



## Regulations of the People's Republic of China on International Maritime Transport: Institutional Refinement and Strategic Considerations

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1. On 28 September 2025, Premier Li Qiang of the State Council issued a decree promulgating major revisions to the *Regulations of the People's Republic of China on International Maritime Transport* (“the Regulations”), which took effect on the same day. The timing of the amendment coincides with the U.S. Customs and Border Protection’s announcement (CSMS#66427144) to impose special fees, effective from 14 October, on vessels owned, operated, or constructed by Chinese entities pursuant to the Section 301 Investigation Report on China’s Targeting of the Maritime, Logistics and Shipbuilding Sectors for Dominance. This has drawn widespread attention and speculation across the global shipping industry. This article provides an overview and commentary on the key amendments, their background, and their implications.

### Overview of the Amendments

2. The revision modifies and supplements several provisions through five main amendments, adding new articles, refining countermeasure mechanisms, and rearranging article numbers. The core changes focus on two areas:

- a. Inclusion of international shipping exchange platforms under regulatory supervision;
- b. Elaboration of countermeasures in the international maritime sector.

### New Regulatory Regime for International Shipping Exchange Platforms

#### *Amendment to Article 2 – Inclusion of Platform Services*

3. Article 2(2) now provides that “Ancillary business activities related to international maritime transport include international ship agency, international ship management, international maritime cargo handling, international maritime cargo warehousing, international maritime container stations and yards, and international shipping exchange platform services.”

4. **Interpretation:** This amendment expressly classifies “international shipping exchange platform services” as ancillary activities related to international maritime

transport, thereby establishing a legal basis for regulatory oversight, filing, and data security review. Although the Regulations now include such platforms within the supervised scope, the term remains undefined. Reference may be made to the U.S. Ocean Shipping Reform Act of 2022, which defines a shipping exchange as a platform connecting shippers and carriers through data, off-market transactions, or other means to facilitate transport contracts. It is worth noting that under the *Ocean Shipping Reform Act of 2022*, the requirement to register with U.S. authorities applies not only to shipping exchanges established within the United States. Even if a shipping exchange is located outside the U.S., it is still obliged to conduct cross-border data transmission and registration if its business activities involve U.S. trade routes. How China will define the scope of “international shipping exchange platforms” therefore merits close attention.

#### *Addition of Article 22 – Information Reporting Obligations*

5. Article 22 provides that “Operators of international shipping exchange platforms shall report to the competent department of transport under the State Council information including the operator’s name, registration address, contact details, service agreements, and trading rules. The detailed measures shall be formulated by the competent department of transport under the State Council.”

6. **Interpretation:** This article establishes a reporting mechanism requiring operators to disclose essential business and trading information. It also specifies that the Ministry of Transport is the administration to receive and regulate the relevant data. The rule aligns with China’s broader policy direction of strengthening data security supervision and implementing filing and negative-list mechanisms for cross-border data activities. The Ministry of Transport is expected to specify procedures and data compliance requirements in its forthcoming revision of the Implementation Rules of the Regulations on International Maritime Transport.

#### *Addition of Article 39 – Legal Liability*

7. Article 39 provides that “Where an international shipping exchange platform operator fails to report information as

required, the competent department of transport under the State Council or its authorised local department shall order rectification within a prescribed time limit. Failure to rectify shall be punishable by a fine between RMB 20,000 and 100,000, and in serious cases, suspension of relevant business operations.”

8. **Interpretation:** This provision creates a clear consequence mechanism for non-compliance with reporting obligations. The level of penalties and possible business suspension signal regulatory seriousness. The Ministry is likely to implement oversight through filings, random inspections, and integration into the national credit supervision system.

### Refinement of the International Maritime Countermeasure Mechanism

#### *Amendment of Former Article 46 to Current Article 48 – Specification of Countermeasures*

9. Former Article 46 in the 2023 amendment provides that “Where any country or region adopts discriminatory prohibitions, restrictions or other similar measures against international maritime transport operators, vessels, or seafarers of the People’s Republic of China, the Government of the People’s Republic of China shall take corresponding measures in accordance with the principle of reciprocity.”

