



JAPAN P&I NEWS

外航組合員各位

中国—海上交通安全法の改正のお知らせ

中国、上海の弁護士事務所 Sloma & Co.から下記の情報を入手しましたので、お知らせいたします。

1983年に制定、1984年に施行された中国海上交通安全法が今般改正され、2021年9月1日から施行されます。改正法では、船舶の航行や運航管理、海難事故時の対応について、より詳細なガイドラインと必要事項が定められています。

主な改正事項は以下のとおりです。

- (1) 海上交通安全規則の適正化および安全基準の引き上げ
- (2) 船舶と船員の管理強化および海上交通ルールの標準化
- (3) ライセンス認証のコントロール強化および関係当局の行政行為の標準化
- (4) 捜索・救助手順および事故調査・対応システムの向上
- (5) 違法な行為に対する責任の明記、責任調査の強化、民事紛争の仲裁手続の明確化

また、感染症を患った船員が乗船している船舶の取り扱いや事故の程度による分類などの条項も新設されています。

詳細は、Sloma & Co 作成の添付案内と英訳をご参照ください。

以上

添付資料: Introduction To Maritime Traffic Safety Law of PRC_As Amended 2021
Maritime Traffic Safety Law of the People's Republic of China_Revised in 2021

Introduction To Maritime Traffic Safety Law of PRC (As Amended 2021)

The newly amended Maritime Traffic Safety Law of PRC (hereinafter refer to as the “MTSL 2021”) will come into effect from 1 September 2021.

Background

Maritime Traffic Safety Law of 1983 (hereinafter refer to as the “MTSL 1983”) was enacted in 1983 and came into effect in 1984. The basic system of administration in China's maritime traffic safety has since then been established and effectively promoted the development of China's shipping industry. With the deepening of reform and the rapid economic and social development, the relevant contents of the MTSL 1983 could no longer adapt to the new situation and new requirements of maritime transportation and administration in respect of maritime traffic safety. The main legislative reasoning for the amendments to the previous law is as follows:

Firstly, the number of maritime vessels and facilities have increased significantly. The coastal waters are unprecedentedly busy, due to the increasingly complex maritime traffic environment and significantly increased safety risks. Thus, it is necessary to establish and improve the suitable regulatory system.

Secondly, maritime activities involve a wide range of areas and require professionalism. Certain procedures of maritime traffic safety rules need to be improved and standardized in accordance with the relevant laws and regulations in order to govern the practice of the administrative department of the maritime authorities.

Thirdly, most of the current articles concerning maritime traffic safety administration are provisions of general principles. In the process of implementation, certain problems have occurred, such as lack of clear legal basis and specific provisions, difficulty in implementing regulatory measures, etc. Therefore, the system design needs to be improved on basis of the past years' experience. Also, the pertinence and effectiveness of regulatory measures need to be enhanced.

Fourthly, maritime transport and traffic safety law are very international with strong foreign elements. In recent years, China has joined a number of international conventions on maritime traffic safety, which put forward new requirements for the administration of maritime traffic safety. Therefore it is necessary to revise and improve the existing laws so as to fulfill certain requirements and obligations under

the international conventions.

Under the circumstances, the Ministry of Transport studied and drafted the revision of the current law and submitted it to the State Council for approval. Upon repeatedly soliciting opinions from relevant departments and units of the central government, local people's governments and enterprises as well as the general public, the draft revision was formed and finalized.

Main contents of the revision

The MTSL 1983 consists of XII Chapters with 53 Articles while the MTSL 2021 consists of X Chapters with 122 Articles in total.

The main contents of the revision of the MTSL 2021 are as follows;

- (1) Optimizing the maritime traffic safety conditions and improving the security level.
- (2) Strengthening the administration of ships and crew members and standardizing the maritime traffic behaviors.
- (3) Strictly controlling administrative licensing matters and standardizing administrative acts of relevant authorities.
- (4) Improving the maritime search and rescue mechanism and the accident investigation and handling system.
- (5) Stipulating clear responsibilities for illegal acts, strengthening responsibility investigation, clarifying the arbitration procedures of civil disputes.

The MTSL 2021 contains many new provisions, including the rules concerning infectious disease of the crewmembers onboard (Article 40), measures to deal with the obstructions (Article 51), the classification of accident grade and conducting accident investigation (Articles 81 and 82), the time table of issuing the maritime traffic accident investigation report and report of determination of liability (Articles 85) and handling unseaworthy vessels or offshore facilities (Article 91).

In addition, Chapter IX (Legal Liability) of MTSL 2021 lists up the penalty range against the vessels or owners, managers or operators due to an illegal matter or violation of the laws. As can be seen, the amount of the penalty has increased significantly.

Apart from the above, the MTSL 2021 covers all the aspects of maritime industry, ship's navigation, berthing, operation and other maritime traffic-related activities. For the crewmembers on board and shipping companies engaging in business in China,

these provisions need to be carefully studied.

Comments

Compared with MTSL 1983, MTSL 2021 provides more detailed guideline/requirements on every aspect of the actions relating to navigation, operation of vessels and handling maritime accidents.

It is recommended that the owners, managers or operators of the vessels be more prudent in ship's navigation and operation, and keep close contact with local agent or correspondent in China in order to avoid any violation of the newly amended law.

Enclosure: English translation of the MTSL 2021.

SLOMA & CO.
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Maritime Traffic Safety Law of the People's Republic of China (Revised in 2021)

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Maritime Traffic Safety Law of the People's Republic of China (Revised in 2021)

The Maritime Traffic Safety Law of the People's Republic of China, adopted upon revision at the 28th Session of the Standing Committee of the Thirteenth National People's Congress on 29 April 2021, is hereby promulgated, effective 1 September 2021.

Xi Jinping

President of the People's Republic of China

29 April 2021

Maritime Traffic Safety Law of the People's Republic of China

(Adopted at the 2nd Session of the Standing Committee of the Sixth National People's Congress on 2 September 1983, amended according to the Decision on Revising 12 Laws including the Foreign Trade Law of the People's Republic of China at the 24th Session of the Standing Committee of the Twelfth National People's Congress on 7 November 2016, and revised at the 28th Session of the Standing Committee of the Thirteenth National People's Congress on 29 April 2021)

Chapter I General Provisions

Article 1 This Law is enacted with a view to strengthening maritime traffic control, maintaining maritime traffic order, protecting the safety of life and property, and safeguarding the rights and interests of the State.

Article 2 This Law shall be applicable to the navigation, berthing, operation and other

activities related to maritime traffic safety in the sea areas under the jurisdiction of the People's Republic of China.

Article 3 The State guarantees the transport by sea in accordance with law.

The principles of safety and prevention first, facilitating passage, and exercising administration according to law shall be followed for maritime traffic safety, so as to ensure the maritime traffic to be safe, orderly and smooth.

Article 4 The competent transport department under the State Council shall be in charge of the work of maritime traffic safety nationwide.

The maritime safety authority of the State shall be responsible for the supervision and administration of maritime traffic safety in a unified manner. Other maritime safety authorities at various levels shall be specifically responsible for the supervision and administration of maritime traffic safety within their respective jurisdiction according to their respective functions and duties.

Article 5 The people's governments at various levels and the departments concerned shall support the work of maritime traffic safety, strengthen the publicity and education on maritime traffic safety, and enhance the awareness of maritime traffic safety of the whole society.

Article 6 The State shall, according to law, ensure the labor safety and occupational health of the crew members and safeguard their lawful rights and interests.

Article 7 Any entity and individual engaged in the navigation, berthing and operation of vessels and offshore facilities as well as other activities related to maritime traffic shall abide by the laws, administrative regulations, rules, compulsory standards and technical specifications concerning maritime traffic safety; shall, according to law, enjoy the right to navigation guarantee and maritime salvage and undertake the obligations of safeguarding maritime traffic safety and protecting the marine ecological environment.

Article 8 The State shall encourage and support the application of advanced science and technology in the work of maritime traffic safety, promote the modernization of maritime traffic safety, and raise the level of the science and technology of maritime traffic safety.

Chapter II Vessels, Offshore Facilities and Crew Members

Article 9 Vessels of Chinese nationality, offshore facilities and shipping containers set up in the sea areas under the jurisdiction of the People's Republic of China, as well as the important marine equipment, parts and materials determined by the maritime safety authority of the State as related to maritime traffic safety, shall comply with the requirements of the relevant laws, administrative regulations, rules, compulsory standards and technical specifications and pass

the inspection of a vessel inspection agency, for which the corresponding certificates and documents shall be obtained. The list of certificates and documents shall be formulated and promulgated by the maritime safety authority of the State.

