. These issues are beyond the scope of this investigation. The Commission is investigating Spain's denial of docking privileges to certain vessels and whether such denials are creating conditions unfavorable to shipping in the foreign trade. Because of the volume of comments, the Commission's analysis focuses on comments raising relevant issues within the scope of the Commission's investigation.

### *A. Government of Spain<sup>3</sup>*

Spain submitted a comment in response to the Commission's December 2024 notice but not the December 2025 notice. In its comment, Spain argued that the Commission does not have power to compel Spain's participation in this proceeding, the Commission does not have jurisdiction over Spain given sovereign immunity, and the

---

<sup>2</sup> WhooPoo App (FMC-2024-0022-8325).

<sup>3</sup> Government of Spain (FMC-2024-0022-8217).

appropriate remedy is for the Commission to pursue a diplomatic solution through the U.S. Secretary of State. Moreover, Spain argued that it must follow Spanish, EU, and international laws that require it to prevent the transit of defense and dual-use goods through its ports and Spain is doing so in a non-discriminatory manner. Spain's arguments do not address the questions posed by the Commission, and Spain's unquestioned sovereignty to act within its borders does not affect the Commission's authority to investigate and regulate conditions unfavorable to U.S. foreign shipping under Chapter 421.

First, the Commission cannot compel Spain to participate in this proceeding. The Commission's power to remedy unfavorable conditions to shipping in foreign trade is the power to take action within the jurisdiction of the United States. The Commission can deny vessels entry into the United States, impose fees on vessels coming to the United States, and take other appropriate actions to adjust or meet unfavorable shipping conditions. 46 U.S.C. 42106. The Commission cannot force Spain to take any action or repeal any Spanish or EU law or regulation. Likewise, Spain cannot infringe on U.S. sovereignty by demanding the Commission take or refrain from any action.

Further, Spain's compliance with Spanish, EU, and international law is not a defense to a Chapter 421 investigation. Chapter 421 presupposes that Spain's actions are consistent with its laws and regulations. Section 42101 obligates the Commission to prescribe regulations meeting unfavorable conditions that "arise out of or result from laws or regulations of a foreign country." This statutory language shows Congress assumed that the unfavorable conditions arise from compliance with foreign laws or regulations, not non-compliance or illegal behavior. The Commission's investigation is into whether the conditions created by Spain result in unfavorable conditions affecting shipping in the foreign trade, not whether Spain was required by its own legal system to create those conditions.

Spain's claims that it is enforcing its laws in a non-discriminatory manner without regard to flag is also not a defense against an investigation of whether Spain has created unfavorable conditions in the foreign trade. Spain claims that it did not reject docking authorization to certain vessels on the basis of a vessel's flag or port of origin, but that it only rejected the transit of the individual containers. Spain, however, failed to support these claims in its response, and they are inconsistent with the evidence received in this investigation. The evidence shows that Spain rejected docking privileges for U.S. flag vessels and did not merely deny offloading or transshipment of specific containers. Moreover, the argument that it did not discriminate based on flag or port of origin does not rebut a finding that Spain's actions created unfavorable conditions. Selectively enforcing laws or regulations to deny docking privileges to specific vessels can create, and has created, unfavorable conditions even if Spain allows access to other vessels of the same flag or origin.

Finally, it is true, as Spain contends, that a diplomatic solution may resolve this investigation. Spain is uniquely positioned to make that occur. But until that time, Spain continues to create unfavorable shipping conditions. The Commission is charged with meeting or adjusting those conditions while they persist. The Commission can rescind any final remedies once a diplomatic solution has been reached, but does not intend to delay the proposed remedies based on a hypothetical solution.<sup>4</sup>

#### *B. Members of Congress*<sup>5</sup>

The Commission received a comment from two then-current members and one former member of Congress. These members opposed the Commission's investigation, but their comment did not address the questions posed in the Commission's December

---

<sup>4</sup> The Commission may consult with other agencies, such as the State Department, prior to taking action. 46 U.S.C. 42109.

<sup>5</sup> Members of Congress (FMC-2024-0022-8168). The Members were Rashida Tlaib, Cori Bush, and Summer L. Lee.