10. Current Article 48 provides that “Where a country or region that has concluded or jointly participates in an international maritime treaty or agreement with the People’s Republic of China violates the provisions of such treaty or agreement, thereby depriving or impairing the benefits that the People’s Republic of China enjoys under it, or obstructing the attainment of its objectives, the Government of the People’s Republic of China shall have the right to request that the government of the relevant country or region terminate such conduct, take appropriate remedial measures, and may, pursuant to the relevant treaty or agreement, suspend or terminate the performance of corresponding obligations. Where any country or region adopts, assists in, or supports discriminatory prohibitions, restrictions or other similar measures against operators, vessels or seafarers engaged in international maritime transport and its ancillary activities of the People’s Republic of China, except where adequate and effective remedies are available under the relevant treaty or agreement, the Government of the People’s Republic of China shall, based on the actual circumstances, take necessary countermeasures, including but not limited to:

- collecting special fees from vessels of the relevant country or region that berth at Chinese ports;
- prohibiting or restricting the entry into or departure from Chinese ports of vessels from that country or region;
- prohibiting or restricting organisations and individuals of that country or region from obtaining data and information related to China’s international maritime transport; and
- prohibiting or restricting organisations and individuals of that country or region from engaging in international maritime transport and its ancillary activities to and from

Chinese ports.”

11. **Interpretation:** Article 46 of the 2023 amendment was formerly Article 59 of the 2001 version of the Regulations, which already provided for “reciprocal countermeasures,” but the provision was overly general and lacked guidance on specific implementation measures. Although the *Regulations* have undergone several subsequent amendments, that provision remained unchanged, and no further elaboration was made in the Ministry of Transport’s implementing rules—until the present revision introduced a major refinement. The revised article removes the phrase “principle of reciprocity,” indicating that countermeasures are no longer limited to a strictly reciprocal framework. Moreover, unlike the previous broad authorization, the amended article enumerates concrete countermeasures, including:

- suspending or terminating the performance of China’s obligations under international maritime treaties or agreements with the relevant country or region;
- imposing special fees on vessels from such countries or regions calling at Chinese ports;
- restricting the entry and exit of their vessels at Chinese ports;
- restricting organisations or individuals of such countries or regions from accessing Chinese maritime-related data and information; and
- restricting organisations or individuals of such countries or regions from engaging in international maritime transport and ancillary services to and from Chinese ports.

12. This amendment is widely regarded as marking the formal extension of China’s foreign trade “countermeasure framework” into the field of international maritime transport, directly linked to the current global landscape of sanctions and counter-sanctions. It is worth noting three key aspects:

- a. The countermeasures target specific countries or regions, rather than individual shipping enterprises; it means that the target will only including vessels, organizations or individuals of specific countries or regions.
- b. The scope extends not only to countries or regions that impose discriminatory measures directly against Chinese international maritime operators, vessels, or seafarers, but also to those that assist or support such discriminatory actions; and
- c. Although the *Regulations* do not define “discriminatory prohibitions, restrictions or other similar measures,” the nature of the enumerated countermeasures suggests that such measures at least include: the imposition of special fees on vessels, restrictions on port access, limitations on access to maritime data and information, and prohibitions on engaging in international maritime transport and related services to and from ports.

13. An important question concerns how to define “vessels, organizations or individuals of specific countries or regions”. For vessels, does this refer solely to those registered under the ownership of that country, or will it extend to vessels that are constructed, owned, controlled,

managed, or operated by entities or individuals of that country? If so, how will *ownership* or *control* be determined? Will vessels financed by capital from that country also be covered? These questions are likely to attract significant attention and debate within the international maritime community. The Chinese Government's definition of this scope is expected to be similar to the way the United States defines Chinese vessels.

14. Earlier today, on **10 October 2025**, the Ministry of Transport, pursuant to the above-mentioned *Regulations*, issued the *Announcement on the Collection of Special Port Dues on Vessels of the United States* ("the Notice"). The Notice stipulates that, in accordance with the *Regulations*, beginning **14 October 2025**, special port dues shall be levied by the maritime administration at the port of call on vessels that fall under any of the following categories:

- Vessels owned by enterprises, other organisations, or individuals of the United States;
- Vessels operated by enterprises, other organisations, or individuals of the United States;
- Vessels owned or operated by enterprises or other organisations in which enterprises, organisations, or individuals of the United States directly or indirectly hold 25% or more of the equity, voting rights, or seats on the board of directors;
- Vessels flying the flag of the United States; and
- Vessels constructed in the United States.

