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## **Maritime Transport Safety Law of the People's Republic of China**

### **Chapter I General Provisions**

Article 1 This Law is formulated in order to strengthen the administration over maritime transport, safeguard the maritime transport environment and order, protect the safety of human life and property at sea, and safeguard the rights and interests of the State.

Article 2 This Law applies to all activities of navigating, berthing and carrying out operations as well as other activities relating to maritime transport in the internal waters, territorial seas, contiguous zones, exclusive economic zones and continental shelves of the People's Republic of China and all other sea areas under the jurisdiction of the People's Republic of China.

Article 3 The country protects traffic on the seas according to the law. Maritime traffic emphasizes the importance of safety first, gives priority to prevention, facilitating passage according to the law's principles of control, protection of maritime traffic safety, is orderly, and open. The State encourages and supports the application of advanced sciences and technologies in the administration over maritime transport safety.

Article 4 The Ministry of Transport under the State Council shall be in charge of national maritime transport safety.

The Maritime Safety Administration shall be uniformly in charge of administration on maritime transport safety. Other maritime administration agencies of various levels shall be in charge of the supervision and administration on maritime transport safety in sea areas within their respective jurisdictions in accordance with their respective duties.

Article 5 Relevant local people's governments shall strengthen propaganda of and education on maritime transport safety, and improve citizens' awareness of maritime transport safety.

Maritime administration agencies and their officials shall strengthen the propaganda of maritime transport safety laws and regulations, and shall strictly abide by maritime transport safety laws and regulations.

Article 6 Units [organizations] and individuals engaged in vessels' navigating, berthing, operating or other activities relating to maritime transport shall abide by law, regulations, rules and technical specifications relating to maritime transport safety as well as international treaties concluded or acceded to by the Government of the People's Republic of China.

Units [organizations] and individuals dealing with shipping, navigation, docking, other operations, and activities related to maritime traffic safety, according to the law, enjoy navigation protections and maritime rescue rights, and take on the responsibility of protecting maritime traffic safety.

Any unit [organization] or individual has to the right to expose any act impeding the safety and order of maritime transport.

### **Chapter II Vessels and Offshore Installations**

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Article 7 Vessels, offshore installations, shipping containers as well as important marine equipment, parts and materials determined by the State maritime administration agency as relating to maritime transport safety shall conform to compulsory requirements of relevant laws, regulations, standards and technical specifications, be issued corresponding inspection certificates and/or documents after being inspected as qualified by inspection institutes recognized by the State maritime administration agency, and shall be used for specified purpose(s).

Vessels, offshore installations and important marine equipment, parts and materials shall undergo safety technical inspection on a regular basis in accordance with relevant provisions.

Article 8 A vessel shall apply with the maritime administration agency for registration of her nationality, and shall not fly national flag for navigating, berthing or operating before obtaining the certificate of nationality.

Where a vessel is lost or scrapped, cancellation of registration formalities shall be handled by maritime administration agency; where the owner of such vessel fails to apply for cancellation whilst the maritime administration agency confirms that the vessel has been lost or scrapped, it may, in accordance with provisions of the Ministry of Transport of the State Council, cancel her nationality registration directly.

Article 9 A vessel shall fly the national flag of her state of origin, mark her name, port of registry, load line and identification number in accordance with provisions.

A vessel shall hold onboard statutory certificates and papers such as the certificate of nationality, vessel inspection certificate and vessel's radio station license, etc.

Article 10 A vessel shall conform to minimum safety manning requirement and be manned with crews holding effective certificates for requirement of positions upon which they serve.

Where an offshore installation needs to be manned with personnel, it shall, in accordance with provisions of the State, be manned with personnel who have professional skills of collision avoidance, signals, communication, firefighting and lifesaving, etc.

Article 11 The owner, operator or manager of a vessel shall strengthen on the safety management of the vessel, build and run a safe operation and pollution prevention management system in accordance with provisions of the Regulations on Administration of the Prevention and Control of Marine Environment Pollution Caused by Vessels, obtain certificate of compliance issued by maritime administration agency, and obtain a corresponding safety management certificate for the vessel it owns, operates or manages.

Article 12 The owner, operator or manager of a vessel shall build a security system in accordance with provisions, formulate a vessel security plan, and apply for the vessel security plan compliance certificate from a specialized technical institute recognized by maritime administration agency. Preconditions for obtaining the compliance certificate shall be determined by Ministry of Transport in accordance with provisions of international conventions concluded or acceded to by the Chinese Government.

A vessel shall, in accordance with security plan, be equipped with security equipment and carry out security drills on a regular basis.

### **Chapter III Seamen**

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Article 13 Seamen and personnel on board offshore installations shall undergo specialized education and training for maritime transport safety and corresponding positions in accordance with law.

A seaman shall hold a certificate of health in accordance with provisions of the state of origin as well as requirements of the international treaties concluded or acceded to by the People's Republic of China.

A captain, chief officer, second officer, third officer, chief engineer, first engineer, second engineer, third engineer, communication personnel and other seamen participating in attendance for navigation and engines shall obtain certificate of competency for seaman in accordance with provisions in the Regulations of the People's Republic of China on Seamen.

Where a seaman holding a certificate of competency for seaman issued by competent authorities of other countries or regions serves for a position on board a Chinese vessel or offshore installation, his certificate of competency shall be recognized by the maritime administration agency.

Article 14 The captain has independent power to make decision with respect to ensuring the navigation of vessel as well as safety of human life and property at sea and vessel security, and shall be ultimately responsible for the same.

The captain shall take necessary measures to protect the safety of the vessel as well as personnel, documents, cargo and other properties on board. Seamen, passengers and other personnel on board must obey orders given by the captain within the scope of his powers and duties.

Article 15 Where the captain dies during a voyage or is unable to do his duties due to certain reasons, the personnel ranking highest in the deck officers shall service as acting captain; the owner, operator or manager shall dispatch new captain to take over before the vessel departures from her next port of call.

Article 16 Seamen shall exercise the duties of maneuvering, controlling and managing the vessel in accordance with provisions of maritime transport safety and vessel security as well as order of the captain, maintain safe watch and shall not leave their posts arbitrarily. Before or at the time of watch on board, they shall not take or inject foods, drugs or other articles that might affect the safe watch.

Article 17 The State safeguards the work safety and occupational health of seamen, and protects lawful rights and interests of seamen in accordance with law.

The owner, operator or manager of a vessel shall ensure seamen's onboard working environment, occupational health and safety protection, living conditions, rest time, remuneration for labor, medical care and repatriation, etc. and shall conform to relevant provisions of the State and relevant requirements of the international treaties concluded or acceded to by the People's Republic of China.

The owner, operator or manager of a vessel shall obtain corresponding financial security or arrange corresponding insurance coverage for the cost that it shall pay in the event that the seaman it employs is repatriated in accordance with law or in the event of death or long-term disability of seaman it employs due to an occupational injury, illness or hazard, ensuring that the seaman will obtain necessary economic aid in time when seaman encounters the aforesaid situations. Specific measures in this regard shall be formulated by the Ministry of Transport of the State Council in conjunction with relevant departments.

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Article 18 Institutes engaged in seamen training and seamen service business shall obtain a license from maritime administration agency in accordance with provisions in the Regulations of the People's Republic of China on Seamen.

An institute engaged in seamen training business shall conduct seamen training within the verified scope in accordance with requirements of seamen training program specified by the Ministry of Transport of the State Council.

Article 19 The Ministry of Transport of the State Council and other relevant departments as well as relevant local people's government at or above the county level shall establish and improve early warning, prevention and emergency response mechanisms for foreign emergencies involving Chinese seaman (seamen), and formulate contingency plans for foreign emergencies involving Chinese seaman (seamen).

Emergency response for foreign emergencies involving Chinese seaman (seamen) shall be the responsibility of the people's government of the province, autonomous region and municipality directly under the Central Government of the place where the unit dispatching such seaman (seamen) is located, and the people's government of the province, autonomous region and municipality directly under the Central Government of the place where the residence(s) of such seaman (seamen) are located shall offer cooperation.

