

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

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Xi Jinping, President of the People's Republic of China

April 29, 2021

[Maritime Traffic Safety Law of the People's Republic of China](#)

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Chapter I General Provisions

Article 1 This Law is developed for the purposes of strengthening maritime traffic management, maintaining the maritime traffic order, ensuring the safety of life and property, and safeguarding the rights and interests of the state.

Article 2 This Law shall apply to the navigation, berthing, operations and other activities relevant to the maritime traffic safety in the sea areas within the jurisdiction of the People's Republic of China (hereinafter referred to as “China”).

Article 3 The state shall guarantee the use of sea for traffic in accordance with the law.

The maritime traffic safety work shall be completed under the principles of safety first, prevention first, convenient traffic, and legal management to ensure the safety, order, and smoothness of maritime traffic.

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

The maritime safety administration of the state shall be uniformly responsible for the supervision and administration of maritime traffic safety, and other maritime safety administrations at all levels shall, according to their functions and duties, be specifically responsible for the supervision and administration of maritime traffic safety within their jurisdictions.

Article 5 The people's governments at all levels and relevant departments shall support the maritime traffic safety work, strengthen the publicity and education of maritime traffic safety, and raise the awareness of maritime traffic safety in the whole society.

Article 6 The state shall protect the labor safety and occupational health of crews in accordance with the law, and safeguard the lawful rights and interests of crews.

Article 7 Entities and individuals that carry out navigation, berthing, operations, and other maritime traffic-related activities of vessels and offshore installations shall comply with the laws, administrative regulations, rules, mandatory standards and technical specifications concerning maritime traffic safety; and be entitled to the right to navigation support and maritime rescue according to the law, and perform the obligations of maintaining maritime traffic safety and protecting the marine ecology and environment.

Article 8 The state shall encourage and support the application of advanced science and technology in maritime traffic safety, promote the modernization construction of maritime traffic safety, and improve the scientific and technological level of maritime traffic safety.

Chapter II Vessels, Offshore Installations and Crews

Article 9 Vessels of Chinese nationality, offshore installations and shipping containers installed in the waters within the jurisdictions of China, and major maritime equipment, parts and materials related to maritime traffic safety determined by the maritime safety administration of the state shall comply with the applicable laws and administrative regulations, rules, as well as the requirements of mandatory standards and technical specifications, pass the inspections of vessel survey institutions, and obtain the corresponding certificates and documents. The list of certificates and documents shall be developed and announced by the maritime safety administration of the state.

The formation of a vessel survey institution shall be subject to approval by the maritime safety administration of the state. The formation conditions and procedures for and the management of vessel survey institutions shall be governed by the laws and administrative regulations on vessel inspection.

Entities holding relevant certificates and documents shall use vessels, offshore installations, shipping containers, and important maritime equipment, parts and materials for the prescribed purposes, and conduct technical safety inspection on a regular basis in accordance with the law.

Article 10 A vessel may not navigate, berth, and carry out operations under the flag of China until it has applied to the maritime safety administration for vessel nationality registration and obtained a nationality certificate in accordance with the applicable laws and administrative regulations on vessel registration.

Where a vessel of Chinese nationality is lost or scrapped, the vessel owner shall apply for cancellation of nationality registration within the time limit prescribed by the transport department under the State Council; and where a vessel owner fails to apply for cancellation of nationality registration within the prescribed time limit, the maritime safety administration may issue an announcement on proposed mandatory cancellation of nationality registration of vessels. Where a vessel owner fails to raise an objection within 60 days from the date of issuance of the announcement, the maritime safety administration may cancel the nationality registration of the vessel.

Article 11 The owner, operator or manager of a vessel of Chinese nationality shall establish and run

a management system for safe operation and prevention and control of vessel pollution.

The maritime safety administration shall issue a compliance certificate and a corresponding vessel safety management certificate, if the management system as prescribed in the preceding paragraph has passed the examination.

Article 12 The owner, operator or manager of a vessel of Chinese nationality sailing on international routes shall, according to the provisions of the transport department under the State Council, establish a vessel security system, develop security plan for vessels, be equipped with vessel security equipment according to the security plan for vessels, and carry out drills on a regular basis.

Article 13 Chinese crew members and staff members working on offshore installations shall receive professional education and training on maritime traffic safety and corresponding positions.

A Chinese crew member shall, according to the provisions of the laws and administrative regulations on the management of crews, apply to the maritime safety administration for a certificate of competency and obtain a health certificate.

A foreign crew member working on a vessel of Chinese nationality shall be governed by the laws and administrative regulations on the management of crews.

A crew member working on a vessel shall comply with the scope of the vessel, navigation area, and duties specified in his certificate of competency.

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

- (1) The owner, operator or manager shall recruit crew members in accordance with the law, enter into labor contracts or employment agreements with them, and appoint crew members that satisfy the requirements for the vessel.
- (2) The owner, operator or manager has ensured that the working environment, occupational health protection and safety protection, work and rest time, wages, living conditions, medical conditions, and social insurance, among others, of the crew on the vessel comply with the relevant provisions of the state.
- (3) The owner, operator or manager has established a complaint filing and handling mechanism for the crew which satisfies the requirements.
- (4) The owner, operator or manager has provided corresponding financial guarantee or purchased corresponding insurance for the expenses for repatriation of crew members and the expenses to be

paid according to the law for injuries, illness or deaths of crew members during the period of employment on the vessel.

The maritime safety administration shall, upon consultation with the administrative department of human resources and social security, and according to their respective duties, examine whether the applicant and its vessel meet the conditions as prescribed in the preceding paragraph. Where the prescribed conditions are met upon examination, the maritime safety administration shall, within 10 working days from the date of acceptance of the application, issue a maritime labor certificate; and where the conditions are not met, the maritime safety administration shall notify the applicant and explain the reasons.

The specific measures for the issuance of maritime labor certificates and for the supervision and inspection shall be developed and issued by the transport department under the State Council, in conjunction with the administrative department of human resources and social security under the State Council.

Article 15 The maritime safety administration shall, in accordance with the provisions of the laws and administrative regulations on the management of crews, manage entities' training for crews of seagoing vessels.

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

The emergency response of overseas emergencies of crews shall be in the charge of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government at the places where the entities dispatching crew members are located, and the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government at the places of crew members' permanent household residence shall provide cooperation.

The embassies and consulates of China in foreign countries and relevant maritime safety administrations shall assist in handling overseas emergencies of crews.

Article 17 The scope of vessels to which the provisions of Articles 9 to 12 and Article 14 of this Chapter apply shall be specified by the applicable laws and administrative regulations, or shall be drafted by the transport department under the State Council, and be announced after being reported

to the State Council for approval.

Chapter III Maritime Traffic Conditions and Navigation Safeguards

Article 18 The transport department under the State Council shall make overall plans for and manage maritime traffic resources, and promote the rational development and effective utilization of maritime traffic resources.

The planning of maritime traffic resources shall comply with the national land space planning.

Article 19 The maritime safety administration shall, on the basis of the natural conditions of the sea areas, the maritime traffic conditions and the needs of maritime traffic safety management, demarcate, adjust and promptly announce the vessel alignment areas, vessel reporting areas, traffic control areas, restricted navigation areas, safe operation areas, roadsteads, and other maritime traffic functional areas.

To demarcate or adjust vessel alignment areas, roadsteads, and safe operation areas that affect other maritime functional areas or sea-use activities, the maritime safety administration shall seek the opinions of relevant departments such as fishery, ecology and environment, and natural resources. To demarcate or adjust restricted navigation zones for military purposes, the military authorities in charge of demarcating and adjusting restricted navigation zones shall make a decision, and the maritime safety administration shall make an announcement.