2024 notice or discuss the Commission's statutory authority. The members argued that Spain's actions are legitimate actions of a sovereign state, Spain is right to follow its affirmative legal obligations to block weapons that may facilitate violations of the Geneva Convention, Spain's actions do not threaten the reliable international ocean shipping system, and U.S. agencies should not punish its allies for enforcing international obligations. The members' arguments that Spain's actions do not threaten international ocean shipping were not supported by evidence submitted to the Commission. Their remaining arguments are beyond the scope of the Commission's investigation or outside the Commission's authority to investigate.

*C. Maritime Labor Unions*<sup>6</sup>

The Commission received a comment submitted on behalf of maritime labor unions.<sup>7</sup> The unions supported the Commission's investigation and argued that Spain's port denials undermine fair trade and create unfavorable conditions for U.S. shipping in the foreign trade. The comment contended that MSP vessels are essential for maintaining the security and reliability of U.S. foreign trade and defense readiness, and that Spain's actions jeopardize the free flow of commerce and disrupt shipping operations. The unions affirmed their support for promoting the economic and national security interest of the U.S. by delivering timely cargo on behalf of the American people, encouraged the Commission to use every available tool to compel a reversal of Spain's policy, and argued that Spain's actions set a dangerous precedent for the treatment of U.S. vessels abroad. The unions urged the Commission to protect the right of U.S. flag vessels to operate freely in international trade and offered their support in any way necessary.

*D. Former State Department Diplomat*<sup>8</sup>

---

<sup>6</sup> Maritime Labor Organizations (FMC-2024-0022-0002).

<sup>7</sup> The union representatives who commented are: American Maritime Officers; Maritime Trades Department and Transportation Trades Department – AFL-CIO; Sailors' Union of the Pacific; Seafarers International Union; International Organization of Masters, Mates, and Pilots; Marine Firemen's Union, and the Marine Engineers' Beneficial Association.

<sup>8</sup> Richard Solomon (FMC-2024-0022-8315).

A self-identified former State Department diplomat who worked on Middle East issues opposed the Commission's investigation. He argued that any remedies contemplated under Chapter 421 would be unwarranted given the current circumstances and contended that an investigation is unwarranted and inappropriate. This commenter argued that Spain's actions were legally obligated given that cargo carried on U.S. Government ships contributes to violations of the Geneva Convention and international law. Spain's compliance with domestic and international law, however, is not a defense to a Chapter 421 investigation because the Commission's authority is premised on the conditions arising out of the "laws or regulations of a foreign country." That these conditions are arising out Spain's laws or regulations is necessary for a Chapter 421 investigation. This commenter concluded that the United States should cease arming Israel and should not stand in the way of Spain's legally and morally necessary arms embargo. These issues are beyond the scope of this investigation.

#### *E. Mass Comments*

The Commission received thousands of mass comments with almost identical language. The Commission used federal comment deduplication tools to identify representative comments for consideration. The Commission included all of these mass comments in the online rulemaking docket. Most of the mass comments opposed the Commission's investigation for reasons already discussed and discussed further below.<sup>9</sup> The commenters raised Spain's legal obligation to follow Spanish, EU and international law,<sup>10</sup> the sovereign right of Spain to enforce an arms embargo, and the Commission's lack of authority to exercise jurisdiction over Spain.<sup>11</sup> The mass comments also argued that the United States is obligated by law to stop arming Israel, that this investigation is a waste of government resources and tax dollars, and that the International Court of

---

<sup>9</sup> See, e.g., Karl Adrianza (FMC-2024-0022-2807).

<sup>10</sup> See, e.g., Aidan Black (FMC-2024-0022-3177).

<sup>11</sup> See, e.g., Mary Ames (FMC-2024-0022-8295).

Justice's (ICJ) preliminary ruling against Israel binds the United States and requires it to stop arming Israel. These issues, and others raised in the mass comments, were not responsive to the Commission's December 2024 notice and do not address the focus of the Commission's investigation. Arguments about obligations to human rights treaties and ICJ rulings do not provide evidence about the impact of Spain's port denials on the efficiency and reliability of the ocean shipping supply chain or whether Spain's actions are creating unfavorable shipping conditions. Although the volume of the comments opposing Commission action in this regard was high, the Commission finds the analysis in these comments unpersuasive.