15. The Notice also provides that special port dues shall be collected as follows:

- a. For the above-mentioned vessels, the special port dues shall be charged per voyage, to be implemented in stages, with the following specific rates (rounded up to the next whole net ton if less than one net ton):
  - o From 14 October 2025, RMB 400 per net ton;
  - o From 17 April 2026, RMB 640 per net ton;
  - o From 17 April 2027, RMB 880 per net ton;
  - o From 17 April 2028, RMB 1,120 per net ton.
- b. Where a vessel calls at multiple Chinese ports during the same voyage, the special port dues shall be paid only at the first port of call, and shall not be levied again at subsequent ports of call. For the same vessel, no more than five voyages per year shall be subject to the special port dues.

16. The notice indicates that "*vessels of specific countries or regions*" would be interpreted to at least include vessels that are built in that country, fly its national flag, are owned or operated by enterprises or individuals of that country, or are owned or operated by enterprises controlled by such entities or individuals. A direct or indirect ownership of 25% or more of the equity, voting rights, or seats on the board of directors is deemed to constitute control. However, the meaning of "operation" remains to be further clarified — whether it refers solely to *bareboat chartering*, or also extends to *time chartering*, *slot exchanges*, or *management arrangements* is yet to be determined.

17. Another important question concerns how to define "assist or support". A broad interpretation would bring significant turbulence to the shipping industry.

18. Since the purpose of these countermeasures is to

safeguard the interests of Chinese operators, vessels and seafarers engaged in international maritime transport and its ancillary services, and considering that this amendment has now incorporated "international shipping exchange platform services" into the category of "ancillary activities related to international maritime transport," discriminatory prohibitions, restrictions, or similar measures—whether adopted, assisted, or supported by other countries or regions—against international shipping exchange platforms may likewise trigger China's countermeasures. One of the major implications of this revision is that it has formally extended China's protection framework to cover international shipping exchange platforms.

### Standardisation of Terminology and Structural Adjustment

19. The term "*communication authorities*" in the *Regulations* has been uniformly replaced with "*transportation authorities*".

20. **Interpretation:** This modification constitutes an administrative normalisation to ensure consistency between the text of the *Regulations* and the current nomenclature of government institutions. It does not involve any substantive changes to powers or responsibilities.

### Overview of the Regulations

21. The *Regulations on International Maritime Transport* were first promulgated by the State Council in 2001, with the aim of regulating international maritime transport activities entering and leaving Chinese ports, as well as ancillary activities related to international maritime transport. They provide for the supervision and administration of activities such as approval, licensing, registration, filing, investigation, and enforcement in respect of, but not limited to, the following operations:

- a. International liner shipping;
- b. International passenger and bulk liquid dangerous goods transport;
- c. International general cargo transport;
- d. International non-vessel operating common carriage (NVOCC);
- e. International ship agency;
- f. International ship management;
- g. International maritime cargo loading and unloading;
- h. International maritime cargo warehousing;
- i. International maritime container stations and depots;
- j. International shipping exchange platform services.

### Historical Revisions of the Regulations

22. Since their implementation in 2001, the *Regulations on International Maritime Transport* have undergone several amendments:

- 2013 Revision: Abolished the merger and acquisition approval system for international shipping operators; replaced the approval system for Chinese-funded international ship agency businesses with a filing regime; and cancelled the approval requirement for representative offices of foreign shipping companies in China.

- 2016 Revision: Allowed enterprises engaged in international ship management to adopt a “commence business first, file later” procedure.
- 2019 Revision: Further removed certain approval requirements.
- 2023 Revision: Continued to convert remaining approval items into filing-based items.
- 2025 Revision: Focused on the regulation of shipping exchange platforms and the clarification of countermeasure mechanisms.

