



# 中华人民共和国船员条例

Regulations of the People's  
Republic of China on Seafarers

(中英文本)



# 第一章 总 则

**第一条** 为了加强船员管理,提高船员素质,维护船员的合法权益,保障水上交通安全,保护水域环境,制定本条例。

**第二条** 中华人民共和国境内的船员注册、任职、培训、职业保障以及提供船员服务等活动,适用本条例。

**第三条** 国务院交通主管部门主管全国船员管理工作。

国家海事管理机构依照本条例负责统一实施船员管理工作。

负责管理中央管辖水域的海事管理机构和负责管理其他水域的地方海事管理机构(以下统称海事管理机构),依照各自职责具体负责船员管理工作。

## 第二章 船员注册和任职资格

**第四条** 本条例所称船员,是指依照本条例的规定经船员注册取得船员服务簿的人员,包括船长、高级船员、普通船员。

本条例所称船长,是指依照本条例的规定取得船长任职资格,负责管理和指挥船舶的人员。

本条例所称高级船员,是指依照本条例的规定取得相



应任职资格的大副、二副、三副、轮机长、大管轮、二管轮、三管轮、通信人员以及其他在船舶上任职的高级技术或者管理人员。

本条例所称普通船员,是指除船长、高级船员外的其他船员。

**第五条** 申请船员注册,应当具备下列条件:

(一) 年满 18 周岁(在船实习、见习人员年满 16 周岁)但不超过 60 周岁;

(二) 符合船员健康要求;

(三) 经过船员基本安全培训,并经海事管理机构考试合格。

申请注册国际航行船舶船员的,还应当通过船员专业外语考试。

**第六条** 申请船员注册,可以由申请人或者其代理人向任何海事管理机构提出书面申请,并附送申请人符合本条例第五条规定条件的证明材料。

海事管理机构应当自受理船员注册申请之日起 10 日内做出注册或者不予注册的决定。对符合本条例第五条规定条件的,应当给予注册,发给船员服务簿,但是申请人被依法吊销船员服务簿未满 5 年的,不予注册。

**第七条** 船员服务簿是船员的职业身份证件,应当载明船员的姓名、住所、联系人、联系方式以及其他有关事项。

船员服务簿记载的事项发生变更的,船员应当向海事



管理机构办理变更手续。

**第八条** 船员有下列情形之一的,海事管理机构应当注销船员注册,并予以公告:

- (一)死亡或者被宣告失踪的;
- (二)丧失民事行为能力的;
- (三)被依法吊销船员服务簿的;
- (四)本人申请注销注册的。

**第九条** 参加航行和轮机值班的船员,应当依照本条例的规定取得相应的船员适任证书。

申请船员适任证书,应当具备下列条件:

- (一)已经取得船员服务簿;
- (二)符合船员任职岗位健康要求;
- (三)经过相应的船员适任培训、特殊培训;
- (四)具备相应的船员任职资历,并且任职表现和安全记录良好。

**第十条** 申请船员适任证书,应当向海事管理机构提出书面申请,并附送申请人符合本条例第九条规定条件的证明材料。对符合规定条件并通过国家海事管理机构组织的船员任职考试的,海事管理机构应当发给相应的船员适任证书。

**第十一条** 船员适任证书应当注明船员适任的航区(线)、船舶类别和等级、职务以及有效期限等事项。

船员适任证书的有效期不超过5年。

**第十二条** 中国籍船舶的船长和高级船员应当由中



国籍船员担任；确需外国籍船员担任高级船员的，应当报国家海事管理机构批准。

**第十三条** 中国籍船舶在境外遇有不可抗力或者其他特殊情况，无法满足船舶最低安全配员要求，需要由本船下一级船员临时担任上一级职务时，应当向海事管理机构提出申请。海事管理机构根据拟担任上一级船员职务船员的任职资历、任职表现和安全记录，签发相应的批准文书。

**第十四条** 曾经在军用船舶、渔业船舶上工作的人员，或者持有其他国家、地区船员适任证书的船员，依照本条例的规定申请船员适任证书的，海事管理机构可以免除船员培训和考试的相应内容。具体办法由国务院交通主管部门另行规定。

**第十五条** 以海员身份出入国境和在国外船舶上从事工作的中国籍船员，应当向国家海事管理机构指定的海事管理机构申请中华人民共和国海员证。

申请中华人民共和国海员证，应当符合下列条件：

- (一)是中华人民共和国公民；
- (二)持有国际航行船舶船员适任证书或者有确定的船员出境任务；
- (三)无法律、行政法规规定禁止出境的情形。

**第十六条** 海事管理机构应当自受理申请之日起7日内做出批准或者不予批准的决定。予以批准的，发给中华人民共和国海员证；不予批准的，应当书面通知申请人



并说明理由。

**第十七条** 中华人民共和国海员证是中国籍船员在境外执行任务时表明其中华人民共和国公民身份的证件。中华人民共和国海员证遗失、被盗或者损毁的,应当向海事管理机构申请补发。船员在境外的,应当向中华人民共和国驻外使馆、领馆申请补发。

中华人民共和国海员证的有效期不超过5年。

**第十八条** 持有中华人民共和国海员证的船员,在其他国家、地区享有按照当地法律、有关国际条约以及中华人民共和国与有关国家签订的海运或者航运协定规定的权利和通行便利。

**第十九条** 在中国籍船舶上工作的外国籍船员,应当依照法律、行政法规和国家其他有关规定取得就业许可,并持有国务院交通主管部门规定的相应证书和其所属国政府签发的相关身份证件。

在中华人民共和国管辖水域航行、停泊、作业的外国籍船舶上任职的外国籍船员,应当持有中华人民共和国缔结或者加入的国际条约规定的相应证书和其所属国政府签发的相关身份证件。

### 第三章 船员职责

**第二十条** 船员在船工作期间,应当符合下列要求:

(一)携带本条例规定的有效证件;



(二)掌握船舶的适航状况和航线的通航保障情况,以及有关航区气象、海况等必要的信息;

(三)遵守船舶的管理制度和值班规定,按照水上交通安全和防治船舶污染的操作规则操纵、控制和管理船舶,如实填写有关船舶法定文书,不得隐匿、篡改或者销毁有关船舶法定证书、文书;

(四)参加船舶应急训练、演习,按照船舶应急部署的要求,落实各项应急预防措施;

(五)遵守船舶报告制度,发现或者发生险情、事故、保安事件或者影响航行安全的情况,应当及时报告;

(六)在不严重危及自身安全的情况下,尽力救助遇险人员;

(七)不得利用船舶私载旅客、货物,不得携带违禁物品。

**第二十一条** 船长在其职权范围内发布的命令,船舶上所有人员必须执行。

高级船员应当组织下属船员执行船长命令,督促下属船员履行职责。

**第二十二条** 船长管理和指挥船舶时,应当符合下列要求:

(一)保证船舶和船员携带符合法定要求的证书、文书以及有关航行资料;

