Coast Guard Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of regulating and guaranteeing the performance of duties by the Coast Guard institutions of the People's Republic of China, safeguarding national maritime rights and interests, maintaining maritime security and order, and protecting the marine ecological environment.

Article 2 — The Chinese Coast Guard is an important armed law enforcement force of the State for safeguarding national maritime rights and interests and maintaining maritime security and order. The Chinese Coast Guard shall exercise maritime rights protection and law enforcement functions in the sea areas under the jurisdiction of the People's Republic of China.

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Article 3 — The Armed Police Force shall be the leading organ for the command and administration of the Chinese Coast Guard. The Chinese Coast Guard shall, under the leadership of the Central Military Commission and the State Council, exercise maritime rights protection and law enforcement functions.

Article 4 — The Chinese Coast Guard shall exercise maritime rights protection and law enforcement functions in accordance with the law, and carry out the following work: (1) patrolling and guarding the sea areas under the jurisdiction of the People's Republic of China; (2) safeguarding maritime security and order and cracking down on illegal and criminal activities at sea; (3) protecting the marine ecological environment and natural resources; (4) carrying out maritime search and rescue and marine disaster prevention and mitigation; (5) exercising other maritime rights protection and law enforcement functions provided for by laws and regulations.

Article 5 — When performing their duties, the Chinese Coast Guard shall strictly abide by the law, adhere to the principles of lawful administration, fairness and integrity, efficiency and convenience, and diligence and dedication, and shall not infringe upon the lawful rights and interests of citizens, legal persons, and other organizations.

Article 6 — The Chinese Coast Guard shall strengthen international maritime law enforcement cooperation, participate in international maritime governance, and safeguard national maritime rights and interests. The Chinese Coast Guard shall, in accordance with the provisions of the State, cooperate with relevant departments to carry out international maritime judicial assistance and law enforcement cooperation.

Chapter II — Organization and Functions of the Coast Guard

Article 7 — The Chinese Coast Guard shall establish a unified organization and command system, and set up corresponding coast guard institutions and teams in accordance with the relevant provisions of the State. The Chinese Coast Guard shall establish a coordination mechanism for law enforcement and cooperation at sea, and strengthen coordination and cooperation with departments such as public security, natural resources, ecological environment, transport, agriculture and rural affairs, and customs.

Article 8 — Coast Guard officers shall possess corresponding political quality, professional knowledge, and physical fitness, and shall undergo pre-service training and assessment before assuming their posts. Coast Guard officers performing duties shall wear uniforms and carry identification, and shall produce their identification when performing duties in accordance with the law.

Article 9 — When performing duties, the Chinese Coast Guard may adopt the following measures in accordance with the law: (1) ordering the vessels or persons concerned to stop their acts or to leave the relevant sea areas; (2) boarding, inspecting, or detaining vessels; (3) sealing up or seizing the property, vessels, and tools involved in a case; (4) verifying the identities of the persons concerned; and (5) adopting other measures prescribed by laws and regulations.

Chapter III — Maritime Rights Protection and Law Enforcement

Article 10 — The Chinese Coast Guard shall exercise the function of safeguarding maritime rights and interests, and shall stop and expel foreign vessels and personnel that illegally enter the sea areas under the jurisdiction of the People's Republic of China, and shall deal with such vessels and personnel in accordance with the law. The Chinese Coast Guard shall, in accordance with the law, exercise the function of maritime law enforcement and investigate and deal with illegal and criminal activities occurring in the sea areas under the jurisdiction of the People's Republic of China.

Article 11 — The Chinese Coast Guard shall perform the following maritime law enforcement duties: (1) cracking down on illegal and criminal activities at sea such as smuggling, illegal immigration, drug trafficking, and theft of marine resources; (2) investigating and dealing with illegal dumping of waste and pollution of the marine environment; (3) investigating and dealing with illegal fishing, illegal hunting of marine wildlife, and

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damage to marine nature reserves; (4) investigating and dealing with illegal use of sea areas, illegal island reclamation, and illegal sand mining from the seabed; and (5) performing other maritime law enforcement duties prescribed by laws and regulations.

Article 12 — Where personnel of the Chinese Coast Guard discover illegal and criminal activities at sea while performing their duties, they shall promptly stop such activities, take coercive measures, and lawfully collect and fix evidence. Where the case is serious and complicated, it shall be referred to the relevant authorities for handling in accordance with the provisions.

Article 13 — The Chinese Coast Guard may, in accordance with relevant international treaties and agreements, carry out joint maritime patrols, law enforcement, and other activities with the maritime law enforcement agencies of neighboring countries, so as to jointly safeguard maritime security and order.

Chapter IV — Safeguard Measures

Article 14 — The State shall strengthen the construction of the Chinese Coast Guard and equip it with advanced vessels, aircraft, and other equipment and facilities in line with its functions and tasks. The State shall establish and improve a guarantee system for the construction of the Chinese Coast Guard, and incorporate the funds required for the construction of the Chinese Coast Guard into the government budget.

Article 15 — The Chinese Coast Guard shall establish and improve a maritime intelligence and information system to enhance its maritime situational awareness capability. The State shall encourage and support scientific research and technological innovation relating to coast guard work, and promote the application of scientific and technological achievements in maritime rights protection and law enforcement.

Chapter V — Supervision

Article 16 — The Chinese Coast Guard shall accept the supervision of the State and society, and shall establish and improve internal supervision mechanisms to standardize law enforcement conduct. The Chinese Coast Guard shall, in accordance with the law, disclose information relating to maritime law enforcement and accept public supervision.

Article 17 — Citizens, legal persons, and other organizations shall have the right to report or complain to the relevant authorities about any illegal acts or any acts infringing upon their lawful rights and interests committed by the Chinese Coast Guard or its personnel in the performance of their duties. The authorities receiving the reports or complaints shall promptly investigate and handle the matters, and inform the reporters or complainants of the results.

Chapter VI — Legal Liability

Article 18 — Where any entity or individual refuses or obstructs the Chinese Coast Guard from performing its duties in accordance with the law, the Chinese Coast Guard shall have the power to stop such conduct and impose a warning or a fine in accordance with the law; where the case constitutes a violation of public security administration, the public security organ shall impose public security administration penalties in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 19 — Where any personnel of the Chinese Coast Guard commits any of the following acts, sanctions shall be imposed in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law: (1) dereliction of duty or abuse of power; (2) divulging state secrets or trade secrets that he or she becomes aware of in the course of performing duties; (3) encroaching upon or misappropriating seized property; or (4) committing other illegal acts in the course of performing duties.

Chapter VII — Supplementary Provisions

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Article 20 — This Law shall come into force on February 1, 2021.

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