Embassy and consular of China in foreign countries shall assist in handling foreign emergencies involving Chinese seaman (seamen).

#### **Chapter IV Maritime Transport Conditions and Protection of Navigation**

Article 20 The Ministry of Transport of the State Council shall conduct uniform planning and scientific administration for maritime transport resources as a whole, promote the effective development and reasonable utilization of maritime transport resources.

Article 21 Maritime administration agencies shall, based on the natural conditions and maritime transport conditions of the sea area as well as the need for maritime transport safety administration, demarcate, adjust and publish maritime transport functional zones such as vessels' routing areas, vessel reporting areas, traffic controlled areas, restricted navigation zones, safe operation zones as well as anchorages, etc., outside of harbor areas.

Maritime administration agencies may, based on navigational conditions, demarcate and published recommended navigational routes.

Where affections are caused to other marine functional zones or activities for use of sea when maritime administration agencies demarcate or adjust maritime transport functional zone other than vessel reporting areas, opinions from relevant fishery, oceanic and military departments shall be sought.

Where it is necessary to demarcate or adjust restricted navigation zones for military purposes, decision for this regard shall be made by military department in charge of demarcating and adjusting restricted navigation zones after seeking opinions from maritime administration agencies, and such demarcation and adjustment shall be published by maritime administration agencies.

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Article 22 Where demarcating marine functional zones affects maritime transport environment or maritime transport safety, opinions from relevant maritime administration agencies shall be sought.

Article 23 Construction of any engineering project on coastal shoreline or at sea affects maritime transport safety, corresponding equipment for preventing collision of vessels shall be equipped with and navigation aids shall be set up based on actual situation.

Article 24 The State establishes and improves maritime transport supporting and service systems, such as positioning system, navigational system, communication system and long-range monitoring system for vessel, to provide information services to vessels and offshore installations.

Article 25 No obstacle that will affect the working effect of the installations, equipment and appliances of maritime transport supporting and service systems shall be built, set up or used around them. Illuminant that impedes the safety of vessel's navigation around the navigation aids and navigational lanes shall be shaded; no object that might impede or disturb the normal function of radio installations or affect the normal signal propagation of installations is to be set up near them or in their signal propagation channel.

Article 26 The Ministry of Transport of the State Council shall, in conjunction with the competent communication department of the State Council, take necessary measures to protect the reasonable deployment and effective coverage of maritime transport safety radio communication installations, organize the construction of marine radios surveillance system and conduct surveillance, safeguard marine radio waves order.

The Ministry of Transport of the State Council is in charge of managing exclusive radio frequencies allocated to be used by maritime transport system, planning the construction layout and places of radio stations at sea, verifying and issuing radio station licenses and identification codes.

Where communication by vessels needs to be relayed through shore-based radio station, such relay shall be carried out through domestic radio stations or satellite gateways established in accordance with law.

Shore-based radio stations, vessels and seamen that undertake the mission of maritime distress safety communication shall keep the maritime transport safety communication channel attended, and shall not exchange content irrelevant to maritime transport safety on maritime transport safety communication frequency and channel or occupy maritime transport safety communication channel for a long time.

Any unit or individual shall not illegally use radio identification code to affect the identifying in search and rescue at sea.

Article 27 Astronomical, meteorological and marine departments shall timely forecast, broadcast and provide news information relating to the navigational astronomy, universal time, marine meteorology, sea state, ocean currents, tides and ice condition, etc.

Article 28 The maritime administration agencies are in charge of organizing to conduct marine surveying and mapping, publishing marine charts and special nautical publications such as navigation routes

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guidance special nautical publications, issuing announcement timely for modification, update and termination of relevant nautical publications, and timely announcing to the society of the same.

Article 29 The Ministry of Transport of the State Council shall conduct planning for the deployment, construction and administration of public navigation aids uniformly. Land departments and marine administrative departments shall ensure the use of land or sea by such navigation aids and appliances.

Maritime administration agencies shall, based on such planning, organize to implement the setting up and administration on public navigation aids. Where temporary navigation aids need to be set up, the location and relevant technical specifications for such navigation aids determined by maritime administration agencies shall be met; where special navigation aids for project owner needs to be set up, such special navigation aids shall not be set up until submitting to and being approved by the maritime administration agencies.

Article 30 Maintenance units of navigation aids and owners of special navigation aids shall conduct patrol, service and maintenance of navigation aids within their responsibilities in accordance with relevant provisions, ensure that the navigation aids are in good working conditions. Construction, service and maintenance of navigation aids shall meet requirements of relevant provisions of the State.

Where navigation aids shift, or where such navigation aids are damaged or lost, the maintenance unit shall timely restore them.

Article 31 Any unit or individual shall, upon discovering any of the following situations, report to the maritime administration agency immediately; where duties of lanes administration agencies are involved, the maritime administration agency shall inform the same to lanes administration agencies or owners of special navigation aids:

- (1) navigational aids or navigational facilities are shifted or be damaged or lost;
- (2) there are sunken objects, drifting objects, stranded objects or other obstacles jeopardizing the maritime transport safety;
- (3) other abnormal situations jeopardizing the maritime transport safety.

Article 32 Maritime administration agencies, based on needs of administration on maritime transport safety, issue navigational warnings for urgent and dangerous situations and issue navigational notices for other situations.

Where maritime transport safety will be affected by operations to be carried out at sea or by other activities relating to maritime transport safety, maritime administration agencies shall be informed, in accordance with relevant provisions, to issue navigational notices or navigational warnings.

Article 33 Maritime administration agencies shall broadcast maritime transport safety information timely to vessels and offshore installations.

Maritime administration agencies shall provide the following vessels and offshore installations with corresponding maritime transport safety information services based on requests raised them:

- (1) vessels and offshore installations navigating in vessel's routing areas, traffic controlled areas and crowded navigable areas;

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(2) vessels and offshore installations restricted under navigational, berthing or operation safety conditions, or vessels and offshore installations restricted in their abilities to maneuver.

Article 34 The following vessels entering into or leaving from a pilot area as stipulated by the Ministry of Transport of the State Council shall apply for pilotage:

- (1) Vessels of foreign nationality, excluding vessels the pilotage of which is exempted as stipulated by the Ministry of Transport of the State Council;
  - (2) Military vessels of foreign nationality that enter into the territorial sea or internal waters after approval by the Government of the People's Republic of China;
  - (3) Nuclear power vessels, vessels carrying radioactive substance, liquefied gas bulk carriers, chemicals bulk carriers and oil supertankers;
  - (4) Vessels of over length, over height or over width, or vessels restricted in their abilities to maneuver;
- Compulsory pilotage imposed on vessels in the preceding paragraph includes navigating and berthing within the piloting area.

When pilots navigate a vessel, the captain of such vessel shall not be relieved from the responsibility for commanding and managing the vessel.

Article 35 A pilot shall engage in pilotage in accordance with dispatch of vessel piloting institution, and get on and off the piloted vessel at stipulated embarkation and disembarkation point, and exert due diligence to navigate.

A vessel piloting institution shall dispatch pilots with corresponding abilities and experiences to engage in pilotage.

Article 36 The Ministry of Transport of the State Council shall, based on situation of threat on the maritime security, determine and timely issue security level. Vessels shall take corresponding security measures in accordance with such security level.

## **Chapter V Navigation, Berthing and Operations**

Article 37 Before a vessel commences her voyage, her captain shall ensure that the vessel is seaworthy, seamen are competent and cargo meets worthiness requirements, understand meteorological condition and sea state information as well as the safety warnings issued the maritime administration agencies, implement corresponding emergency response measures, and shall not set sail under risk(s).

The owner, operator or manager of a vessel shall not order or force seamen to operate in violation of relevant rules or operate under risk(s).

Article 38 A vessel shall navigate, berth and conduct operations within the navigation zones as specified on her vessel inspection certificate.