(二)制订船舶应急计划并保证其有效实施;

(三)保证船舶和船员在开航时处于适航、适任状态,



按照规定保障船舶的最低安全配员,保证船舶的正常值班;

(四)执行海事管理机构有关水上交通安全和防治船舶污染的指令,船舶发生水上交通事故或者污染事故的,向海事管理机构提交事故报告;

(五)对本船船员进行日常训练和考核,在本船船员的船员服务簿内如实记载船员的服务资历和任职表现;

(六)船舶进港、出港、靠泊、离泊,通过交通密集区、危险航区等区域,或者遇有恶劣天气和海况,或者发生水上交通事故、船舶污染事故、船舶保安事件以及其他紧急情况时,应当在驾驶室值班,必要时应当直接指挥船舶;

(七)保障船舶上人员和临时上船人员的安全;

(八)船舶发生事故,危及船舶上人员和财产安全时,应当组织船员和船舶上其他人员尽力施救;

(九)弃船时,应当采取一切措施,首先组织旅客安全离船,然后安排船员离船,船长应当最后离船,在离船前,船长应当指挥船员尽力抢救航海日志、机舱日志、油类记录簿、无线电台日志、本航次使用过的航行图和文件,以及贵重物品、邮件和现金。

**第二十三条** 船长、高级船员在航次中,不得擅自辞职、离职或者中止职务。

**第二十四条** 船长在保障水上人身与财产安全、船舶保安、防治船舶污染水域方面,具有独立决定权,并负有最终责任。



船长为履行职责,可以行使下列权力:

(一)决定船舶的航次计划,对不具备船舶安全航行条件的,可以拒绝开航或者续航;

(二)对船员用人单位或者船舶所有人下达的违法指令,或者可能危及有关人员、财产和船舶安全或者可能造成水域环境污染的指令,可以拒绝执行;

(三)发现引航员的操纵指令可能对船舶航行安全构成威胁或者可能造成水域环境污染时,应当及时纠正、制止,必要时可以要求更换引航员;

(四)当船舶遇险并严重危及船舶上人员的生命安全时,船长可以决定撤离船舶;

(五)在船舶的沉没、毁灭不可避免的情况下,船长可以决定弃船,但是,除紧急情况外,应当报经船舶所有人同意;

(六)对不称职的船员,可以责令其离岗。

船舶在海上航行时,船长为保障船舶上人员和船舶的安全,可以依照法律的规定对在船舶上进行违法、犯罪活动的人采取禁闭或者其他必要措施。

## 第四章 船员职业保障

**第二十五条** 船员用人单位和船员应当按照国家有关规定参加工伤保险、医疗保险、养老保险、失业保险以及其他社会保险,并依法按时足额缴纳各项保险费用。



船员用人单位应当为在驶往或者驶经战区、疫区或者运输有毒、有害物质的船舶上工作的船员,办理专门的人身、健康保险,并提供相应的防护措施。

**第二十六条** 船舶上船员生活和工作的场所,应当符合国家船舶检验规范中有关船员生活环境、作业安全和防护的要求。

船员用人单位应当为船员提供必要的生活用品、防护用品、医疗用品,建立船员健康档案,并为船员定期进行健康检查,防治职业疾病。

船员在船工作期间患病或者受伤的,船员用人单位应当及时给予救治;船员失踪或者死亡的,船员用人单位应当及时做好相应的善后工作。

**第二十七条** 船员用人单位应当依照有关劳动合同的法律、法规和中华人民共和国缔结或者加入的有关船员劳动与社会保障国际条约的规定,与船员订立劳动合同。

船员用人单位不得招用未取得本条例规定证件的人员上船工作。

**第二十八条** 船员工会组织应当加强对船员合法权益的保护,指导、帮助船员与船员用人单位订立劳动合同。

**第二十九条** 船员用人单位应当根据船员职业的风险性、艰苦性、流动性等因素,向船员支付合理的工资,并按时足额发放给船员。任何单位和个人不得克扣船员的工资。

船员用人单位应当向在劳动合同有效期内的待派船



员,支付不低于船员用人单位所在地人民政府公布的最低工资。

**第三十条** 船员在船工作时间应当符合国务院交通主管部门规定的标准,不得疲劳值班。

船员除享有国家法定节假日的假期外,还享有在船舶上每工作2个月不少于5日的年休假。

船员用人单位应当在船员年休假期间,向其支付不低于该船员在船工作期间平均工资的报酬。

**第三十一条** 船员在船工作期间,有下列情形之一的,可以要求遣返:

- (一)船员的劳动合同终止或者依法解除的;
- (二)船员不具备履行船上岗位职责能力的;
- (三)船舶灭失的;
- (四)未经船员同意,船舶驶往战区、疫区的;
- (五)由于破产、变卖船舶、改变船舶登记或者其他原因,船员用人单位、船舶所有人不能继续履行对船员的法定或者约定义务的。

**第三十二条** 船员可以从下列地点中选择遣返地点:

- (一)船员接受招用的地点或者上船任职的地点;
- (二)船员的居住地、户籍所在地或者船籍登记国;
- (三)船员与船员用人单位或者船舶所有人约定的地点。

**第三十三条** 船员的遣返费用由船员用人单位支付。遣返费用包括船员乘坐交通工具的费用、旅途中合理的食



宿及医疗费用和 30 公斤行李的运输费用。

**第三十四条** 船员的遣返权利受到侵害的,船员当时所在地民政部门或者中华人民共和国驻境外领事机构,应当向船员提供援助;必要时,可以直接安排船员遣返。民政部门或者中华人民共和国驻境外领事机构为船员遣返所垫付的费用,船员用人单位应当及时返还。

## 第五章 船员培训和船员服务

**第三十五条** 申请在船舶上工作的船员,应当按照国务院交通主管部门的规定,完成相应的船员基本安全培训、船员适任培训。

在危险品船、客船等特殊船舶上工作的船员,还应当完成相应的特殊培训。

**第三十六条** 依法设立的培训机构从事船员培训,应当符合下列条件:

- (一)有符合船员培训要求的场地、设施和设备;
- (二)有与船员培训相适应的教学人员、管理人员;
- (三)有健全的船员培训管理制度、安全防护制度;
- (四)有符合国务院交通主管部门规定的船员培训质量控制体系。

**第三十七条** 依法设立的培训机构从事船员培训业务,应当向国家海事管理机构提出申请,并附送符合本条例第三十六条规定条件的证明材料。



国家海事管理机构应当自受理申请之日起 30 日内,做出批准或者不予批准的决定。予以批准的,发给船员培训许可证;不予批准的,书面通知申请人并说明理由。

**第三十八条** 从事船员培训业务的机构,应当按照国务院交通主管部门规定的船员培训大纲和水上交通安全、防治船舶污染、船舶保安等要求,在核定的范围内开展船员培训,确保船员培训质量。

**第三十九条** 从事代理船员办理申请培训、考试、申领证书(包括外国船员证书)等有关手续,代理船员用人单位管理船员事务,提供船舶配员等船员服务业务的机构,应当符合下列条件:

(一)在中华人民共和国境内依法设立的法人;

