

## **Regulations of the People's Republic of China on Fishing Vessel Inspection**

Promulgation date: 06-27-2003  
Effective date: 08-01-2003  
Department: STATE COUNCIL OF CHINA  
Subject: AGRICULTURE, ANIMAL HUSBANDRY & FISHERY

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Order of the State Council of the People's Republic of China  
(No.383)

The Regulations of the People's Republic of China on Fishing Vessel Inspection, which were adopted at the 11th executive meeting of the State Council on June 11, 2003, are hereby promulgated and shall take effect as of August 1, 2003.

Wen Jiabao, Premier  
June 27, 2003

Regulations of the People's Republic of China on Fishing Vessel Inspection

### Chapter 1 General Provisions

Article 1 In order to regulate the inspection of fishing vessels, to guarantee that the fishing vessels have the conditions for safe voyage and operation, to safeguard the safety of the fishing vessels and the life and properties of the fishermen, and to prevent environmental pollution, the present Regulations are enacted in accordance with the Fishing Law of the People's Republic of China.

Article 2 The present Regulations shall apply to the inspection of the fishing vessels that are registered and are to be registered in the People's Republic of China (hereinafter referred to as fishing vessels). Accessory fishing vessels engaging in international shipping shall be exempted.

Article 3 The administrative department of fishing under the State Council shall be in charge of the inspection of fishing vessels, as well as the supervision and administration thereof, of the whole nation.

The Bureau of Fishing Vessel Inspection of the People's Republic of China (hereinafter referred to as BFVI) shall exercise the function of fishing vessel inspection and of the supervision and administration thereof.

The local agencies of fishing vessel inspection shall, pursuant to the provisions hereof, be responsible for the relevant fishing vessel inspection work.

The departments of public security, frontier defense, quality supervision, and industry and commerce administration, etc. at various levels shall, within the scope of their respective duties, assist in the work of fishing vessel inspection and of supervision and administration.

Article 4 The state applies compulsory inspection to fishing vessels. Compulsory inspection is divided into preliminary inspection, operation inspection, and temporary inspection.

Article 5 The principles of giving priority to safety, guaranteeing quality, and facilitating fishermen shall be abided by in the inspection of fishing vessels.

## Chapter 2 Preliminary Inspection

Article 6 Preliminary inspection of fishing vessel refers to the all-around inspection carried out over a fishing vessel by the agency of fishing vessel inspection before that vessel is put into operation.

Article 7 The owner or operator of any of the following fishing vessels shall apply for a preliminary inspection:

- 1) Manufactured fishing vessels;
- 2) Rebuilt fishing vessels (including the fishing vessels rebuilt from non-fishing vessels, and the ocean fishing vessels rebuilt from fishing vessels sailing within China);
- 3) Imported fishing vessels.

Article 8 With respect to manufactured and rebuilt fishing vessels, the design drawings and technical documents thereof shall be subject to the examination and approval by the agency of fishing vessel inspection, and the preliminary inspection shall be applied for prior to the start of manufacturing or rebuilding. The agency of fishing vessel inspection shall, within 20 workdays from receiving the design drawings and technical documents, make the examination decision and notify the party concerned in writing.

The entities that design, manufacture, and rebuild fishing vessels shall meet the conditions set forth by the state, and abide by the technical rules for fishing vessels of the state.

Article 9 The preliminary inspection of a fishing vessel to be manufactured or rebuilt shall be carried out at the same time with the manufacturing or rebuilding.

The important equipment, parts, and materials that are used to manufacture or rebuild a fishing vessel and that are related to the voyage, operation, personal and property safety, and prevention of environmental pollution shall, before being used, go through the inspection by the agency of fishing vessel inspection, and only those passing the inspection may be used.

The catalogue of the important equipments, parts and materials subject to inspection as specified in the preceding paragraph shall be formulated by the administrative department of fishing under the State Council.

Article 10 With respect to imported fishing vessels, the design drawings and technical documents thereof shall be subject to the examination and confirmation by the agency of fishing vessel inspection, and the preliminary inspection shall be applied for before the vessels are put into operation. With respect to import of old fishing vessels, the technical assessment certificate for old fishing vessels issued by the agency of fishing vessel inspection of the state shall be obtained before the import.

Article 11 With respect to the fishing vessels passing the inspection, the agency of fishing vessel inspection shall issue the certificate of fishing vessel inspection within 5 workdays from the day when the inspection is completed; and with respect to those failing the inspection, the agency shall notify the parties concerned in writing, and explain the reasons thereto.