When a vessel is navigating, berthing or conducting operations, she exhibit corresponding lights, shapes and signal flags in accordance with provisions, and maintain sufficient under keel clearance.

Article 39 A navigating vessel shall, as required by relevant rules, turn on appliances concerning the navigation safety, security, and prevention of ship pollution, such as AIS, VDR, LRIT system, security alarm as well as ship communication, etc. and make them display and record continuously.

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Any unit and individual shall not arbitrarily unpack, dismantle, initialize or reset the VDR or decode the information recorded by VDR, unless otherwise provided by laws, administrative regulations separately.

Article 40 A vessel shall equip with keep properly of logbook, engine log, radio record book and other log books that shall be reserved in accordance with law, record on a comprehensive, true, correct and timely basis in accordance with relevant provisions the maneuvering and important events involving maritime transport safety.

Article 41 In order to ensure the safety of personnel on board and the vessel, the captain has the right to place personnel who are conducting illegal or criminal activities on board or take other necessary measures for them, and prevent them from forging, concealing or destroying evidences.

Where the captain takes the measures provided in the preceding paragraph, case report shall be made and such report shall be signed by the captain and two or more personnel on board.

Article 42 While entering into or leaving from a port or anchorage, or navigating through bridge area, straits, narrow channels, mariculture areas, crowded navigable areas, as well as maritime transport functional zones such as vessels' routing areas and safe operation zones and traffic controlled areas, etc., a vessel shall strengthen on look-out, maintain safe speed, and abide by special provisions published by the State Council, Ministry of Transport of the State Council or maritime administration agencies as well as traffic control measures adopted by maritime administration agencies.

While entering into or leaving from areas where report is required, a vessel shall abide by the reporting regime, and report her position and dynamic status information to maritime administration agency.

A vessel crossing navigable lane shall not impede the transition of other vessels navigating in such navigable lane, and shall not hurry to cross in front of the ship bow of other vessel. A vessel with dimensions exceeding the navigable dimension of a bridge is forbidden from navigating through such bridge area.

In safe operation zones or scope of anchorage outside a port, it is forbidden from engaging in farming, planting fishing and other operations or activities that affect maritime transport safety or order.

Article 43 Where a vessel carries or tows at sea an object of over length, over height or over width, or a semi-submerged vessel, offshore installations or other object, special safety protection measures such as reinforcing the drag and drop position or escorting shall be adopted, such vessel shall report her navigation plan to the maritime administration agency before voyage, and shall exhibit corresponding signals and hang corresponding signs as required.

Whiling towing large-sized offshore installations at sea, such as mobile platforms and floating dock at sea, the inspection certificate of towage issued by vessel inspection institute shall also be submitted for inspection when reporting to the maritime administration agency.

Article 44 When entering into or leaving from a Chinese port, a vessel engaged in international voyages shall apply with the maritime administration agency for the permit to enter into or leave from ports of the People's Republic of China, and accept inspection by the maritime administration agency and other port inspection authorities.



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While entering into or leaving from a Chinese port or loading spot, a vessel engaged in domestic voyages shall report her voyage navigation plan, seaworthiness condition, manning situation, cargo loading situation and passengers carrying situation to the maritime administration agency, and accept inspection by the maritime administration agency.

Article 45 Vessels shall berth at wharves, berths, berthing places, loading spots, anchorages or safe operation zones that meet safety conditions. Berthing of a vessel shall not impede or endanger the safety of other vessels and offshore installations.

When a vessel enters into or leaves from a port, loading spot, berthing conditions and navigation conditions such as tide, meteorological sea state, shall be met.

Where entry into or leaving from a port or loading spot, by a vessel of over length, over height or over width, or by a vessel restricted in her ability to maneuver, might affect the safety, the maritime administration agency shall check and verify the safety conditions for such vessel to enter into or leaves from the port, and require such vessel to adopt corresponding safety measures such as accompanied by tugs or entering into port by taking advantage of tides.

Article 46 Where a unit [organization] or individual is to carry out surface or underwater operations in coastal waters, the following conditions shall be met and such operation shall not be carried out without permit of maritime administration agency;

- (1) Operating unit, personnel, vessel and installation meet requirements of safe navigation, berthing and operation;
- (2) Operation plan has been made up;
- (3) Safety and pollution prevention responsibility regime has been established;
- (4) Safeguard measures and corresponding contingency plan that meet requirements of maritime transport safety and pollution prevention have been formulated.

For operation activities that have major affection on maritime transport safety and pollution prevention, the maritime administration agency shall also conduct navigation and environmental impact assessment.

The maritime administration agency shall make decision within 20 working days after accepting the application. If the permit is granted, it shall issue surface and underwater operation permit, and verify and determine corresponding safe operation zone; if the permit is denied, it shall inform the applicant in a written form and explain the reason.

Article 47 In case of Surface and underwater activities that affect or might affect the maritime transport safety, such as sports, entertainments, drills or memorial activities for the sea, etc., the maritime administration agency shall be informed 10 working days prior to commencement of the same.

Article 48 Engagement of surface and underwater operation, or surface or underwater activities that affect or might affect the maritime transport safety, or transferring on water, shall not arbitrarily exceed the verified scope of sea areas, and shall implement traffic safety management measures in accordance with requirements of the maritime administration agency. Irrelevant vessels and offshore installations shall not enter into such verified sea areas.

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Article 49 After the accomplishment of operation and activities carried out at sea, potential danger that might impede maritime transport safety shall be eliminated timely. Parties concerned shall set up signs and report the name, appearances, sizes, locations and depth of such objects that impede the navigation to the maritime administration agencies before the same are handled properly. Where such objects affect navigational lanes, the maritime administration agencies shall inform timely the lanes administration agencies.

Article 50 With respect to sunken or drifting objects that may affect the safety of navigation and the management of navigation lanes, as well as those constituting a threat of explosion or pollution, the owners or operators thereof shall timely set up labels, in accordance with provisions of the State regarding maritime transport safety, and salvage and remove such objects within a deadline set by the maritime administration agency.

In face of failing to timely perform obligation as provided for in the preceding paragraph, the maritime administration agency shall have the right to take measures to set up labels and compel the salvage and removal of the objects. Where sunken or drifting objects constitute urgent danger to lives at sea, marine environment or public security, the maritime administration agency may make decision of immediate salvage and removal.

Expenses incurring for adopting measures as provided for in the preceding paragraph shall be borne by the owners or operators of such objects. Where the owners or operators of sunken or drifting objects waive their ownership for these objects, their obligations to salvage and remove these objects shall not be released.

Where a sunken or drifting object affect safety of navigation but its owner or operator could not be identified, the maritime administration agency shall organize to set up label, salvage and remove the same, and expense incurred thereby shall be solved through financial channel.

Article 51

In case of any of the following in which relatively significant affect is caused to the maritime transport safety, the maritime administration agencies shall adopt corresponding traffic control measures such as forbidding navigation or demarcate traffic controlled areas:

- (1) Bad weather and sea state;
- (2) Large-scale surface or underwater activities;
- (3) Occurrence of dangerous situations at sea that affect navigation or occurrence of traffic accidents;
- (4) Military activities or other major important activities;
- (5) Navigational density of certain sea areas is close to saturation;
- (6) Occurrence of other situations in which the safety of navigation and marine environment are affected significantly.

Article 52 Where passing through territorial sea of the People's Republic of China by vessels of foreign nationality might prejudice maritime transport safety or order, the maritime administration agencies have the right to refuse such passage.

The Ministry of Transport of the State Council may, under the consideration of maritime transport safety and within the Chinese territorial sea, demarcate and announce a certain waters the innocent passage through which by vessels of foreign nationality is suspended.

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Article 53 Where submersibles of foreign nationality pass through the territorial sea of the People's Republic of China, they are required to navigate on the surface, show their flags and report to the maritime administration agencies.