One set of mass comments supported the Commission's investigation.<sup>12</sup> This set of mass comments argued that Spain's refusal of docking privileges undermines equitable trade and critical logistics networks, and that Spain has jeopardized bilateral trade and NATO defense efforts. This set of mass comments urged the Commission to impose remedies such as fines or vessel bans to reaffirm the importance of fair and open maritime commerce. This set of mass comments is relevant to the investigation because it addresses whether Spain's actions have impacted the efficiency and reliability of the ocean shipping supply chain. This set of mass comments does not provide new evidence for the Commission to consider, but it does reinforce the Commission's concerns about Spanish actions creating unfavorable shipping conditions.

#### *F. Palestinian Youth Movement*<sup>13</sup>

The Commission received a set of mass comments created by the Palestinian Youth Movement (PYM). The PYM did not submit a comment itself, but many commenters followed a template created by the PYM. These commenters argued that Spain's blocking of specific ships is not only within Spain's purview as a sovereign

---

<sup>12</sup> See, e.g., Wendy Ward (FMC-2024-0022-0261).

<sup>13</sup> See, e.g., Beatrix Kline (FMC-2024-0022-6850).

country but is a legal obligation. Any remedies contemplated in Chapter 421 of United States Code, Title 46 would be unwarranted under the current circumstance according to these commenters. They argued the cargo carried on Maersk ships, provided by the U.S. Government, contributes to war crimes, crimes against humanity, the crime of genocide, violations of the 4th Geneva Convention and Additional Protocols, and violations of international legal norms. These commenters concluded that the United States should cease arming Israel and should not stand in the way of Spain's legally and morally necessary arms embargo. The Commission's investigation focuses on whether Spain's actions result in unfavorable conditions affecting shipping in the foreign trade, and Spain complying with its own law in taking those actions is presupposed by the statute.

### **III. Investigation Results**

The Commission's investigation provided conclusive evidence that Spain's actions have created unfavorable shipping conditions in the foreign trade resulting from its laws or regulations. Spain has publicly denied docking privileges to multiple vessels and publicly stated it will deny docking privileges to certain vessels in the future. Those vessels had to reroute to non-Spanish ports and omit Spanish ports from future voyages. Spain's policy of port denials is ongoing. Confidentially submitted evidence confirms that Spain's policy has created unfavorable conditions. The Commission concludes that Spain's actions create unfavorable shipping conditions in the foreign trade resulting from its laws or regulations.

The Commission's investigation returned public and non-public evidence of Spain's actions. In May 2024, Spain publicly announced a policy of preventing vessels from docking at its ports and Spain's transport minister identified a vessel that had been refused docking privileges as the *Marianne Danica*.<sup>14</sup> In November 2024, Spain's foreign

---

<sup>14</sup> *Spain Denies Port of Call to Ship Carrying Arms to Israel*, The Guardian, May 16, 2024 (available at <https://www.theguardian.com/world/article/2024/may/16/spain-denies-port-of-call-to-ship-carrying-arms-to-israel>) (last accessed Sept. 21, 2026).

ministry said two vessels participating in MSP, the *Maersk Seletar* and the *Maersk Denver*, “will not stop in Spain.” Those vessels did not dock in Spain. Another MSP vessel, the *Maersk Hartford*, with a stop planned at a Spanish port later that month also did not dock in Spain. Spain publicly reinforced and expanded this policy in September 2025.<sup>15</sup>

Public vessel tracking data confirms Spain has created unfavorable conditions. The *Maersk Seletar* and *Maersk Denver* signaled Algeciras, Spain as their destination during voyages in early November 2024 and then changed their destinations while crossing the Atlantic Ocean to Tangier, Morocco. Both then docked at Tangier, Morocco. Public vessel tracking data show that both vessels no longer call at Spanish ports and last did so in January of 2025. The *Maersk Hartford* was destined for a Spanish port in November 2024 but public vessel tracking data confirms it rerouted to Morocco mid-voyage.<sup>16</sup> The *Maersk Hartford* last visited Spain in January 2025 and has since visited Morocco regularly. Since November 2024, vessel tracking data shows that the U.S. flag fleet of Maersk Line Limited (MLL)<sup>17</sup> has almost entirely avoided stopping in Spain with only six visits occurring across 2026 as opposed to the multiple monthly visits prior to November 2024. Vessel tracking data shows 7.25<sup>18</sup> port calls per month in Spain by MLL vessels on average prior to November 2024. Since July 2025, MLL vessel calls have almost ceased at Algeciras, and MLL vessel calls at Tangier in Morocco have replaced much of this traffic. MLL vessel calls at Tangier now average 4.17 per month, replacing

