



**URGENT NOTICE**  
**UPDATE ON CHINA NVOCC FREIGHT FILING GUIDELINES**  
**OCTOBER 8, 2010**

The Shanghai Shipping Exchange (SSE), today October 8, 2010, pursuant to the provisions of Circular on Implementing Rules for Freight Filing of NVOCC issued by the China Ministry of Transport (M.O.T. 2010 No.40) on September 19, 2010, issued notice of Guidelines for NVOCC freight filings, and provided an Authorization format to allow foreign (non-Chinese) NVOCCs the ability to name its Chinese agents for filing purposes. In the event that your Chinese agent will be performing this function, see our web-site at [www.rorlaw.com](http://www.rorlaw.com) , at the following link: "China NVOCC Freight Filing Guidelines and Forms."

In our September, 2010 Newsletter, we reported that on September 19, 2010, Ministry of Transport of the PRC launched NVOCC freight filing rules referred as Circular No. 40 in 2010 on the Implementing Rules for NVOCC Freight Filing. The Implementing **Rules will take effect on October 1, 2010** with a sixty days grace period.

Pursuant to the new guidelines, a foreign NVOCC can either file the freight by itself or authorize its agent to do this. If authorizing an agent to file its freight with Shanghai Shipping Exchange, a foreign NVOCC is required to submit a power of attorney to Shanghai Shipping Exchange. See above. All NVOCCs shall submit freight filing application forms in Chinese to the Shanghai Shipping Exchange. SSE also posted a standard freight filing form in Chinese which is required to be used by NVOCCs. NVOCCs may not request to change freight after it is filed and before it takes effect. Further, NVOCCs are required to inform SSE 10 days before halting activity in a shipping lane.

The Guidelines provide that an NVOCC's first freight filing will take effect on the same day as the filing; the subsequent freight filings will take effect 30 days after it is published; surcharge filings will take effect after 24 hours.

Further, NVOCCs are required to specify freight and surcharges in their invoices. China's new tariff filing rule took effect on October 1, 2010 and grants a 60 days grace period. After the grace period, if an NVOCC fails to comply with the rules and regulations, the Ministry of Transport may impose penalties. Last year, the Ministry of Transport implemented the tariff filing rules for ocean common carrier, and has imposed penalties on some ocean common carrier which violated the rule.

---

**Editor: Carlos Rodriguez, Esq.**

**A Publication of Rodriguez O'Donnell Gonzalez & Williams © 2007**  
**1250 Connecticut Avenue, N.W., Suite 200, Washington, D.C. 20036**

**(202) 973-2999 Fax: (202) 293-3307, e-mail: [rodriguez@rorlaw.com](mailto:rodriguez@rorlaw.com), Web Site: [www.rorlaw.com](http://www.rorlaw.com)**

---

**Contact: Carlos Rodriguez [rodriguez@rorlaw.com](mailto:rodriguez@rorlaw.com); Tom O'Donnell [todonnell@chicago.rorlaw.com](mailto:todonnell@chicago.rorlaw.com);  
Henry Gonzalez [gonzalez@rorlaw.com](mailto:gonzalez@rorlaw.com); Kevin Williams [kwilliams@chicago.rorlaw.com](mailto:kwilliams@chicago.rorlaw.com); Zheng Xie  
[zxie@rorlaw.com](mailto:zxie@rorlaw.com)**