Article 54 The following vessels of foreign nationalities shall report to the maritime administration agencies when entering into or leaving from territorial sea of the People's Republic of China:

- (1) nuclear-powered vessels;
- (2) vessels carrying nuclear substances or toxic substances;
- (3) other vessels that, as provided for by laws, administrative regulations and rules of the People's Republic of China, might endanger the navigation safety in waters under the jurisdiction of the People's Republic of China.

When entering into the territorial sea of the People's Republic of China from waters beyond the borders, vessels provided for in the preceding paragraph shall hold relevant certificates, take special protective measures for safety that conform to laws, administrative regulations and rules of the People's Republic of China, and accept the directions and supervisions of the maritime administration agencies.

Article 55 Vessels and installations of foreign nationality may not enter the internal waters and ports of the People's Republic of China without the approval of maritime administration agency. However, under unexpected circumstances such as critical illness of personnel, engine breakdown or the vessels or installations being in distress or seeking shelter from weather, they may enter the ports or refuge places at sea and at the meantime, make an emergency report to the maritime administration agency and shall accept its directions and supervisions.

Where entry by vessels of foreign nationality into internal waters or ports of the People's Republic of China might cause threat to the safety or good order of such ports and internal waters, or to Chinese marine environment, the maritime administration agency shall not permit such entry.

Article 56 Chinese vessels and public service vessels that are performing military missions or public services may be exempted from abiding by relevant provisions for navigation, berthing and operation when they encounter urgent situations, provided that safety of navigation is ensured.

## **Chapter VI Special Provisions for Marine Transport**

Article 57 Where a vessel is to carry passengers or cargo, it shall conform to the quota of passenger, the load line and the type of cargo as verified on her vessel inspection certificate.

Article 58 While carrying passengers, a passenger vessel shall not carry dangerous cargo. A passenger shall not carry with him or secretly carry in his baggage any prohibited article or other dangerous articles that might endanger the safety of personnel and properties on board as stipulated by laws, regulations or by the Ministry of Transport of the State Council.

Article 59 A passenger vessel shall show safety precautions to passengers, and set up necessary safety signals and warnings. Passengers shall abide by safety requirements for embarkation.

Article 60 Local people's governments at or above the county level for the place where a sea ferry locates shall establish and improve ferry safety management responsibility regime, supervise and urge

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the operator of a maritime ferry to safeguard ferrying order, choose safe route to ferry passengers and ensure the ferrying safety.

Administration measures for sea ferries shall be formulated by relevant local people's governments.

Article 61 Sea ferry and ferryboat shall operate in accordance with ferrying route at sea shall be verified by the Ministry of Transport of local people's government at or above county level of the place where such ferry locates in conjunction with the maritime administration agency.

Operations of sea ferry shall be suspended in the event of bad weather or rough sea condition.

Article 62 A vessel for carriage of cargo shall safely stow, load, discharge, secure and carry cargo in accordance with relevant provisions.

Cargo shall meet the requirements of fitness for safe transport at sea before being loaded onboard.

Article 63 Where a vessel carrying dangerous cargo enters into or leaves from a port, it shall, in accordance with provisions of the Ministry of Transport of the State Council, apply with the maritime administration agencies to handle declaration formalities, and such vessel shall not enter into or leave from a port or make a transit stop unless being approved.

Article 64 A vessel to load or carry dangerous cargo shall possess conditions of safe transport based on the characters of danger and requirements of emergency response measures, formulate plan for emergency response of dangerous cargo accident and shall equip with corresponding equipment and devices for emergency response.

Where a vessel carries dangerous cargo, relevant safety technical standards and specifications on packing, mark, stowage, separation and transport of dangerous cargo shall be met.

Article 65 When shipping dangerous cargo, the shipper shall ship the same at wharves or loading spot published by maritime administration agencies as having corresponding capability for safe loading, unloading and pollution handling.

Where a vessel or offshore installation engages in transporting, loading, unloading or ship-to-ship transferring operation, it shall formulate operating plan, abide by relevant standards and safe operation procedures, adopt necessary safety and preventive measures, and prevent the occurrence of safety accident.

Article 66 Engagement of ship-to-ship transfer of liquid dangerous cargo shall also conform to the following conditions and shall not be carried out without permit from the maritime administration agency.

- (1) The vessel or floating installation to carry such ship-to-ship transfer operation shall meet requirements of waterway traffic safety and pollution prevention;
- (2) The cargo to be transferred is suitable to be transferred;
- (3) Personnel participating in the transfer operation possess the ability to carry out such transfer operation;
- (4) The operating waters and its bottom sediments as well as surrounding environment are suitable for such transfer operation to be carried out normally;

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(5) The transfer operation does not constitute threat to the environment, resources in the waters or nearby military targets or important civilian targets;

(6) Operating plan, safeguard measures and emergency response plan had been formulated for such transfer operation, and they conform to requirements of waterway traffic safety and pollution prevention

## **Chapter VII Search and Rescue at Sea**

Article 67 Personnel in distress at sea have the right to obtain free salvation. Search and rescue for lives shall be prior to the environment and properties.

Article 68 The State establishes coordinating mechanism for search and rescue at sea, to be uniformly responsible for emergency response work of nationwide search and rescue at sea as a whole, to make studies to solve major problems in the work of search and rescue at sea, to organize and coordinate emergency response action for major search and rescue at sea. The coordinating mechanism consists of relevant department, units [organizations]and military.

The State Council and relevant local people's government set up centers for search and rescue at sea, to be response for work of organizing, coordinating and commanding for search and rescue at sea.

Article 69 Search and rescue at sea shall stick to the principle of government's leadership, uniformed commanding, territorial jurisdiction, integrating the efforts of specialists and masses, and proximity and fast.

Article 70 Relevant local coastal people's governments at or above county level shall include the funds needed for search and rescue at sea into the fiscal budget of their levels, and ensure the normal carrying-out of search and rescue work.

Article 71 Member units of the coordinating mechanism for search and rescue at sea and various centers for search and rescue at sea shall obey uniformed command of the center for search and rescue at sea, and undertake work of emergency response, rescue and disaster relief as well as aftermath handling for search and rescue at sea.

Article 72 The State sets up specialized forces for search and rescue at sea, equips with professional search and rescue equipment. The State encourages the society forces to establish for search and rescue team in accordance with law and participate in search and rescue at sea.

Article 73 Vessels, offshore installations, aircrafts or personnel that are in distress at sea shall timely report to the center for search and rescue at sea.

Upon finding or learning of distress situation at sea, any unit or individual shall notify immediately to the center for search and rescue at sea.

Article 74 Any vessel, offshore installation or relevant unit or personnel shall not conceal, delay in reporting, lie about distress situations at sea.

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Upon finding of wrongly sending signal of distress situation at sea, the vessel, offshore installation and relevant units and personnel shall report to the center for search and rescue at sea, and shall eliminate relevant affection as soon as possible.

Article 75 Vessels or offshore installations in collision shall make known to the other vessel or offshore installation of its name, nationality and port of registry, and shall, so far as it can do so without serious danger to its safety, render assistance to the other vessel or offshore installation in distress, and shall not leave the scene of the accident or escape arbitrarily.

Article 76 Vessels, offshore installations or aircrafts in distress as well as their owners, operators and managers shall take measures to render self-rescue, prevent or reduce loss to lives, properties and pollution to marine environment.

Where a vessel is in distress, the passengers on board are entitled to obtain necessary information regarding the distress situation, and shall obey command of the captain and cooperate to carry out relevant preparation for emergency response.

Upon abandoning a vessel, the captain shall organize passengers and seamen to evacuate in sequence, rescue statutory navigational data, and the captain shall be the last to evacuate.

Article 77 When vessels, offshore installations or aircrafts receive a distress signal or discover that people's lives are endangered, they shall do their best to rescue the people in distress insofar as their own safety is not seriously endangered, and timely report to the center for search and rescue at sea the situation at the scene, their own names, radio station identifications, communication modes and positions.