## Background to the Current Revision of the Regulations

23. The Department of Water Transport of the Ministry of Transport launched research for this revision in 2023, included it in the 2024 legislative agenda, and the amended Regulations were promulgated by the State Council on 28 September 2025. The revision reflects clear strategic considerations, including the following:

### Strengthening Legal Safeguards to Enhance China’s Shipping Exchange and Information Service Capabilities

24. On 8 December 2023, the Ministry of Transport, the People’s Bank of China, the National Financial Regulatory Administration, the China Securities Regulatory Commission, and the State Administration of Foreign Exchange jointly issued the *Guiding Opinions on Accelerating the High-Quality Development of the Modern Shipping Services Industry*. The document emphasised the need to: “Be guided by Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, fully implement the spirit of the 20th National Congress of the Communist Party of China, adhere to the new development philosophy, and take high-quality development of the modern shipping services industry as the main theme. The focus shall be on deepening supply-side structural reform of the modern shipping services industry, enhancing shipping exchanges, information consulting, shipping finance and insurance, maritime arbitration, human resources, and technical services, addressing weaknesses, strengthening weak links, improving the business environment, and enhancing functionality to comprehensively elevate the development level and international influence of modern shipping services.” The *Guiding Opinions* set the 2035 goal of establishing a “comprehensive, high-quality, open, integrated, intelligent, and low-carbon modern shipping service system,” significantly enhancing the functions of international shipping centres and clusters, positioning Shanghai among the world’s leading international shipping hubs, and achieving high-quality growth in the modern shipping services sector. Specifically, it called for enhancing shipping exchange and information service capabilities, expanding and strengthening China’s ship trading market, and supporting Shanghai’s prudent and orderly reform of the Shanghai Shipping Exchange. It also encouraged innovation in ship trading models, attraction of domestic and foreign vessels to participate in transactions, and support for qualified shipping exchanges to compile various types of shipping indices. The Opinions further urged the high-standard construction of the Hainan International Shipping Exchange Centre, the development of globally influential

shipping index providers, and the establishment of a complete, diversified, and widely used system of shipping indices to guide the orderly development of the maritime market. To achieve these objectives, the *Guiding Opinions* expressly proposed advancing the revision of the Regulations on International Maritime Transport and other related laws and regulations as part of the legal foundation for implementation.

### Digitalisation and Data Security Considerations

25. With the increasing frequency of cross-border data activities on shipping exchange platforms, data governance has become a central issue. In December 2022, the Central Committee of the Communist Party of China and the State Council issued the *Opinions on Building the Fundamental Data System to Better Leverage the Role of Data as a Production Factor*, which called for establishing a secure, standardised, and orderly mechanism for data circulation, opposing data hegemonism, and effectively countering the impact of “long-arm jurisdiction” in the data domain. Subsequently, the *Guiding Opinions* on modern shipping services also emphasised the need to strengthen the application and promotion of digital shipping and trade platforms and to enhance data sharing and business coordination. In December 2024, the Central Committee and the State Council further issued the *Opinions on Accelerating the Establishment of a Unified and Open Transport Market*, which explicitly required efforts to “advance the integration of data and technology to empower the development of the transport sector.” It directed that “Based on the national integrated big data centre collaborative innovation system, a comprehensive transportation big data centre system shall be established. The construction of a national comprehensive transport information platform shall be accelerated. Leveraging the national integrated government big data system, inter-regional, inter-departmental, and inter-provincial data sharing and exchange in the comprehensive transport sector shall be promoted. Data analysis and application shall be strengthened, the integrated development and intelligent use of data resources deepened, and standards and specifications for the collection, exchange, processing, and sharing of data across different modes of transport shall be improved. Data classification and hierarchical management shall be advanced, and catalogues of key industry data shall be compiled. A whole-process data security management system shall be established and improved, with strengthened cybersecurity, data security, and personal information protection within the transport system, and regular safety inspections and risk assessments shall be carried out. The shared service system for scientific and technological resources in the transport sector shall be improved.” The newly added Articles 22 and 39 of the Regulations reflect the country’s heightened emphasis on digitalisation in the maritime sector and data security, forming a strong institutional link with the *Data Security Law and the Provisions on Promoting and Regulating Cross-Border Data Flows*.