Article 20 Where the construction of a maritime or coastal project affects maritime traffic safety, facilities and equipment for preventing collisions of vessels shall be provided according to the situation, and special aids to navigation shall be set.

Article 21 The state shall establish and improve the vessel positioning, navigation, timing, communication, remote monitoring and other maritime traffic support service systems to provide information services for vessels and offshore installations.

Article 22 No entity or individual may damage any maritime traffic support service system or hinder its work efficiency. Where the construction of buildings and structures, or the use of facilities and equipment may affect the normal use of the maritime traffic support service system, the construction employer, owner or user thereof shall negotiate with the management entity of the relevant maritime traffic support service system to make appropriate arrangements.

Article 23 The transport department under the State Council shall take necessary measures to ensure the rational layout and effective coverage of radio communication facilities for maritime traffic safety, plan the construction layout and sites of maritime radio stations in its system (industry), and

verify and issue standard radio station licenses and radio station identification codes of vessels.

The transport department under the State Council shall organize the construction of the maritime radio monitoring system in its system (industry) and monitor its radio signals, and maintain the order of maritime radio waves in conjunction with the radio regulatory authority of the state.

Article 24 A vessel that needs to use shore-based radio stations to transfer communications in the sea areas within the jurisdiction of China shall conduct transfer through domestic coastal radio stations or satellite gateway stations established in accordance with the law.

Crew members assuming radio communication tasks and staff members of shore-based radio stations shall comply with the maritime radio communication rules, and keep watch on and maintain smoothness of the maritime traffic safety communication channels, and shall not use the maritime traffic safety communication frequency to exchange contents irrelevant to maritime traffic safety. No entity or individual may use the radio station identification code in violation of the relevant provisions issued by the state to affect identification in maritime search and rescue.

Article 25 Relevant entities of astronomy, meteorology, and ocean shall forecast, broadcast and provide information on nautical astronomy, universal time, maritime meteorology, ocean waves, ocean currents, tides, and ice conditions, among others, in a timely manner.

Article 26 The transport department under the State Council shall unify the layout, construction and management of public aids to navigation. A construction employer, owner or operator of a maritime or coastal project that needs to install or remove special aids to navigation, move the position of special aids to navigation, or change the lights and power of the aids to navigation shall report to the maritime safety administration for approval. Where temporary aids to navigation need to be set, they shall be set at the setting points of aids to navigation determined by the maritime safety administration.

The departments of natural resources shall ensure the use of land, sea and island by navigation aid facilities and installations in accordance with the law, and handle the relevant formalities in accordance with the law.

The construction, maintenance and preservation of aids to navigation shall satisfy the requirements of relevant mandatory standards and technical specifications. The maintenance entities of aids to navigation and owners of special aids to navigation shall inspect, maintain, and preserve the aids to navigation to ensure that the aids to navigation are in good condition. Where an aid to navigation is displaced, damaged or lost, the maintenance entity of aids to navigation or the owner of special aids

to navigation shall restore it in a timely manner.

Article 27 Any entity or individual finding any of the following circumstances shall immediately report to the maritime safety administration; and where the duties of the channel management institution or special aids to navigation are involved, the maritime safety administration shall notify the channel management institution or owners of special aids to navigation in a timely manner:

- (1) Aids to navigation or navigation facilities are displaced, damaged, or lost.
- (2) There are sunken objects, floating objects, stranded objects or other obstructions that hinder the maritime traffic safety.
- (3) Other abnormal conditions that hinder maritime traffic safety.

Article 28 The maritime safety administration shall, on the basis of the needs of maritime traffic safety management, issue navigational warnings of urgent and dangerous situations, and issue navigational notices of other situations that affect the maritime traffic safety.

The maritime safety administration shall notify the naval navigation assurance department of navigational warnings, navigational notices, and the demarcation of and adjustment to vessel alignment areas, and provide relevant information in a timely manner.

Article 29 The maritime safety administration shall broadcast maritime traffic safety information to vessels and offshore installations in a timely manner.

When vessels and offshore installations are navigating, berthing, or carrying out operations in alignment areas, traffic control areas, or areas with dense navigable vessels, the maritime safety administration shall provide corresponding safety information services upon request.

Article 30 The following vessels navigating, berthing or shifting berths in the pilotage zones demarcated by the transport department under the State Council shall apply to the pilotage institutions for pilotage:

- (1) Vessels of foreign nationality, excluding those can be exempted as prescribed by the transport department under the State Council after being reported to the State Council for approval.
- (2) Nuclear-powered vessels, vessels carrying radioactive materials, and ultra-large oil tankers.
- (3) Vessels carrying bulk liquefied gas and bulk hazardous chemicals that may endanger port safety.
- (4) Vessels whose length, width, and height are close to the limits as prescribed in the navigation conditions of corresponding channels.

The specific standards for vessels in subparagraphs (3) and (4) of the preceding paragraph shall be developed and announced by the relevant maritime safety administration in light of the actual

conditions of ports.

Where a vessel voluntarily applies for pilotage, the pilotage institution shall provide pilotage services.

Article 31 The pilotage institution shall designate pilots with corresponding capabilities and experience in a timely manner to provide pilotage services for vessels.

A pilot shall, as designated by the pilotage institution, embark on and disembark from the vessel piloted in the prescribed waters, and implement the vessel piloting tasks safely and cautiously. A vessel piloted shall be equipped with an embarking and disembarking device that comply with the provisions, and ensure the safety of the pilot during the period of embarking on and disembarking from the vessel and during piloting period on board.

When a pilot pilots a vessel, the master shall not be relieved of the responsibility of commanding and managing the vessel.

Article 32 The transport department under the State Council shall, on the basis of the security threats faced by vessels, offshore installations and ports, determine and issue the security level in a timely manner. Vessels, offshore installations and ports shall adopt corresponding security measures on the basis of the security level.

Chapter IV Navigation, Berthing and Operations

Article 33 To navigate, berth, and carry out operations, a vessel shall hold a valid nationality certificate and other statutory certificates and documents, be equipped with navigational books and materials published in accordance with relevant provisions, fly the flag of the relevant country, region or organization, and indicate its name, identification number, port of registry, and load line mark.

A vessel shall satisfy the requirements for minimum safe manning and be manned with crew members who hold valid certificates of qualification.

To berth or carry out operations, offshore installations shall hold statutory certificates and documents, and be manned with personnel who have mastered the professional skills of collision avoidance, signaling, communication, fire fighting, and lifesaving, among others.

Article 34 A master shall inspect the vessel before sailing and confirm at the time of sailing the competency of the crew, the seaworthiness of the vessel, and the cargo worthiness, understand the weather and sea conditions, as well as the navigational notices, navigational warnings and other warning information issued by the maritime safety administration, and implement corresponding

emergency measures, and shall not risk sailing.

The owner, operator or manager of a vessel shall not instruct or force the crew to carry out operations at risk in violation of regulations.

Article 35 A vessel shall navigate, berth, and carry out operations within the navigation areas specified in its vessel inspection certificate.

When navigating, berthing, and carrying out operations, a vessel shall comply with the relevant navigation rules, display signals and hang signs up in accordance with relevant provisions, and maintain sufficient surplus water depth.

Article 36 A vessel shall, in accordance with relevant provisions, turn on its automatic identification, voyage data recording, remote identification and tracking, communication and other devices related to navigation safety, security, and pollution prevention while navigating, and continuously display and record them.

No entity or individual may unpack, disassemble, initialize, or reset voyage data recording devices or read the information recorded by them, unless as otherwise prescribed by laws and administrative regulations.