Article 78 The center for search and rescue at sea shall, upon receiving report of distress situation, verify the same immediately, timely organize, coordinate and direct various resources such as relevant governmental departments, specialized search and rescue teams and relevant social units [organizations] to participate in search and rescue. Vessels, offshore installations, aircrafts and personnel participating in the search and rescue at sea shall abide by on-site command of search and rescue action, report their search and rescue dynamic statuses and results to the center for search and rescue at sea, and shall not arbitrarily quit such action without consent of the center for search and rescue at sea.

In case of participation in search and rescue at sea by military, provisions of relevant laws and regulations shall be followed.

Decision for suspension, resumption and termination of search and rescue action shall be made by center for search and rescue at sea. Forces participating in on-site search and rescue action may propose suggestion of suspension, resumption and termination of search and rescue at sea action.

Article 79 Vessels, offshore installations, and aircrafts in distress or personnel in distress shall follow orders from the center for search and rescue at sea and the on-site command, and shall accept rescue timely; where those vessels, offshore installations, and aircrafts in distress do not cooperate, the on-site command may take compulsory measures if necessary.

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Where the distress situation endangers lives and the personnel refuse to leave from the vessel, offshore installation or aircraft in distress, the on-site command may compel the personnel in distress to leave such vessel, offshore installation or aircraft in distress.

Article 80 Upon occurrence of maritime emergency events, relevant local people's governments shall designate corresponding medical institution to provide urgent medical aids for personnel in distress, provide living necessities for rescued personnel, and organize relevant department to handle aftermath measures.

Article 81 Search and rescue for lives as well as activities related thereunder within search and rescue coordinating responsible area the obligation for search and rescue in which is undertaken by China in accordance with provisions in conventions shall be carried out in accordance with provisions in this Chapter.

Article 82 Where vessels and seamen of Chinese nationality are in distress beyond sea areas under the jurisdiction of the People's Republic of China, or at places outside the areas the search and rescue responsibility of which is undertaken by China, the China Center for Search and Rescue at Sea shall, upon receiving such information, render international cooperation in accordance with the international treaties concluded or acceded to by the People's Republic of China or in accordance with search and rescue emergency response bilateral or multilateral treaties concluded or acceded to by the People's Republic of China.

#### **Chapter VIII Investigation of Maritime Transport Accidents**

Article 83 Investigation of maritime transport accidents shall be comprehensive, objective and impartial. Cause and facts for the accidents shall be ascertained and liability for the accidents shall be determined.

Article 84 Vessels and offshore installations concerned to a maritime transport accident shall timely report to the maritime administration agency, and shall accept investigation.

Article 85 The maritime administration agency shall, upon knowing the occurrence of a maritime transport accident, organize timely to investigate the same. In case of Investigation organized by the State Council or by a department under the authorization of the State Council for an extremely serious maritime transport accident, maritime administration agencies shall participate in and cooperate to carry out such investigation.

Collection of evidences for investigation of a maritime transport accident may be done through examining and inspecting the scene and inquiries as well as other methods. When necessary, professional institution may be entrusted to carry out survey or appraisal.

Article 86 The maritime administration agency may, in light of the need for investigation and handling, require the vessel to sail to a designated place, prohibit the vessel from departing the port, impound certificates, objects or materials of the vessel or offshore installation concerned, provided that it shall keep the same properly.

Where necessary, the maritime administration agency may detain the vessel or offshore installation concerned, provided that it shall try insofar as possible to reduce effects on the operation of such vessel or offshore installation.

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Article 87 The vessel, offshore installation concerned and relevant personnel shall accept the investigation for maritime transport accident, give a truthful account of the accident, provide relevant evidences, shall not refuse, impede or disturb such investigation for maritime transport accident, and shall not forge, conceal, destroy evidences.

Article 88 In case of investigating a maritime transport accident, an investigation report shall be submitted and an accident identification statement shall be issued within 90 days from the day of occurrence of such accident, and such documents shall be taken as evidences of handling the accident. Under special situation, upon approval by superior authority of the accident investigation authority, the time limit for submitting the investigation report may be extended by not more than 90 days. Time needed for technical appraisal for the accident shall not be counted in period for investigation of the accident,

Where the loss resulted from the accident is relatively small and the causation relationship is clear, summary procedures may be applied, it may only issue the accident identification statement for such investigation.

The maritime transport accident investigation report shall be disclosed to the society in accordance with relevant laws and administrative regulations.

Article 89 Where a vessel or offshore installation encounters bad meteorology, sea state and unexpected accident which causes or might cause damages, it may apply with the maritime administration agency for handling maritime visa.

Article 90 Where a vessel or offshore installation escapes from the scene after occurrence of maritime transport accident, the witness and other personnel knowing corresponding situation shall report to the maritime administration agency. Where such report is proved as true, the reporter shall be awarded.

Article 91 For dispute arising from compensation for damage resulted from a maritime transport accident, the parties to such dispute may bring a lawsuit directly or apply directly with an arbitration institute for arbitration, and they may also apply with the maritime administration agency for conciliation.

Where a lawsuit has been brought or arbitration has been initiated, the parties concerned shall not apply with the maritime administration agency for conciliation.

Where the conciliation by the maritime administration agency fails or the parties concerned refuse to fulfill the conciliation result, right of the parties concerned to bring lawsuit or apply for arbitration shall not be prejudiced.

Article 92 Where vessels, offshore installations and seamen of Chinese nationality encounter maritime transport accidents at place beyond the sea areas under the jurisdiction of the People's Republic of China, they shall timely report relevant situation to the maritime administration agencies and accept investigation.

## **Chapter IX Supervision and Administration**



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Article 93 Maritime administration agencies supervise and inspect, in accordance with statutory duties and procedures, on navigation, berthing and operation as well as other activities relating to the maritime transport carried out within the sea areas under the jurisdiction of the People's Republic of China.

Maritime administration agencies conduct port state control and coastal state control for vessels and offshore installations of foreign nationality in accordance international treaties concluded or acceded to by the People's Republic of China.

While performing duties, a maritime administration agency officer shall, in accordance with provisions, wear certain clothes and badges of ranking, present certificate for law enforcement, and accept supervision in an initiative manner.

Article 94 Maritime administration agencies may conduct supervision and inspection through ways such as patrolling at sea or on land, embarking a vessel for inspection, verifying certificates and materials, actually on-site operating, inquiries, electronic monitoring and other ways as stipulated.

Relevant units [organizations] and individuals shall cooperate with maritime administration agencies in exercising the inspection and supervision duty in accordance with law, and shall not refuse or impede such inspection and supervision without justified reason.

Article 95 Maritime administration agencies shall conduct the inspection and supervision while vessels or offshore installations are berthing or carrying operations.

Maritime administration agencies shall not intercept a vessel under navigation, unless otherwise provided separately by laws and regulations, or unless serious consequence will result from not taking supervision and inspection measures immediately.

Article 96 Where a vessel carrying dangerous cargo enters into or leaves from and Chinese port or makes a transit stop, if the maritime administration agency believes that such vessel lies and conceal relevant information when reporting such dangerous cargo, it may open containers/holds to check, port operator, relevant units [organizations] and individuals shall render assistance. The maritime administration agency shall inform relevant departments of the containers/holds opening checkup situation.

Article 97 Where a vessel or offshore installation commits any of the following, the maritime administration agency may detain such vessel or offshore installation or order such vessel or offshore installation to suspend navigation, change course, navigate to designated place or stop operation:

- (1) The vessel or offshore installation is unseaworthy or unfit for towing operation;
- (2) The vessel or offshore installation or its crew member(s) does not/ do not hold qualified effective statutory certificate(s);
- (3) The vessel or offshore installation has hidden danger that might seriously endanger the maritime transport safety or marine environment;
- (4) The vessel or offshore installation fails to rectify, as required by the maritime administration agency, her violation of law;
- (5) The vessel or offshore installation is involved in a maritime transport accident or pollution accident and corresponding statutory formalities have not been cleared;

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- (6) The vessel or offshore installation which should have been scrapped in accordance with law still engages in navigation, except that such vessel or offshore installation is sailing on a single voyage to the place of dismantling under the approval of maritime administration agency;
- (7) The vessel has not paid dues or taxes stipulated by the State;
- (8) The vessel or offshore installation fails to provide corresponding insurance proof or finance security in accordance with law.