The establishment of a vessel inspection agency shall be approved by the maritime safety authority of the State. The conditions and procedures for the establishment of the vessel inspection agency and the administration thereof shall be subject to the provisions of the relevant laws and administrative regulations on vessel inspection.

Entities holding the relevant certificates and documents shall use the vessels, offshore facilities, shipping containers and important marine equipment, parts and materials for the prescribed purposes and shall carry out regular safety and technical inspections according to law.

Article 10 No vessel may fly the national flag of the People's Republic of China for navigation, berthing or operation until it has applied to the maritime safety authority for vessel nationality registration and obtained the certificate of nationality in accordance with the relevant laws and administrative regulations on vessel registration.

Where a vessel of Chinese nationality is lost or scrapped, the vessel owner shall apply for the cancellation of its nationality registration within the time limit prescribed by the competent transport department under the State Council; where the vessel owner fails to apply for the cancellation of its nationality registration within the time limit, the maritime safety authority may issue a public announcement on the proposed compulsory cancellation of nationality registration. Where the vessel owner fails to raise any objection within 60 days as of the date of the public announcement, the maritime safety authority may cancel the nationality registration of the vessel.

Article 11 The owner, operator or manager of a vessel of Chinese nationality shall establish and operate a management system for safe operation and prevention and control of vessel pollution.

The maritime safety authority shall issue a conformity certificate and the corresponding certificate of vessel safety management if the management system prescribed in the preceding paragraph is qualified upon review.

Article 12 The owner, operator or manager of an international voyage vessel of Chinese nationality shall, in accordance with the provisions of the competent transport department under the State Council, establish a vessel security system, formulate a vessel security plan, equip the vessel security equipment in accordance with the vessel security plan and carry out regular drills.

Article 13 The Chinese crew members and the working personnel on board the offshore

facilities shall receive professional education and training on maritime traffic safety and corresponding posts.

The Chinese crew members shall, in accordance with the relevant laws and administrative regulations on the administration of crew members, apply to the maritime safety authority for the certificate of competency for crew members and obtain a health certificate.

Where foreign crew members work on a vessel of Chinese nationality, the provisions of the relevant laws and administrative regulations on the administration of crew members shall govern.

A crew member shall, when working on a vessel, comply with the scope of vessel, navigation area and duties as stated in the certificate of competency for crew members.

Article 14 The owner, operator or manager of a vessel of Chinese nationality shall apply to the maritime safety authority for a maritime labor certificate for its international voyage vessel. A vessel shall meet the following conditions for obtaining a maritime labor certificate:

(1) the owner, operator or manager recruits and signs a labor contract or employment agreement with crew members according to law and equips the vessel with qualified crew members;

(2) the owner, operator or manager has guaranteed that the working environment, occupational health guarantee and safety protection, working and rest time, wages and remuneration, living conditions, medical conditions, social insurance, etc. of the crew members on board the vessel comply with the relevant provisions of the State;

(3) the owner, operator or manager has established a crew complaints and handling mechanism that meets the relevant requirements; and

(4) the owner, operator or manager has provided corresponding financial guarantee or bought appropriate insurance for the repatriation expenses of the crew members as well as the expenses that shall be paid according to law in the event of the injury, illness or death occurred during their employment on the vessel.

The maritime safety authority shall, in consultation with the authority of human resources and social security and according to their respective functions and duties, examine whether the applicant and its vessel meet the conditions as prescribed in the preceding paragraph. If the applicant meets the prescribed conditions upon examination, the maritime safety authority shall issue a maritime labor certificate within 10 workdays from the date of accepting the application; if the applicant fails to meet the prescribed conditions, the maritime safety authority shall inform the applicant of the result and explain the reasons.

The specific measures for the issuance, supervision and inspection of maritime labor certificates shall be enacted and promulgated by the competent transport department under the State Council jointly with the administrative department of human resources and social security under the State Council.

Article 15 The maritime safety authority shall, in accordance with the provisions of the relevant laws and administrative regulations on the administration of crew members, administer the entities engaging in training business for crew members of ocean-going vessels.

Article 16 The competent transport department under the State Council, other relevant departments and the local people's governments at or above the county level shall establish and improve the early warning and emergency response mechanism for emergencies of seafarers occurring overseas and formulate emergency plans for emergencies of seafarers occurring overseas.

The people's government of the province, autonomous region, or municipality directly under the Central Government where the entity dispatching seafarers is located shall take charge of handling the emergencies of seafarers occurring overseas, and the people's government of the province, autonomous region, or municipality directly under the Central Government where the permanent residence of the seafarers is located shall provide cooperation.

Embassies and consulates of the People's Republic of China in foreign countries and the relevant maritime safety authorities shall assist in the handling of emergencies of seafarers occurring overseas.

Article 17 The applicable scope of vessels as prescribed in Articles 9 through 12, and Article 14 of this Chapter shall be specifically provided for in the relevant laws and administrative regulations, or shall be formulated by the competent transport department under the State Council and promulgated upon the approval of the State Council.

Chapter III Maritime Traffic Conditions and Navigation Guarantee

Article 18 The competent transport department under the State Council shall carry out overall planning and administration of the maritime traffic resources and promote the rational exploitation and effective utilization of the maritime traffic resources.

The maritime traffic resources plan shall be in conformity with the territorial spatial planning.

Article 19 The maritime safety authority shall, in light of the natural conditions of the sea areas, the maritime traffic conditions and the needs of maritime traffic safety administration, delimit, adjust and publish in time the maritime traffic functional areas such as vessel routing areas, vessel reporting areas, traffic control areas, prohibited navigation areas, safety operation

areas and anchorages outside of ports, etc.

The maritime safety authority shall, when delimiting or adjusting vessel routing areas, anchorages outside of ports and safety operation areas that may affect other marine functional areas or sea use activities, solicit opinions from the relevant authorities of fishery administration, ecology and environment, and natural resources, etc. The delimitation and adjustment of prohibited navigation areas for military purposes shall be decided by the military authorities responsible for delimitation and adjustment of prohibited navigation areas and shall be promulgated by the maritime safety authority.

Article 20 Where the construction of a marine project or coastal project affects the maritime traffic safety, the facilities and equipment for preventing collision of vessels shall be installed and special navigation marks shall be set up as the case may be.

Article 21 The State establishes and improves the maritime traffic support service systems such as vessel positioning, navigation, timing, communications and remote monitoring, etc., providing information services for vessels and offshore facilities.

Article 22 No entity or individual may damage the maritime traffic support service system or hinder its working efficiency. Where the construction of buildings or structures or use of facilities and equipment may affect the normal operation of the maritime traffic support service system, the construction entity, the owner, or the user shall consult with the management entity of the relevant maritime traffic support service system and make proper arrangements.

Article 23 The competent transport department under the State Council shall take necessary measures to ensure the reasonable distribution and effective coverage of the radio communication facilities for maritime traffic safety, make plans for the construction layout and site of maritime radio stations of its own system (industry), and issue standard vessel radio station license and radio station identification code.

The competent transport department under the State Council shall organize the establishment of maritime radio monitoring system of its own system (industry) and monitor their radio signals, and shall, jointly with the radio regulatory authority of the State, maintain the order of maritime radio waves.

Article 24 Where vessels need to use shore-based radio stations to relay their communication within the sea areas under the jurisdiction of the People's Republic of China, the relay shall be carried out through domestic coastal radio stations or satellite gateways that are set up according to law.

Crew members undertaking the tasks of radio communication and the working personnel of shore-based radio stations shall abide by the rules governing maritime radio communication,

keep the communication channels on duty and unimpeded for maritime traffic safety, and shall not use the communication frequency for maritime traffic safety to exchange contents irrelevant to maritime traffic safety.

No entity or individual may, in violation of the relevant provisions of the State, use the radio station identification code to affect the identification for maritime search and rescue.

Article 25 The astronomy, meteorology, ocean and other relevant entities shall timely forecast, broadcast and provide the information about nautical astronomy, universal time, marine meteorology, ocean waves, ocean currents, tides, ice conditions, etc.

Article 26 The competent transport department under the State Council shall conduct a unified layout, construction and administration of public navigation marks. Where a construction entity, owner or operator of a marine or coastal project needs to install or dismantle any special navigation mark, move any special navigation mark position or change the lighting or power of any navigation mark, it shall report to the maritime safety authority for approval. Where temporary navigation marks are needed to be set up, they shall conform to the setting sites of navigation marks determined by the maritime safety authority.

The competent authority of natural resources shall guarantee the land, sea areas and islands used for the facilities and installations of navigation marks according to law and handle the relevant formalities for them according to law.