Article 37 A vessel shall be equipped with navigation logs, engine logs, radio logs and other navigational records, to comprehensively, truthfully and promptly record the operation of the vessel involving maritime traffic safety and important events in the course of navigation, berthing, and operations in accordance with relevant provisions, and keep the relevant record books appropriately.

Article 38 A master shall be responsible for the management and command of the vessel. A master shall have the right to make independent decisions on the protection of life safety at sea, vessel security, and prevention and control of vessel pollution.

A master shall take necessary measures to protect the safety of vessel, personnel on board, navigation documents of the vessel, cargo and other property. Orders issued by a master within the scope of his functions shall be implemented by the crew, passengers and other persons on board.

Article 39 To protect the safety of a vessel and personnel on board, the master shall have the right to impose confinement or other necessary restrictive measures upon persons suspected of carrying out illegal and criminal activities on board within the scope of his functions, and prevent them from hiding, destroying, and falsifying evidence.

To adopt the measures as prescribed in the preceding paragraph, the master shall prepare a case report to which two or more persons on board shall affix signatures. After a vessel of Chinese

nationality arrives at a port in China, the relevant persons against whom the aforesaid measures are taken shall be transferred to the relevant competent department in a timely manner.

Article 40 Where a person on board suffers or is suspected of suffering from an infectious disease that seriously threatens the health of others, the master shall immediately launch the corresponding contingency plan, take necessary isolation measures against the relevant persons within the scope of his functions, and report to the relevant competent department in a timely manner.

Article 41 Where a master dies during the voyage or is unable to perform duties for some reasons, the person with the highest position among the officers shall temporarily serve as the master; and before sailing from the next port, the owner, operator or manager of the vessel shall appoint a new master.

Article 42 Crew members shall, in accordance with the relevant rules, regulations and operating procedures for navigation and watch-keeping, as well as the master's orders, operate and manage a vessel, and ensure safe performance of watch-keeping duties, and shall not be absent without leave. Crew members shall not ingest food, medicine or other articles that may affect watch-keeping safety before and during the period of performing watch-keeping duties on board.

Article 43 A vessel entering and exiting ports or anchorages, or passing through waters of the bridge area, straits, narrow channels, important fishery waters, areas with dense navigable vessels, vessel alignment areas, and traffic control areas shall strengthen look-out and maintain safe speed, and comply with the special navigation rules of the aforesaid areas.

The important fishery waters as prescribed in the preceding paragraph shall be demarcated and announced by the fishery administration under the State Council after soliciting opinions from the transport department under the State Council.

A vessel crossing the channel shall neither hinder the normal navigation of vessels in the channel, nor rush over the bow of any other vessel. A vessel exceeding the navigable scale of a bridge shall be prohibited from entering the waters of the bridge area.

Article 44 A vessel shall not enter or pass through the restricted navigation zone in violation of provisions.

When a vessel enters or exits the vessel reporting area, its position and dynamic information shall be reported to the maritime safety administration.

It is prohibited to engage in breeding, planting, fishing and other operations or activities that affect the maritime traffic safety within the safe operation areas and roadsteads.

Article 45 A vessel carrying or towing super-long, super-high, super-wide, and semi-submersible vessels, offshore installations or other objects when navigating shall take special safety precautions such as strengthening the towing parts and escorting, report the voyage plan to the maritime safety administration before sailing, and display signals and hang signs up in accordance with the relevant provisions; and a vessel towing large offshore installations such as mobile platforms and floating docks shall produce the towing inspection certificate issued by the vessel survey institution for verification in accordance with the law.

Article 46 A vessel sailing on international routes that enter or exit ports shall, according to the law, apply to the maritime safety administration for permission and accept the supervision and inspection of the maritime safety administration and other port inspection institutions. The maritime safety administration shall, within five working days from the date of accepting an application, make a decision on whether to grant permission.

A vessel of foreign nationality temporarily entering waters not open to foreign vessels shall obtain permission in accordance with the provisions of the State Council on vessels entering and exiting ports.

A vessel sailing on domestic routes that enter or exit a port or an off-port loading and unloading station shall report its voyage plan, seaworthiness, staffing, and transportation of passenger and cargo, among others, to the maritime safety administration.

Article 47 A vessel shall berth in docks, berths, loading and unloading stations, anchorages, and safe operation areas that meet the safety conditions. Berthing of a vessel shall not endanger the safety of other vessels or offshore installations.

A vessel entering and exiting a port or an off-port loading and unloading station shall meet the berthing conditions and satisfy the requirements of navigation conditions such as tides, weather, and sea conditions.

Where a super-long, super-high or super-wide vessel or a vessel with restricted maneuvering capabilities entering or exiting a port or an off-port loading and unloading station may affect maritime traffic safety, the maritime safety administration shall inspect the safety conditions of the vessel entering and exiting a port, and may require the vessel to adopt corresponding safety measures such as being equipped with additional tugboats and entering the port by tide.

Article 48 To carry out construction operations in the sea areas within the jurisdiction of China, permission shall be obtained from the maritime safety administration, and the corresponding safe

operation area shall be verified. To obtain permission for offshore construction operation, the following conditions shall be met:

- (1) The entity, personnel, vessel, and installations for the construction operations satisfy the requirements for safe navigation, berthing, and operations.
- (2) There is a construction operation plan.
- (3) There are safeguard measures, contingency plans and liability systems that satisfy the requirements for the maritime traffic safety and the prevention and control of pollution from vessels to the maritime environment.

Vessels engaged in construction operations shall carry out operations in the verified safe operation areas and implement the measures for the management of maritime traffic safety. Other irrelevant vessels and offshore installations may not enter the safe operation areas.

Excavation, blasting and other operations in the port waters that may endanger the safety of the port shall be governed by the laws and regulations on port management.

Article 49 Sports, entertainment, drills, trial voyage, scientific observation, and other water and underwater activities shall be carried out in compliance with the provisions on the management of maritime traffic safety; and where the maritime traffic safety may be affected, the sea areas involved in the activities shall be reported to the maritime safety administration 10 working days in advance.

Article 50 After the completion of offshore construction operations or water and underwater activities, relevant entities and individuals shall eliminate hidden dangers that may hinder the maritime traffic safety in a timely manner.

Article 51 The owner, operator or manager of an obstruction shall, according to the requirements of the relevant mandatory standards and technical specifications, set warning signs in a timely manner, report the name, shape, size, location and depth of the obstruction to the maritime safety administration, and salvage and remove it within the time limit prescribed by the maritime safety administration. Where the owner of the obstruction surrenders the ownership, it shall not be exempted from the obligation of salvage and removal.

Where the owner, operator or manager of an obstruction cannot be determined, the maritime safety administration shall organize the setting of signs and salvage or take corresponding measures, and the expenses incurred therefrom shall be included in the departmental budget.

Article 52 Where under any of the following circumstances, there is relatively significant impact on maritime traffic safety, the maritime safety administration shall take corresponding traffic control

measures such as suspending navigation, setting speed limit or demarcation of traffic control zones in light of the specific circumstances, and make an announcement to the public:

- (1) Where weather and sea conditions are hostile.
- (2) There is a maritime distress situation or maritime traffic accident that affects navigation.
- (3) Military training, drills or other related activities are carried out.
- (4) Large-scale water and underwater activities are carried out.
- (5) The traffic density in a specific sea area is close to saturation.
- (6) Other circumstances that have relatively significant impact on maritime traffic safety.

Article 53 To maintain maritime traffic safety and protect the maritime environment, the transport department under the State Council may, in conjunction with the relevant competent departments, take necessary measures to prevent and stop non-innocent passage of vessels of foreign nationality in the territorial sea.