Article 98 Where a vessel or offshore installation presents threat to the security of port facilities, the maritime administration agency may inspect compulsorily, order the vessel to rectify immediately or within a prescribed period, refrain the vessel for operating, order the vessel to navigate to designated place, prohibit the vessel from entering into the port, detain it or deport it.

Article 99 Where a vessel overloads, the maritime administration agency shall order the vessel to rectify. Where such vessel refuses to make correction, the maritime administration agency may detain such vessel until her violation is eliminated.

Article 100 Where a vessel of foreign nationality commits any of the following within sea areas under the jurisdiction of the People's Republic of China, the maritime administration agency may exercise the right of hot pursuit in accordance with law:

- (1) The vessel, in violation of law, enters into internal waters of the People's Republic of China to navigate or berth;
- (2) The vessel, in violation of law, carries out operation within sea areas under the jurisdiction of the People's Republic of China;
- (3) The vessel severely impedes or endangers maritime transport safety or order;
- (4) The vessel illegally discharges pollution into sea areas or causes environmental pollution;
- (5) A nuclear power vessel or a vessel carrying dangerous cargo does not hold corresponding certificates and papers in accordance with law;
- (6) The vessel escapes from the scene after causing a maritime transport accident;
- (7) The vessel that has been prohibited from leaving the port still leaves the port arbitrarily
- (8) The vessel evades or resists supervision and inspection carried out by the maritime administration agency in accordance with law.

Article 101 Where a vessel of foreign nationality violates the laws or administrative regulations of the People's Republic of China or rules promulgated by the Ministry of Transport of the State Council when navigating, berthing or carrying out operation within sea areas under the jurisdiction of the People's Republic of China, the maritime administration agency may order it to stop the violation immediately.

Where such vessel commits such violation within Chinese territorial sea or internal waters, the maritime administration agency may deport it.

Article 102 Where any engagement of operations or other activities at sea impedes maritime transport safety, the maritime administration agency shall order to make correction immediately or within a prescribed period. In the event of failing to make immediate correction or failing to make correction within a prescribed period, the maritime administration agency may order to stop the operation or activities. Where necessary the maritime administration agency may remove, or dismantle compulsorily, and expenses incurred therefrom shall be borne by parties/individuals concerned in violation.

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Article 103 Where the maritime administration agency finds, during supervision and inspection, a vessel or offshore installation committed violation that beyond its scope of jurisdiction, it shall timely notify or transferred timely to relevant competent department for disposal.

### **Chapter X Legal Responsibility**

Article 104 Where a vessel or offshore installation commits any of the following, the maritime administration agency to order to make correction, and a fine of not less than 50,000 yuan but not more than 300,000 yuan shall be imposed on such vessel or offshore installation; fines of not less than 10,000 yuan but not more than 30,000 yuan shall be imposed on the captain and relevant responsible personnel, and shall concurrently suspend their certificates of competency for 18 to 30 months or even revoke their certificates of competency if the circumstances are serious; in case of illegal vessel certificates, such illegal certificate shall be concurrently confiscated or vessel may even be confiscated if the circumstances are serious:

- (1) the vessel fails to undergo inspection and registration in accordance with law;
- (2) fails to hold statutory effective certificates or papers;
- (3) navigate or carry out operation at sea using a vessel that shall have been scrapped;

Article 105 Where any of the following is committed, the maritime administration agency to order to make correction, and a fine of not less than 10,000 yuan but not more than 150,000 yuan shall be imposed on such vessel or offshore installation concerned; fines of not less than 5,000 yuan but not more than 20,000 yuan shall be imposed on the captain and relevant responsible personnel, and shall concurrently suspend their certificates of competency for 12 to 24 months or even revoke their certificates of competency if the circumstances are serious:

- (1) actual situation of the vessel or offshore installation is inconsistent with the statutory certificates or documents she holds;
- (2) the vessel fails to fly national flag, or illegally flies national flag of other country;
- (3) the vessel fails to mark her name, port of registry, load line, identification number;
- (4) manning of the vessel or offshore installation is inconsistent with relevant provisions.

Article 106 Where any of the following is committed, the maritime administration agency to order to make correction within a prescribed period, and a fine of not less than 30,000 yuan but not more than 100,000 yuan shall be imposed on the owner, operator or manager of the vessel, or revoke its security plan compliance certificate, safe operation and pollution prevention management system compliance certificate or vessel safety management certificate:

- (1) failing to obtain security plan compliance certificate;
- (2) failing to run relevant security plan;
- (3) failing to obtain safe operation and pollution prevention management system compliance certificate;
- (4) failing to obtain vessel safety management certificate;
- (5) failing to run safe operation and pollution prevention management system.

Article 107 Where any of the following is committed, the maritime administration agency shall impose a fine of not less than 2,000 but not more than 20,000. If the circumstances are serious, the maritime administration agency shall concurrently suspend his/her certificate of competency for 6 to 12 months or even revoke his/her certificate of competency. In case of illegal certificate, such certificate shall be confiscated:

- (1) engages in the seaman occupation without holding certificate of competency or certificate of health;

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- (2) the certificate of competency he/she holds is inconsistent with the vessel, navigation zones or post he/she is serving;
- (3) a seaman holding certificate of competency issued by competent authority of other countries or region serves on a vessel or offshore installation of Chinese nationality but such certificate has not been recognized by the maritime administration agency;
- (4) obtains certificate of competency or certificate of health through illegal methods such as cheating or fraud;

Article 108 Where a seaman fails to maintain safety watch, or serves on watch when he is tired, or violates relevant provisions to take or inject foods, drugs or other articles that might affect their safe watch work, the maritime administration agency shall impose a fine of not less than 1,000 but not more than 10,000 on the captain and such responsible seaman, or suspend the certificate of competency for 3 to 6 months or even revoke the certificates of competency of the captain and the responsible seaman if the circumstances are serious.

Article 109 Where a vessel commits any of the following, the maritime administration agency shall order the owner, operator or manager of such vessel to make correction, and shall impose a fine of not less than 20,000 yuan but not more than 100,000 yuan shall be imposed. Relevant certificates of such vessel shall be concurrently suspended for 12 to 24 months if the circumstances are serious:

- (1) seamen's onboard working environment, occupational health and safety protection, living conditions, rest time, remuneration for labor, medical care and repatriation, etc. do not conform to relevant provisions of the State and relevant requirements of the international treaties concluded or acceded to by the People's Republic of China;
- (2) fails to obtain corresponding financial security or arrange corresponding insurance coverage for the cost that it shall pay in the event that the seaman it employs is repatriated in accordance with law or in the event of death or long-term disability of seaman it employs due to an occupational injury, illness or hazard.

Article 110 Where there is engagement in business of training seamen and seamen service business without approval, the maritime administration agency shall order to correct such violation, and shall concurrently impose a fine of not less than 10,000 yuan but not more than 50,000 yuan; if the circumstances are serious, the fine shall be not less than 50,000 yuan but not more than 250,000 yuan; if there is illegal income, the maritime safety agency shall also confiscate such illegal income.

Article 111 Where any of the following is committed, the maritime administration agency may give warning to the responsible party and order it to make correction; if the circumstances are serious, a fine of not less than 30,000 yuan but not more than 100,000 yuan shall be imposed:

- (1) failing to equip with corresponding equipment for preventing collision of vessels or set up navigation aids;
- (2) obstacle that will affect the working effect of the installations, equipment and appliances of maritime transport supporting and service systems is built, set up or used around them;
- (3) damaging the installations, equipment and appliances of maritime transport supporting and service systems as well as corresponding devices and navigation aids;
- (4) temporary navigation aid does not conform to the setup place and technical specifications determined by the maritime administration agency;
- (5) setting up special navigation aid without approval of the maritime administration agency.