(二)有 2 名以上具有高级船员任职资历的管理人员;

(三)有符合国务院交通主管部门规定的船员服务管理制度;

(四)具有与所从事业务相适应的服务能力。

**第四十条** 从事船员服务业务的机构(以下简称船员服务机构),应当向海事管理机构提交书面申请,并附送符合本条例第三十九条规定条件的证明材料。

海事管理机构应当自受理申请之日起 30 日内做出批准或者不予批准的决定。予以批准的,发给相应的批准文件;不予批准的,书面通知申请人并说明理由。

**第四十一条** 船员服务机构应当建立船员档案,加强



船舶配员管理,掌握船员的培训、任职资历、安全记录、健康状况等情况,并将上述情况定期报海事管理机构备案。

船员用人单位直接招用船员的,应当遵守前款的规定。

**第四十二条** 船员服务机构应当向社会公布服务项目和收费标准。

**第四十三条** 船员服务机构为船员提供服务,应当诚实守信,不得提供虚假信息,不得损害船员的合法权益。

**第四十四条** 船员服务机构为船员用人单位提供船舶配员服务,应当督促船员用人单位与船员依法订立劳动合同。船员用人单位未与船员依法订立劳动合同的,船员服务机构应当终止向船员用人单位提供船员服务。

船员服务机构为船员用人单位提供的船员失踪或者死亡的,船员服务机构应当配合船员用人单位做好善后工作。

## 第六章 监督检查

**第四十五条** 海事管理机构应当建立健全船员管理的监督检查制度,重点加强对船员注册、任职资格、履行职责、安全记录,船员培训机构培训质量,船员服务机构诚实守信以及船员用人单位保护船员合法权益等情况的监督检查,督促船员用人单位、船舶所有人以及相关的机构建立健全船员在船舶上的人身安全、卫生、健康和劳动安全



保障制度,落实相应的保障措施。

**第四十六条** 海事管理机构对船员实施监督检查时,应当查验船员必须携带的证件的有效性,检查船员履行职责的情况,必要时可以进行现场考核。

**第四十七条** 依照本条例的规定,取得船员服务簿、船员适任证书、中华人民共和国海员证的船员以及取得从事船员培训业务许可、船员服务业务许可的机构,不再具备规定条件的,由海事管理机构责令限期改正;拒不改正或者无法改正的,海事管理机构应当撤销相应的行政许可决定,并依法办理有关行政许可的注销手续。

**第四十八条** 海事管理机构对有违反水上交通安全和防治船舶污染水域法律、行政法规行为的船员,除依法给予行政处罚外,实行累计记分制度。海事管理机构对累计记分达到规定分值的船员,应当扣留船员适任证书,责令其参加水上交通安全、防治船舶污染等有关法律、行政法规的培训并进行相应的考试;考试合格的,发还其船员适任证书。

**第四十九条** 船舶违反本条例和有关法律、行政法规规定的,海事管理机构应当责令限期改正;在规定期限内未能改正的,海事管理机构可以禁止船舶离港或者限制船舶航行、停泊、作业。

**第五十条** 海事管理机构实施监督检查时,应当有2名以上执法人员参加,并出示有效的执法证件。

海事管理机构实施监督检查,可以询问当事人,向有



关单位或者个人了解情况,查阅、复制有关资料,并保守被调查单位或者个人的商业秘密。

接受海事管理机构监督检查的有关单位或者个人,应当如实提供有关资料或者情况。

**第五十一条** 海事管理机构应当公开管理事项、办事程序、举报电话号码、通信地址、电子邮件信箱等信息,自觉接受社会的监督。

**第五十二条** 劳动保障行政部门应当加强对船员用人单位遵守劳动和社会保障的法律、法规和国家其他有关规定情况的监督检查。

## 第七章 法律责任

**第五十三条** 违反本条例的规定,以欺骗、贿赂等不正当手段取得船员服务簿、船员适任证书、船员培训合格证书、中华人民共和国海员证的,由海事管理机构吊销有关证件,并处2000元以上2万元以下罚款。

**第五十四条** 违反本条例的规定,伪造、变造或者买卖船员服务簿、船员适任证书、船员培训合格证书、中华人民共和国海员证的,由海事管理机构收缴有关证件,处2万元以上10万元以下罚款,有违法所得的,还应当没收违法所得。

**第五十五条** 违反本条例的规定,船员服务簿记载的事项发生变更,船员未办理变更手续的,由海事管理机构



责令改正,可以处 1000 元以下罚款。

**第五十六条** 违反本条例的规定,船员在船工作期间未携带本条例规定的有效证件的,由海事管理机构责令改正,可以处 2000 元以下罚款。

**第五十七条** 违反本条例的规定,船员有下列情形之一的,由海事管理机构处 1000 元以上 1 万元以下罚款;情节严重的,并给予暂扣船员服务簿、船员适任证书 6 个月以上 2 年以下直至吊销船员服务簿、船员适任证书的处罚:

(一)未遵守值班规定擅自离开工作岗位的;

(二)未按照水上交通安全和防治船舶污染操作规则操纵、控制和管理船舶的;

(三)发现或者发生险情、事故、保安事件或者影响航行安全的情况未及时报告的;

(四)未如实填写或者记载有关船舶法定文书的;

(五)隐匿、篡改或者销毁有关船舶法定证书、文书的;

(六)不依法履行救助义务或者肇事逃逸的;

(七)利用船舶私载旅客、货物或者携带违禁物品的。

**第五十八条** 违反本条例的规定,船长有下列情形之一的,由海事管理机构处 2000 元以上 2 万元以下罚款;情节严重的,并给予暂扣船员适任证书 6 个月以上 2 年以下直至吊销船员适任证书的处罚:

(一)未保证船舶和船员携带符合法定要求的证书、



文书以及有关航行资料的；

(二)未保证船舶和船员在开航时处于适航、适任状态,或者未按照规定保障船舶的最低安全配员,或者未保证船舶的正常值班的；

(三)未在船员服务簿内如实记载船员的服务资历和任职表现的；

(四)船舶进港、出港、靠泊、离泊,通过交通密集区、危险航区等区域,或者遇有恶劣天气和海况,或者发生水上交通事故、船舶污染事故、船舶保安事件以及其他紧急情况时,未在驾驶台值班的；

