

Conditions for maritime administrative licensing in People's R. of China



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Chapter 1 General Provisions

1. In order to implement maritime administrative licensing according to law and safeguard the legitimate rights and interests of all parties involved in maritime administrative licensing, these Provisions are formulated in accordance with the Administrative Licensing Law of the People's Republic of China, the laws and administrative regulations concerning maritime administration and the relevant international maritime conventions concluded or acceded to by the People's Republic of China.
2. These Provisions shall be complied with in applying for and accepting, examining and deciding on the conditions for maritime administrative licensing.

The term "maritime administrative licensing" as mentioned in these Provisions refers to the administrative licensing established by the MSA, or implemented by the Ministry of Transport or specifically handled by the MSA, in accordance with the relevant laws, administrative regulations and decisions of the State Council on maritime administration such as water traffic safety and prevention and control of pollution by ships.
3. When examining and deciding on maritime administrative licensing, the MSA shall not increase, reduce or change the conditions of maritime administrative licensing without authorization. A maritime administrative licensing decision shall not be made if it fails to meet the relevant conditions of the present Provisions.
4. The conditions for maritime administrative licensing shall be publicized in accordance with the provisions of the procedures for the implementation of traffic administrative licensing. If the applicant

asks for a description of the maritime administrative licensing conditions, the MSA shall give an explanation.

5. The State Maritime Administration shall, in accordance with the conditions for maritime administrative licensing, unify and clarify the materials to be submitted by the applicant. The MSA shall publicize the catalogue of materials.

When applying for maritime administrative license, the applicant shall submit the application form and related materials in accordance with the provisions, shall be responsible for the authenticity and validity of the materials submitted.

Where an application is made for the change of maritime administrative license or the extension of the term of maritime administrative license, the applicant may submit relevant materials only on the matter or situation in which the change has occurred; if the situation of the materials submitted has not changed, it may not submit any more.

Chapter 2 Maritime administrative licensing conditions

6. Conditions for safe use of waterfront and navigation permit for underwater navigation in navigable waters:

Conditions for safe use of coastline in navigable waters:

- 1) The technical assessment of the safe use of the coastline is in line with the technical specifications and requirements for water traffic safety.

- 2) Factors that affect the safety of water traffic have been formulated to eliminate the impact.

Conditions for the permit of underwater activities on navigable waters:

- 1) Water related activities have gone through other related procedures in accordance with the law.

- 2) Units, personnel, ships and facilities engaged in underwater

activities on water meet the requirements of safe navigation, berthing and operation.

3) Water and submarine activities have been formulated, including starting and ending time, location and scope, schedule and so on.

4) A significant impact on safety and pollution prevention has been assessed through navigation safety.

5) A responsibility system for safety and pollution prevention has been established, and safeguards and emergency plans that meet the requirements of water traffic safety and pollution prevention have been formulated.

7. Conditions for examination and approval of salvage or removal of sunken ships and sunken objects in coastal waters

1) The units and personnel involved in salvage or demolition have corresponding capabilities.

2) A salvage or demolition agreement has been signed according to law.

3) Vessels or installations engaged in salvage or demolition operations meet the requirements of safe navigation, berthing and operation.

4) Plans for salvage or demolition operations have been formulated, including starting and ending time, location and scope, schedule, etc.

5) A significant impact on safety and pollution prevention has been assessed through navigation safety.

6) Responsibility system for safety and pollution prevention has been established, and measures and emergency plans have been formulated to meet the requirements of water traffic safety and pollution prevention.

8. Conditions for examination and approval of prohibited areas and safe operation areas in coastal waters

1) There are definite facts and necessary reasons for delineating water demand.

2) Meet the protection requirements of nearby military or important civilian targets.