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Article 112 Where any of the following is committed, the maritime administration agency shall order to make correction, fine of not less than 500 yuan but not more than 2,000 yuan shall be imposed; certificate(s) of competency and radio certificate(s) of relevant seamen shall be concurrently suspended for 1 to 3 months if the circumstances are serious:

- (1) Shore-based radio stations, vessels and seamen that undertake the mission of maritime distress safety communication fail to keep the maritime transport safety communication channel attended, or exchange content irrelevant to maritime transport safety on maritime transport safety communication frequency and channel or occupy maritime transport safety communication channel for a long time;
- (2) illegally using radio identification code to affect the identifying in search and rescue at sea.

Article 113 Where a vessel fails to apply for pilotage in accordance with relevant provisions, or a vessel arbitrarily navigates, berths or shifts the berth without piloting, the maritime administration agency shall impose a fine of not more than two times of total piloting dues of the current voyage on such vessel.

Where a pilot navigates a vessel without appointment of vessel piloting institution, the maritime administration shall impose a fine of not less than 5,000 yuan but not more than 30,000 yuan.

Where loss is caused to a vessel due to fault of the pilot appoint by the piloting institution, the maritime administration agency shall impose a fine of not less than 20,000 yuan but not more than 100,000 yuan on the persons in charge with competent accountability and relevant persons with competent accountability.

Article 114 Where any of the following is committed when a vessel is navigating, berthing or carrying out operations at sea, the maritime administration agency shall order to make correction, fine of not less than 10,000 yuan but not more than 50,000 yuan shall be imposed on the vessel in violation, fines of not less than 1,000 yuan but not more than 10,000 yuan shall be imposed on the captain and seamen with accountability, certificate(s) of competency for seaman (seamen) shall be suspended for 3 to 12 months; certificate(s) of competency of the captain and the seamen with accountability shall be revoked if the circumstances are serious:

- (1) sets sails under risk(s) without conforming to safety conditions of setting sail, operates in breach of relevant rules, or fails to navigate in accordance with navigation zone as verified in the vessels inspection certificate;
- (2) fails to exhibit lights, shapes and signal flags in accordance with provisions, or fails to maintain sufficient under keel clearance;
- (3) the vessel carries passengers or cargo exceeding quota of passenger and load line as verified on her vessel inspection certificate, or a passenger vessel carries dangerous cargo while she is carrying passengers;
- (4) A passenger vessel fails to show safety precautions to passengers, or fails to set up safety signals and warnings;
- (5) Fails to safely stow, load, discharge, secure and carry cargo in accordance with relevant provisions;
- (6) Fails to, as required by relevant rules, turn on appliances concerning the navigation safety, security, and prevention of ship pollution, such as AIS, VDR, LRIT system, etc. and make them display and record continuously;
- (7) Arbitrarily unpacks, dismantles, initializes or resets the VDR or decodes the information recorded by VDR;

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(8) Fails to take protection measures or fails to exhibit signals or fail to hang signs when carrying or towing an object of over length, over height or over width, or a semi-submerged object;

(9) The vessel berths at wharves, berthing places, loading spots, anchorages or safe operation zones that do not meet safety conditions, or berthing of such vessel impedes or endangers the safety of other vessels and offshore installations;

(10) The vessel carries or tows at sea an object of over length, over height or over width, or a semi-submerged vessel, offshore installations or other object, but fails to adopt special safety protection measures, fails to report her navigation plan to the maritime administration agency before voyage, or fails to exhibit corresponding signals and hang corresponding signs as required;

(11) The vessel fails to abide by relevant special provisions or traffic control measures when entering into or leaving from a port or anchorage, or navigating through crowded navigable areas, straits, narrow channels, as well as maritime transport functional zones such as traffic controlled areas, vessels' routing areas, vessel reporting areas, and safe operation zones, etc.

Article 115 Where a vessel engaged in international voyages enters into or leave from of port of China without permit, or submits false, illegal, ineffective application when handling the permit to enter into or leave from port of China, the maritime administration agency shall impose a fine of not less than 5,000 yuan but not more than 30,000 yuan on such vessel in violation, and shall impose fines of not less than 1,000 yuan but not more than 10,000 yuan on the captain and seamen or other persons with accountability, and the certificates of competency of the captain and seamen with accountability shall be revoked if the circumstances are serious.

Where a vessel engaged in domestic voyages fails to report to the maritime administration agency when entering into or leaving from a Chinese port or loading spot, the maritime administration agency shall impose a fine of not less than 5,000 yuan but not more than 30,000 yuan on such vessel in violation, and shall impose fines of not less than 1,000 yuan but not more than 10,000 yuan on the captain and seamen or other persons with accountability

Article 116 Where a vessel or offshore installation does not conform to safe operation rules. Engages in operation at sea without permit, or carry out operation beyond verified scope of sea areas, the maritime administration agency shall order to stop such illegal activities, and shall impose a fine of not less than 50,000 yuan but not more than 300,000 yuan on the vessel or offshore installation concerned or its owner, operator or manager. As to the captain and the seamen with accountability, the maritime administration agency shall impose fine of not less than 3,000 yuan but not more than 10,000 yuan, or suspend their certificate of competency for 6 to 12 months; if the circumstance are serious, the certificates of competency for the captain and seamen with accountability shall be revoked.

Where a vessel or offshore installation engages activities involving maritime transport safety but it fails to inform maritime administration agency in advance, or the scope of such activities exceeds the verified scope of sea areas, the maritime administration agency shall impose a fine of not less than 2,000 yuan but not more than 10,000 yuan.

Article 117 Where sunken or drifting objects are left by navigation, berthing out carrying out operation or engagement of other activities involving maritime transport safety, if the owner, operator or manager fails to perform the obligation of salvaging and removing the same, or fails to set up warning label before the same are handled properly, the maritime administration agency shall impose a fine of not less than 30,000 yuan but not more than 200,000 yuan.

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Article 118 Where a foreign vessel or foreign offshore installation enters into internal waters and ports of the People's Republic of China without approval, or enters into or leaves from territorial sea of the People's Republic of China without reporting whilst such report shall have been made, the maritime administration agency shall impose fine of not less than 300,000 but not more than 500,000.

Article 119 Where, in violation of this Law, a ferryboat fails to ferry in accordance with verified routes, ferry or compels to ferry in the event of bad weather or sea state, the maritime administration agency shall order such ferryboat to stop navigation, impose a fine of not less than 10,000 yuan but not more than 50,000 yuan on the owner, operator or manager of the ferry, and suspend certificates of competent of the captain and seamen with accountability for 3 to 12 months.

Article 120 Where a vessel carrying dangerous cargo commits any of the following, the maritime administration agency shall order to make correction, impose a fine of not less than 50,000 yuan but not more than 300,000 yuan on the vessel in violation, fines of not less than 10,000 yuan but not more than 30,000 yuan on the captain and seamen or other persons with accountability, or suspend their certificates of competency for 6 to 12 months, or even revoke their certificates of competency: if they refuse to make correction, the maritime administration agency may order to stop operation or navigation:

- (1) Entering into or leaving from a port without making handling application and declaration formality with the maritime administration agency;
- (2) the vessel does not possess conditions of safe transport;
- (3) fails to formulate corresponding plan for emergency response and equip with corresponding equipment and devices in accordance with relevant provisions;
- (4) the dangerous cargo so carried does not conform to relevant safety technical standards and specification on packing, mark, stowage, separation and transport of dangerous cargo;
- (5) carries out operation of loading and discharging dangerous cargo at wharves, berths, or loading spots that do not possess corresponding safe loading and discharging and pollutants disposal capability;
- (6) carries out operations of loading, unloading or ship-to-ship transfer of dangerous cargo in violation of operating procedures for safe operation;
- (7) engages in operation of ship-to-ship transferring liquid dangerous cargo without reporting to the maritime administration agency in advance.