(五)在弃船或者撤离船舶时未最后离船的。

**第五十九条** 船员适任证书被吊销的,自被吊销之日起2年内,不得申请船员适任证书。

**第六十条** 违反本条例的规定,船员用人单位、船舶所有人有下列行为之一的,由海事管理机构责令改正,处3万元以上15万元以下罚款:

(一)招用未依照本条例规定取得相应有效证件的人员上船工作的；

(二)中国籍船舶擅自招用外国籍船员担任船长或者高级船员的；

(三)船员在船舶上生活和工作的场所不符合国家船舶检验规范中有关船员生活环境、作业安全和防护要求的；

(四)不履行遣返义务的；



(五) 船员在船工作期间患病或者受伤, 未及时给予救治的。

**第六十一条** 违反本条例的规定, 未取得船员培训许可证擅自从事船员培训的, 由海事管理机构责令改正, 处 5 万元以上 25 万元以下罚款, 有违法所得的, 还应当没收违法所得。

**第六十二条** 违反本条例的规定, 船员培训机构不按照国务院交通主管部门规定的培训大纲和水上交通安全、防治船舶污染等要求, 进行培训的, 由海事管理机构责令改正, 可以处 2 万元以上 10 万元以下罚款; 情节严重的, 给予暂扣船员培训许可证 6 个月以上 2 年以下直至吊销船员培训许可证的处罚。

**第六十三条** 违反本条例的规定, 未经批准擅自从事船员服务的, 由海事管理机构责令改正, 处 5 万元以上 25 万元以下罚款, 有违法所得的, 还应当没收违法所得。

**第六十四条** 违反本条例的规定, 船员服务机构和船员用人单位未将其招用或者管理的船员的有关情况定期报海事管理机构备案的, 由海事管理机构责令改正, 处 5000 元以上 2 万元以下罚款。

**第六十五条** 违反本条例的规定, 船员服务机构在提供船员服务时, 提供虚假信息, 欺诈船员的, 由海事管理机构责令改正, 处 3 万元以上 15 万元以下罚款; 情节严重的, 并给予暂停船员服务 6 个月以上 2 年以下直至吊销船员服务许可的处罚。



**第六十六条** 违反本条例的规定,船员服务机构在船员用人单位未与船员订立劳动合同的情况下,向船员用人单位提供船员的,由海事管理机构责令改正,处5万元以上25万元以下罚款;情节严重的,给予暂停船员服务6个月以上2年以下直至吊销船员服务许可的处罚。

**第六十七条** 海事管理机构工作人员有下列情形之一的,依法给予处分:

(一)违反规定签发船员服务簿、船员适任证书、中华人民共和国海员证,或者违反规定批准船员培训机构、船员服务机构从事相关活动的;

(二)不依法履行监督检查职责的;

(三)不依法实施行政强制或者行政处罚的;

(四)滥用职权、玩忽职守的其他行为。

**第六十八条** 违反本条例的规定,情节严重,构成犯罪的,依法追究刑事责任。

## 第八章 附 则

**第六十九条** 申请参加取得船员服务簿、船员适任证书考试,应当按照国家有关规定交纳考试费用。

**第七十条** 引航员的注册、培训和任职资格依照本条例有关船员注册、培训和任职资格的规定执行。具体办法由国务院交通主管部门制订。

**第七十一条** 军用船舶船员的管理,按照国家和军队



有关规定执行。

渔业船员的管理由国务院渔业行政主管部门负责,具体管理办法由国务院渔业行政主管部门参照本条例另行规定。

**第七十二条** 除本条例对船员用人单位及船员的劳动和社会保障有特别规定外,船员用人单位及船员应当执行有关劳动和社会保障的法律、行政法规以及国家有关规定。

船员专业技术职称的取得和专业技术职务的聘任工作,按照国家有关规定实施。

**第七十三条** 本条例自2007年9月1日起施行。



# Regulations of the People's Republic of China on Seafarers

( Adopted at the 172<sup>nd</sup> Executive Meeting of the State Council on March 28, 2007, promulgated by Decree No. 494 of the State Council of the People's Republic of China on April 14, 2007, and effective as of September 1, 2007 )

## Chapter I General Provisions

**Article 1** These Regulations are formulated for the purpose of strengthening the administration of seafarers, improving their qualities, safeguarding their legal rights and interests, ensuring waterborne traffic safety and protecting the water environment.

**Article 2** These Regulations shall, within the territory of the People's Republic of China, apply to the registration, qualification, training and occupational security of seafarers as well as the provision of seafarer services.

**Article 3** The competent communications department of the State Council shall be responsible for the administration of seafarers throughout the country.

The maritime administration agency of the State shall, in



a unified manner, be responsible for implementing the administration of seafarers in accordance with these Regulations.

The maritime administration agency in charge of the waters under the jurisdiction of the Central Government and the local maritime administration agencies in charge of other waters (hereinafter collectively referred to as the maritime administration agencies) shall be responsible for the administration of seafarers according to their respective functions and duties.

## **Chapter II Registration and Qualifications of Seafarers**

**Article 4** The term “seafarer” in these Regulations means a person who has obtained the Seafarer’s Identity Document after being registered in accordance with the provisions of these Regulations, including the master, officer and rating.

The term “master” in these Regulations means a person who has obtained master’s qualifications in accordance with the provisions of these Regulations and is responsible for managing and commanding the vessel.

The term “officer” in these Regulations means a person who has obtained the relevant qualifications in accordance



with the provisions of these Regulations, including chief officer, second officer, third officer, chief engineer, second engineer, third engineer, fourth engineer, communication personnel, and other senior technical and administrative personnel serving on board.

The term "rating" in these Regulations means the seafarers other than the master and officers.

**Article 5** To apply for seafarer registration, the following conditions shall be met:

(1) being not less than 18 years old (or not less than 16 years old for those who are in internship or probation on board) but not more than 60 years old;

(2) meeting the medical fitness standards for seafarers; and

(3) having received basic safety training for seafarers and passed the examination held by the maritime administration agencies.

Those who apply for registration as seafarers serving on vessels of international voyages shall, in addition, pass the professional foreign language examination for seafarers.

**Article 6** To apply for seafarer registration, the applicant or his agent may submit an application in writing to any maritime administration agency, accompanied with the materials certifying that the applicant meets the requirements pre-



scribed in Article 5 of these Regulations.

The maritime administration agency shall, within 10 days from the date of acceptance of an application for seafarer registration, make a decision to register or not register the applicant; if the requirements prescribed in Article 5 of these Regulations are met, the maritime administration agency shall register the applicant and issue the Seafarer's Identity Document. However, the maritime administration agency shall not register the applicant if five years have not elapsed since his Seafarer's Identity Document was revoked.

**Article 7** The Seafarer's Identity Document is the occupational identity certificate of a seafarer, which shall indicate the seafarer's name, address, contact person(s), contact methods and other relevant information.

If any item of entry in the Seafarer's Identity Document changes, the seafarer shall go through the formalities of change at the maritime administration agency.

