



# JAPAN P&I NEWS

---

To the Members

## **China—Circular on revised fishing ban periods**

We have obtained information by Oasis P&I Services Company Limited on the circular regarding revised fishing ban issued by Chinese authorities, which will come into effect as of 15 April 2023. For details, please find attached their circular.

Yours faithfully,

**The Japan Ship Owners' Mutual Protection & Indemnity Association**

Attachment: OASIS Circular No.2304



24 hour duty phone: +86 150 1080 6478

email: [oasis@oasispandi.com](mailto:oasis@oasispandi.com)

[www.oasispandi.com](http://www.oasispandi.com)

Shanghai Dalian Tianjin Beijing Qingdao

Guangzhou Xiamen Ningbo Hongkong

**Date: 23 March 2024**

**Oasis Circular No.: 2304**

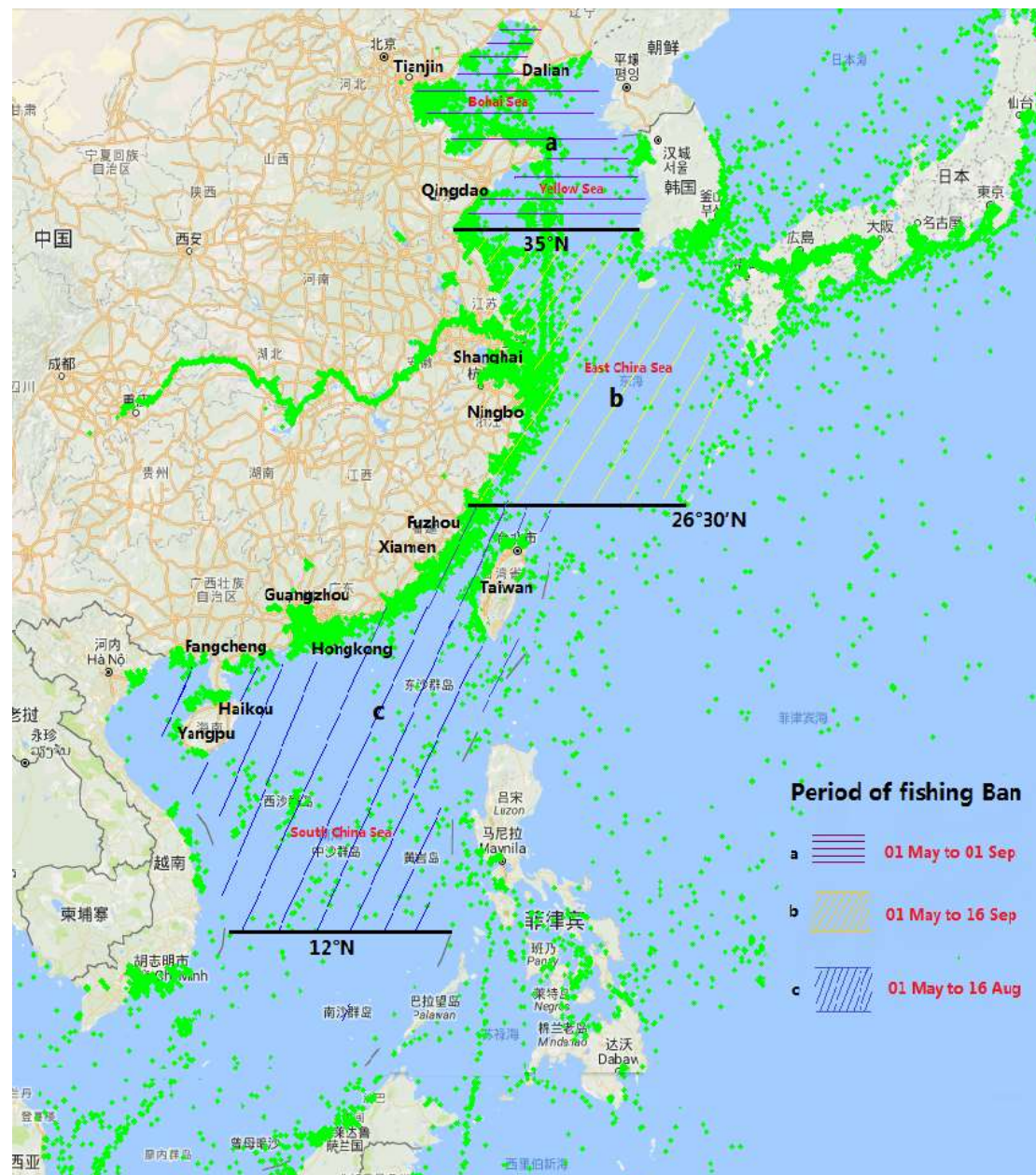
**Subject: Chinese authorities issued revised fishing ban periods in China**