Article 121 Where a vessel or offshore installation fails to fulfill the obligation or reporting after encountering distress situation or happening maritime transport accident, the maritime administration agency shall impose warning on the vessel or offshore installation or its owner, operator or managers, and shall concurrently impose fine of not less than 5,000 yuan but not less than 30,000 yuan, suspend the certificates of competency of the captain and the seamen with accountability for 6 to 24 months, and certificate of the seaman with accountability shall be revoked if the circumstances are serious.

Article 122 Where a vessel, offshore installation or other unit or personnel interfere with the maritime transport safety communication or lies about report on distress situation at sea, the maritime administration agency shall impose a fine of not less than 50,000 yuan but not more than 100,000 yuan on the vessel or offshore installation concerned or the responsible unit, fines of not less than 2,000 yuan but not more than 10,000 yuan on the seamen or personnel with accountability, and suspend the certificate of competency of the seaman with accountability for 3 to 12 months if the circumstances are serious.

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Where a vessel, offshore installation or other units [organizations] wrongly send signal of distress situation at sea, the maritime administration agency shall order to make correction. Fine of not more than 10,000 yuan shall be imposed on the vessel or offshore installation concerned or the responsible units [organizations] if the circumstances are serious.

Article 123 Where, after a vessel or offshore installation happens maritime transport accident, the vessel or offshore installation escapes, the maritime administration agency shall impose a fine of not less than 50,000 yuan but not more than 200,000 yuan on such vessel in violation, revoke the certificate of competency of the seaman with accountability, and the seaman undertaking such punishment shall not reapply for the certificate of competency for his whole life.

Article 124 Where a vessel or offshore installation or seamen at or in the vicinity of the scene of distress situation fails to fulfill the duty and obligation of search and rescue at sea, refuses the uniform command of the maritime administration agency or refuse to cooperate for investigation and collection of evidences for the accident, the maritime administration agency shall impose a fine of not more than 50,000 yuan on the vessel or offshore installation, and shall suspend the certificates of competency of the seamen concerned for 6 to 12 months or even revoke the certificate of competency of the seamen.

Article 125 Where any of the following is committed, as to vessel in violation, the maritime administration agency shall impose a fine of not less than 2,000 yuan but not more than 30,000 yuan; as to the seaman in violation, the maritime administration agency shall suspend his certificate of competency for 6 to 24 months or even revoke his certificate of competency:

- (1) refuse or impede maritime administrative enforcement of law;
- (2) give false information about or fabricate or falsify or conceal or destroy evidence;
- (3) alter and destroy deliberately the document for maritime administrative enforcement of law;
- (4) fail to rectify flaws in accordance with handling opinion in the document for maritime administrative enforcement of law.

Article 126 Where a vessel commits other acts violating the International Regulations for Preventing Collisions at Sea, the Rules on Maritime Radio Communication, the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and the Maritime Labour Convention when navigating, berthing or carrying out operation at sea, the maritime administration agency shall impose a warning, if the circumstance are serious, the maritime administration agency shall impose fine of not less than 5,000 yuan but not more than 10,000 yuan on the vessel and fine of not less than 1,000 yuan but not more than 10,000 yuan on the seaman in violation, and may concurrently suspend the certificate of competency of the seaman for 3 to 12 months.

Where maritime transport accident is caused due to the above acts, the maritime administration agency shall impose fine of not less than 10,000 yuan but not more than 30,000 yuan on the vessel and fine of not less than 2,000 yuan but not more than 20,000 yuan on the seaman and pilot with accountability, or suspend the certificate of competency for seaman for 6 to 24 months or even revoke their certificates of competency.

Article 127 Where a seaman or pilot who is responsible in a maritime transport accident commits any of the following, when the maritime administration is to impose administrative punishment, it shall take the specialty of seaman occupation, maneuvering of vessels and navigation at sea into account and give such seaman or pilot a lighter or mitigated punishment:



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- (1) the seaman or pilot has exerted due diligence while the distress situation or accident is caused actually by hidden danger that still could not be discovered after exerting such due diligence;
- (2) under emergency, the seaman has taken proper measures in accordance with the emergency response plan of the vessel concerned, but the accident could still not be prevented;
- (3) after occurrence of distress situation or accident, the seaman has taken proper emergency response measures, which actually has controlled effectively or mitigated apparently, the loss or damage caused by such accident;
- (4) the vessel encountered bad weather or sea state suddenly when navigating en route or carrying out operations at sea;
- (5) other situations as provided for in laws or administrative regulations.

Article 128 Where the maritime administration agency imposes administrative punishment, it shall consider the situation of violation to be corrected or the effect of administrative coercive measures; where the liable party corrects actively the violation and eliminates timely the hidden danger for safety and in addition, no maritime accident is actually caused or the maritime transport safety and order is actually not impeded, the administrative punishment on such liable party may be lightened, mitigated or exempted in accordance with law.

Article 129 Where the staff member of the maritime administration agency abuses his/her power, neglects his/her duty or accepts bribery, he/she shall be punished in accordance with law.

Article 130 Where in violation with this Law, crime is constituted, criminal liabilities shall be investigated in accordance with law.

## **Chapter XII Supplementary Provisions**

Article 131 For the purpose of this Law, the definitions of the following terms are:

“Vessel” means every description of displacement or non-displacement ship, boat, raft, boat, seaplane, submersible, mobile platform and other mobile units, navigating at sea.

Unless provided for in Article 34 of this Law, vessel referred to in this Law shall not include military vessels of foreign nationality.

“Offshore installation” means every description of fixed or floating platform as well as other surface or underwater structure or installation that has been in place at sea, excluding wharf, breakwater as offshore oil or natural gas production facilities such as floating storage unit.

“Inland waters” means all sea areas from the land-ward side of the baseline of territorial sea to the coastline of the People’s Republic of China.

“Operation” means exploration, exploitation, survey, scientific expedition or experimentation at sea, loading, discharge, ship-to-ship transfer, dredging, demolition, sand excavation, salvage and removal of sunken vessels or objects, cleaning up pollutants, laying or overhauling submarine cables or pipeline, constructing buildings and structures, dumping wastes or filing sea, as well as other surface and underwater operations that might affect maritime transport safety.

“Maritime ferry” means ferry between two islands at sea or between island at sea and the land.

Article 132 A public service vessel shall handle registry in accordance with provisions of this Law. Measures on inspection and manning of public service vessels shall be formulated by the Ministry of Transport of the State Council in conjunction with relevant competent departments.

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Registry and inspection on sport vessels/boats shall be formulated separately by the competent sport department of the State Council. Competent sport departments shall be responsible for supervision and administration on traffic safety of sport vessels/boats during sports competition

Internal administration for military jurisdictions, military vessels and military offshore installations as well as the administration on surface and underwater operations carried out under military purpose shall be formulated separately by military departments.

The Inspection, registration and certificates issuance for fishing boats of nationality of the People's Republic of China, the registration, training, test and certificates issuance for seamen of fishing boats, the duty on administration of maritime transport safety for fishery ports areas as well as investigation and handling of traffic accidents between fishing boats in coastal waters shall be in charge by competent fishery departments under people's governments at or above the county level.

Fishing boat as referred to in the preceding paragraph means any vessel specially engaged in catching marine biological resources such as fishes. Fishery port as referred to in the preceding paragraph means man-made ports or natural harbors, including the special fishing harbors, special water areas for fishery and special anchorages for fishing boats in a multi-purpose port, which are specially in the service of fishery production, for fishing boats to anchor, to take shelter from the winds, to load and unload their catches and to replenish the supply of the necessities for fishing.

Article 133 Where any relevant international treaty concluded or acceded to by the People's Republic of China contains provisions differing from this Law, or where there is no arrangement in this Law whilst any relevant international treaty concluded or acceded to by the People's Republic of China contains provisions of corresponding contents, the provisions of such international treaty shall apply, unless the provisions are ones on which the People's Republic of China has announced reservations or does not choose for application.

Article 134 This Law shall go into effect as of (date). The Maritime transport Safety Law of the People's Republic of China implemented as of January 1, 1984 shall be repealed simultaneously.