Article 54 The following vessels of foreign nationality entering or exiting the territorial sea of China shall report to the maritime safety administration:

- (1) Submersibles.
- (2) Nuclear-powered vessels.
- (3) Vessels carrying radioactive materials or other toxic and hazardous substances.
- (4) Other vessels that may endanger the maritime traffic safety of China as prescribed by laws, administrative regulations or the State Council.

To pass through the territorial sea of China, a vessel as prescribed in the preceding paragraph shall hold the relevant certificates, take special precautions in compliance with the laws, administrative regulations and rules of China, and accept the instructions and supervision of the maritime safety administration.

Article 55 A vessel of foreign nationality may not enter the internal waters of China unless it has obtained permission for entering a port in accordance with the provisions of this Law; however, a vessel having no time to obtain permission due to such emergency circumstances as acute diseases of personnel, machine failures, being in distress, and sheltering from weather, may enter the internal waters of China.

A vessel of foreign nationality entering the internal waters of China due to the emergencies as prescribed in the preceding paragraph shall make an urgent report to the maritime safety administration at the time of entry and accept the instructions and supervision of the maritime safety

administration. The maritime safety administration shall notify the coast guard agency in the sea areas within its jurisdiction, the nearest entry and exit border inspection authority, the local public security authority, the customs and other competent departments in a timely manner.

Article 56 In case of emergency, military vessels of China performing military tasks and official vessels performing official duties may, under the premise of ensuring the maritime traffic safety, be exempted from the restriction of the relevant rules on navigation, berthing, and operations.

Chapter V Safety of Maritime Passenger and Cargo Transportation

Article 57 Except for emergency rescue or life rescue, passenger vessels shall carry passengers according to the passenger quota approved in the vessel inspection certificate, and cargo vessels shall carry cargoes in compliance with the load line and cargo category approved in the vessel inspection certificate, and shall not carry passengers.

Article 58 Passenger vessels shall not carry dangerous goods while carrying passengers. Passengers shall not take along dangerous goods as prescribed by laws and administrative regulations or the transport department under the State Council or carry such dangerous goods in their luggage.

Article 59 A passenger vessel shall, at conspicuous positions, clearly indicate safety instructions to passengers, set safety signs and warnings, introduce the methods for using life-saving appliances and emergency measures to be taken under emergency situations to passengers. Passengers shall comply with the requirements for safe boarding.

Article 60 The local people's government at or above the county level at the place where a sea ferry is located shall establish and improve the ferry safety management responsibility system, develop safety management measures for sea ferries, supervise and guide operators of sea ferries in implementing the primary responsibilities for safety, maintain the order of ferry transportation, and ensure the safety of ferry transportation.

The ferry transportation routes of a sea ferry shall be demarcated by the transport department of the local people's government at or above the county level at the place where a sea ferry is located, in conjunction with the maritime safety administration. Ferry boats shall ferry safely in accordance with the demarcated routes.

In case of hostile weather and sea conditions, the local people's government at or above the county level or the department designated by it shall issue an announcement on stopping ferry service.

Article 61 For a vessel carrying goods, loading and unloading, stowage, segregation, fastening and

management shall be conducted safely in accordance with the applicable laws, administrative regulations and rules, as well as the requirements of the mandatory standards and technical specifications.

Article 62 For a vessel carrying dangerous goods, a valid certificate of fitness for dangerous goods shall be held, a contingency plan for dangerous goods shall be developed on the basis of the characteristics of the dangerous goods and the requirements of contingency plan, and the vessel shall be equipped with corresponding fire-fighting and emergency equipment and apparatus.

Article 63 To consign dangerous goods, a consignor shall notify the carrier of the official name and dangerous nature of and protective measures to be taken for the dangerous goods, and appropriately pack them and set obvious signs and labels of dangerous goods in accordance with the applicable laws, administrative regulations, and rules, as well as the requirements of the mandatory standards and technical specifications.

A consignor shall not carry dangerous goods in general goods, or falsely report dangerous goods as general goods for consignment.

Where the goods consigned by a consignor are goods with dangerous characteristics but not listed in the International Maritime Dangerous Goods Code or the National Dangerous Goods List, the consignor shall also submit the documents issued by the relevant professional institutions indicating the dangerous characteristics of the goods and the protective measures to be taken.

The criteria for judging the dangerous characteristics of the goods shall be developed and announced by the maritime safety administration of the state.

Article 64 A vessel carrying dangerous goods into or out of a port shall meet the following conditions, obtain permission from the maritime safety administration, and report the time of entering or exiting a port, the duration of stay at the port, and other items to the maritime safety administration:

- (1) The dangerous goods carried satisfy the requirements for safe maritime transportation.
- (2) The loading of the vessel satisfies the requirements of the certificates and documents held.
- (3) The ports, docks, and berths where the vessel plans to berth or carry out loading and unloading of dangerous goods have the business qualifications for operations of dangerous goods as prescribed by the applicable laws and administrative regulations.

The maritime safety administration shall, within 24 hours from the time of receiving an application, make a decision on whether to grant permission.

Fixed vessels navigating along fixed routes and carrying fixed categories of goods may apply for permission for entering or exiting a port multiple times within a specified period which shall not exceed 30 days. The maritime safety administration shall, within five working days from the date of receiving an application, make a decision on whether to grant permission.

Where the maritime safety administration grants permission, it shall notify the port administrative department.

Article 65 For vessels and offshore installations engaged in transportation, loading and unloading, and lightering of dangerous goods, operation plans shall be developed, the relevant mandatory standards and safe operation procedures shall be complied with, and necessary preventive measures shall be taken, to prevent safety accidents.

Where lightering of bulk liquid dangerous goods is carried out outside the port waters, the following conditions shall also be met, the permission of the maritime safety administration shall be obtained, and the safe operation areas shall be verified:

- (1) Vessels or offshore installations that intend to carry out lightering satisfy the requirements for maritime traffic safety and the prevention and control of pollution from vessels to the maritime environment.
- (2) The goods to be lightered satisfy the requirements for safe lightering.
- (3) Personnel participating in lightering have the lightering capabilities as prescribed by laws and administrative regulations.
- (4) The intended waters and their bottom quality and surrounding environment are suitable for lightering.
- (5) The lightering does not pose any threat to maritime resources, nearby military targets and important civilian targets.
- (6) There are lightering plans, safety guarantee measures and contingency plans that satisfy the safety requirements.

For a vessel carrying out operations on a single voyage, the maritime safety administration shall make a decision on whether to grant permission within 24 hours from the time of receiving an application; and for a vessel carrying out operations on multiple voyages in specific waters, the maritime safety administration shall make a decision on whether to grant permission within five working days from the date of receiving an application.

Chapter VI Maritime Search and Rescue

Article 66 Persons in distress at sea shall have the right to life rescue in accordance with the law. Life rescue shall take precedence over environmental and property rescue.

Article 67 The maritime search and rescue work shall insist on the principles of government leadership, unified command, territorial priority, combination of the efforts of both professionals and the masses, as well as proximity and swiftness.

Article 68 The state shall establish a maritime search and rescue coordination mechanism, coordinate the national maritime search and rescue emergency response work, study and solve major problems in the maritime search and rescue work, and organize and coordinate major emergency operations of maritime search and rescue. The coordination mechanism shall be composed of relevant departments and entities under the State Council and relevant military authorities.

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

Article 69 The local people's governments at or above the county level along the coast shall allocate necessary maritime search and rescue funds to ensure the smoothness of the search and rescue work.