No entity or individual may change, without authorization, the tonnage, load line, main engine power, fixed personnel number, and navigable areas of a fishing vessel that has passed the inspection; or remove without authorization any of its important equipment or parts that are related to the voyage, operation, personal and property safety, and prevention of environmental pollution. Where alteration or removal is necessary, ratification shall be obtained from the agency of fishing vessel inspection that made the inspection.

Article 12 The preliminary inspection of imported fishing vessels and ocean fishing vessels shall be organized by the BFVI in a unified way. The preliminary inspection of any other fishing vessel shall be implemented by the agency of fishing vessel inspection of the port of registry; where the place of manufacturing or place of rebuilding of a fishing vessel is inconsistent with the port of registry of

that vessel, the preliminary inspection shall be implemented by the agency of fishing vessel inspection of the place of manufacturing or rebuilding; that agency of fishing vessel inspection shall, within 5 workdays from the day of completion of inspection, handover the technical materials, such as the inspection report, and inspection records, etc., to the agency of fishing vessel inspection of the port of registry.

### Chapter 3 Operation Inspection

Article 13 Operation inspection of fishing vessel refers to the conventional inspection carried out over a fishing vessel in operation by the agency of fishing vessel inspection.

Article 14 The owner or operator of a fishing vessel in operation shall apply for operation inspection pursuant to the time provided for by the administrative department of fishing under the State Council.

An agency of fishing vessel inspection shall carry out inspection of the following items pursuant to the provisions of the administrative department of fishing under the State Council and according to the operation duration and safety requirements of the fishing vessels:

- 1) Structure and the mechanical and electrical equipment of the fishing vessel;
- 2) Equipments and parts related to the safety of the fishing vessel;
- 3) Equipment and parts related to the prevention of environmental pollution;
- 4) Other inspection items specified by the administrative department of fishing under the State Council.

Article 15 An agency of fishing vessel inspection shall carry out an operation inspection within 3 workdays from the day on which the fishing vessel applying for inspection reaches the place of inspection. If the vessel passes the inspection, the agency shall affix opinions on or issue the certificate of fishing vessel inspection within 5 workdays from the day when the inspection is completed; in the event of issuing inspection certificate for an ocean fishing vessel inspected overseas, the period may be extended for 15 workdays. If the vessel fails the inspection, the agency shall notify the party concerned in writing and explain the reasons thereto.

Article 16 Where a fishing vessel needs to be repaired upon inspection, the owner or operator of that vessel shall select a repairer that meets the conditions provided for by the state. The repair of fishing vessels shall be in compliance with the technical rules on fishing vessels of the state. The important equipment, parts, and materials that are used to repair a fishing vessel and that are related to the voyage, operations, personal and property safety, and prevention of environmental pollution shall, before being used, go through the inspection by the agency of fishing vessel inspection, and only those passing the inspection may be used.

Article 17 Where a fishing vessel in operation needs to change any of the important equipment, parts, and materials that are related to the voyage, operation, personal and property safety, and prevention of environmental pollution, the owner or operator of that vessel shall abide by Paragraph 2 of Article 16 hereof.

Article 18 The operation inspection of ocean fishing vessels shall be organized by the BFVI in a unified way. The operation inspection of any other fishing vessel shall be implemented by the agency of fishing vessel inspection of the port of registry; where a fishing vessel is unable to return to the port of registry for the operation inspection, the agency of fishing vessel inspection of the port of registry shall entrust the correspondent agency of the place of operation or repair of that vessel to make the inspection; the agency of fishing vessel inspection that makes the inspection shall, within 5 workdays from the day of completion of the inspection, handover the technical materials, such as the inspection report, and inspection records, etc., to the agency of fishing vessel inspection of the port of registry.

## Chapter 4 Temporary Inspection

Article 19 Temporary inspection of fishing vessel refers to the unconventional inspection carried out by the agency of fishing vessel inspection over a fishing vessel in operation that is involved in certain circumstances.

Article 20 With respect to any of the fishing vessels involved in any of the following circumstances, the owner or operator shall apply for the temporary inspection:

- 1) Being unable to return to the port of registry in good time as a result of invalidation of the inspection certificate;
- 2) Being ordered to be inspected for inconformity with the relevant requirements of the laws and regulations on water transportation safety or environmental protection;
- 3) Being in any other specific circumstances provided for by the administrative department of fishing under the State Council.

