Maritime Traffic Safety Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of strengthening the administration of maritime traffic safety, maintaining the order of maritime traffic, safeguarding the safety of life and property, and protecting the marine environment.

Article 2 — This Law shall apply to the navigation, anchoring, operation of vessels and other activities relating to maritime traffic safety within the sea areas under the jurisdiction of the People’s Republic of China. Where vessels of Chinese nationality navigate, anchor or operate outside the sea areas under the

jurisdiction of the People's Republic of China, the relevant provisions of this Law shall apply.

Article 3 — The State shall implement a maritime traffic safety management system. The administrative department of maritime safety under the State Council shall be responsible for the supervision and administration of maritime traffic safety throughout the country. The maritime safety administrations and their sub-agencies shall exercise the supervision and administration of maritime traffic safety within their respective jurisdictions in accordance with their functions and responsibilities.

Article 4 — The State shall encourage and support the application of advanced science and technology in maritime traffic safety, and promote the construction of an intelligent and modern maritime traffic safety management system.

Chapter II — Vessel Registration and Inspection

Article 5 — Vessels shall be registered in accordance with the law. Vessels of Chinese nationality shall fly the flag of the People's Republic of China. Vessels shall not illegally fly the flag of the People's Republic of China.

Article 6 — Vessels shall be subject to inspection by vessel inspection institutions in accordance with the law. No vessel that has not passed the inspection or fails to meet the technical safety standards shall be permitted to navigate or operate.

Article 7 — Vessels shall be equipped with the life-saving, firefighting, communication, navigation and other safety equipment that comply with the relevant provisions, and shall be equipped with the vessel certificates and documents that comply with the relevant provisions.

Article 8 — The owner, operator or manager of a vessel shall establish and operate a safety management system in accordance with the relevant provisions, and be responsible for the maritime traffic safety of the vessel.

Chapter III — Manning and Navigation Safety

Article 9 — Vessels shall be manned with crew members who hold the appropriate certificates of competency in accordance with the standards for safe manning. The master of a vessel shall command and manage the vessel, and arrange crew members on duty in accordance with the relevant provisions.

Article 10 — Crew members on board a vessel shall hold the appropriate certificates of competency and shall comply with the relevant provisions on working hours and rest periods to ensure navigational safety.

Article 11 — Vessels shall comply with the relevant navigation rules and regulations such as the International Regulations for Preventing Collisions at Sea when navigating, anchoring and operating.

Article 12 — Foreign vessels entering or leaving the internal waters or territorial seas of the People's Republic of China shall report to the maritime safety administration and accept its supervision in accordance with the law. Foreign vessels shall not enter the internal waters or ports of the People's Republic of China without authorization.

Article 13 — Vessels shall not conduct operations that endanger maritime traffic safety, including but not limited to: (1) navigation under conditions that fail to meet the safe navigation requirements; (2) exceeding the approved navigation area or the approved operating conditions; (3) conducting operations that obstruct the navigation of other vessels; or (4) other operations prohibited by laws or administrative regulations.

Chapter IV — Maritime Traffic Safety Guarantee

Article 14 — The maritime safety administration shall, based on the needs of maritime traffic safety, designate, adjust and publish traffic zones such as vessel traffic separation schemes, vessel reporting

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systems, anchorages and safe operation areas.

Article 15 — Entities engaged in the construction of offshore facilities or the conduct of offshore operations shall apply to the maritime safety administration for permission in accordance with the law. Entities that have obtained permission shall carry out their activities within the approved period and scope, and shall comply with the relevant maritime traffic safety provisions.

Article 16 — The maritime safety administration shall, in accordance with the law, set up aids to navigation such as navigation marks and publish navigation warnings and navigation notices to ensure the safety of vessel navigation.

Article 17 — No entity or individual shall damage or dismantle aids to navigation or navigation facilities without authorization. Where the normal use of aids to navigation or navigation facilities is affected, the maritime safety administration shall be notified in a timely manner.