On 13 Mar 2023, Ministry of Agriculture and Rural Affairs of China (MOA) announced the revised annual fishing ban periods which will come into effect as of 15 Apr 2023. The fishing ban applies to all kinds of fishing vessels, including fishing auxiliary vessels.

To be more specific, the applicable period of annual fishing ban in different sea waters in China are revised as follows:

1. **Waters north of 35°N in the Bohai Sea and the Yellow Sea:** the ban period is between 1200 hours on 01 May and 1200 hours on 01 September.
2. **Waters between 35 °N and 26°30'N in the Yellow Sea and the East China Sea:** the ban period is between 1200 hours 01 May and 1200 hours on 16 September.
3. **Waters between 12 °N and 26°30'N in the East China Sea and the South China Sea:** the ban period is between 1200 hours 01 May and 1200 hours on 16 August.
4. **Special Fishing Permit in Waters between 35 °N and 26°30'N in the Yellow sea and the East China Sea during the fishing ban period:** fishing boats including truss-trawls for shrimp, cage and pot, gill net and light-seining (lift) net can apply for the special fishing permit for shrimp, crab, pelagic fish and other resources with the relevant fishery authorities, so that they can carry on fishing activities during the fishing ban.
5. The ban of small trawlers shall start from 1200 hours on 01 May and last for no less than three months. The lifting time of fishing ban shall be determined by the provincial fishery authorities and reported to the MOA for record.
6. Fishing boats are prohibited from operating outside the boundaries of the sea areas assigned to them in their licenses.

For your easy reference, please see below illustration on the fishing ban in different waters of China.



## Suggestions

1. Get familiar with duration of the fishing ban periods. Carry out relevant safety training on the characteristics of the fishing areas and fishing boats.
2. Avoid the traditional fishery farms and fishing areas. When choosing a route, ships shall stay away from shore, apply the recommended routes carefully and strictly obey the relevant ship routing system.
3. Fully comply with relevant provisions of COLREGS 1972 and Safety Management

System, ensure there is a proper and sufficient lookout, keep a safe speed and take early avoidance actions.

4. In the process of avoiding fishing boats, ship officers shall consider the particular operational characteristics of the fishing boat involved. If effective radio communication cannot be established between the ships and the fishing boats, all other available means shall be used to warn the fishing boats of the risk of collision.

5. Be familiar with the *Safety guidelines for preventing from collisions between merchant ships and fishing boats in Chinese coastal waters* issued by China MSA on 06 May 2021, the free translation of which is appended below.

6. In case a collision incident occurs or is suspected to have occurred, rescue operation shall be immediately carried out, taking into consideration various factors such as safety of the ship and her crews, the surrounding environment etc. Meanwhile, the ship shall contact the nearest VTS/MSA via VHF as soon as possible. The ship's agents and P&I correspondent should also be informed. More and more cases in recent years have shown that the ship officers may be subject to criminal charges if they hit and run after a collision accident and caused loss of life on sea, alongside the civil claims against the ship owners.

We hope the above is of assistance. If there is any query, please feel free to contact us at [oasis@oasispandi.com](mailto:oasis@oasispandi.com) at any time.

Best regards,

**Oasis P&I Services Company Limited**

***Attachments:***

I. Free translation of Announcement of MOA on the Adjustment of The Fishing Ban in the Summer Season

II. Free translation of Safety Guidelines issued by China MSA on 06 May 2021

**Attachment I - Free translation of Announcement of MOA on Adjusting The Fishing Ban Offshore in The Summer Season**

**Announcement of The Ministry of Agriculture and Rural Affairs on Adjusting The Fishing Ban Offshore in The Summer Season**

In order to further strengthen the protection of marine fishery resources and promote the harmonious coexistence of human and nature, in accordance with the relevant provisions of the Fisheries Law of the People's Republic of China, the Provisions on the Administration of Fishery Fishing Permits, the Several Opinions of the State Council on Promoting the Sustainable and Healthy Development of Marine Fisheries and the Guiding Opinions of the MOA on Strengthening the Conservation of Aquatic Biological Resources, based on the principle of "Overall stability, local unity, reduction of contradictions and convenience of management", it's decided to adjust and improve the system of the fishing ban in the summer season. The revised the fishing ban in the summer season is hereby announced as follows.