**Article 8** Where a seafarer is found in one of the following circumstances, the maritime administration agency shall cancel his seafarer registration and make it known to the public:

- (1) being dead or being declared missing;
- (2) having lost the capacity for civil conduct;
- (3) the Seafarer's Identity Document has been revoked



in accordance with law ; or

(4) applying for cancellation of registration by himself.

**Article 9** A seafarer performing navigational or engineering watchkeeping duties shall obtain a relevant seafarer's Competency Certificate in accordance with the provisions of these Regulations.

To apply for the Seafarer's Competency Certificate, the following requirements shall be met :

(1) having obtained a Seafarer's Identity Document ;

(2) meeting the medical fitness requirements for the seafarer's post ;

(3) having received the relevant competency training and special training ; and

(4) having the corresponding qualifications for the seafarer's post and a good performance and safety record.

**Article 10** To apply for the Seafarer's Competency Certificate, a written application shall be submitted to the maritime administration agency and accompanied with the materials certifying that the applicant meets the requirements prescribed in Article 9 of these Regulations. Where the applicant meets the prescribed requirements and has passed the competency examination held by the maritime administration agency of the State, the maritime administration agency shall issue a relevant Competency Certificate to him.



**Article 11** The Seafarer's Competency Certificate shall indicate the items such as the trade zone (route), type and class of the vessel, his position and the validity period of the Certificate, which match the seafarer's competency.

The validity period of the Seafarer's Competency Certificate shall not exceed five years.

**Article 12** The master and officers of a Chinese vessel shall be recruited from among Chinese seafarers. In case of an actual need for the posts of officers to be assumed by foreign seafarers, the matter shall be reported to the maritime administration agency of the State for approval.

**Article 13** Where a Chinese vessel abroad cannot meet the requirements for the minimum safe manning of the vessel due to force majeure or other special circumstances and thus the position of a higher-level seafarer needs to be temporarily assumed by a lower-level one on the same vessel, the application shall be submitted to the maritime administration agency. The maritime administration agency shall sign and issue an appropriate document of approval in light of the qualifications, performance and safety records of the seafarer who is designated to assume the higher-level position.

**Article 14** Where a person who ever worked on a military or fishing vessel, or a seafarer who holds the Seafarer's Competency Certificate of another country or region, applies



for the Seafarer's Competency Certificate in accordance with the provisions of these Regulations, the maritime administration agency may grant him exemption from that part of seafarer training and examinations correspondingly. The specific measures shall be separately formulated by the competent communications department of the State Council.

**Article 15** A Chinese seafarer who enters and leaves China as a seafarer or serves on a vessel flying the flag of a foreign country shall apply for a Seafarer's Passport of the People's Republic of China to the maritime administration agency designated by the maritime administration agency of the State.

To apply for a Seafarer's Passport of the People's Republic of China, the following requirements shall be met:

- (1) being a citizen of the People's Republic of China;
- (2) holding the Seafarer's Competency Certificate for serving on vessels of international voyages or undertaking a definite seafaring mission abroad; and
- (3) not being prohibited from leaving the country by laws or administrative regulations.

**Article 16** The maritime administration agency shall, within seven days from the date of acceptance of the application, make a decision to approve or not to approve such application and, if deciding to approve, issue a Seafarer's Pass-



port of the People's Republic of China to the applicant; or if deciding not to approve, notify the applicant in writing and give the reasons therefor.

**Article 17** The Seafarer's Passport of the People's Republic of China is a document for a Chinese seafarer on a mission abroad to show his identity as a citizen of the People's Republic of China. In case the Seafarer's Passport is lost, stolen or damaged, an application for issuance of a new passport shall be made to the maritime administration agency. Where the seafarer is abroad, he shall apply for such issuance to the embassy or consulate of the People's Republic of China.

The validity period of the Seafarer's passport of the People's Republic of China shall not exceed five years.

**Article 18** A seafarer holding the Seafarer's Passport of the People's Republic of China enjoys the rights and is entitled to pass freely in other countries and regions in accordance with the local laws, relevant international treaties, and the maritime or shipping agreements signed between the People's Republic of China and the relevant countries.

**Article 19** A foreign seafarer who serves on a Chinese vessel shall obtain an employment permit in accordance with laws, administrative regulations and other provisions of the State, and hold the relevant certificate as stipulated by the



competent communications department of the State Council and the relevant identity certificate issued by the government of his home country.

A foreign seafarer who serves on a foreign vessel sailing, berthing or operating in the waters under the jurisdiction of the People's Republic of China shall hold the relevant certificate as stipulated by the international treaties which China has concluded or acceded to and the relevant identity certificate issued by the government of his home country.

### **Chapter III Functions and Duties of Seafarers**

**Article 20** When serving on board, a seafarer shall meet the following requirements:

(1) carrying the valid documents and certificates as specified in these Regulations;

(2) keeping abreast of the seaworthiness conditions of the vessel, security conditions of the trade route, as well as the necessary information about meteorological and sea conditions in the relevant trade zone;

(3) abiding by the management systems and watchkeeping provisions of the vessel, operating, commanding and managing the vessel according to the rules on waterborne traffic safety and prevention and control of pollution from vessels,



faithfully filling in the relevant statutory documents of the vessel, and not concealing, tampering or destroying the relevant statutory certificates and documents of the vessel;

(4) participating in emergency drills and exercises of the vessel and implementing emergency precautions as required by emergency management of the vessel;

(5) abiding by the reporting system of the vessel and submitting a timely report when dangers, accidents, security incidents or other circumstances affecting the navigation safety are found or take place;

(6) making all efforts to rescue people in danger if there is no serious danger to himself; and

(7) being prohibited to carry passengers and cargo on the vessel for private purposes or carry contrabands.

**Article 21** All persons on board must carry out the orders delivered by the master within the scope of his functions and powers.

The officers shall organize their subordinate seafarers to carry out the master's orders and supervise the performance of their functions and powers.

**Article 22** When managing and commanding a vessel, the master shall meet the following requirements:

(1) ensuring that the vessel and seafarers carry the certificates, documents and other relevant navigational materials



that meet the statutory requirements ;

(2) formulating the emergency plan and ensuring its effective implementation ;

(3) ensuring the seaworthiness of the vessel and the competency of the seafarers at the commencement of the voyage, ensuring the minimum safe manning for the vessel according to the provisions, and securing the normal watch-keeping of the vessel ;

(4) implementing the maritime administration agency's instructions on waterborne traffic safety and prevention and control of pollution from vessels, and submitting an accident report to the maritime administration agency in case the vessel is involved in a waterborne traffic accident or pollution accident ;

(5) conducting routine training and examinations of seafarers on the vessel, and faithfully recording their service experience and performance in their Seafarer's Identity Documents ;

(6) being on duty on the bridge or, if necessary, directly commanding the vessel, when the vessel enters or leaves the port, berths or unberths, or passes heavy traffic zones or dangerous navigational zones, or encounters inclement weather or sea conditions, or suffers a waterborne traffic accident, vessel pollution accident, vessel security incident or other e-



mergency situations ;

(7) ensuring the safety of persons on board and those temporarily embarked on board ;

(8) organizing the seafarers and other persons on board to render rescue operations in case the vessel encounters an accident threatening the safety of the lives and property on board ; and

(9) when the vessel is abandoned, taking all measures first to organize the passengers to safely leave the vessel, then arranging for seafarers to leave, and being the last person to leave and, before leaving the vessel, directing seafarers to rescue the deck log book, engine log book, oil record book, radio log book, the charts, documents and papers used in the voyage, as well as valuables, postal matter and cash money as possible as they can.