Article 70 The member entities of the maritime search and rescue centers shall, under the unified organization, coordination, and command of the maritime search and rescue centers and on the basis of their respective duties, undertake the emergency response to maritime search and rescue, disaster relief, support and guarantee, and post-handling, among others.

Article 71 The state shall form a professional maritime search and rescue team and strengthen the construction of maritime search and rescue forces. The professional maritime search and rescue team shall be equipped with professional search and rescue equipment, and develop rules on regular drills and routine training, to improve the level of search and rescue.

The state shall encourage social forces to form maritime search and rescue teams to participate in maritime search and rescue operations.

Article 72 Vessels, offshore installations, aircrafts and personnel in distress at sea shall immediately report to the maritime search and rescue centers, and shall not conceal or falsely report any maritime distress situation.

Vessels, offshore installations, aircrafts, and personnel who send distress warning signals by mistake shall, besides reporting to the maritime search and rescue centers immediately, take necessary

measures to eliminate the impact.

Any other entity or individual finding or learning a maritime distress situation shall immediately report to the maritime search and rescue center.

Article 73 Vessels or offshore installations involved in a collisions shall exchange their names, nationalities and ports of registry, do their best to rescue the other party's personnel without seriously endangering their own safety, and they shall not leave waters where accidents occur without authorization, or escape.

Article 74 Vessels or offshore installations in distress and their owners, operators or managers shall take effective measures to prevent and reduce loss of life and property and pollution of the maritime environment.

When a vessel is in distress, passengers shall obey the command of the master and cooperate with the relevant emergency measures. Passengers shall have the right to know the necessary distress information.

When deciding to abandon a vessel, the master shall arrange for passengers and crew to leave the vessel in turn, and try his best to rescue the statutory navigational data. The master shall leave the vessel last.

Article 75 Vessels, offshore installations, and aircrafts receiving distress signals or finding that someone is in life danger shall do their best to rescue those who are in distress without seriously endangering their own safety.

Article 76 After receiving a distress report, the maritime search and rescue center shall immediately conduct verification, arrange for, coordinate, and direct relevant government departments, professional search and rescue teams, relevant private entities and other forces to participate in the search and rescue in a timely manner, and designate on-site commanders. Vessels, offshore installations, aircrafts and personnel participating in the search and rescue shall obey the on-site command and report the search and rescue dynamics and results in a timely manner.

Decisions to suspend, resume and terminate search and rescue operations shall be made by the maritime search and rescue centers. Without consent of the maritime search and rescue centers, vessels, offshore installations, aircrafts and personnel participating in search and rescue shall not exit the search and rescue operations.

The armed forces' participation in maritime search and rescue shall be governed by the provisions of the applicable laws and administrative regulations.

Article 77 Vessels, offshore installations, aircrafts or persons in distress shall obey the orders of the maritime search and rescue centers and on-site commanders, and receive rescue in a timely manner. Where vessels, offshore installations, and aircrafts in distress do not cooperate with rescue, the on-site commander may take corresponding rescue measures based on the emergency.

Article 78 After a maritime accident or distress situation occurs, the relevant local people's government shall arrange for a medical institution in a timely manner to provide emergency medical relief for persons in distress, provide necessary livelihood guarantee for rescued persons, and arrange for relevant parties to take rehabilitative measures.

Article 79 Search and rescue operations in the sea areas where China assumes the obligations of search and rescue as prescribed by the international treaties concluded or acceded to by China shall be governed by the provisions of this Chapter.

Where a vessel of Chinese nationality is in distress in sea areas which are outside the sea areas within the jurisdiction of China and the areas where China assumes responsibility for maritime search and rescue, the China Marine Search and Rescue Center shall, upon receipt of information, carry out international cooperation in accordance with the provisions of the international treaties concluded or acceded to by China.

Chapter VII Investigation and Handling of Maritime Traffic Accidents

Article 80 Maritime traffic accidents involving vessels and offshore installations shall be reported to the maritime safety administrations in a timely manner and be subject to investigations.

Article 81 Marine traffic accidents are classified into particularly serious accidents, major accidents, relatively large accidents and general accidents on the basis of the consequences of damage caused. The personal injury and death standards for the classification of accidents shall be determined in accordance with the provisions of the applicable laws and administrative regulations on work safety; and the direct economic loss standards for the classification of accidents shall be determined by the transport department under the State Council in conjunction with the relevant departments under the State Council on the basis of the special circumstances of maritime traffic accidents, and be announced for implementation after being reported to the State Council for approval.

Article 82 For a particularly serious maritime traffic accident, the State Council or a department authorized by the State Council shall organize an accident investigation team to conduct investigation, and the maritime safety administration shall participate in or cooperate in the investigation.

Other maritime traffic accidents shall be investigated by the accident investigation teams organized by the maritime safety administrations, and relevant departments shall cooperate therewith. Where the State Council deems it necessary, it may directly organize or authorize relevant departments to organize an accident investigation team to conduct investigations.

Where the maritime safety administration conducts accident investigation and the accident involves implementation of military transportation tasks, investigation shall be conducted in conjunction with the relevant military authority; and where a fishery vessel is involved, the fishery administration and the coast guard agency shall participate in the investigation.

Article 83 The investigation of a maritime traffic accident shall be carried out in a comprehensive, objective, fair and timely manner, to find out the facts and causes of the accident in accordance with the law and determine the liability for the accident.

Article 84 The maritime safety administration may unpack or disassemble the voyage data recording device of a vessel involved in an accident or read the information recorded on the basis of the accident investigation and handling needs, require the vessel to sail to a designated place or prohibit it from leaving the port, seize the certificates, documents, articles, and materials, among others, of the vessel or offshore installation, and keep them appropriately. Relevant personnel shall cooperate with the accident investigation.

Article 85 A maritime traffic accident investigation team shall submit a maritime traffic accident investigation report within 90 days from the date of occurrence of the accident; and under special circumstances, with approval of the person in charge of the department that has organized the maritime traffic accident investigation team, the time limit for submitting an accident investigation report may be appropriately extended for up to 90 days. The time required for technical appraisal of an accident shall not be included in the time limit for accident investigation.

The maritime safety administration shall, within 15 working days from the date of receiving a maritime traffic accident investigation report, issue a written accident liability confirmation as evidence for handling the maritime traffic accident.

Where the accident loss is small, the facts are clear, and the responsibilities are specific, the summary investigation procedure may apply in accordance with the provisions of the transport department under the State Council.

The maritime traffic accident investigation report and the written accident liability confirmation shall be disclosed to the public in accordance with the applicable laws and administrative regulations.

Article 86 A vessel of Chinese nationality involved in a maritime traffic accident outside the sea areas within the jurisdiction of China shall report the accident to the maritime safety administration and accept investigation.

Where a vessel of foreign nationality is involved in an accident outside the sea areas within the jurisdiction of China, causing serious injury or death to a Chinese citizen, the maritime safety administration shall participate in the investigation in accordance with the provisions of the international treaties concluded or acceded to by China.

Article 87 Where a vessel or offshore installation suffers hostile weather, sea conditions, and accidents at sea, causes or may cause damage, and needs to explain and record the time, sea area, the countermeasures taken, and other specific circumstances, an application may be filed with the maritime safety administration for endorsement for sea protest. The maritime safety administration shall provide endorsement services in accordance with the provisions.

Chapter VIII Supervision and Administration

Article 88 The maritime safety administration shall supervise and inspect the navigation, berthing, operations and other activities related to maritime traffic safety in sea areas within the jurisdiction of China.

The maritime safety administration shall, in accordance with the laws and administrative regulations of China and the international treaties concluded or acceded to by China, conduct port State and coastal State supervision and inspection of vessels of foreign nationality.