**I. Applied waters**

The Bohai Sea, the Yellow Sea, the East China Sea and the South China Sea (including the Beibu Gulf) to the north of 12 °N.

**II. Types of fishing operation**

All types of operations except the fishing gear, and the fishing auxiliary boats.

**III. Applied period**

1. The Bohai Sea and the Yellow Sea to the north of 35 °N is from 1200 hrs on 01 May to 1200 hrs on 01 September.
2. The Yellow Sea and the East China Sea between 35 °N and 26°30'N is from 1200 hrs on 01 May to 1200 hrs on 16 September.
3. The sea areas of the East China Sea and the South China Sea from 26°30'N to 12°N is from 1200 hrs on 01 May to 1200 hrs on 16 August.
4. Four types of fishing boats in the Yellow Sea and the East China Sea between 35°N and 26°30'N, including truss-trawl for shrimp, cage and pot, gill net, and light-seining(lift) net, can apply for a special fishing permit for shrimp, crab, pelagic fish and other resources, which shall be implemented after being approved by the relevant provincial fishery authorities and the MOA.
5. The special fishing permit system may be implemented for special economic

species. The specific species, operation time, operation type and operation sea area shall be implemented after the competent fishery departments of the coastal provinces, autonomous regions and municipalities directly under the central government and report to the MOA for approval.

6. The ban of small trawlers shall be started from 1200 hrs on 01 May for no less than three months. The lifting time of the fishing ban shall be determined by the fishery authorities of the coastal provinces, autonomous regions and municipalities directly under the central government and reported to the MOA for the record.

7. In principle, the fishing auxiliary boats shall comply with the provisions of the maximum fishing ban in the sea area where they are located. If it is really necessary to provide supporting services for fishing boats with small degree of damage to resources before the end of the maximum fishing ban, the fishery authorities of the coastal provinces, autonomous regions and municipalities directly under the central government shall formulate supporting management plans and submit them to the MOA for approval before implementation.

8. Fishing tackle and fishing boats shall strictly implement the port entry and exit reporting system of fishing boats, strictly prohibit fishing in violation of the provisions of the fishing license on the type of operation, place, time limit and quantity of fishing gear, implement the system of fixed landing points of fishing catch and establish a monitoring and inspection mechanism for fishing catch landing.

9. In principle, fishing boats shall return to their port of registry to stop fishing. If they cannot return to their port of registry to stop fishing due to special circumstances, they shall be confirmed by the provincial fishery authority at the place where the port of registry is located and uniformly arranged to stop at the port of registry within the province, autonomous region and municipality directly under the central government. If the capacity of fishing ports in the province is limited and it is impossible to accommodate fishing boats, the fishery authorities in the province shall negotiate with the relevant provincial fishery authorities.

10. According to the Regulations on the Administration of Fishing Permits, fishing boats are prohibited from operating across the boundaries of the sea area assigned to them.

11. The fishery department of the coastal provinces, autonomous regions and municipalities directly under the central government may, in accordance with local conditions and on the basis of national regulations, formulate stricter measures for resource protection.

#### **IV. Time of implementation**

The above revised regulations on the the fishing ban in the summer season will be implemented on 15 April, 2023 and the *Announcement of the MOA on adjusting the Fishing Ban Offshore in The Summer Season (Announcement of the MOA [2021] No. 1)*

will be repealed accordingly.

**Ministry of Agriculture and Rural Affairs**  
**13 March, 2023**

**Safety guidelines for preventing from collisions between merchant ships and fishing boats in Chinese coastal waters**

**I. Navigational Method**

**1. Before entering the waters of high density of fishing boats**

- 1) The master shall carefully review the planned route, use the recommended public route as far as possible to reasonably formulate the route, avoid the waters where fishing boats are concentrated, and reduce the chance of meeting with the fishing boats.
- 2) Check and test navigational equipment or aids such as radar, electronic chart, AIS, VDR, VHF, navigation lights and sound signals to ensure normal operation.
- 3) Make proper arrangement for navigation watch on the bridge. At any time, the bridge shall keep at least 2 navigation watch and lookout personnel.
- 4) The navigation safety precautions and corresponding actions in the fishing area shall be displayed at the prominent position on the bridge.