---

<sup>15</sup> *Spain Imposes Permanent Weapons Embargo on Israel*, Politico, September 8, 2025 (available at <https://www.politico.eu/article/spain-pm-sanchez-permanent-weapons-embargo-israel/>) (last accessed September 21, 2026).

<sup>16</sup> The Commission’s December 2025 notice incorrectly identified the *Nysted Maersk* as a participant in MSP with a U.S. flag. That notice also did not include the apparent refusal of Spain to permit the *Maersk Hartford* to dock later in November.

<sup>17</sup> The MLL fleet is entirely enrolled in MSP and flagged in the United States, though MSP includes additional vessels from other carriers as well.

<sup>18</sup> Figures may be rounded to the nearest hundredth.

many of the MLL vessel calls to Algeciras. The larger population of MSP vessels also now mostly avoid calling at Algeciras.

Confidentially submitted information confirms that Spain's public announcements and non-public actions have created unfavorable conditions. It confirms that Spain's public policy of preventing certain vessels, including MSP vessels, from docking at Spanish ports is creating unfavorable shipping conditions. It confirms that almost all MSP vessels no longer dock at Spanish ports because of Spain's policy of port denials, and not for other reasons.<sup>19</sup> It confirms that this prevents MSP vessels from trading between Spanish ports and other foreign ports.

Based on this record, the Commission concludes that Spain has created conditions unfavorable to shipping in the foreign trade through its laws or regulations. Spain has publicly announced and enforced a policy that has prevented MSP vessels from docking at Spanish ports. MSP vessels were turned away in at least three instances from Spanish ports. Publicly, Spain has only reinforced and expanded this public policy since those vessels were turned away in November 2024. Almost all MSP vessels no longer dock at Spanish ports. This policy prevents U.S. flag vessels from carrying goods destined for Spanish ports and prevents them from picking up Spanish goods for carriage to non-Spanish ports. This policy creates conditions that directly impact the purposes for which Congress created the Commission. The exclusion of MSP vessels, vessels necessary for the national defense and the domestic and foreign commerce of the United

---

<sup>19</sup> Around the time of Spain's port denials, the EU's Emissions Trading System took effect. The Commission considered whether this policy change explains MLL vessels omitting Spain, rather than Spain's public policy of port denials, though Spain never argued this and submitted no evidence in support of this possibility. The Commission finds this possible explanation unsupported because Maersk vessels still call at Spanish ports, while MLL vessels omit them, and Maersk publicly reaffirmed that Algeciras remains, "a strategic priority." That Maersk continues its commitment to using Algeciras while MLL no longer uses this strategic port reinforces the Commission's conclusion that Spain's policy of port denials is creating unfavorable conditions. *See, e.g.,* Adil Faouzi, *Maersk Shifts Major Shipping Route from Algeciras to Tanger Med*, Morocco World News, Jan. 15, 2025, <https://moroccoworldnews.com/2025/01/165853/maersk-shifts-major-shipping-route-from-algeciras-totanger-med/> (last visited September 21, 2026).

States,<sup>20</sup> prevents these vessels from providing shipping services essential for maintaining waterborne domestic and foreign commerce, especially when called upon to serve as naval and military auxiliary vessels in a time of national emergency.<sup>21</sup> 46 U.S.C. 42101, *citing* 46 U.S.C. 50101. Further, the Spanish policy impairs the efficient, competitive, and economical transportation of goods in the ocean commerce of the United States by preventing U.S. flag vessels from transporting goods destined for, or coming from, Spain. 46 U.S.C. 40101(2). The policy directly conflicts with the Commission's purpose of encouraging the development of an economically sound and efficient liner fleet of U.S.-flagged vessels capable of meeting national security needs and supporting commerce, as it prevents exactly those vessels from carrying goods to or from Spain. 46 U.S.C. 40101(3). Finally, the policy undermines the Commission's ability to promote a competitive and efficient system for the carriage of goods by water in the foreign commerce of the United States since MSP vessels can no longer compete for cargos destined for, or coming from, Spain. 46 U.S.C. 40101(4). This record supports the Commission's conclusion that Spain's laws or regulations are creating conditions unfavorable to shipping in the foreign trade.