### External Pressure and Institutional Response

26. Since 2022, competition between China and the United

States in the maritime sector has intensified. In **June 2022**, the U.S. House of Representatives passed the *Ocean Shipping Reform Act of 2022* (OSRA 2022), marking the first major reform of U.S. international shipping regulation in twenty-five years. The Act's shift from a relatively liberal regime back to a stricter one reflected the United States' desire to reassert dominance in the global maritime market. Shortly before the OSRA 2022 came into effect, the General Office of the State Council of China issued the *Opinions on Promoting the Stability and Quality of Foreign Trade* (Guo Ban Fa [2022] No. 18), which explicitly called for “strengthening market supervision in the international maritime sector in accordance with the law, and investigating and handling acts of unfair competition, price violations, and monopolistic behaviour by relevant market entities.” This demonstrated China's proactive approach in enhancing its own maritime regulatory oversight.

27. In June 2023, following OSRA 2022, the United States introduced the *Ocean Shipping Reform Implementation Act of 2023*. Together, the two Acts established a registration regime for shipping exchanges. The 2023 bill went further by explicitly identifying the Shanghai Shipping Exchange as an institution of concern and research for the U.S. Federal Maritime Commission (FMC), authorising the FMC to investigate the Exchange and other foreign shipping exchanges, and requiring the U.S. Department of Transportation to appoint an independent auditor to review China's influence on the Exchange's commercial conduct and report to Congress. The Act also prohibited U.S. ports from using Chinese state-supported software systems — notably the LOGINK National Transport and Logistics Public Information Platform — a move that directly targeted the core interests of China's maritime industry. In December 2023, Chinese authorities publicly reaffirmed full support for the construction and development of the Shanghai Shipping Exchange, and in 2024, called for accelerating the establishment of a comprehensive national transportation big data centre system.

28. On 12 March 2024, five major U.S. labour unions — including the United Steelworkers (USW), International Association of Machinists and Aerospace Workers (IAM), International Brotherhood of Boilermakers (IBB), International Brotherhood of Electrical Workers (IBEW), and the Maritime Trades Department (MTD) of the AFL-CIO — jointly submitted a petition to the Office of the U.S. Trade Representative (USTR), requesting an investigation into China's “dominant behaviour” in the maritime, logistics, and shipbuilding sectors. The petition urged the USTR to impose “special port fees” on Chinese-built vessels calling at U.S. ports.

29. On 16 January 2025, the USTR released the *Section 301 Investigation Report on China's Targeting of the Maritime, Logistics, and Shipbuilding Sectors for Dominance* (hereinafter the “Investigation Report”). On 21 February 2025, the USTR published the final recommendations and quantitative measures based on the report, which included imposing additional fees on Chinese ship operators and on operators of vessels built in China, as well as introducing a “U.S. cargo preference ratio.” It also proposed technological restrictions on China in areas of maritime data and core

technologies. Following the introduction and subsequent revisions of specific additional fee measures on 17 April and 12 June 2025, the U.S. Customs and Border Protection (CBP) issued Notice CSMS#66427144 on 3 October 2025, announcing that, pursuant to the Section 301 Investigation, special fees would be levied — effective 14 October 2025 — on vessels owned, operated, or built by Chinese entities.

30. In response, on 10 October 2025, the Ministry of Transport of China issued its own announcement to impose special fees on vessels that are owned, controlled, operated, or constructed by U.S. entities, effective 14 October 2025.

31. These developments illustrate that the competition between China and the United States over the shipbuilding industry, maritime transport services, and maritime data has grown increasingly intense. Mutual control and countermeasure actions are likely to escalate further. This latest amendment to the *Regulations* clearly demonstrates China's resolve to counteract discriminatory measures taken by the United States in the maritime sector. In particular, the newly revised Article 48 provides China with a clear and comprehensive legal basis to adopt reciprocal countermeasures.

## Recommendations and Outlook

### Recommendations for International Shipping Exchange Platforms

#### *Proactively Conduct Compliance Self-Checks*

32. International shipping exchange platforms should promptly fulfil their data reporting obligations, establish internal self-inspection and compliance mechanisms, and submit the required information in a timely manner to avoid administrative penalties for non-compliance. Continuous attention should also be paid to the issuance of detailed reporting measures and implementing rules by the competent authorities.

