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Oasis Circular No.: 2106

Subject: Amended Maritime Traffic Safety Law of PRC Increases Penalties for Breaches of Safe Navigation from 1 September 2021

The amended Maritime Traffic Safety Law of China will come into effect on 01 September 2021. It provides a systematic administration of maritime traffic safety in China, and at the same time, it also increases the penalties of various breaches of safe navigation.

The penalizable breaches stipulated in the amended law mainly include:

- (1) If a vessel or offshore installation fails to hold valid certificates or documents as per the requirements of relevant laws and regulations;
- (2) If the actual condition of a vessel or offshore installation is inconsistent with the certificates and documents held.
- (3) If a vessel fails to fly the flag or flies a flag of another country, region or organization; or fails to indicate its name, vessel identification number, port of registry and load line mark as required; or fails to maintain minimum safe manning;
- (4) If the relevant certificates and documents are obtained for a vessel of Chinese nationality by fraud, bribery or other inappropriate means, or if the certificates of competency are obtained by fraud, bribery or other inappropriate means;
- (5) If a crew member fails to ensure safe performance of watch-keeping duties, or violate the relevant provisions by ingesting food, medicine or other articles that may affect the

watch-keeping safety, or commits other act in violation of the rules on watch-keeping duties at sea;

- (6) If a crew member fails to hold certificates of competency or health certificates, or these certificates held fail to satisfy the requirements;
- (7) If facilities and equipment for preventing collisions of vessels are not provided in the construction of a maritime or coastal project, or special aids to navigation not set as required; if the maritime traffic support service system is damaged or its work efficiency hindered; if breeding, planting, fishing and other operations or activities that affect the maritime traffic safety are carried out within the safe operation areas and roadsteads;
- (8) If a vessel fails to follow the rules of maritime radio communication;
- (9) If a vessel fails to apply for pilotage in accordance with the law;
- (10) If a vessel fails to follow the rules for navigating, berthing or carrying out operations at sea;
- (11) If a vessel sailing on international routes enters into or exits a port without permission; or if a vessel sailing on domestic routes fails to report to maritime authorities when entering into or exiting a port or an off-port loading and unloading station;
- (12) If a vessel or offshore installation carries out offshore construction operations without permission, fails to carry out operations as permitted, or carries out operations beyond the verified safe operation area, or carries out water and underwater activities that may affect the maritime traffic safety;
- (13) If the owners, operator or manager of an obstruction fails to set warning signs in a timely manner in accordance with relevant requirement, or fails to report the name, shape, size, location and depth of the obstruction to maritime authorities, or fails to salvage or remove the obstruction within the time limit prescribed by the maritime authorities;
- (14) If a vessel of foreign nationality enters into or exits the internal waters or territorial sea of China in violation of relevant laws;
- (15) If a carrier or a shipper fails to observe the relevant rules and requirements concerning carriage of dangerous goods;
- (16) If a vessel or offshore installation that is in distress or involved in a maritime traffic accident fails to perform reporting obligations, or has concealment or false reporting, or escapes after a maritime traffic accident;
- (17) If a vessel or offshore installation fails to perform maritime rescue obligations or refuses to obey the command of the maritime search and rescue centre;

(18) If a vessel or individual refuses or obstructs the supervision or inspection of the maritime authorities or practices fraud during the supervision and inspection.

We set out some typical and commonly seen breaches as follows together with the possible penalties for the reference of vessel owners, managers and seafarers:

➤ **If a Vessel or offshore installation doesn't hold valid certificates or documents:**

Penalty:

Owners, operator or manager: subject to a fine of between RMB30,000 and RMB300,000.

Master and relevant liable persons: subject to a fine of between RMB3,000 and RMB30,000.

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.

➤ **If a Vessel carries goods beyond the load line or the cargo category approved in the vessel inspection certificate:**

Penalty:

Owners, operator or manager: subject to a fine of between RMB20,000 and RMB200,000.

Master and relevant liable persons: subject to a fine of between RMB2,000 and RMB20,000, and suspension of the certificates of competency for three to twelve months.

Serious circumstances: revocation of the certificates of competency of the master and relevant liable persons.

➤ **If a vessel fails to navigate, berth or carry out operations within the navigation areas as specified in the vessel inspection certificate:**

Penalty:

Owners, operator or manager: subject to a fine of between RMB20,000 and RMB200,000.

Master and relevant liable persons: subject to a fine of between RMB2,000 and RMB20,000, and/or suspension of the certificates of competency for three to twelve months.

Serious circumstances: revocation of the certificates of competency of the master and liable crewmembers.

➤ **If the Manning of a vessel or offshore installation doesn't satisfy the requirements for the minimum safe Manning:**

Penalty:

Owners, operator or manager: subject to a fine of between RMB20,000 and RMB200,000.

Master and relevant liable persons: subject to a fine of between RMB2,000 and RMB20,000, and suspension of the certificates of competency for three to twelve months.

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 of 12 to 24 months or even revocation of their certificates of competency.

- If a vessel sailing on international route enters into or exits a port without permission:

Penalty:

Owners, operator or manager: subject to a fine of between RMB3,000 and RMB30,000.

Master and relevant liable persons: subject to a fine of between RMB2,000 and RMB20,000.

Serious circumstances: revocation of the certificates of competency of the master and the liable crewmembers

- If crewmembers assuming radio communication tasks fail to keep watch on and maintain smooth communication of maritime traffic safety channels such as VHF:

Penalty:

Relevant liable persons: subject to a fine of not exceeding RMB30,000,

Serious circumstances: relevant liable persons are subject to a fine of between RMB30,000 and RMB100,000, and suspension of 1 to 3 months of their certificates of competency.

The information provided above is for general information purpose only. In case you have any query on any specific issue, please feel free to contact us.

Best regards,

Oasis P&I Services Company Limited