#### **IV. Section 41108(d)**

The Commission commenced this investigation pursuant to its Chapter 421 authority to remedy unfavorable conditions, but the evidence also demonstrates that Spain has prevented U.S. flag vessels from docking at its ports, and by doing so prevented these vessels from delivering goods to Spanish ports from other foreign ports and from loading Spanish goods for delivery in foreign ports. This supports the conclusion that Spain's actions have potentially impaired the access of U.S. flag vessels

---

<sup>20</sup> Maritime Labor Organizations (FMC-2024-0022-0002).

<sup>21</sup> Spain is blocking U.S. flag vessels retained by the U.S. government for their availability during times of need from accessing ports in a country where the United States has important overseas military bases. These port denials directly undercut the Commission's mandate to support a merchant marine necessary for the national defense and capable of serving as a naval and military auxiliary in time of war or national emergency. 46 U.S.C. 42101, 50101.

to ocean trade between foreign ports. As a result, the Commission, through this notice, is providing an opportunity for Spain to request a hearing pursuant to 46 U.S.C. 41108(d).

The record shows that Spain denied access to its ports to three MSP vessels in November 2024. Spain denied docking privileges to the *Maersk Seletar* and the *Maersk Denver* in November 2024. Later in November 2024, Spain did not permit another MSP vessel, the *Maersk Hartford*, to dock at its ports. Spain's policy of denying docking privileges to these vessels, which are documented under the laws of the United States, still prevents them from exporting goods to Spain and from carrying Spanish goods to foreign ports. This continues to impair the ability of these vessels to engage in ocean trade between foreign ports. MSP vessels cannot compete fairly against non-MSP vessels for cargo destined for Spain or to carry Spanish exports.

Section 41108(d) gives the Commission power to impose remedies authorized by sections 42304 and 42305 of Title 46 of the United States Code, but that section requires that the Commission do so only after notice and opportunity for a hearing. Because the Commission's investigation has focused on Chapter 421 violations to this point, the Commission has not yet provided Spain with an opportunity for a hearing concerning section 41108(d). Through this notice, the Commission informs Spain that it intends to consider, and potentially impose remedies for, Spain's actions that impair the ability of U.S. flag vessels to ocean trade between foreign ports. The Commission also, through this notice, provides Spain with the opportunity to request a hearing before the Commission. Should Spain request a hearing, its representatives should use the Further Contact Information provided at the beginning of this notice to file such a request with the Commission.

## **V. Proposed Remedies**

The Commission proposes two sets of remedies to meet or adjust the unfavorable shipping conditions created by Spain in the foreign trade of the United States. First, the

Commission proposes to levy fees on Spanish-flagged vessels entering U.S. ports. 46 U.S.C. 42106(4), 42304(a)(4). Second, the Commission proposes to limit imports into the United States of some or all categories of Spanish goods. The Commission intends to exercise its authority to restrict the type of cargo carried to U.S. ports and work with relevant U.S. government agencies to enforce these restrictions. 46 U.S.C. 42106(4), 42109.

#### A. Per Voyage Fees

First, the Commission proposes imposing fees on a per-voyage basis on Spanish-flagged vessels calling at U.S. ports. One of the Commission's prior uses of this authority came during an investigation into Japanese harbor services monopolies and Japan's licensing of terminal operators and stevedores.<sup>22</sup> In that investigation, the Commission imposed a \$100,000 fee per-voyage on vessels operated by Japanese carriers in a 1997 final rule. That investigation differed because there were many Japanese carriers and many Japanese-flagged vessels entering U.S. ports, whereas there are relatively few Spanish-flagged vessels that call at U.S. ports. Still, the Commission now proposes similar remedies to those that led to a bilateral resolution in that investigation. The Commission proposes a per-voyage fee on Spanish-flagged vessels of \$200,000, which is the approximate adjustment for inflation between 1997 and 2026. 46 U.S.C. 42106(4), 42304(a)(4). This remedy alone will not fully meet or adjust the unfavorable conditions created by Spain, but it has been effective before and the Commission proposes to use it again.