**2. Passing or approaching the waters of high density of fishing boats**

- 1) Navigators should keep in mind that safety is the first priority, take a deviation instead of taking risks! Try to avoid venturing into areas with many fishing boats!
- 2) Arrange personnel on duty reasonably, increase the number of navigation personnel on duty according to the density of surrounding fishing boats and the increased workload of navigation duty, and the master should be called to the bridge without hesitation when necessary.
- 3) The master shall formulate and issue night navigation orders according to the special warning requirements for night navigation in the fishing area.
- 4) The duty navigation watchman shall strengthen the lookout, turn on multiple radars, and strengthen the close and long distance observation. Do not rely too

much on a single navigational aid. Each ship should always keep a constant lookout with vision, hearing and all effective means suitable for the current environment and circumstances.

5) Navigate at a safe speed.

6) Ensure that AIS information is correct and it is working normally.

7) Avoid fatigue and drunk navigating.

### **3. Special Precautions**

1) The period after the fishing ban in the summer is lifted is the period with the highest density of fishing boats in China's coastal areas.

2. The period from 23:00 to 4:00 is the period of high incidence of collision accidents between merchant ships and fishing boats, and special attention should be paid.

3. Special attention shall be paid to the possibility that some fishing boats anchored at night may not have any one on duty, display lights or turn on AIS as required. Special attention should also be paid to the interference caused by a large number of fishing net's location signals to the ship's AIS, radar echoes and electronic charts.

4. If it is observed that the speed of the fishing boat is about 3 knots, the fishing boat is usually engaging in the fishing operation, and its maneuvering capacity is limited. It is necessary to coordinate with the fishing boat in terms of avoidance action as soon as possible, and it is best to keep a distance of more than 1 nautical mile.

5. Even if a merchant ship collides with a fishing boat slightly, the fishing boat may be damaged or capsize, and the personnel on the merchant ship may not be easily aware of it. Therefore, when passing a fishing boat at a close distance, it should be carefully observed to ensure that there is no collision, wave damage or suction.

6. It is recommended that ships from the southern waters of the South China Sea to the ports of Japan or South Korea and which are not to call at the coastal Chinese Mainland ports to sail in the waters on the east side of Taiwan, and stay as far away from the coastal waters of Chinese Mainland as possible.

## **II. Collision avoidance action**

1. The collision avoidance rules shall be observed and the principle of "early, large, wide and clear" shall be adhered to. Try to call the fishing boat through VHF 16 channel in advance to coordinate the anti-collision action. If several call attempts receive no answer, it may mean that the VHF of the fishing boat is not in the

watching status. During communication, the limitations of accent and language expression shall be fully considered to ensure that both parties understand each other's intention.

2. Watch out for collision caused by uncoordinated actions of fishing boats at close range. If a fishing boat is discovered and needs to be avoided in an emergency situation, the searchlight can be flashed at least 5 times, or the continuous sound signal can be used to attract the attention of the fishing boat.

3. In case of urgent avoidance, in addition to using the rudder, slowing down the vessel's speed or stopping the engine shall also be considered at the same.

4. The surrounding environment shall be fully considered as collision avoidance action to avoid creating an emergency situation with other ships.

### **III. Emergency rescue**

1. When the collision is unavoidable, direct hit by the bow of the ship against the fishing boat shall be avoided as far as possible.

2. In case of collision, the ship shall be stopped immediately, the rescue of human life shall be the top priority, and the rescue shall be carried out with all efforts. Before all the people in danger are considered safe, as long as one's own safety is not seriously threatened, it is strictly prohibited to abandon the search and rescue or leave the scene. This act at sea which means giving up the life of other will face severe punishment by law! Don't take chances. With the help of current technologies, almost all the hit and run ships have been tracked down.

3. Immediately call the surrounding ships to participate in the rescue.

4. Immediately report to the nearest competent authority through all effective channels, including the location of the accident, the name of the ship in accident, casualties, damage to the ship or fishing boat, weather and sea conditions, rescue needs, etc.

**Each person on watch duty should be familiar with the above contents.**