**Article 23** During the voyage, the master and officers shall not resign, leave or suspend their duties without permission.

**Article 24** The master has the power to make independent decisions with regard to the waterborne safety of lives and property, vessel security and prevention and control of pollution from vessels, and shall assume the ultimate responsibility for such matters.

In performing his duties, the master may exercise the



following powers :

(1) determining the voyage plan, or refuse to sail or discontinue the voyage in case the vessel fails to meet the requirements for safe navigation;

(2) refusing to carry out the illegal instructions by the employer of seafarers or the owner of the vessel, or those instructions that may threaten the safety of lives, property and the vessel or cause pollution to the waters;

(3) correcting or stop the pilot's instruction in a timely manner or, if necessary, to ask for a change of the pilot, when finding the pilot's operating instructions may threaten the safety of navigation or pollute the waters;

(4) deciding to evacuate the vessel when the vessel is in distress and the safety of lives on board is seriously threatened;

(5) deciding to abandon the vessel if the sinking or destruction of the vessel is inevitable, however, he shall report such matter to the owner of the vessel for permission except in emergency; and

(6) ordering incompetent seafarers to leave their posts.

When the vessel is sailing at sea, the master may, in accordance with law, place in confinement or take other necessary measures against those engaged in illegal or criminal activities on board, to protect the safety of the persons on



board and the vessel.

## **Chapter IV Occupational Security of Seafarers**

**Article 25** The employer of seafarers and the seafarers shall participate in work injury insurance, medical insurance, old age insurance, unemployment insurance as well as other social insurance in accordance with the relevant provisions of the State, and shall pay premiums on time and in full in accordance with law.

The employer of seafarers shall buy special life and health insurance and provide relevant protective measures for the seafarers who serve on the vessels traveling to or through war zones or epidemic areas or vessels carrying toxic or hazardous substances.

**Article 26** The living and working areas of seafarers on board shall conform to the requirements for the living environment, safe operations and protection of seafarers as prescribed in the national criteria for ship survey .

The employer of seafarers shall provide seafarers with the necessary articles for daily use, occupational protective articles and medical supplies, establish the health records for seafarers, and carry out regular medical examinations of seafarers to prevent and control occupational diseases.



The employer of seafarers shall timely provide medical treatment for the sick or injured seafarers serving on board and, if a seafarer is missing or dead, shall make proper subsequent arrangements in a timely manner.

**Article 27** The employer of seafarers shall sign labor contracts with the seafarers in accordance with the laws and regulations on labor contracts as well as the international treaties on seafarers' labor and social security which the People's Republic of China has concluded or acceded to.

The employer of seafarers shall not recruit a person for working on board who has not obtained the certificates prescribed by these Regulations.

**Article 28** The seafarers' trade union shall strengthen the protection of seafarers' legal rights and interests, and direct and assist them in signing labor contracts with the employers of seafarers.

**Article 29** The employer of seafarers shall pay reasonable wages to seafarers on time and in full in light of the risks, arduousness and mobility of their occupation and other such factors. No unit or individual may withhold the seafarers' wages.

The employer of seafarers shall pay wages to the seafarers on standby during the validity period of their labor contracts, which are not less than the minimum wages published



by the people's government at the place where the employer is located.

**Article 30** The working hours of seafarers on board shall conform to the standards stipulated by the competent communications department of the State Council and they shall not be on duty while suffering from fatigue.

Seafarers shall enjoy, in addition to the national official holidays, an annual leave of at least five days after serving on board for every two months.

The employer of seafarers shall pay a seafarer during his annual leave a remuneration of not less than the average wage he receives when serving on board.

**Article 31** When serving on board, a seafarer may ask for repatriation in any of the following circumstances:

(1) the seafarer's labor contract expires or is terminated in accordance with law;

(2) the seafarer is incompetent to perform the duties of his post on board;

(3) the vessel is lost;

(4) the vessel travels to a war zone or an epidemic area without consent of the seafarer; or

(5) the employer of seafarers or the owner of the vessel is unable to continue to fulfill its legal or contractual obligations for its seafarers by reason of bankruptcy, sale of the



vessel, change in vessel's registration or other reasons.

**Article 32** A seafarer may choose the place of repatriation from among the following places:

(1) the place where he is recruited or he first assumes his post on board;

(2) the place of residence or registered permanent residence of the seafarer, or the vessel's registry; or

(3) the place agreed upon by the seafarer and the employer of seafarers or the owner of the vessel.

**Article 33** The employer of seafarers shall pay the cost of repatriation of seafarers, including the seafarers' traveling expenses, reasonable expenses for accommodation, food and medical treatment during the repatriation travel time, and expenses for transportation of 30 kilograms of the seafarers' luggage.

**Article 34** Where the right of repatriation of seafarers is infringed, the civil affairs department or the consulate of the People's Republic of China of the place where the seafarers are located shall provide assistance to the seafarers and may, if necessary, directly arrange for their repatriation. Where the civil affairs department or the consulate of the People's Republic of China has paid the cost of repatriation of seafarers, the employer of seafarers shall reimburse the cost in a timely manner.



## Chapter V Training and Services for Seafarers

**Article 35** Seafarers applying for serving on board shall complete the basic safety training and competency training of seafarers in accordance with the provisions of the competent communications department of the State Council.

Seafarers serving on special vessels such as vessels carrying dangerous goods and passenger vessels shall, in addition, complete the relevant special training.

**Article 36** A legally established training institution engaged in seafarer training shall meet the following requirements:

(1) possessing the place, facilities and equipment that meet the requirements for seafarer training;

(2) possessing teachers and administrators suitable for seafarer training;

(3) having developed a sound management system and safety protection system for seafarer training; and

(4) having developed a quality management system for seafarer training as stipulated by the competent communications department of the State Council.

**Article 37** Where a legally established training institution is engaged in seafarer training, it shall submit to the



maritime administration agency of the State an application, which is accompanied with the materials certifying that the institution meets the requirements prescribed in Article 36 of these Regulations.