When performing official duties, staff members of the maritime safety administration shall be dressed in accordance with the provisions, wear the signs of posts and ranks, produce law enforcement certificates, and consciously accept supervision.

When the maritime safety administration performs supervision and inspection duties in accordance with the law, relevant entities and individuals shall provide cooperation, and shall not refuse or obstruct the supervision or inspection carried out in accordance with the law.

Article 89 The maritime safety administration may implement supervision and inspection by such methods as boarding for inspection, verifying certificates, conducting on-site inspection, inquiring of relevant personnel, and conducting electronic monitoring.

Where a vessel carrying dangerous goods is suspected of concealing information on or falsely reporting dangerous goods, the maritime safety administration may conduct inspections by open-package inspection and other methods. The maritime safety administration shall notify the relevant

departments of the information on open-package inspection. Port operators and relevant entities and individuals shall provide assistance.

Article 90 When conducting supervision and inspection of vessels and offshore installations, the maritime safety administration shall avoid and reduce the impact on their normal operations. Except as otherwise prescribed by laws and administrative regulations, or except when failure to immediately implement supervision and inspection may cause serious consequences, no vessel shall be intercepted for inspection while underway.

Article 91 Where a vessel or offshore installation poses a threat to the safety of a port, the maritime safety administration shall order it to take corrective action immediately or within a prescribed time limit, restrict operation, order it to sail to a designated location, prohibit it from entering a port, or expel it from the port.

Where a vessel or offshore installation is unseaworthy or unsuitable for towing, crew members or relevant personnel on the offshore installation fail to hold valid statutory certificates or documents, or there are other hidden dangers that seriously endanger the maritime traffic safety or pollute the maritime environment, the maritime safety administration shall prohibit the relevant vessel or offshore installation from entering or exiting a port as the case may be, suspend the relevant certificates and documents, or order it to stop navigation, divert, sail to a designated location or cease operations. Where a vessel is overloaded, the maritime safety administration may force the vessel to reduce load in accordance with the law. The expenses incurred due to mandatory load reduction shall be assumed by the owner, operator or manager of the vessel violating the law.

Where a vessel or offshore installation involved in a maritime traffic accident or pollution accident fails to settle the taxes and late fees as prescribed by the state, and fails to provide guarantee or perform other statutory obligations, the maritime safety administration shall order it to take corrective action and may prohibit it from leaving the port.

Article 92 Where a vessel of foreign nationality may threaten the safety of the internal waters and territorial sea of China, the maritime safety administration shall have the right to order it to leave. Where a vessel of foreign nationality violates the laws and administrative regulations of China on maritime traffic safety or prevention and control of pollution from vessels, the maritime safety administration may exercise the right of hot pursuit in accordance with the law.

Article 93 Any entity or individual shall have the right to report acts that interfere with maritime traffic safety to the maritime safety administration. After receiving a report, the maritime safety

administration shall verify and handle it in a timely manner.

Article 94 In the course of supervision and inspection, the maritime safety administration finding that a vessel or offshore installation violates other laws or administrative regulations shall notify or transfer it to the relevant competent department for handling in a timely manner according to the law.

Chapter IX Legal Liability

Article 95 A vessel or offshore installation without a valid certificate or document shall be ordered by the maritime safety administration to take corrective action, the owner, operator or manager of the vessel or offshore installation in violation of the law shall be fined not less than 30,000 yuan nor more than 300,000 yuan, and the master and relevant liable persons shall be fined not less than 3,000 yuan nor more than 30,000 yuan; under serious circumstances, the master and liable crew members shall be subject to suspension for 18 to 30 months or even revocation of their certificates of competency; the forged or altered certificates and documents held by the vessel shall be confiscated; and a vessel with serious potential safety hazard may be confiscated according to the law.

Article 96 A vessel or offshore installation falling under any of the following circumstances shall be ordered by the maritime safety administration to take corrective action, the owner, operator or manager of the vessel or offshore installation in violation of the law shall be fined not less than 20,000 yuan nor more than 200,000 yuan, and the master and relevant liable persons shall be fined not less than 2,000 yuan nor more than 20,000 yuan; and under serious circumstances, the owner, operator or manager of the vessel in violation of the law shall be subject to revocation of relevant certificates and documents, and the master and liable crew members shall be subject to suspension for 12 to 24 months or even revocation of their certificates of competency:

- (1) The actual conditions of a vessel or offshore installation are inconsistent with the certificates and documents held.
- (2) A vessel fails to fly the national flag according to the law, or flies a flag of another country, region or organization in violation of the law.
- (3) A vessel fails to indicate its name, vessel identification number, port of registry, and load line mark as required.
- (4) The manning of a vessel or offshore installation does not satisfy the requirements for the minimum safe manning.

Article 97 Where crew members working on a vessel fail to hold certificates of competency or health certificates of crew members, or the certificates of competency or health certificates of crew

members held fail to satisfy the requirements, the maritime safety administration shall impose a fine of not less than 10,000 yuan nor more than 100,000 yuan upon the owner, operator or manager of the vessel, and impose a fine of not less than 3,000 yuan nor more than 30,000 yuan upon the liable crew members; and under serious circumstances, impose a fine of not less than 30,000 yuan nor more than 300,000 yuan upon the owner, operator or manager of the vessel, and suspend for six to 12 months or even revoke the certificates of competency of the liable crew members.

Article 98 Where relevant certificates and documents are obtained for a vessel of Chinese nationality by fraud, bribery or other inappropriate means, the maritime safety administration shall revoke the relevant permission, confiscate the relevant certificates and documents, and impose a fine of not less than 40,000 yuan nor more than 400,000 yuan upon the owner, operator or manager of the vessel. Where the certificates of competency are obtained by fraud, bribery or other inappropriate means, the maritime safety administration shall revoke the relevant permission, confiscate the certificates of competency, and impose a fine of not less than 5,000 yuan nor more than 50,000 yuan upon the liable persons.

Article 99 Where a crew member fails to ensure safe performance of watch-keeping duties, violates the relevant provisions by ingesting food, medicine or other articles that may affect the watch-keeping safety, or commits any other act in violation of the rules on watch-keeping duties of crew members at sea, the maritime safety administration shall impose a fine of not less than 1,000 yuan nor more than 10,000 yuan upon the master and the liable crew members, or suspend their certificates of competency for three to 12 months; and under serious circumstances, revoke the certificates of competency of the master and liable crew members.

Article 100 Those who fall under any of the following circumstances shall be ordered by the maritime safety administration to take corrective action; and under serious circumstances, shall be fined not less than 30,000 yuan nor more than 100,000 yuan:

- (1) Failing to provide corresponding facilities and equipment for preventing collisions of vessels and set special aids to navigation as required in the construction of a maritime or coastal project.
- (2) Damaging the maritime traffic support service system or hindering its work efficiency.
- (3) Setting or removing special aids to navigation, moving locations of special aids to navigation, or changing lights, powers and other conditions of aids to navigation, without consent of the maritime safety administration, or failing to set temporary aids to navigation at the setting points of aids to navigation determined by the maritime safety administration.

(4) Carrying out breeding, planting, fishing and other operations or activities that affect the maritime traffic safety within the safe operation areas and roadsteads.

Article 101 Those who fall under any of the following circumstances shall be ordered by the maritime safety administration to take corrective action, and the relevant liable persons shall be fined not more than 30,000 yuan; and under serious circumstance, shall be fined not less than 30,000 yuan nor more than 100,000 yuan, and the certificates of competency of the liable crew members shall be suspended for one to three months:

(1) Crew members assuming radio communication tasks and staff members of shore-based radio stations fail to keep watch on and maintain smoothness of the maritime traffic safety communication channels, or use the maritime traffic safety communication frequency to exchange contents irrelevant to maritime traffic safety.