The construction, maintenance and repair of navigation marks shall comply with the requirements of the relevant compulsory standards and technical specifications. The entities undertaking the maintenance of navigation marks and the owners of special navigation marks shall conduct patrol and maintenance of the navigation marks, so as to ensure the navigation marks are in good conditions for use. Where navigation marks are shifted, damaged or lost, the entities undertaking the maintenance of navigation marks or the owners of special navigation marks shall make timely recovery.

Article 27 Upon discovering any of the following circumstances, any entity or individual shall immediately report to the maritime safety authority; if the duties of waterway administration or special navigation marks are involved, the maritime safety authority shall timely inform the waterway administration or the owner of the special navigation marks:

- (1) shifting, damage or loss of aids to navigation or navigational facilities;
- (2) sunken, floating, grounding objects or other navigational obstructions hindering the safety of maritime traffic; or
- (3) other abnormal circumstances impeding the maritime traffic safety.

Article 28 The maritime safety authority shall, according to the need of the administration of maritime traffic safety, issue the navigation warning with regard to the situation of urgency and danger and issue navigation notices with regard to other situations that affect maritime traffic safety.

The maritime safety authority shall circulate the navigation warnings, navigation notices and the delimitation or adjustment of routing areas of vessels to the authority for assuring maritime navigation of the navy and provide relevant materials in a timely manner.

Article 29 The maritime safety authority shall broadcast the information on maritime traffic safety to vessels and offshore facilities in a timely manner.

When vessels and offshore facilities navigate, berth or operate in routing areas, traffic control areas or areas crowded with navigable vessels, the maritime safety authority shall, upon request, provide corresponding safety information services.

Article 30 The following vessels that intend to navigate, anchor or change berths in the pilotage areas designated by the competent transport department under the State Council shall apply to the pilotage organization for pilotage:

(1) vessels of foreign nationality, except those exempted as prescribed by the competent transport department under the State Council upon approval of the State Council;

(2) nuclear-powered vessels, vessels carrying radioactive substances, and ultra-large oil tankers;

(3) bulk liquefied gas carriers or bulk dangerous chemicals carriers that may endanger the safety of the port; and

(4) vessels with length, width and height close to the corresponding limited values of navigation conditions of waterways.

The specific standards for vessels mentioned in Item (3) or (4) of the preceding paragraph shall be formulated and promulgated by the relevant maritime safety authority in the light of the actual conditions of the port.

Where a vessel applies for pilotage of its own free will, the pilotage organization shall provide pilotage services.

Article 31 The pilotage organization shall dispatch pilots with corresponding competence and experience in time to provide pilotage services for vessels.

The pilot shall embark and disembark the piloted vessel in the specified water area as designated by the pilotage organization and perform the pilotage tasks safely and cautiously.

The piloted vessel shall be equipped with embarking and disembarking devices complying with the provisions and shall ensure the safety of the pilot while embarking and disembarking the vessel and on board the vessel.

When the pilot is piloting a vessel, the captain's duties of command and management of the vessel shall not be relieved.

Article 32 The competent transport department under the State Council shall, in light of the security threats faced by vessels, offshore facilities and ports, determine and promulgate the security grades in a timely manner. Vessels, offshore facilities and ports shall take corresponding security measures in accordance with the security grades.

Chapter IV Navigation, Berthing and Operation

Article 33 Vessels navigating, berthing or undertaking operations shall hold the effective certificate of vessel nationality and other statutory certificates and documents, be equipped with nautical books and materials published according to the relevant provisions, hang the flags of the relevant countries, regions or organizations, and indicate the vessel name, vessel identification number, port of registry and load line marks.

Vessels shall meet the requirements for minimum safe manning and be staffed with crew members holding the valid certificate of conformity.

While berthing or undertaking operations, the offshore facilities shall hold legal certificates and documents and provide the persons with professional skills of collision prevention, signaling, communications, firefighting, life-saving, etc.

Article 34 The captain shall, before sailing, check and confirm the competency of crew members, the seaworthiness of the vessel and the cargo-worthiness, know the information on meteorology and sea conditions as well as the navigation notices, navigation warnings and other warning information issued by maritime safety authority, and implement the corresponding emergency measures, and shall not risk sailing.

The owner, operator or manager of a vessel shall not instigate or force the crew members to risk operations in violation of the rules.

Article 35 Vessels shall navigate, berth and operate within the navigation area specified in the vessel inspection certificate.

Vessels navigating, berthing or undertaking operations shall abide by the related rules of navigation, show signals, hang marks in accordance with the related provisions, and keep enough additional depth.

Article 36 When a vessel navigates, the devices for navigation safety, security, and pollution

prevention, such as automatic identification, navigation data recording, remote identification and tracking, and communications, shall be turned on in accordance with the related provisions for continuous display and recording.

No entity or individual may unseal, dismantle, initialize, re-set navigation data recording device or read the recorded information, except as otherwise provided for by laws and administrative regulations.

Article 37 Vessels shall be equipped with logbooks, engine logs, radio record books and other navigation records, and shall, in accordance with the relevant provisions, comprehensively, authentically and timely record the major events in the operation of vessels involving maritime traffic safety and navigation, berthing and operation of vessels, and the relevant record books shall be kept in good condition.

Article 38 The captain shall be responsible for the management and command of the vessel. The captain shall have the right to make independent decisions in respect of safeguarding marine life safety, vessel security, and prevention and control of vessel pollution.

The captain shall take necessary measures to protect the safety of the vessel, persons on board, vessel navigation documents, cargo and other property. The crew members, passengers and other persons on board shall carry out orders given by the captain within the scope of his/her functions and powers.

Article 39 In order to ensure the safety of the vessel and persons on board, the captain shall be entitled to confine or take other necessary restrictive measures against those suspected of committing illegal or criminal activities on board within the scope of his/her functions, and to guard against their concealment, destruction or forgery of evidence.

The captain shall, when taking the measures as mentioned in the preceding paragraph, make a written report of the case, which shall be signed by him/her and by two or more persons on board. Upon arrival at a port of China, a vessel of Chinese nationality shall promptly hand over the persons concerned to the competent authority.

Article 40 The captain shall, upon discovering that any person on board has contracted or suspected of contracting an infectious disease seriously threatening the health of other persons, immediately initiate the corresponding emergency plan, take necessary isolation measures for the relevant persons within the scope of his/her functions and duties, and promptly report to the competent authority.

Article 41 If the captain dies during the voyage or is unable to perform his/her duties for whatever reason, the deck officer with the highest rank shall act as the captain; before the vessel sails from its next port of call, its owner, operator or manager shall appoint a new captain to take over the post.

Article 42 Crew members shall maneuver and manage the vessel in accordance with the relevant rules and regulations concerning navigation and on duty, the operating rules and the instructions of the captain, keep safety watch and shall not leave their post without permission. No crew member shall, before performing his/her duties on board and during the period of duty, take in any food, medicines or other articles that might affect his/her safety watch.

Article 43 A vessel entering or leaving a port, anchorage or passing through a bridge water area, straits, narrow water area, important fishery water area, area with densely navigable vessels, vessel routing area or traffic control area shall strengthen the watch, maintain the safe speed and comply with the special navigation rules of the aforesaid areas.

The competent department of fishery administration under the State Council shall delimit and announce the important fishery water areas mentioned in the preceding paragraph after soliciting the opinion of the competent transport department under the State Council.

When crossing a channel, a vessel shall not impede the normal navigation of the vessel therein, or exceed the bow of another vessel. Vessels that exceed the navigation limit of the bridge are forbidden to enter the waters of the bridge area.

Article 44 No vessel may enter or pass through a prohibited navigation area in violation of the provisions.

When entering or leaving the vessel reporting area, a vessel shall report its position and dynamic information to the maritime safety authority.

Within the scope of safety operation area and anchorage outside of ports, aquaculture, planting, fishing and other operations or activities that may affect maritime traffic safety shall be prohibited.

Article 45 Vessels carrying or towing over-length, over-height, over-width or semi-submerged vessels, offshore facilities or other objects shall take special safety support measures such as strengthening of the towing parts and escorting, etc., report the navigation plan to the maritime safety authority before setting sail, and show signals and hang marks in accordance with the relevant provisions; those towing mobile platforms, floating docks and other large offshore facilities shall submit the towage inspection certificate issued by a vessel inspection agency for examination according to law.

Article 46 When entering or leaving a port, an international voyage vessel shall apply to the maritime safety authority for permission according to law and accept the supervision and inspection of the maritime safety authority and other port inspection organs. The maritime

safety authority shall make a decision on whether or not to grant permission within five workdays upon acceptance of the application.