#### *Strengthen Data Governance*

33. In accordance with the *Provisions on Promoting and Regulating Cross-Border Data Flows*, platforms should establish a cross-border data compliance framework, clearly defining approval procedures, security assessment standards, and responsible parties. The objective is to ensure the security and compliance of data transfers across borders. Sensitive information should undergo rigorous encryption and security assessments prior to cross-border transmission, taking into account relevant local policies.

#### *Pay Close Attention to Local Policies Concerning the Cross-Border Transfer of Maritime Data*

34. The *Negative Lists for Cross-Border Data Transfers* issued by Tianjin, Shanghai, Beijing, and the Hainan Free Trade Zone already cover maritime data, and platforms should assess their implications in advance. Taking Shanghai as an example, under three key policy documents — the *Administrative Measures for the Negative List of Cross-Border Data Transfers in the China (Shanghai) Pilot*

*Free Trade Zone and the Lin-gang Special Area (Trial)* (“Administrative Measures”), the *Negative List for Cross-Border Data Transfers in the China (Shanghai) Pilot Free Trade Zone and the Lin-gang Special Area (2024 Edition)* (“Negative List”), and the *Implementation Guidelines for the Negative List for Cross-Border Data Transfers in the China (Shanghai) Pilot Free Trade Zone and the Lin-gang Special Area (Trial)* (“Implementation Guidelines”) — the negative list applies to enterprises in the international and Hong Kong, Macao and Taiwan maritime sectors. These include port operators, shipping companies, freight forwarders, ship transport companies, maritime digital technology companies, third-party commercial service platforms, and data service platforms. The data catalogue subject to cross-border security assessment covers scenarios such as waterway transport services, port operations and production, and crew management. Important data include basic geographic information, port facility and equipment data, and sensitive personal information of crew members, among others. Accordingly, platforms must ensure that their data processing activities comply with these local policy requirements.

## **Recommendations for Shipping Enterprises**

### ***Monitor the Implementation of Countermeasures***

35. Shipping enterprises should closely follow the imposition of restrictions and counter-restrictions between China and the United States in the maritime sector, and promptly assess the potential impacts of special fees, port access limitations, and other restrictive or reciprocal measures. Where necessary, enterprises should consider adjusting ownership, shareholding, control, and operational structures in response to such countermeasures. It is advisable to avoid flying the flag of specific countries, refrain from management by entities of certain jurisdictions, or modify route arrangements accordingly.

### ***Strengthen Risk Management***

36. In light of the restrictions and counter-restrictions, enterprises should develop contractual and insurance

strategies to address international policy risks, control and mitigate performance risks under existing contracts, and ensure that future contracts incorporate appropriate risk prevention clauses.

### ***Enhance Communication Mechanisms***

37. Shipping enterprises should maintain close communication and information alignment with competent authorities and industry associations, and remain alert to relevant developments to anticipate potential regulatory or policy changes in advance.

### **Overall Outlook**

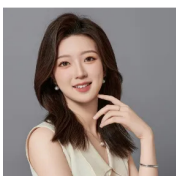
38. This revision is not merely a supplement to the existing regulatory framework but represents China’s proactive strategic positioning in the global competition over international maritime rules and data security governance. It is anticipated that the Ministry of Transport will soon revise and promulgate the *Implementation Rules of the Regulations of the People’s Republic of China on International Maritime Transport (2023 Edition)*. In addition, new regulations concerning the cross-border supervision of maritime data are expected to be introduced. Furthermore, beyond the Notice issued on 10 October 2025, a series of new measures targeting U.S.-invested shipping enterprises and shipping exchange platforms may be promulgated in due course, forming a more comprehensive framework for regulation and countermeasures.

### **Conclusion**

39. The latest revision of the *Regulations on International Maritime Transport* marks a significant shift in China’s maritime regulatory regime — from a model centred on market access management to one characterised by systematic governance and strategic countermeasures. For participants in international maritime business, understanding and adapting to this institutional evolution will be crucial for future compliance management and global strategic planning.



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