(2) The radio station identification codes are used in violation of the relevant provisions issued by the state, affecting identification in maritime search and rescue.

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

Article 102 Where a vessel fails to apply for pilotage in accordance with the provisions of this Law, the maritime safety administration shall impose a fine of not less than 50,000 yuan nor more than 500,000 yuan upon the owner, operator or manager of the vessel in violation of law, and impose a fine of not less than 1,000 yuan nor more than 10,000 yuan upon the master; and under serious circumstances, suspend the relevant vessel certificates for three to 12 months and the certificate of competency of the master for one to three months.

Where a pilotage institution has made mistakes in dispatching pilots and has caused damage to a vessel, the maritime safety administration shall impose a fine of not less than 30,000 yuan nor more than 300,000 yuan upon the pilotage institution.

Where pilotage services are provided arbitrarily without designation by a pilotage institution, the maritime safety administration shall impose a fine of not less than 3,000 yuan nor more than 30,000 yuan upon the person providing pilotage services.

Article 103 A vessel navigating, berthing, or carrying out operations at sea that falls under any of the following circumstances shall be ordered by the maritime safety administration to take corrective action, the owner, operator or manager of the vessel in violation of the law shall be fined not less than 20,000 yuan nor more than 200,000 yuan, and the master and liable crew members shall be subject to a fine of not less than 2,000 yuan nor more than 20,000 yuan and suspension of their

certificates of competency for three to 12 months; and under serious circumstances, the master and liable crew members shall be subject to revocation of their certificates of competency:

- (1) A vessel entering and exiting ports or anchorages, or passing through waters of the bridge area, straits, narrow channels, important fishery waters, areas with dense navigable vessels, vessel alignment areas, and traffic control areas fails to strengthen look-out, maintain safe speed, or comply with the special navigation rules of the aforesaid areas.
- (2) A vessel fails to display signals or hang signs up in accordance with relevant provisions or maintain sufficient surplus water depth.
- (3) A vessel risks sailing where the conditions for safe sailing are not met, carries out operations at risk in violation of regulations, or fails to navigate, berth, or carry out operations within the navigation areas as specified in the vessel inspection certificate.
- (4) A vessel fails to turn on its automatic identification, voyage data recording, remote identification and tracking, communication and other devices related to navigation safety, security, and pollution prevention, and to continuously display and record them in accordance with relevant provisions.
- (5) The voyage data recording devices are arbitrarily unpacked, dismantled, initialized, or reset or the information recorded by them is read.
- (6) A vessel crossing the channel hinders the normal navigation of vessels in the channel, rushes over the bow of any other vessel, or enter the waters of the bridge area beyond the navigable scale of the bridge.
- (7) A vessel enters or passes through the restricted navigation zone in violation of provisions.
- (8) A vessel carrying or towing super-long, super-high, super-wide, and semi-submersible vessels, offshore installations or other objects when navigating fails to take special safety precautions, fails to report the voyage plan to the maritime safety administration before sailing, fails to display signals or hang signs up in accordance with the relevant provisions, or a vessel towing large offshore installations such as mobile platforms and floating docks fails to produce the towing inspection certificate issued by the vessel survey institution for verification in accordance with the law.
- (9) A vessel berths in docks, berths, loading and unloading stations, anchorages, and safe operation areas that do not meet the safety conditions, or its berthing endangers the safety of other vessels and offshore installations.
- (10) A vessel, in violation of the provisions, carries passengers and goods beyond the passenger quota, load line, and cargo category approved in the vessel inspection certificate, or a passenger

vessel carries passengers while carrying dangerous goods.

(11) A passenger vessel fails to clearly indicate safety instructions to passengers or set safety signs and warnings.

(12) A vessel fails to conduct loading and unloading, stowage, segregation, fastening and management of goods in accordance with the applicable laws, administrative regulations and rules, as well as the requirements of the mandatory standards and technical specifications.

(13) Other acts in violation of the rules on maritime navigation, berthing, and operations.

Article 104 Where a vessel sailing on international routes enters or exits a port without permission, the maritime safety administration shall impose a fine of not less than 3,000 yuan nor more than 30,000 yuan upon the owner, operator or manager of the vessel in violation of the law, and impose a fine of not less than 2,000 yuan nor more than 20,000 yuan upon the master, liable crew members or other liable persons; and under serious circumstances, revoke the certificates of competency of the master and liable crew members.

Where a vessel sailing on domestic routes that enters or exits a port or an off-port loading and unloading station fails to report to the maritime safety administration according to the law, the maritime safety administration shall impose a fine of not less than 3,000 yuan nor more than 30,000 yuan upon the owner, operator or manager of the vessel in violation of the law, and impose a fine of not less than 500 yuan nor more than 5,000 yuan upon the master, liable crew members or other liable persons.

Article 105 Where a vessel or offshore installation carries out offshore construction operations without permission, fails to carry out operations in accordance with the requirements of the permission, or carries out operations beyond the verified safe operation area, the maritime safety administration shall order it to take corrective action, impose a fine of not less than 30,000 yuan nor more than 300,000 yuan upon the owner, operator or manager of the vessel or offshore installation in violation of the law, and impose a fine of not less than 3,000 yuan nor more than 30,000 yuan upon the master and liable crew members, or suspend their certificates of competency for six to 12 months; and under serious circumstances, revoke the certificates of competency of the master and liable crew members.

Where a vessel or offshore installation carrying out water and underwater activities that may affect the maritime traffic safety fails to report to the maritime safety administration in advance as required, the maritime safety administration shall impose a fine of not less than 10,000 yuan nor more than

30,000 yuan upon the owner, operator or manager of the vessel or offshore installation in violation of the law, and impose a fine of not less than 2,000 yuan nor more than 20,000 yuan upon the master and liable crew members.

Article 106 Where the owner, operator or manager of an obstruction falls under any of the following circumstances, the maritime safety administration shall order it to take corrective action and impose a fine of not less than 20,000 yuan nor more than 200,000 yuan upon it; and where no corrective action has been taken within the prescribed time limit, the maritime safety administration shall have the right to conduct substitute performance according to the law, and the expenses incurred therefrom shall be assumed by the owner, operator or manager of the obstruction:

- (1) It fails to set warning signs in a timely manner in accordance with the requirements of the relevant mandatory standards and technical specifications.
- (2) It fails to report the name, shape, size, location and depth of the obstruction to the maritime safety administration.
- (3) It fails to salvage or remove the obstruction within the time limit prescribed by the maritime safety administration.

Article 107 Where a vessel of foreign nationality enters or exits the internal waters or territorial sea of China in violation of the provisions of this Law, the maritime safety administration shall impose a fine of not less than 50,000 yuan nor more than 500,000 yuan upon the owner, operator or manager of the vessel in violation of the law, and impose a fine of not less than 10,000 yuan nor more than 30,000 yuan upon the master.

Article 108 Where a vessel carrying dangerous goods falls under any of the following circumstances, the maritime safety administration shall order it to take corrective action, impose a fine of not less than 50,000 yuan nor more than 500,000 yuan upon the owner, operator or manager of the vessel in violation of the law, and impose a fine of not less than 5,000 yuan nor more than 50,000 yuan upon the master, liable crew members or other liable persons; and under serious circumstances, order cease of operations or navigation, and suspend for six to 12 months or even revoke the certificates of competency of the master and liable crew members:

- (1) It enters or exits a port without permission or carries out lightering of bulk liquid dangerous goods.
- (2) It fails to prepare corresponding emergency response plan or be equipped with corresponding fire-fighting and emergency equipment and apparatus as required.