A foreign vessel, when temporarily entering the water areas not opened to outside, shall obtain permission in accordance with the provisions of the State Council on the entry or exit of vessels into or out of ports.

When a domestic voyage vessel enters or leaves a port or a loading and unloading station outside a port, it shall report the voyage number plan, seaworthiness, crew manning, carriage of passengers and goods, etc. of the vessel to the maritime safety authority.

Article 47 Vessels shall berth at wharves, berths, loading and unloading stations, anchorages, and safety operation areas that meet the safety conditions. The berthing of vessels shall not endanger the safety of other vessels and offshore facilities.

When entering or leaving a port or a loading and unloading station outside a port, vessels shall meet the berthing conditions and the requirements for navigation conditions such as tides, meteorology, and sea conditions, etc.

Where the over-length, over-height or over-width vessels or the vessels with limited maneuverability enter or leave a port or a loading and unloading station outside a port, which may affect the maritime traffic safety, the maritime safety authority shall check the safety conditions of the vessels entering or leaving a port and may require the vessels to take corresponding safety measures such as adding tugboats, entering the port by tide, etc.

Article 48 Construction operations conducted within the sea areas under the jurisdiction of the People's Republic of China shall be licensed by the maritime safety authority, and a corresponding safety operation area shall be designated. The following conditions shall be met for obtaining a license for marine construction operations:

(1) the entities, personnel, vessels, and facilities of the construction operations comply with the requirements for safety navigation, berthing, and operations;

(2) having a plan for construction operations; and

(3) having the support measures, emergency plans, and accountability system that meet the requirements for maritime traffic safety and for preventing vessels from polluting the marine environment.

Vessels engaged in construction operations shall operate within the approved safety operation area and the administrative measures for maritime traffic safety shall be carried out. Other unrelated vessels and offshore facilities may not enter the safety operation area.

The legal provisions on port administration shall apply to the operations that may endanger

port safety, such as digging, blasting, etc. carried out within the water area of a port.

Article 49 Those engaged in surface or underwater activities such as sports, entertainment, drills, trial navigation, scientific observation, etc. shall abide by the administrative provisions on maritime traffic safety; where maritime traffic safety may be affected, the scope of the sea areas involved in such activities shall be reported to the maritime safety authority 10 workdays in advance.

Article 50 After the completion of marine construction operations or surface or underwater activities, the relevant entities and individuals shall eliminate in time the hidden hazard that may endanger maritime traffic safety.

Article 51 The owner, operator or manager of navigation obstructions shall, pursuant to the requirements of the relevant compulsory standards and technical specifications, set up warning marks in a timely manner, report the name, shape, size, location and depth of the navigation obstructions to the maritime safety authority, and carry out salvage and clearance of the obstructions within the time limit set forth by the maritime safety authority. The abandonment of the ownership by the owner of the navigation obstructions shall not relieve its obligation of salvage and clearance.

Where the owner, operator or manager of the navigation obstructions cannot be determined, the maritime safety authority shall organize the setting up of marks, the salvage operation or take corresponding measures, and the expenses incurred shall be included in the department budget.

Article 52 In case of any of the following circumstances that considerably affect maritime traffic safety, the maritime safety authority shall, as the case may be, take corresponding traffic control measures such as suspending navigation, limiting the speed or delimiting traffic control areas, etc., and announce the same to the public:

- (1) bad weather and sea conditions;
- (2) a maritime distress or a maritime traffic accident affecting navigation occurs;
- (3) carrying out military training, drills or other relevant activities;
- (4) carrying out large-scale surface or underwater activities;
- (5) navigation density in a particular sea area is close to saturation; or
- (6) other situations having a fairly serious effect on maritime traffic safety.

Article 53 For the purpose of maintaining maritime traffic safety and protecting the marine

environment, the competent transport department under the State Council may, in conjunction with relevant competent departments, take necessary measures to prevent and stop the non-innocent passage of foreign vessels through the territorial sea.

Article 54 The following vessels of foreign nationality entering and leaving the territorial sea of the People's Republic of China shall report to the maritime safety authority:

(1) submersibles;

(2) nuclear-powered vessels;

(3) vessels carrying radioactive substances or other poisonous and harmful substances; and

(4) other vessels that may endanger the maritime traffic safety of the People's Republic of China as provided for by laws, administrative regulations or the provisions of the State Council.

Vessels mentioned in the preceding paragraph, when passing through the territorial sea of the People's Republic of China, shall hold relevant certificates, take special precautionary measures that conform to the laws, administrative regulations and rules of the People's Republic of China and accept instructions and supervision of the maritime safety authority.

Article 55 No vessels of foreign nationality may enter the internal waters of the People's Republic of China unless they have obtained permission to enter the port in accordance with the provisions of this Law; but they may enter the internal waters due to urgent illness of personnel or malfunction of the engine or the wreck or seeking shelter from wind or other emergencies when they have no time to obtain permission.

Vessels of foreign nationality that enter the internal waters of the People's Republic of China due to the emergencies specified in the preceding paragraph shall, while entering the internal waters of the People's Republic of China, make an emergency report to the maritime safety authority and accept instructions and supervision of the maritime safety authority. The maritime safety authority shall, in a timely manner, notify the coast guard authority of the sea areas under its jurisdiction, the nearby exit and entry frontier inspection organ, the local public security organ, the customs and other competent authorities.

Article 56 Military vessels of the People's Republic of China carrying out military tasks or official vessels performing official duties, may, under the prerequisite of ensuring the safety of maritime traffic, be not restricted by the relevant rules governing navigation, berthing and operation in case of emergency.

Chapter V Safety of Marine Passenger and Goods Transportation

Article 57 Except for emergency rescue or life salvage, passenger vessels shall carry passengers in accordance with the passenger quota as verified in the certificate of vessel

inspection. The cargo vessels carrying goods shall conform to the load line and categories of goods as verified in the certificate of vessel inspection and may not carry passengers.

Article 58 A passenger vessel carrying passengers shall not carry dangerous goods at the same time.

Passengers may not carry with them or secretly carry in their luggage any dangerous articles as provided for by laws, administrative regulations or by the competent transport department under the State Council.

Article 59 Passenger vessels shall clearly display the safety instructions to passengers at conspicuous places, set up safety marks and warnings. The passenger vessels shall also introduce to passengers the use of life-saving appliances and the emergency measures to be taken in emergencies. Passengers shall observe the requirements for boarding safely.

Article 60 The local people's governments at or above the county level of the place where maritime ferries are located shall establish and improve the responsibility system for safety administration of ferries, formulate measures for safety administration of maritime ferries, supervise and guide operators of maritime ferries in implementing the primary responsibilities for safety, maintain ferrying order and ensure the safety of ferrying.

The routes of maritime ferries shall be delimited by the competent transport departments of the local people's governments at or above the county level of the place where the ferries are located jointly with the maritime safety authority. Ferries shall operate in a safe manner along the designated route.

In case of bad weather or sea conditions, the local people's governments at or above the county level or their designated departments shall issue a public announcement on the suspension of ferrying.

Article 61 In carrying goods, vessels shall be safely loaded, unloaded, stowed, isolated, secured and managed in accordance with the relevant laws, administrative regulations, rules, compulsory standards and technical specifications.

Article 62 A vessel carrying dangerous goods shall hold a valid certificate of fitness for carriage of dangerous goods, and shall, in accordance with the characteristics of dangerous goods and the requirements of emergent measures, work out an emergency disposal plan for dangerous goods, and be equipped with proper fire control and emergency equipment and facilities.

Article 63 At the time of consigning dangerous goods, a consignor shall inform the carrier of the proper name, dangerous nature and the protective measures to be taken, and shall properly

pack them and affix conspicuous marks and labels for dangerous goods in accordance with the relevant laws, administrative regulations, rules, compulsory standards and technical specifications.

The consignor may not include dangerous goods secretly in the consigned ordinary goods, or falsely report the dangerous goods as ordinary goods for shipment.

Where the goods consigned by the consignor are not specified in the International Maritime Dangerous Goods Code and the National List of Dangerous Goods, but have dangerous characteristics, the consignor shall also submit a document issued by a relevant professional organization certifying the dangerous characteristics of the goods and the protective measures to be taken, etc.

The standards for determining the dangerous characteristics of goods shall be formulated and promulgated by the maritime safety authority of the State.