Chapter V — Maritime Search and Rescue

Article 18 — The State shall establish a maritime search and rescue coordination mechanism to uniformly organize, coordinate and direct maritime search and rescue work. The maritime safety administration shall be responsible for the specific organization, coordination and command of maritime search and rescue.

Article 19 — Where a vessel, facility or aircraft is in distress at sea, it shall immediately report the distress to the maritime safety administration and send out distress signals. Where a vessel, facility, aircraft or personnel in distress at sea is discovered, the entity or individual shall immediately report to the maritime safety administration and provide assistance without endangering its own safety.

Article 20 — Vessels, facilities and aircraft at the scene of a maritime accident shall provide all possible assistance to persons in distress, and shall not leave the scene without authorization without serious danger to themselves.

Article 21 — The maritime safety administration shall, upon receiving a distress report, immediately organize and coordinate search and rescue efforts. All relevant entities and vessels near the scene of a maritime accident shall obey the unified command and dispatch of the maritime safety administration.

Chapter VI — Investigation of Maritime Traffic Accidents

Article 22 — Where a maritime traffic accident occurs, the parties involved shall immediately report to the maritime safety administration and take all possible measures to prevent the situation from worsening. The maritime safety administration shall, in accordance with the law, investigate the cause of the accident, determine the liability for the accident, and propose suggestions for handling the accident.

Article 23 — The investigation of a maritime traffic accident shall be carried out in an objective, fair, timely and comprehensive manner. The investigation shall ascertain the facts of the accident, the cause of the accident and the liability for the accident, and shall propose suggestions for the prevention of similar accidents.

Article 24 — An accident investigation report shall be prepared after the completion of the investigation of a maritime traffic accident and shall be made public in accordance with the relevant provisions, except where State secrets, commercial secrets or personal privacy are involved.

Chapter VII — Supervision and Administration

Article 25 — The maritime safety administration shall, in accordance with the law, conduct supervision and inspection of vessels, crew members, vessel owners, operators and managers, and other relevant entities and individuals.

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Article 26 — When conducting supervision and inspection, the maritime safety administration may take the following measures: (1) to inspect vessels and their equipment, crew members and relevant certificates and documents; (2) to board vessels for inspection; (3) to check and copy the relevant materials; (4) to order vessels to stop navigation or operation; (5) to detain vessels that are suspected of serious violations; and (6) other measures prescribed by laws or administrative regulations.

Article 27 — The maritime safety administration shall establish a maritime traffic safety credit management system and strengthen credit supervision over entities and individuals involved in maritime traffic safety.

Chapter VIII — Legal Liability

Article 28 — Where an entity or individual violates the provisions of this Law by committing any of the following acts, the maritime safety administration shall order rectification, impose a fine on the vessel owner, operator or manager, and may detain the crew members' certificates of competency: (1) navigating or operating without the valid vessel certificates and documents; (2) manning the vessel with crew members who do not hold the appropriate certificates of competency; (3) failing to comply with the relevant navigation and anchoring provisions; (4) failing to report a maritime traffic accident; or (5) other acts in violation of maritime traffic safety provisions.

Article 29 — Where a vessel causes a maritime traffic accident due to violation of the provisions of this Law, the maritime safety administration shall impose a fine on the vessel owner, operator or manager, and may suspend or revoke the certificates of competency of the crew members involved.

Article 30 — Where a foreign vessel violates the provisions of this Law by arbitrarily entering the internal waters or ports of the People's Republic of China, the maritime safety administration shall order it to leave, and may impose a fine and detain the vessel.

Article 31 — Where a staff member of the maritime safety administration abuses his or her powers, neglects his or her duties, or engages in malpractices for personal gain, a sanction shall be imposed in accordance with the law. Where the case constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter IX — Supplementary Provisions

Article 32 — This Law shall apply, with appropriate modifications, to the administration of maritime traffic safety relating to offshore facilities. The specific measures shall be prescribed by the State Council.

Article 33 — This Law shall come into force as of September 1, 2021. The Maritime Traffic Safety Law of the People's Republic of China adopted at the 28th meeting of the Standing Committee of the 6th National People's Congress on September 2, 1983 shall be repealed simultaneously.

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