#### B. Trade Category Import Restrictions

Second, the Commission reviewed the Harmonized Tariff Schedule (HTS) to choose Spanish goods that could be limited from import to appropriately meet or adjust the unfavorable shipping conditions created by Spain. The HTS of the United States is a

---

<sup>22</sup> *Port Restrictions and Requirements in the United States/Japan Trade*, 62 FR 9696 (Mar. 4, 1997).

U.S. nomenclature system used to classify traded goods based on their material composition, product name, and/or intended function. The HTS is based on the international harmonized system, which is the global system of nomenclature applied to most world trade in goods. The international harmonized system maps exactly with the U.S. version to the 6-digit level while the HTS (U.S.) further stratifies traded goods into even more specific categories. The HTS is designed so that each article falls into only one category. It is divided into chapters, each of which has a 2-digit number. Each product category within the various chapters is designated by 4, 6, 8, or 10 digits. The 4-digit categories are called “headings.” The 6-, 8- and 10-digit classifications are called “subheadings.”

The Commission proposes limiting the import of trade categories from Spain to appropriately meet or adjust the unfavorable shipping conditions created by Spain’s actions.<sup>23</sup> The Commission emphasizes that this is a proposed list of trade categories that the Commission may limit, and that the Commission may choose a lesser remedy from these options. The Commission may choose to broadly limit imports, impose more targeted limitations, limit only certain of the trade categories described below, or some combination of these options. The Commission is soliciting public comment to help it decide the appropriate remedy to meet or adjust the unfavorable shipping conditions created by Spain. These unfavorable conditions have grave consequences for the efficiency and reliability of the international ocean shipping supply chain, as well as the ability of the Commission to promote the growth and development of U.S. exports, encourage the development of a liner fleet of U.S. vessels capable of meeting national security needs and supporting commerce, and supporting the U.S. merchant marine.

---

<sup>23</sup> Only two trade categories exceeded \$1 billion in imports into the United States from Spain during the years between 2023 and 2025 at the HTS six-digit level. These trade categories are retail medicines (HTS 30.0490, Medicaments packages not elsewhere specified or included [Nesoi], Measured Doses, Retail pack Nesoi), and static converters and transformers (HTS 85.0440, Static Converters; Adp Power Supplies). Because these goods are related to the health of U.S. citizens and an ongoing transformer shortage in the United States, the Commission is not proposing to limit their import into the United States.

These purposes are frustrated by Spain preventing U.S. vessels from importing U.S. goods into Spain and exporting Spanish goods to foreign ports. The unfavorable conditions created by Spain that deny U.S. vessels access to Spanish ports and Spanish goods require a significant mix of remedies to meet or adjust them. Therefore, the Commission has proposed to limit meaningful volumes of Spanish imports to approximate the damage done to U.S. carriers and the liner fleet of U.S. vessels capable of meeting national security needs.

### 1. Perfumery and Cosmetics

The Commission proposes limiting imports of HTS chapter 33, Perfumery and Cosmetics. Perfumes and Toilet Waters (HTS 33.0300) imports were valued at nearly \$700 million in 2025. At the Chapter level (2-digit HTS 33) Essential Oils Etc.; Perfumery, Cosmetic Etc. Preps, represents nearly \$940 million in imports to the United States from Spain in 2025. The Commission proposes limiting imports of all goods falling under the HTS 33 chapter.

### 2. Oils and Fats

The Commission proposes limiting imports of HTS chapter 15, Oils and Fats. United States imports from Spain under this category at the two-digit level in 2025 were \$1.15 billion (Animal, Vegetable or Microbial Fats and Oils Etc.). At the four-digit level, the United States imports \$836.9 million from Spain under HTS 15.09 (Olive Oil & Its Fractions, Not Chemically Modified). The Commission proposes limiting imports of all goods falling under the HTS 15 chapter.