Article 64 Where a vessel carrying dangerous goods enters or exits a port, it shall meet the following conditions, and shall, upon approval of the maritime safety authority, report to the maritime safety authority such matters as the entry or exit of the port and the time of its stay, etc.:

(1) the dangerous goods carried thereby comply with the requirements for safe carriage by sea;

(2) the loading of the vessel shall meet the requirements for the certificates and documents held; and

(3) the port, wharf or berth for berthing or operations on loading and unloading of dangerous goods shall have the qualifications for operation of dangerous goods as prescribed by the relevant laws and administrative regulations.

The maritime safety authority shall make a decision of approval or disapproval within 24 hours as of the time of receipt of the application.

A fixed vessel or a vessel along a fixed route and carrying a fixed type of goods may apply for a permit for multiple entry or exit of port within a certain time limit, and the time limit shall not exceed 30 days. The maritime safety authority shall make a decision of approval or disapproval within 5 workdays as of the date of receiving the application.

Where the maritime safety authority grants approval, it shall notify the port administrative authority.

Article 65 Where vessels and offshore facilities are engaged in the transportation or loading, unloading or lightering of dangerous goods, they shall formulate an operation scheme, observe the relevant compulsory standards and operational rules for safe operation, and take necessary

preventive measures, so as to prevent safety accidents.

Where the lightering of dangerous liquid goods in bulk is carried out outside the water area of a port, the following conditions shall also be met, and the maritime safety authority shall grant approval and verify the safety operation area:

(1) the vessels or offshore facilities to conduct lightering operations shall meet the requirements for maritime traffic safety and for prevention and control of marine environmental pollution caused by vessels;

(2) the goods to be lightered comply with the requirements for safe lightering;

(3) the personnel taking part in the lightering operations shall have the capacity for lightering operations as prescribed by laws and administrative regulations;

(4) the water area for operation and its bottom characteristics, and the surrounding environment are suitable for carrying out lightering operations;

(5) the lightering operations do not pose threatening to the marine resources, and the military targets and major civil targets nearby; and

(6) having the lightering operation plans, safety safeguard measures, and emergency plans that comply with the safety requirements.

With respect to a vessel that operates for a single voyage, the maritime safety authority shall make a decision of approval or disapproval within 24 hours from the day when it receives the application; with respect to a vessel that operates for more than one voyage in a specific water area, the maritime safety authority shall make a decision of approval or disapproval within 5 workdays from the day when it receives the application.

Chapter VI Maritime Search and Rescue

Article 66 Any person who is in distress at sea shall enjoy the right to rescue his/her life in accordance with law. Life salvage shall take precedence over environmental and property salvage.

Article 67 The principles of government leadership, unified command, territorial jurisdiction, combination of specialists and the masses, proximity and speediness shall be adhered to in the maritime search and rescue work.

Article 68 The State shall establish a coordination mechanism for maritime search and rescue, make overall arrangements for the nationwide emergency response to maritime search and rescue, study and solve major problems in maritime search and rescue, and organize and coordinate the emergency actions of major maritime search and rescue. The coordination

mechanism shall be composed of the relevant departments and entities of the State Council and the relevant military organs.

The China Maritime Search and Rescue Center and the Maritime Search and Rescue Centers established by the relevant local people's government or the designated agency (hereinafter collectively referred to as the "Maritime Search and Rescue Centers") shall be responsible for the organization, coordination and command of maritime search and rescue.

Article 69 The coastal local people's governments at or above the county level shall allocate necessary funds for maritime search and rescue so as to ensure the normal operation of maritime search and rescue.

Article 70 All members of the Maritime Search and Rescue Center shall, under the unified organization, coordination and command of the Maritime Search and Rescue Center, undertake such works as maritime search and rescue, disaster relief, support and guarantee and aftermath treatment according to their respective functions.

Article 71 The State shall establish a professional maritime search and rescue team to strengthen the maritime search and rescue forces. The professional maritime search and rescue team shall be equipped with professional search and rescue equipment, establish the system of regular drills and routine training, and improve the level of search and rescue.

The State shall encourage all sectors of society to establish maritime search and rescue teams and to participate in maritime search and rescue.

Article 72 Any vessel, offshore facility, aircraft or person in distress at sea shall immediately report to the Maritime Search and Rescue Center and may not conceal or give false report of maritime distress.

If any vessel, offshore facility, aircraft or person sends the alarm signals of distress by mistake, it/he shall not only report to the Maritime Search and Rescue Center immediately, but also take necessary measures to eliminate the bad effects.

Any other entity or individual, upon discovering or learning of maritime distress, shall immediately report to the Maritime Search and Rescue Center.

Article 73 Vessels and offshore facilities involved in a collision shall exchange their names, nationalities and ports of registry, do their best to rescue personnel of the other party without serious danger to their own safety, and may not leave or flee from the water area of the scene of the accident without authorization.

Article 74 Any vessel or offshore facility in distress and its owner, operator or manager shall take effective measures to prevent and reduce the loss of life and property and the pollution to

the marine environment.

If any vessel is in distress, the passengers shall obey the command of the captain and cooperate in taking corresponding emergency measures. Passengers shall have the right to know the necessary information of the distress.

When the captain decides to abandon the vessel, he/she shall organize the passengers and crew members to leave the vessel in turn and do his/her best to rescue the legal nautical materials. The captain shall leave the vessel last.

Article 75 When any vessel, offshore facility, or aircraft receives distress signals or discovers that people's lives are in danger, it shall do its best to rescue the personnel in distress insofar as it can do so without serious danger to its own safety.

Article 76 After receiving a report of the distress, the Maritime Search and Rescue Center shall make verification immediately, organize, coordinate and command the relevant government departments, professional search and rescue teams, relevant social entities and various parties to participate in the search and rescue and shall designate the on-the-spot commander. All vessels, offshore facilities, aircrafts and personnel participating in the search and rescue shall obey the on-the-spot commander and report the developments and results of search and rescue in time.

The decision on suspension, resumption and termination of search and rescue shall be made by the Maritime Search and Rescue Center. Without the approval of the Maritime Search and Rescue Center, any vessel, offshore facility, aircraft or personnel participating in the search and rescue shall not withdraw from the search and rescue without permission.

The army's participation in the search and rescue at sea shall be subject to the provisions of relevant laws and administrative regulations.

Article 77 All vessels, offshore facilities, aircrafts or personnel in distress shall obey the instructions of the Maritime Search and Rescue Center and the on-the-spot commander and timely receive the rescue.

Where any vessel, offshore facility or aircraft in distress does not cooperate in the rescue, the on-the-spot commander may, in the light of the critical situation, take corresponding rescue measures.

Article 78 When a maritime accident or distress occurs, the local people's government concerned shall organize medical institutions in time to provide emergency medical aid to the personnel in distress, provide necessary subsistence allowances for those rescued and organize the relevant parties to take remedial measures.

Article 79 Where the search and rescue are carried out within the sea areas where China is obligated to perform search and rescue according to the international treaties concluded or acceded to by the People's Republic of China, the provisions of this Chapter shall apply.

Where a vessel of Chinese nationality is in distress in a sea area under the jurisdiction of the People's Republic of China or in a sea area other than the responsibility area for maritime search and rescue, the China Maritime Search and Rescue Center shall, after receiving the information, carry out international cooperation in accordance with the provisions of the international treaties concluded or acceded to by the People's Republic of China.

Chapter VII Investigation and Handling of Maritime Traffic Accidents

Article 80 Where a maritime traffic accident happens to a vessel or offshore facility, it shall promptly report to the maritime safety authority and accept the investigation.

Article 81 Maritime traffic accidents are classified, on the basis of the consequences of the damage caused, into extraordinarily serious accidents, serious accidents, relatively serious accidents and ordinary accidents. The standards for personal casualty in the classification of accident grade shall be determined in accordance with the provisions of the laws and administrative regulations on work safety. The standards for direct economic losses in the classification of accident grade shall, in light of the special situations of maritime traffic accidents, be determined by the competent transport department under the State Council in conjunction with the relevant departments of the State Council, and shall be promulgated for implementation after being submitted to and approved by the State Council.

Article 82 Where a maritime traffic accident is extremely serious, the State Council or the department authorized by the State Council shall organize an accident investigation team to make investigation. The maritime safety authority shall participate in or cooperate in the investigation.

With respect to other maritime traffic accidents, the maritime safety authority shall organize an accident investigation team to make investigation, with the cooperation of the relevant authorities. The State Council may, when it deems necessary, directly organize or authorize the relevant department to organize an accident investigation team to make investigation.

Where the maritime safety authority investigates an accident, it shall do so jointly with the relevant military organs if the accident involves the performance of military transport tasks; where a fishing vessel is involved, the competent authority of fishery administration and the coast guard authority shall participate in the investigation.