- 3) The navigation safety assessment has been adopted to make a significant impact on water traffic safety and pollution prevention.
 - 4) The waters used for setting up navigation routes and anchorages have been surveyed, the factors of bottom, hydrology and meteorology of waters meet the requirements of navigation safety.
 - 5) It conforms to the requirements of water traffic safety and pollution prevention, has formulated safety and pollution prevention measures.
9. The conditions for ships to enter or pass through restricted navigation zones are:
- 1) There are clear facts and necessary reasons for entering and crossing the restricted navigation area because of the special needs of human life safety, pollution prevention and security.
 - 2) The safety and pollution prevention conditions of prohibited areas are suitable for ships to enter or cross.
 - 3) Ships meet the special requirements of water traffic safety and pollution prevention in the restricted navigation area, and have formulated measures and emergency plans to ensure safety, prevent pollution and protect the restricted navigation area.
 - 4) The competent military authorities have agreed to enter or cross the military restricted navigation area.
10. Conditions for approval of large scale installations, mobile platforms and overloaded objects for water towing:
- 1) There is indeed a need for towage and necessary reasons.
 - 2) The tugboat is seaworthy and suitable for towing, and the crew is competent.
 - 3) The towing of the sea has been tested by towing, and the overrun of objects in inland river has been assessed through safety technology.
 - 4) The towing plan and scheme have been formulated, with clear time and place for towing prediction, and the waters of navigation.
 - 5) To meet the requirements of water traffic safety and pollution

prevention, measures to ensure water traffic safety, pollution prevention and emergency plans have been formulated.

11. Conditions for entry and approval of foreign ships or aircraft for maritime search and rescue:

- 1) The purpose of entry is to search for help at sea.
- 2) Have a clear search and rescue plan, including the time, location, scope and the basic situation of the ships and aircraft put into search and rescue;
- 3) The authorized search and rescue aircraft and ships have been approved by the competent military authorities for military purposes.

12. The setting, removal, displacement and other conditions of special navigation aids will change the conditions for examination and approval: Omit.

13. Conditions for foreign vessels to enter or temporarily enter non open waters:

- 1) The temporary entry of foreign vessels into non-open waters has been approved by the local port inspection authorities, the competent military departments and the local people's governments.
- 2) The proposed temporary open waters are suitable for foreign vessels to enter, and have the safety, pollution prevention and security conditions for ships to navigate, berth and operate.
- 3) The condition of the ship satisfies the requirements of water traffic safety, pollution prevention and security in the area to be entered.
- 4) The ship has formulated measures and emergency plans for ensuring water traffic safety, pollution prevention and security.

14. Conditions for examination and approval of entry and exit ports for international sailing vessels:

Conditions for examination and approval of international ships entering port:

- 1) The ship has complete and effective certificates, documents and materials.
- 2) The crew members are qualified to meet the minimum safety requirements and the crew members are qualified.
- 3) The ship's condition meets the safety requirements of navigation, berthing, operation, pollution prevention and security. Various safety, pollution prevention and security measures and emergency plans have been formulated.
- 4) The waters to be entered and passed by ships are open waters for international navigation ships. The docks, berths and loading and unloading points outside the harbor meet the requirements of safety, pollution prevention and security.
- 5) Vessels carrying goods meet the requirements of safe stowage and fastening, and there are no goods or articles prohibited by the state from entering the port. Vessels carrying dangerous goods and polluting hazardous goods have been examined and approved for carrying dangerous goods and polluting hazardous goods into the port according to regulations.
- 6) Nuclear-powered ships or other specific ships conform to the relevant provisions of China's laws, administrative regulations and rules.

Conditions for approval of International Navigation ships' departure:

- 1) The ship has complete and effective certificates, documents and materials.
- 2) The crew members are qualified to meet the minimum safety requirements and the crew members are qualified.
- 3) The ship's condition meets the requirements of navigation, berthing, operation safety, pollution prevention and security. Various safety, pollution prevention and security measures and emergency plans have been formulated.
- 4) Vessels carrying dangerous goods and polluting hazardous goods

have been examined and approved for the departure of dangerous goods and polluting hazardous goods by ships according to the regulations.

The carrying situation meets the requirements of safety, pollution prevention and safety management of ships carrying dangerous goods.