### 3. Ceramics

The Commission proposes limiting imports of HTS chapter 69, Ceramics. United States imports from Spain under this category in 2025 at the two-digit level were \$634.7 million (Ceramic Products). At the four-digit level, the United States imports \$523.7

million under HTS 69.07 (Ceramic Tiles and Mosaic Cubes) from Spain. The Commission proposes limiting imports of all goods falling under the HTS 69 chapter.

#### 4. Articles of Stone

The Commission proposes limiting imports of HTS chapter 68, Articles of Stone. United States imports from Spain under this category in 2025 totaled \$270.6 million (Articles of Stone, Plaster, Cement, Asbestos, Mica Etc.). At the 4-digit level, the United States imports \$176.9 million under HTS 68.10 (Articles of stone, plaster, cement, and related products) from Spain. The Commission proposes limiting imports of all goods falling under the HTS 68 chapter.

#### 5. Sugar and Confectionaries

The Commission proposes limiting imports of HTS chapter 17, Sugar and Confectionaries. U.S. imports from Spain under this category in 2025 sum to \$138.8 million (sugar and confectionary products). The majority of this trade takes place under the category specific to a single 6-digit code, 17.0490 (sugar confection including white chocolate, no cocoa). The Commission proposes limiting imports of all goods falling under the HTS 17 chapter.

### **VI. Public Participation and Request for Comments**

The Commission invites public comment on all aspects of this proposed rule, including the regulatory text and the preliminary regulatory analyses. The most helpful comments would reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data.

Please note that all comments received are considered part of the public record and will be made available for public inspection at <https://www.regulations.gov>. Such information includes personally identifiable information (“PII”) (such as your name and address). Any PII that is submitted is subject to being posted to the publicly accessible

[https:// www.regulations.gov](https://www.regulations.gov) site without redaction. The Commission will not accept anonymous comments.

The Commission may withhold from public viewing information provided in comments that it determines may impact the privacy of an individual, is offensive, or raises copyright or other legal concerns. For additional information, please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

*How do I submit confidential business information?*

The Commission may provide confidential treatment for identified confidential information to the extent allowed by law. If you would like to request confidential treatment, pursuant to 46 CFR 502.5, you must submit the following, by email, to [secretary@fmc.gov](mailto:secretary@fmc.gov):

- A transmittal letter that identifies the specific information in the comments for which protection is sought and demonstrates that the information is a trade secret or other confidential research, development, or commercial information.
- A confidential copy of your comments, consisting of the complete filing with a cover page marked “Confidential-Restricted,” and the confidential material clearly marked on each page.

- A public version of your comments with the confidential information excluded. The public version must state “Public Version—confidential materials excluded” on the cover page and on each affected page and must clearly indicate any information withheld.

## **VII. Rulemaking Analysis**

### *Administrative Law Matters*

Notice and comment procedures are not required because this final rule falls within the Administrative Procedure Act’s (APA) exception for “foreign affairs”

functions under 5 U.S.C. 553(a)(1).<sup>24</sup> The Commission, however, is voluntarily electing to issue a notice of proposed rulemaking and solicit public comment.

Because this rule falls within the APA’s foreign affairs function exemption, it is exempt from Executive Order 14192<sup>25</sup> and from interagency review under Executive Order 12866<sup>26</sup>.

#### *Paperwork Reduction Act*

This amendment does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). *See* 5 CFR 1320.3(c).

#### *Executive Order 12988 (Civil Justice Reform)*

This rule meets the applicable standards in Executive Order 12988 (Civil Justice Reform) to minimize litigation, eliminate ambiguity, and reduce burden.

#### *National Environmental Policy Act*

The Commission has determined that the National Environmental Policy Act (NEPA) does not apply to this action. NEPA only applies to “major federal actions.” The terms “major” and “Federal action” each have independent force. NEPA applies only when both of these two criteria are met. The proposed rulemaking, if finalized, would be a “Federal action” but not “major” and therefore not subject to NEPA. The Commission anticipates little to no environmental impact if the proposed changes are adopted. Proposed import restrictions merely restrict Spanish goods from import, but limited Spanish imports are expected to mostly be replaced by similar goods from other nations. Further, the fungibility of cargo containers means that carriers can easily replace lost Spanish cargo volume with volume of other cargo. Given this, the Commission has

---

<sup>24</sup> *See e.g.*, Department of State, *Determination: Foreign Affairs Functions of the United States*, 90 FR 12200 (March 12, 2025).