Article 83 The investigation of maritime traffic accidents shall be conducted in a

comprehensive, objective, fair and timely manner, and the facts and causes of the accident shall be ascertained and the liability for the accident shall be determined according to law.

Article 84 The maritime safety authority may, as required by accident investigation and handling, unseal or dismantle the navigation data recording devices of the vessel concerned or read the information recorded thereby, require the vessel to sail to a designated place or prohibit it from leaving the port, detain the certificates, documents, articles, materials, etc. of the vessel or the offshore facility and properly keep them. The relevant personnel shall cooperate in the investigation of the accident.

Article 85 The maritime traffic accident investigation teams shall submit the investigation report on the maritime traffic accident within 90 days from the day of the accident; under special circumstances, the time limit for submitting the investigation report may be appropriately extended upon the approval of the person in-charge of the authority responsible for organizing the investigation teams, but the extension may not exceed 90 days. The time needed for technical identification of the accident shall not be included in the time limit for the investigation of the accident.

The maritime safety authority shall, within 15 workdays from the day of receiving the investigation report on the maritime traffic accident, make a report of determination of liability for the accident, which shall be used as the evidence for handling the maritime traffic accident.

If the losses caused by the accident are small, the facts are clear and the liability is definite, the summary investigation procedures may be applied in accordance with the provisions of the competent transport department under the State Council.

The investigation reports on the maritime traffic accident and reports of determination of liability for the accident shall be made public in accordance with the provisions of the relevant laws and administrative regulations.

Article 86 Where a maritime traffic accident happens to a vessel of Chinese nationality in the sea areas beyond the jurisdiction of the People's Republic of China, it shall timely report the accident to the maritime safety authority and accept the investigation.

Where a vessel of foreign nationality has caused serious injury or death to a Chinese citizen due to an accident in the sea areas beyond the jurisdiction of the People's Republic of China, the maritime safety authority shall participate in the investigation in accordance with the provisions of the international treaties concluded or acceded to by the People's Republic of China.

Article 87 Where any vessel or offshore facility encounters severe weather, sea conditions or an accident at sea, which causes or may cause damage, and it is necessary to specify and record the time, sea areas and the countermeasures taken and other specific information, it may apply

to the maritime safety authority for endorsement of the maritime declaration. The maritime safety authority shall provide endorsement services in accordance with the relevant provisions.

Chapter VIII Supervision and Administration

Article 88 The maritime safety authority shall, in accordance with the law, conduct supervision and inspection on the navigation, berthing, operation and other activities related to maritime traffic safety within the sea areas under the jurisdiction of the People's Republic of China.

The maritime safety authority shall, in accordance with the laws and administrative regulations of the People's Republic of China, and the international treaties concluded or acceded to by the People's Republic of China, conduct supervision and inspection of the port state and coastal state on vessels of foreign nationality.

When performing official duties, any staff members of the maritime safety authority shall dress in accordance with the relevant provisions, wear their post rank marks, show their law enforcement certificates, and conscientiously accept the supervision.

When the maritime safety authority performs the supervision and inspection duties in accordance with the law, the relevant entities and individuals shall cooperate, and shall not refuse or impede the supervision and inspection carried out in accordance with the law.

Article 89 The maritime safety authority may conduct supervision and inspection by means of boarding inspection, certificate examination, on-the-spot inspection, inquiry of the relevant personnel and electronic monitoring, etc.

Where a vessel carrying dangerous goods is suspected of concealing or misreporting dangerous goods, etc., the maritime safety authority may conduct inspection by means of open-package inspection, etc. The maritime safety authority shall report the information on open-package inspection to the relevant authority. The port operator and relevant entities and individuals shall provide assistance.

Article 90 When conducting supervision and inspection on vessels and offshore facilities, the maritime safety authority shall avoid and reduce the impact of such supervision and inspection on their normal operations.

No vessel under navigation may be intercepted for inspection, except as otherwise provided for by any law or administrative regulation, or unless any serious consequence may be caused if the supervision and inspection are not conducted immediately.

Article 91 Where any vessel or offshore facility threatens the port safety, the maritime safety authority shall order it to make correction immediately or within a time limit, restrict its operation, and order it to sail to a designated place, prohibit it from entering the port or drive it

out of the port.

Where any vessel or offshore facility is unseaworthy or untowworthy, the crew members and relevant personnel on the offshore facility do not hold valid legal certificates or documents, or there are other hidden dangers that may seriously endanger the maritime traffic safety and pollute the marine environment, the maritime safety authority shall, as the case may be, prohibit the relevant vessel or offshore facility from entering or leaving the port, temporarily seize the relevant certificates or documents or order it to suspend its voyage, change its route, sail to a designated place or stop the operation. In case a vessel is overloaded, the maritime safety authority may conduct compulsory load shedding of the vessel according to law. The expenses arising from the compulsory load shedding shall be assumed by the owner, operator or manager of the illegal vessel.

Where any vessel or offshore facility is involved in a maritime traffic accident or pollution accident, fails to settle the taxes and overdue fines as prescribed by the State, and fails to provide guarantee or perform any other statutory obligations, the maritime safety authority shall order it to make correction and may prohibit it from leaving the port.

Article 92 Where any vessel of foreign nationality may threaten the safety of the internal waters or territorial seas of the People's Republic of China, the maritime safety authority shall have the right to order it to leave.

Where any vessel of foreign nationality violates the laws or administrative regulations of the People's Republic of China on maritime traffic safety or on the prevention and control of vessel pollution, the maritime safety authority may exercise the right of hot pursuit according to law.

Article 93 Any entity or individual shall have the right to report acts obstructing maritime traffic safety to the maritime safety authority. The maritime safety authority shall, after receiving the report, verify and handle it in a timely manner.

Article 94 Where the maritime safety authority finds any act of a vessel or offshore facility in violation of other laws or administrative regulations during supervision and inspection, it shall timely notify or refer the case to the relevant competent authority for handling.

Chapter IX Legal Liability

Article 95 Where any vessel or offshore facility fails to hold effective certificates or documents, the maritime safety authority shall order it to make correction, impose a fine of not less than 30,000 yuan but not more than 300,000 yuan upon the owner, operator or manager of the illegal vessel or offshore facility, and impose a fine of not less than 3,000 yuan but not more than 30,000 yuan upon the captain and the liable person concerned; if the circumstances are serious, the certificate of competency of the captain or the liable crew member shall be

temporarily seized for 18 to 30 months or even be revoked; forged or altered certificates or documents held by the vessel shall be confiscated; and the vessel with serious potential safety hazard may be confiscated according to law.

Article 96 Where any vessel or offshore facility falls under any of the following circumstances, the maritime safety authority shall order it to make correction, impose a fine of not less than 20,000 yuan but not more than 200,000 yuan on the owner, operator or manager of the illegal vessel or offshore facility, and impose a fine of not less than 2,000 yuan but not more than 20,000 yuan on the captain and the liable person concerned; if the circumstances are serious, relevant certificates and documents of the owner, operator or manager of the illegal vessel shall be revoked and the certificate of competency of the captain or the liable crew member shall be temporarily seized for 12 to 24 months or even be revoked:

(1) the actual conditions of the vessel or offshore facility do not conform to the certificates and documents held by it;

(2) the vessel fails to fly the national flag according to law or illegally flies the flag of other countries, regions or organizations;

(3) the vessel fails to indicate the vessel name, vessel identification number, port of registry, or load line mark as required; or

(4) the manning of the vessel or offshore facility does not comply with the requirements on minimum safe manning.

Article 97 Where any crew member works on the vessel but fails to hold the certificate of competency or health certificate for crew members, or where the certificate of competency or health certificate for crew members held does not meet the requirements, the maritime safety authority shall impose a fine of not less than 10,000 yuan but not more than 100,000 yuan on the owner, operator or manager of the vessel and impose a fine of not less than 3,000 yuan but not more than 30,000 yuan on the liable crew member; if the circumstances are serious, the owner, operator or manager of the vessel shall be subject to a fine of not less than 30,000 yuan but not more than 300,000 yuan, and the certificate of competency of the liable crew member shall be temporarily seized for 6 to 12 months or even be revoked.

Article 98 Where relevant certificates or documents are obtained for a vessel of Chinese nationality by improper means such as fraud or bribery, the maritime safety authority shall revoke the relevant permit, confiscate relevant certificates or documents, and impose a fine of not less than 40,000 yuan but not more than 400,000 yuan upon the owner, operator or manager of the vessel.

Where anyone obtains the certificate of competency for crew members by improper means such as fraud or bribery, the maritime safety authority shall revoke the relevant permit, confiscate the certificate of competency for crew members and impose a fine of not less than 5,000 yuan but not more than 50,000 yuan on the liable person.