(3) It carries out loading, unloading, and lightering of dangerous goods in violation of the relevant mandatory standards and safe operation procedures.

Article 109 A consignor that consigns dangerous goods and falls under any of the following circumstances shall be ordered by the maritime safety administration to take corrective action and be fined not less than 50,000 yuan nor more than 300,000 yuan:

(1) It fails to notify the carrier of the official name and dangerous nature of and the protective measures to be taken for the dangerous goods consigned.

(2) It fails to appropriately pack dangerous goods and set obvious signs and labels of dangerous goods in accordance with the applicable laws, administrative regulations, and rules, as well as the requirements of the mandatory standards and technical specifications.

(3) It carries dangerous goods in general goods, or falsely reports dangerous goods as general goods for consignment.

(4) It fails to submit the documents issued by the relevant professional institutions indicating the dangerous characteristics of the goods and the protective measures to be taken.

Article 110 Where a vessel or offshore installation that is in distress or involved in a maritime traffic accident fails to perform reporting obligations, or falls under the circumstance of concealment or false reporting, the maritime safety administration shall impose a fine of not less than 3,000 yuan nor more than 30,000 yuan upon the owner, operator or manager of the vessel or offshore installation in violation of the law, and impose a fine of not less than 2,000 yuan nor more than 20,000 yuan upon the master and liable crew members and suspend their certificates of competency for six to 24 months; and under serious circumstances, impose a fine of not less than 10,000 yuan nor more than 100,000 yuan upon the owner, operator or manager of the vessel or offshore installation in violation of the law, and revoke the certificates of competency of the master and liable crew members.

Article 111 Where a vessel escapes after a maritime traffic accident, the maritime safety administration shall impose a fine of not less than 100,000 yuan nor more than 500,000 yuan upon the owner, operator or manager of the vessel in violation of the law, and impose a fine of not less than 5,000 yuan nor more than 50,000 yuan upon the master and liable crew members and revoke their certificates of competency, and those so punished shall not reapply for a certificate of competency for life.

Article 112 Where a vessel or offshore installation fails to perform the obligations of maritime rescue in accordance with the law and refuses to obey the command of the maritime search and

rescue center, the maritime safety administration shall impose a fine of not less than 30,000 yuan nor more than 300,000 yuan upon the owner, operator or manager of the vessel or offshore installation, and suspend for six to 12 months or even revoke the certificates of competency of the master and liable crew members.

Article 113 A relevant entity or individual that refuses or obstructs the supervision and inspection of the maritime safety administration, or practices fraud when accepting the supervision and inspection shall be fined not less than 2,000 yuan nor more than 20,000 yuan by the maritime safety administration, and the master and liable crew members shall be subject to suspension for six to 24 months or even revocation of their certificates of competency.

Article 114 Staff members of the transport department, the maritime safety administration and other relevant departments that abuse power, neglect duties, practice favoritism and make falsification in violation of the provisions of this Law shall be given penalties according to the law.

Article 115 Where a civil dispute is caused by a maritime traffic accident, the parties may apply for arbitration or institute an action with the people's court in accordance with the law.

Article 116 Whoever violates the provisions of this Law, which constitutes a violation of public security administration, shall be given public security administration punishment according to the law; if the act results in personal or property damage, shall assume civil liability according to the law; and if the act constitutes a crime, shall be held criminally liable in accordance with the law.

Chapter X Supplemental Provisions

Article 117 The meanings of the following terms in this Law are:

“Vessels” means various types of displacement or non-displacement ships, boats, rafts, water crafts, submersibles, mobile platforms and other mobile devices.

“Offshore installations” means various overwater and underwater fixed or floating structures and installations, and fixed platforms, but excluding port facilities such as wharfs and breakwaters.

“Internal waters” means the sea areas from the landward side of the baseline of the territorial sea of China to the coastline.

“Construction operations” means exploration, excavation and blasting, the construction, maintenance, and removal of overwater and underwater structures or installations, channel construction and dredging operations (excluding maintenance dredging of channels), and the salvage of sunken vessels and sunken objects.

“Maritime traffic accidents” means accidents occurred during navigation, berthing, and operations of

vessels and offshore installations that cause casualties or property losses due to collisions, stranding, reefs striking, touches, fire disasters, wind damage, wave damage, sinking and other reasons.

“Maritime distress” means various circumstances that pose threats to the safety of life at sea and the environment of waters, and require immediate measures to be taken to avoid, control, mitigate and eliminate them.

“Dangerous goods” means goods that are listed in the International Maritime Dangerous Goods Code and the National Dangerous Goods List, that are flammable, explosive, toxic, corrosive, radioactive, and polluting, among others, and for which special protective measures need to be taken as they may cause personal injury, property damage or environmental pollution during the course of transport by vessels .

“Sea ferries” means the transportation infrastructure between islands on the sea, between islands on the sea and the mainland, or between the mainlands facing each other across the sea, exclusively used for the transportation of people, luggage, and vehicles by ferry boats.

Article 118 The specific measures for the inspection and manning of official vessels shall be separately developed by the transport department under the State Council in conjunction with relevant competent departments.

The measures for registration and inspection of sports vessels shall be separately developed by the sports department under the State Council. The sports departments shall be responsible for the supervision and administration of maritime traffic safety of sports vessels during the period of training and competition.

The fishery administrations of the people's governments at or above the county level shall be responsible for the supervision and administration of fishery crews, fishery radios, and fishery aids to navigation, the registration and administration of fishery vessels, the management of maritime traffic safety in the waters of fishing ports, and the investigation and handling of traffic accidents between fishery vessels (including fishery vessels of foreign nationality). Where it is otherwise provided by the laws and administrative regulations, or the State Council for the investigation and handling of traffic accidents between fishery vessels, such provisions shall apply.

Except as prescribed in the preceding paragraph, the maritime traffic safety management of fishery vessels shall be in the charge of the maritime safety administration. The inspection, supervision and administration of fishery vessels shall be carried out by the maritime safety administration in accordance with the provisions of the applicable laws and administrative regulations.

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

Article 119 For the internal maritime traffic safety management of maritime military jurisdictions, and military vessels and offshore installations, the establishment and management of military aids to navigation, as well as the management of operations or water and underwater activities for military purposes, the measures for the administration shall be separately developed by the Central Military Commission.

Where the demarcation of and adjustment to the maritime traffic functional zones or specific waters in the territorial sea, the demarcation of ferry routes at sea ferries, and granting permission for maritime construction operations may affect the combat readiness, training, duty performance, and other operations of military vessels, the maritime safety administration shall solicit opinions of the relevant military authority in advance.

Where there are special needs for the implementation of military transportation tasks, the relevant military authority shall notify the relevant information to the maritime safety administration in a timely manner. The maritime safety administration shall provide necessary convenience.

Where the maritime traffic safety management involves the protection of national defense traffic and military installations, the provisions of the applicable laws shall prevail.

Article 120 Official vessels of foreign nationality navigating, berthing, or carrying out operations in the territorial sea of China that violate the laws and administrative regulations of China shall be handled in accordance with the provisions of the applicable laws and administrative regulations.

The management of military vessels of foreign nationality in the sea areas within the jurisdiction of China shall be governed by the provisions of the applicable laws.

Article 121 In the case of any discrepancy between any international treaty concluded or acceded to by China and this Law, the international treaty shall prevail, except for any article on which China has declared reservations.

Article 122 This Law shall come into force on September 1, 2021.

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