The maritime administration agency of the State shall, within 30 days from the date of acceptance of the application, make a decision to approve or not to approve the application and if deciding to approve, issue the seafarer training license to the applicant; or, if deciding not to approve, notify the applicant in writing and give the reasons therefor.

**Article 38** An institution engaged in seafarer training shall conduct the training within the approved scope in accordance with the seafarer training syllabus and the requirements for waterborne traffic safety, prevention and control of pollution from vessels and vessel security as stipulated by the competent communications department of the State Council and ensure the quality of training.

**Article 39** Where an agency acts as an agent of seafarers to go through the formalities of applying for training, examinations and certificates (including the foreign seafarers' certificates), or acts as an agent of the employers of seafarers for seafarer management, or provides vessel manning services or other seafarer services, it shall meet the following requirements:



(1) being a legal person established in accordance with law within the territory of the People's Republic of China;

(2) possessing at least two administrators with the qualifications of officers;

(3) having developed a seafarer services management system as stipulated by the competent communications department of the State Council; and

(4) possessing the service capability for the business it is engaged in.

**Article 40** Where an agency is engaged in seafarer services (hereinafter referred to as a seafarer manning agency), it shall submit to the maritime administration agency a written application, which is accompanied with the materials certifying that the agency meets the requirements prescribed in Article 39 of these Regulations.

The maritime administration agency shall, within 30 days from the date of acceptance of the application, make a decision to approve or not to approve the application and, if deciding to approve, issue the relevant approval document to the applicant; or, if deciding not to approve, notify the applicant in writing and give the reasons therefor.

**Article 41** A seafarer manning agency shall establish the records of seafarers, enhance the management of vessel manning, keep abreast of the seafarers' training, qualifica-



tions, safety records and health conditions and regularly report such information to the maritime administration agency for record.

The employer of seafarers shall comply with the provisions of the preceding paragraph when directly recruiting seafarers.

**Article 42** A seafarer manning agency shall make its service items and charging rates known to the public.

**Article 43** When providing services to seafarers, a seafarer manning agency shall be honest and faithful and shall not provide false information or violate the seafarers' legal rights and interests.

**Article 44** When providing vessel manning services to an employer of seafarers, a seafarer manning agency shall urge the employer to conclude labor contracts with the seafarers in accordance with law. If the employer fails to conclude a labor contract with a seafarer in accordance with law, the agency shall cease providing seafarer services to the employer.

Where a seafarer provided by a seafarer manning agency to the employer of seafarers is missing or dead, the agency shall coordinate with the employer in making proper subsequent arrangements.



## **Chapter VI Supervision and Inspection**

**Article 45** The maritime administration agency shall establish and strengthen a supervision and inspection system for the administration of seafarers, enhance the supervision and inspection over such situations as registration, qualifications, performance of duties and safety records of seafarers, training quality of the seafarer training institutions, honesty and good faith of the seafarer manning agencies, protection of the seafarers' legal rights and interests by the employers of seafarers, and urge the employers of seafarers, vessel owners and related institutions to establish and strengthen a system for personal safety, hygiene, health and occupational protection of the seafarers on board and implement the relevant guarantee measures.

**Article 46** When supervising and inspecting the seafarers, the maritime administration agency shall inspect the validity of the certificates they must carry, evaluate the performance of their duties and may, if necessary, make an on-the-spot assessment.

**Article 47** Notwithstanding a seafarer has obtained the Seafarer's Identity Document, Seafarer's Competency Certificate or Seafarer's Passport of the People's Republic



of China, or an institution or agency has obtained the license for seafarer training or seafarer services in accordance with the provisions of these Regulations, the maritime administration agency shall order corrections to be made within a time limit if the prescribed requirements can no longer be met; where the seafarer or institution or agency refuses to or cannot make corrections, the maritime administration agency shall withdraw the relevant decision on administrative licensing and go through the formalities for canceling such administrative licensing in accordance with law.

**Article 48** Where a seafarer violates the laws or administrative regulations on waterborne traffic safety or prevention and control of pollution from vessels to the waters, the maritime administration agency shall impose on him an administrative penalty in accordance with law and apply to him an accumulated penalty points system. If the accumulated penalty points have reached a prescribed level, the maritime administration agency shall suspend his Competency Certificate, and order him to participate in training in respect of laws and administrative regulations on waterborne traffic safety and prevention and control of pollution from vessels, and to take the relevant examinations. The Seafarer's Competency Certificate shall be returned to him after he passes the examination.



**Article 49** Where a vessel violates the provisions of these Regulations or relevant laws or administrative regulations, the maritime administration agency shall order it to make corrections within a time limit; if no corrections are made within the time limit, the agency may prohibit the vessel from leaving the port or restrict its sailing, berthing or operations.

**Article 50** When the maritime administration agency conducts supervision and inspection, at least two law enforcement personnel shall be present and show their valid credentials of law enforcement.

When conducting supervision and inspection, the maritime administration agency may query the parties, find out the facts from relevant units or individuals, look through and copy relevant materials, and protect the business secrets of the unit or individual under investigation.

The unit or individual under the supervision and inspection of the maritime administration agency shall truthfully provide relevant materials or facts.

**Article 51** The maritime administration agency shall make public such information as administrative matters, working procedures, reporting call, mail address and email address so as to subject itself to public supervision.

**Article 52** The administrative department of labor and



social security shall strengthen the supervision and inspection over the observance of laws, regulations and other provisions of the State on labor and social security by the employers of seafarers.

## **Chapter VII Legal Liability**

**Article 53** Where anyone, in violation of the provisions of these Regulations, obtains the Seafarer's Identity Document, the Seafarer's Competency Certificate, the seafarer training certificate or the Seafarer's Passport of the People's Republic of China by cheating, bribery or other illegitimate means, the maritime administration agency shall revoke the relevant certificates and impose a fine of not less than 2,000 yuan but not more than 20,000 yuan.

**Article 54** Where anyone, in violation of the provisions of these Regulations, forges, alters, buys or sells the Seafarer's Identity Document, the Seafarer's Competency Certificate, the seafarer training certificate or the Seafarer's Passport of the People's Republic of China, the maritime administration agency shall withdraw the relevant certificates, impose a fine of not less than 20,000 yuan but not more than 100,000 yuan, and confiscate the illegal income, if any.

**Article 55** Where a seafarer, in violation of the provi-



sions of these Regulations, fails to go through the formalities of alteration in case any item of entry in the Seafarer's Identity Document changes, the maritime administration agency shall order him to make corrections and may impose on him a fine of not more than 1,000 yuan.

**Article 56** Where a seafarer, in violation of the provisions of these Regulations, fails to carry the valid documents and certificates as specified in these Regulations when serving on board, the maritime administration agency shall order him to make corrections and may impose on him a fine of not more than 2,000 yuan.