Article 99 Where any crew member fails to maintain his/her safety watch or takes in food, medicines, or other articles that might affect his/her safety watch in violation of the provisions, or commits any other acts in violation of the duty rules of maritime crew members, the maritime safety authority shall impose a fine of not less than 1,000 yuan but not more than 10,000 yuan on the captain and the liable crew member, or temporarily seize the certificate of competency for crew members for 3 to 12 months; if the circumstances are serious, the certificate of competency of the captain or the liable crew member shall be revoked.

Article 100 In case anyone is under any of the following circumstances, the maritime safety authority shall order him/her to make corrections; if the circumstances are serious, a fine of not less than 30,000 yuan but not more than 100,000 yuan shall be imposed on him/her:

(1) failing to provide corresponding facilities and equipment for preventing collision of vessels and to set up special navigation marks for the construction of marine or coastal project;

(2) damaging the maritime traffic support service system or hampering its working efficiency;

(3) setting up or dismantling special navigation marks, relocating positions of special navigation marks or changing other conditions of navigation marks such as lighting or power of navigation marks without the consent of the maritime safety authority, or setting up temporary navigation marks not in conformity with the setting sites of navigation marks determined by the maritime safety authority; or

(4) engaging in aquaculture, planting, fishing and other operations or activities affecting maritime traffic safety within the scope of safety operation areas or anchorages outside of ports.

Article 101 Under any of the following circumstances, the maritime safety authority shall order the offender to make corrections and impose a fine of not more than 30,000 yuan on the relevant liable person; if the circumstances are serious, a fine of not less than 30,000 yuan but not more than 100,000 yuan shall be imposed and the certificate of competency of the liable crew member shall be temporarily seized for one to three months:

(1) crew members undertaking the task of radio communication and the working personnel of shore-based radio stations fail to keep the communication channels of maritime traffic safety on duty and unimpeded, or use the communication frequency for maritime traffic safety to exchange contents irrelevant to maritime traffic safety;

(2) using the radio station identification code in violation of the relevant provisions of the State, thus affecting the identification for maritime search and rescue; or

(3) other acts in violation of the maritime radio communication rules.

Article 102 Where a vessel fails to apply for pilotage as required by this Law, the maritime safety authority shall impose a fine of not less than 50,000 yuan but not more than 500,000 yuan on the owner, operator or manager of the illegal vessel and a fine of not less than 1,000 yuan but not more than 10,000 yuan on the captain; if the circumstances are serious, the relevant vessel certificates shall be detained for 3 to 12 months and the certificate of competency of the captain shall be temporarily seized for one to three months.

Where a loss is caused to a vessel due to fault of the pilot organization in dispatching a pilot, the maritime safety authority shall impose a fine of not less than 30,000 yuan but not more than 300,000 yuan on the pilot organization.

Where a person provides piloting services without the dispatching by a pilot organization, the maritime safety authority shall impose a fine of not less than 3,000 yuan but not more than 30,000 yuan on the person piloting the vessel.

Article 103 Where a vessel navigating, berthing or operating at sea is under any of the following circumstances, the maritime safety authority shall order it to make corrections, impose a fine of not less than 20,000 yuan but not more than 200,000 yuan on its owner, operator or manager, and impose a fine of not less than 2,000 yuan but not more than 20,000 yuan on the captain and crew member liable, and temporarily seize the certificate of competency for 3 to 12 months; if the circumstances are serious, the certificate of competency of the captain or crew member liable shall be revoked:

(1) when entering or leaving any port, anchorage or passing through any waters of bridge area, straits, narrow water area, important fishery water area, area with dense navigation vessels, vessel routing area, or traffic control area, the vessel fails to strengthen its watch and keep the safe speed, and abide by the special navigation rules of the aforesaid areas;

(2) failing to show signals, hang marks or keeping enough additional depth in accordance with relevant provisions;

(3) sailing at risk without complying with the conditions for safe navigation, operating at risk in violation of regulations, or failing to navigate, berth or operate at the navigation area as stated in the vessel inspection certificate;

(4) failing to turn on the vessel's devices for automatic identification, navigation data recording, remote identification and tracking, and communication, and other devices related to navigation safety, security, and pollution prevention, and to continuously display and record in accordance with relevant provisions;

(5) unsealing, dismantling, initializing, re-setting navigation data recording device or reading the recorded information without authorization;

(6) obstructing the normal navigation of vessels in the channel when crossing, or rushing past the bow of other vessels, or entering the waters of the bridge area by exceeding the navigation size of the bridge;

(7) entering or passing through a prohibited navigation zone in violation of the provisions;

(8) when carrying or towing over-length, over-height, over-width, or semi-submerged vessels, offshore facilities, or other objects, the vessel fails to take special safety protection measures, fails to report the navigation plan to the maritime safety authority before setting sail, fails to show signals or hang marks as required, or fails to submit the towage inspection certificate issued by the vessel inspection agency according to law when towing mobile platforms, floating docks, or other large offshore facilities ;

(9) a vessel berths at wharves, berths, loading and unloading stations, anchorages, or safety operation areas that do not meet the safety conditions, or the berthing endangers the safety of other vessels or offshore facilities;

(10) a vessel carries passengers and goods beyond the passenger quota, load line, and categories of goods ratified in the inspection certificate, or a passenger vessel carries passengers at the same time with dangerous goods;

(11) a passenger vessel fails to clearly show the instructions for safety, or set up safety marks or warnings;

(12) goods are not loaded or unloaded, stowed, isolated, fastened or managed safely in accordance with the requirements of relevant laws, administrative regulations, rules, or compulsory standards or technical specifications; or

(13) other acts in violation of the rules for maritime navigation, berthing or operation.

Article 104 Where a vessel of international voyages enters or exits the port without permission, the maritime safety authority shall impose a fine of not less than 3,000 yuan but not more than 30,000 yuan on the owner, operator or manager of the illegal vessel, and impose a fine of not less than 2,000 yuan but not more than 20,000 yuan on the captain, liable crew member or other liable person; if the circumstances are serious, the certificate of competency of the captain or liable crew member shall be revoked.

Where a vessel of domestic voyages fails to report to the maritime safety authority when entering or exiting a port or a loading and unloading station outside a port according to law, the maritime safety authority shall impose a fine of not less than 3,000 yuan but not more than 30,000 yuan on the owner, operator or manager of the illegal vessel, and impose a fine of not less than 500 yuan but not more than 5,000 yuan on the captain, liable crew member or other

liable person.

Article 105 Where any vessel or offshore facility is engaged in maritime construction operations without permission, or fails to operate in accordance with the requirements of the permission or beyond the approved safety operation area, the maritime safety authority shall order it to make corrections, impose a fine of not less than 30,000 yuan but not more than 300,000 yuan on the owner, operator or manager of the illegal vessel or offshore facility, and impose a fine of not less than 3,000 yuan but not more than 30,000 yuan on the captain or liable crew member, or temporarily seize the certificate of competency for the crew members for 6 to 12 months; if the circumstances are serious, the certificate of competency of the captain or liable crew member shall be revoked.

Where any vessel or offshore facility engages in surface or underwater activities that may affect maritime traffic safety without reporting to the maritime safety authority beforehand as required, the maritime safety authority shall impose a fine of not less than 10,000 yuan but not more than 30,000 yuan on the owner, operator or manager of the illegal vessel or offshore facility, and impose a fine of not less than 2,000 yuan but not more than 20,000 yuan on the captain or liable crew member.

Article 106 Where any owner, operator or manager of navigation obstructions falls under any of the following circumstances, the maritime safety authority shall order it to make corrections and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan on it; if it fails to make corrections within the time limit, the maritime safety authority shall have the right to perform the obligation on behalf of the owner, operator or manager of the navigation obstructions in accordance with law, and the expenses for such performance shall be borne by the owner, operator or manager of the navigation obstructions:

(1) failing to set up warning signs in a timely manner in accordance with the requirements of relevant mandatory standards and technical specifications;

(2) failing to report to the maritime safety authority the name, shape, size, location and depth of the navigation obstructions; or

(3) failing to salvage and remove the navigation obstructions within the time limit set forth by the maritime safety authority.

Article 107 Where any vessel of foreign nationality, when entering or leaving the internal waters or territorial seas of the People's Republic of China, violates the provisions of this Law, the maritime safety authority shall impose a fine of not less than 50,000 yuan but not more than 500,000 yuan on the owner, operator or manager of the illegal vessel and impose a fine of not less than 10,000 yuan but not more than 30,000 yuan on the captain.