- 5) The flag state or port state of a ship meets the requirements for the safety inspection and defect correction of the ship. Effective measures have been taken to warn the MSA.
- 6) Taxes, fees and other expenses that should be paid before sailing have been paid according to law, or appropriate guarantees have been provided;
- 7) Violation of maritime administrative management has been dealt with according to law.
- 8) Judicial or administrative coercive measures to prohibit ship navigation have been lifted according to law.
- 9) Nuclear-powered ships or other specific ships conform to the relevant provisions of China's laws, administrative regulations and rules.
- 10) Other port authorities have agreed.

15. Conditions for issuance of certificate of nationality of ship: Omit

16. Conditions for issuing international ship security certificates: Omit

17. Conditions for the issuance of civil liability insurance or other financial guarantee certificates for ship oil pollution damage

- 1) The ship is registered with the maritime administrative authority;
- 2) Its oil pollution insurance or other financial guarantee certificates shall be handled by financial institutions or mutual insurance institutions with corresponding compensation capacity.
- 3) The amount of insurance shall not be less than the provisions of the Measures for the Implementation of Civil Liability Insurance for Oil Pollution Damage on Ships of the People's Republic of China.

18. The conditions for examination and approval of dangerous goods entering and leaving the port are:

- 1) The ship has complete and effective certificates, documents and materials.
- 2) The declared dangerous goods and polluting hazardous goods meet the fitness requirements of ships and do not belong to the goods prohibited by the State to be transported by water.
- 3) The ship's facilities and equipment meet the requirements of carrying dangerous goods and polluting hazardous goods. The ship's loading conforms to the management regulations and technical specifications of carrying dangerous goods and polluting hazardous goods in safety, pollution prevention and security.
- 4) The port operator who intends to carry out loading and unloading operations of dangerous goods and contaminated hazardous goods shall have the operational qualification of dangerous goods operation.
- 5) The formalities for import and export of goods have been handled in accordance with the relevant provisions; if the pollution-hazardous goods carried by ships belong to dangerous goods at the same time, the owner, carrier or agent of the goods may combine the declaration of pollution-hazardous goods with the declaration of dangerous goods.

For the polluted and hazardous goods on transit stop, they are exempt from the declaration of cargo transit.

19. The conditions under which a ship applies outside the port waters for examination and approval of inland dangerous cargo barge operation or marine bulk liquid pollution hazardous cargo barge operation are as follows:

- 1) Vessels or floating facilities that are intended for reloading operations meet the requirements of water traffic safety and pollution prevention.
- 2) The goods to be operated are suitable for refutation.
- 3) Those who take part in refutation have the ability to do refute work.
- 4) The operation water and its bottom quality and surrounding environment are suitable for the normal operation of lighters.

5) The barge operation does not pose a threat to the regional environment, resources, military and important civilian targets nearby.

6) The refuge operation plan, safeguard measures and emergency plan have been formulated, and meet the requirements of water traffic safety and pollution prevention.

20. Conditions for accreditation of qualifications of personnel (declarers and container site inspectors) engaged in the transport of hazardous chemicals by water:

1) People's Republic of China nationality;

2) At the age of 18, he has full civil capacity.

3) In the past 2 years, it has been qualified by the maritime administration.

4) For the first time, it should have a corresponding 3 month practice experience with 1 employees.

5) The inspector has normal color discrimination.

6) No violation of a false report or concealment of dangerous chemicals has been revoked qualification.

21. Conditions for the issuance of Seamen's service book: Omit.

22. Conditions for the issuance of Seamen's competency certificate: Omit.

23. Conditions for the issuance of Seamen's certificate: Omit.

24. Conditions for examination and approval of training institutions for seafarers (pilot) training business: Omit.

25. Conditions for examination and approval of seafarers' expatriate business: Omit.

26. The shipping company's safe operation and pollution prevention capacity conform to the conditions for the issuance of the certification.

Omit.

27. Conditions for examination and approval of ship inspection organizations: Omit.

Chapter 3. Supplementary articles

28. The regulations shall come into force on July 1, 2015.