**Article 57** Where a seafarer violates the provisions of these Regulations in one of the following circumstances, the maritime administration agency shall impose on him a fine of not less than 1,000 yuan but not more than 10,000 yuan and, if the circumstances are serious, temporarily detain the Seafarer's Identity Document and the Seafarer's Competency Certificate for a period of not less than six months but not more than two years, or even revoke the Document and Certificate:

(1) failing to abide by the provisions on watchkeeping and leaving the post without permission;

(2) failing to operate, control and manage the vessel according to the rules on waterborne traffic safety and preven-



(3) failing to submit a timely report when dangers, accidents, security incidents or other circumstances affecting the navigation safety are found or take place;

(4) failing to truthfully fill in or record the relevant statutory documents of the vessel;

(5) concealing, tampering or destroying the relevant statutory certificates and documents of the vessel;

(6) failing to perform the obligation of rescue in accordance with law or escaping after causing an accident; or

(7) carrying passengers or cargo on the vessel for private purposes or carrying contraband.

**Article 58** Where the master violates the provisions of these Regulations in one of the following circumstances, the maritime administration agency shall impose on him a fine of not less than 2,000 yuan but not more than 20,000 yuan and, if the circumstances are serious, temporarily detain the Seafarer's Competency Certificate for a period of not less than six months but not more than two years, or even revoke the Seafarer's Competency Certificate:

(1) failing to ensure that the vessel and seafarers carry the certificates, documents and other relevant navigational materials that meet the statutory requirements;

(2) failing to ensure the seaworthiness of the vessel and



the competency of the seafarers at the commencement of the voyage, or to ensure the minimum safe manning for the vessel according to the provisions, or to ensure the normal watch-keeping of the vessel;

(3) failing to faithfully record the seafarers' service experience and performance in their Seafarer's Identity Documents;

(4) failing to be on duty on the bridge when the vessel enters or leaves the port, or berths or unberths, or passes heavy traffic zones or dangerous navigational zones, or encounters inclement weather or sea conditions, or suffers a waterborne traffic accident, vessel pollution accident, vessel security incident and other emergency situations; or

(5) failing to be the last person to leave the vessel when abandoning or evacuating the vessel.

**Article 59** Where a Seafarer's Competency Certificate is revoked, no application shall be made for the issuance of such Certificate within two years from the date of its revocation.

**Article 60** Where an employer of seafarers or a vessel owner violates the provisions of these Regulations in one of the following acts, the maritime administration agency shall order corrections to be made and impose a fine of not less than 30,000 yuan but not more than 150,000 yuan:



(1) recruiting a person for working on board who has not obtained the valid certificates as prescribed by these Regulations;

(2) recruiting without approval a foreign seafarer as the master or an officer on a Chinese vessel;

(3) the living and working areas of seafarers on board fail to conform to the requirements for the living environment, safe operations and protection of the seafarers as prescribed in the national criteria for ship survey;

(4) failing to perform the obligation of repatriation; or

(5) failing to provide timely medical treatment for the sick or injured seafarers serving on board.

**Article 61** Where an institution, in violation of the provisions of these Regulations, is engaged in seafarer training without the seafarer training license, the maritime administration agency shall order it to make corrections, impose on it a fine of not less than 50,000 yuan but not more than 250,000 yuan and confiscate the illegal income, if any.

**Article 62** Where a seafarer training institution, in violation of the provisions of these Regulations, fails to conduct training in accordance with the training syllabus as stipulated by the competent communications department of the State Council and the requirements for waterborne traffic safety and prevention and control of pollution from vessels, the



maritime administration agency shall order it to make corrections and may impose on it a fine of not less than 20,000 yuan but not more than 100,000 yuan and , if the circumstances are serious, shall temporarily detain the seafarer training license for a period of not less than six months but not more than two years, or even revoke the license .

**Article 63** Where an agency, in violation of the provisions of these Regulations, is engaged in seafarer services without approval, the maritime administration agency shall order it to make corrections, impose on it a fine of not less than 50,000 yuan but not more than 250,000 yuan and confiscate the illegal income, if any .

**Article 64** Where a seafarer manning agency or an employer of seafarers, in violation of the provisions of these Regulations, fails to regularly report the information on seafarers it recruits or manages to the maritime administration agency for record, the agency shall order it to make corrections and impose on it a fine of not less than 5,000 yuan but not more than 20,000 yuan.

**Article 65** Where a seafarer manning agency, in violation of the provisions of these Regulations, provides false information to deceive seafarers when providing seafarer services, the maritime administration agency shall order it to make corrections and impose on it a fine of not less than



30,000 yuan but not more than 150,000 yuan and ,if the circumstances are serious, suspend its seafarer services for a period of not less than six months but not more than two years ,or even revoke its license for seafarer services.

**Article 66** Where a seafarer manning agency ,in violation of the provisions of these Regulations, supplies seafarers to an employer of seafarers notwithstanding the employer does not conclude labor contracts with the seafarers, the maritime administration agency shall order it to make corrections, impose on it a fine of not less than 50,000 yuan but not more than 250,000 yuan and ,if the circumstances are serious, suspend its seafarer services for a period of not less than six months but not more than two years, or even revoke its license for seafarer services.

**Article 67** Where a staff member of the maritime administration agency is found in one of the following circumstances, he shall be given a sanction in accordance with law:

(1) issuing in violation of the provisions the Seafarer's Identity Document, the Seafarer's Competency Certificate, or the Seafarer's Passport of the People's Republic of China, or approving in violation of the provisions the related business engaged in by a seafarer training institution or a seafarer manning agency;

(2) failing to perform his duties of supervision and in-



spection in accordance with law;

(3) failing to impose administrative coercion or administrative penalty in accordance with law; or

(4) committing other acts such as abuse of power and neglect of duty.

**Article 68** Where a violation of the provisions of these Regulations are serious and thus constitutes a crime, criminal liability shall be investigated for in accordance with law.

## **Chapter VIII Supplementary Provisions**

**Article 69** Those applying for taking examinations for obtaining the Seafarer's Identity Document or Seafarer's Competency Certificate shall pay examination fees in accordance with the relevant provisions of the State.

**Article 70** The registration, training and qualification of pilots shall be administered in accordance with the provisions of these Regulations on the registration, training and qualification of seafarers. The specific measures shall be formulated by the competent communications department of the State Council.

**Article 71** Seafarers on military vessels shall be administered in accordance with the relevant provisions of the State and the armed forces.



The competent fisheries administration department of the State Council shall be responsible for the administration of seafarers serving on fishing vessels and shall separately formulate the specific administrative measures in this regard with reference to these Regulations.

**Article 72** The employers of seafarers and the seafarers shall implement laws, administrative regulations and the provisions of the State on labor and social security in addition to the special provisions of these Regulations in this regard.

Professional and technical titles and professional and technical posts of seafarers shall be awarded and appointed in accordance with the relevant provisions of the State.

**Article 73** These Regulations shall be effective as of September 1, 2007.