Article 108 Where any vessel carrying dangerous goods is under any of the following

circumstances, the maritime safety authority shall order it to make corrections, impose a fine of not less than 50,000 yuan but not more than 500,000 yuan on the owner, operator or manager of the illegal vessel, or a fine of not less than 5,000 yuan but not more than 50,000 yuan on the captain, the liable crew member or other liable persons; if the circumstances are serious, it shall be ordered to stop operation or navigation, and the certificate of competency of the captain or the liable crew member shall be temporarily seized for 6 to 12 months or even be revoked:

(1) entering or leaving any port or undertaking lighterage of dangerous liquid goods in bulk without permission;

(2) failing to formulate corresponding emergency disposal plan, or to equip corresponding fire control and emergency equipment and facilities as required; or

(3) engaging in loading, unloading and lightering operations of dangerous goods in violation of the relevant compulsory standards and requirements of safe operation procedures.

Article 109 Where any consignor consigning dangerous goods is under any of the following circumstances, the maritime safety authority shall order it to make corrections and impose a fine of not less than 50,000 yuan but not more than 300,000 yuan on it:

(1) failing to inform the carrier of the proper name, dangerous nature and protective measures to be taken for the dangerous goods to be consigned;

(2) failing to properly pack dangerous goods in accordance with the relevant laws, administrative regulations, rules, compulsory standards or technical specifications, or to set eye-catching marks and labels for dangerous goods;

(3) carrying dangerous goods secretly among consigned ordinary goods or falsely declaring dangerous goods as ordinary goods for consignment; or

(4) failing to submit according to law the documents issued by the relevant professional organizations indicating the dangerous characteristics of the goods and the protective measures that shall be taken.

Article 110 Where any vessel or offshore facility is in distress or causes a maritime traffic accident, but fails to perform the obligation of reporting, or conceals or misreports the situation, the maritime safety authority shall impose a fine of not less than 3,000 yuan but not more than 30,000 yuan on the owner, operator or manager of the illegal vessel or offshore facility, and impose a fine of not less than 2,000 yuan but not more than 20,000 yuan on the captain or crew member liable, and temporarily seize the certificate of competency for 6 to 24 months; if the circumstances are serious, a fine of not less than 10,000 yuan but not more than 100,000 yuan is imposed on the owner, operator or manager of the illegal vessel or offshore facility and the certificate of competency of the captain or crew member liable shall be revoked.

Article 111 Where any vessel flees away from the scene after the occurrence of a maritime traffic accident, the maritime safety authority shall impose a fine of not less than 100,000 yuan but not more than 500,000 yuan on the owner, operator or manager of the illegal vessel, and impose a fine of not less than 5,000 yuan but not more than 50,000 yuan on the captain or crew member liable, and revoke the certificate of competency. The person subject to punishment shall not apply for a new one for life.

Article 112 Where any vessel or offshore facility fails to perform its obligation for maritime rescue in accordance with law or refuses to obey the command of the Maritime Search and Rescue Center, the maritime safety authority shall impose a fine of not less than 30,000 yuan but not more than 300,000 yuan on the owner, operator or manager of the vessel or offshore facility, and temporarily seize the certificate of competency of the captain or crew member liable for 6 to 12 months or even revoke such certificate.

Article 113 Where any relevant entity or individual refuses or obstructs the supervision and inspection by the maritime safety authority or practices fraud when accepting the supervision and inspection, the maritime safety authority shall impose a fine of not less than 2,000 yuan but not more than 20,000 yuan on it/him, temporarily seize the certificate of competency of the captain or crew member liable for 6 to 24 months or even revoke such certificate.

Article 114 Where any staff member of the competent transport authority, the maritime safety authority or any other relevant authority, in violation of this Law, abuses his/her power, neglects his/her duty or engages in malpractice for personal gains, he/she shall be punished according to law.

Article 115 Where a civil dispute arises from a maritime traffic accident, the parties may apply for arbitration in accordance with law or bring a lawsuit before the people's court.

Article 116 Where any violation of this Law constitutes an act against the public security administration, the offender shall be subject to public security administration punishment. Where any personal injury or property damage is caused, the offender shall bear civil liability. Where any crime is constituted, the criminal liability shall be investigated in accordance with the law.

Chapter X Supplementary Provisions

Article 117 For the purpose of this Law, the definitions of the terms are as follows:

Vessels refer to various displacement or non-displacement ships, boats, rafts, waterborne aircrafts, submersibles, mobile platforms and other mobile devices.

Offshore facilities refer to all types of surface and underwater buildings or installations, fixed or floating, as well as fixed platforms, excluding port facilities such as docks and breakwaters.

Internal waters refer to sea areas extending from the landward side of the baseline of territorial seas of the People's Republic of China to the coastline.

Construction operations refer to exploration, excavation and blasting, construction, repair, dismantling of surface and underwater structures or facilities, construction and dredging of waterway (excluding waterway maintenance and dredging), and salvage of sunken ships and sunken articles.

Maritime traffic accidents refer to those accidents that occur in the course of navigation, berthing and operations of vessels and offshore facilities and that cause casualties or property damage due to collision, stranding, contact, fire, wind disaster, wave damage, sinking and other causes.

Maritime distress refers to the various situations that pose a threat to the safety of life on the sea or to the water environment and for which immediate measures need to be taken to avoid, control, mitigate or eliminate them.

Dangerous goods refer to the goods which are specified in the International Maritime Dangerous Goods Code and the National List of Dangerous Goods, and which are inflammable, explosive, poisonous, corrosive, radioactive, polluting or harmful, etc., and which may cause personal injury, property loss, or environmental pollution in the course of carriage by vessel and for which special protective measures need to be taken.

Maritime ferries refer to the transportation infrastructure used exclusively for the ferry of personnel, luggage and vehicles between islands on the sea, between islands on the sea and the continent, and between the continents across the sea.

Article 118 Specific measures for the survey of official vessels and for the allocation of crew members thereof shall be separately formulated by the competent transport department under the State Council in conjunction with the relevant competent departments.

Measures for the registration and inspection of sports vessels shall be separately enacted by the competent department of physical culture and sports under the State Council. The competent department of physical culture and sports shall be responsible for the supervision and administration of maritime traffic safety of sports vessels during the period of training and competition.

The competent department of fishery administration under the people's government at or

above the county level shall be responsible for the supervision and administration of fishery crew, fishery radio and fishery navigation marks, the registration and administration of fishing vessels, the administration of maritime traffic safety in the waters of fishing ports, and the investigation and handling of traffic accidents between fishing vessels (including those of foreign nationality). Where there are other provisions in laws, administrative regulations or of the State Council on the investigation and handling of traffic accidents between fishing vessels, such provisions shall prevail.

Except for the provisions in the preceding paragraph, the maritime safety authority shall take charge of the administration of maritime traffic safety of fishing vessels. The inspection of fishing vessels and the supervision and administration thereof shall be conducted by the maritime safety authority in accordance with the relevant laws and administrative regulations.

The inspection of offshore petroleum or natural gas production facilities such as floating oil storage devices shall be governed by the provisions of the relevant laws and administrative regulations.

Article 119 The Central Military Commission shall formulate separate measures for the internal administration of the maritime traffic safety of offshore military jurisdictional areas and military vessels and offshore facilities, the establishment and administration of military navigation marks, and the administration of operations or surface or underwater activities carried out for military purposes.

Where the delimitation or adjustment of maritime traffic function zones or specific waters within the territorial sea, delimitation of ferry routes for maritime ferries, and the approval of offshore construction operations may affect the combat readiness preparations, training, duty performance and other actions of military vessels, the maritime safety authority shall solicit opinions from the relevant military organ in advance.

Where there is special need for performing military transportation tasks, the relevant military organ shall notify the maritime safety authority of the relevant information in a timely manner. The maritime safety authority shall provide necessary convenience.

Where the administration of maritime traffic safety involves the traffic for national defense and the protection of military installations, the provisions of the relevant laws shall govern.

Article 120 Where official vessels of foreign nationality navigating, berthing or operating in the territorial sea of the People's Republic of China violate the laws or administrative regulations of the People's Republic of China, they shall be punished in accordance with the relevant laws and administrative regulations.

The relevant laws shall be applicable to the administration of foreign military vessels within the sea areas under the jurisdiction of the People's Republic of China.

Article 121 Where there is any conflict between the international treaty concluded or acceded to by the People's Republic of China and this Law, the provisions of the international treaty shall apply, except the clauses on which the People's Republic of China has announced reservations.

Article 122 This Law shall come into force as of 1 September 2021.



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