<sup>25</sup> Executive Order 14192, section 5(a).

<sup>26</sup> Executive Order 12866, section 3(d).

determined that there will be little to no impact if the proposed rule is adopted, and therefore NEPA does not apply to this action.

#### **List of Subjects in 46 CFR Part 551**

Maritime carriers, Spain.

For the reasons set out above, the Federal Maritime Commission proposes to amend 46 CFR part 551 as follows:

#### **Part 551—Regulations to Adjust or Meet Conditions Unfavorable to Shipping in the Foreign Trade of the United States**

1. The authority citation for part 551 continues to read as follows:

**Authority:** 46 U.S.C. 301-307; 46 U.S.C. 42101-42109; 46 CFR Part 550.

2. Add § 551.2 to read as follows:

#### **§ 551.2 Remedies to Meet or Adjust Conditions Unfavorable to Shipping in the Foreign Trade Created by the Government of Spain.**

(a) *Conditions unfavorable to shipping in the foreign trade.* The Federal Maritime Commission (Commission) after investigation has identified the following conditions unfavorable to shipping in the foreign trade of the United States created by the laws or regulations of the Government of Spain (Spain):

(1) Spain announced a policy of preventing certain vessels from docking at Spanish ports.

(2) Spain prevented U.S. flag vessels from docking at Spanish ports on at least three occasions.

(3) Spain expanded and formalized its policy of preventing certain vessels from docking at Spanish ports.

(b) *Definitions*—(1) *Spanish vessel* means a vessel registered under the Spanish flag, documented or registered under the laws of Spain.

(2) *Covered goods* means goods falling within the trade categories listed below that are exported from Spain and intended for import into the United States.

(i) HTS 33—Perfumery and Cosmetics

(ii) HTS 15—Oils and Fats

(iii) HTS 69—Ceramics

(iv) HTS 68—Articles of Stone

(v) HTS 17—Sugar and Confectionaries

(c) *Assessment of fees.* A fee of two hundred thousand dollars is assessed each time a Spanish vessel enters any port of the United States from any foreign port or place.

(d) *Refusal of clearance by the Secretary of the Department of Homeland Security.* If any Spanish vessel subject to this section fails to pay any fee within the prescribed period, the Commission may request the Secretary of the Department of Homeland Security to refuse clearance required by 46 U.S.C. 60105 to that vessel or any other Spanish vessel. If any vessel, regardless of country of registration, transports any covered goods to a United States port and offloads those covered goods, the Commission may request the Secretary of Homeland Security to refuse clearance required by 46 U.S.C. 60105 to that vessel until the covered goods are reloaded onto that vessel.

(e) *Denial of entry to or detention at United States ports by the Secretary of the Department of Homeland Security.* If any Spanish vessel fails to pay any fee required by this section within the prescribed period or if any vessel transports any covered goods destined for the United States, the Commission may request that the Secretary of the Department of Homeland Security:

(1) Deny entry for purpose of oceanborne trade, of any designated Spanish vessel or any vessel carrying covered goods to any port or place in the United States or the navigable waters of the United States; or

(2) Detain any designated Spanish vessel or any vessel carrying covered goods to any port or place in the United States or the navigable waters of the United States.

(f) *Adjustment in fees and goods to meet retaliatory measures.* Upon a finding by the Commission that U.S. carriers or shippers have been subjected to discriminatory fees, restrictions, services disruptions, denial of access to ports, or other retaliatory measures by Spain, or any agency, organization, or person under the authority or control thereof, the level of fee set forth in paragraph (c) of this section shall be increased and additional chapters of HTS goods shall be added to the definition of covered goods. The increase and additions shall be based on the economic harm to U.S. carriers or shippers as a result of such retaliatory actions, provided that the total fee under this section shall not exceed the limits for Commission fees set by statute and regulation.

By the Commission.

David Eng,  
Secretary.

[FR Doc. 2026-21067 Filed: 10/14/2026 8:45 am; Publication Date: 10/15/2026]