Article 21 An agency of fishing vessel inspection shall carry out a temporary inspection within 2 workdays from the day on which the fishing vessel applying for inspection reaches the place of inspection. If the vessel passes the inspection, the agency shall affix opinions on or issue the certificate of fishing vessel inspection within 3 workdays from the day of completion of the inspection; if the vessel fails the inspection, the agency shall notify the party concerned in writing, and explain the reasons thereto.

Article 22 The division of jurisdiction over temporary inspection of fishing vessels shall comply with the provisions of Article 18 hereof on the division of jurisdiction over operation inspection.

## Chapter 5 Supervision and Administration

Article 23 An agency of fishing vessel inspection may not accept the applications for inspection with respect to the fishing vessels involved in any of the following circumstances:

- 1) Those of which the design drawings and technical documents are not examined and approved or confirmed by the agency of fishing vessel inspection;
- 2) Those manufactured or rebuilt in violation of Paragraph 2 of Article 8 and Paragraph 2 of Article 9 hereof;
- 3) Those repaired in violation of Article 16 or 17 hereof.

Article 24 Local agencies of fishing vessel inspection shall carry out the inspection within the scope ratified by BFVI.

Article 25 The personnel engaging in fishing vessel inspection shall pass the examination by the agency of fishing vessel inspection of the state before taking the corresponding fishing vessel inspection work.

Article 26 Fishing vessel inspection agencies and the inspection personnel thereof shall strictly abide by the rules for fishing vessel inspection, carry out the inspection on spot, and be responsible for the inspection conclusions.

The rules for fishing vessel inspection shall be formulated by BFVI, and be promulgated for implementation upon approval by the administrative department of fishing under the State Council. Where the state has not formulated corresponding inspection rules for the fishing vessels or products for vessel use that are newly created, the inspection rules acknowledged by BFVI may be applied.

Article 27 A party having any objection to the inspection conclusion of a local agency of fishing vessel inspection may apply for re-inspection pursuant to the provisions of BFVI.

Article 28 The charges for inspection of fishing vessels shall comply with the charging standards

fixed by the administrative departments of price and finance under the State Council.

Article 29 The formats of the inspection certificate, inspection records, and inspection report of fishing vessels, as well as the official inspection stamp, shall be set forth by BFVI in a unified way.

Article 30 The fishing vessel inspection personnel, when performing duties according to law, shall have the right to check the inspection certificates and technical status of the fishing vessels, and the relevant entities and individuals shall cooperate.

The investigation and handling of major maritime casualties of fishing vessels shall have the participation of the agency of fishing vessel inspection.

Article 31 With respect to a fishing vessel in any of the following circumstances, the owner or operator thereof shall, 7 workdays prior to the day of disuse, registry alteration, or rebuilding of the fishing vessel or within 20 workdays from the day of loss of the fishing vessel, apply for writing off the certificate of fishing vessel inspection with the agency of fishing vessel inspection; for failure to file the application within the said time limit, the certificate of fishing vessel inspection shall be invalidated as of the day of completion of the registry alteration or rebuilding of the fishing ship or the day of disuse or loss of the fishing vessel, and the agency of fishing vessel inspection shall write off the certificate of fishing vessel inspection:

- 1) Being disused pursuant to the relevant provisions of the state;
- 2) Alteration of registry from China to any foreign country;
- 3) Being rebuilt from a fishing vessel to a non-fishing vessel;
- 4) Being lost as the result of sinking, etc.

## Chapter 6 Legal Liabilities

Article 32 If any fishing vessel, in violation of the present Regulations, goes into operation in water without being inspected and obtaining the certificate of fishing vessel inspection, that fishing vessel shall be confiscated.

If any fishing vessel that should be disused pursuant to the provisions continues to operate, the operation shall be ordered to be stopped immediately, the invalidated certificate of fishing vessel inspection shall be withdrawn, the fishing vessel that shall be disused shall be dismantled forcibly, and a fine ranging from 2,000 Yuan to 50,000 Yuan shall be imposed concurrently; and the criminal liabilities shall be investigated for according to law if a crime is constituted.

Article 33 For failure to, in violation of the present Regulations, apply for operation inspection or temporary inspection for any fishing vessel for which the inspection shall be applied for, that vessel shall be ordered to be stopped from operation and the inspection shall be applied for within a prescribed time limit; for failure to apply for the inspection within the said time limit, a fine ranging from 1,000 Yuan to 10,000 Yuan shall be imposed, and the certificate of fishing vessel inspection may be suspended.

Article 34 If any party, in violation of the present Regulations, commits any of the following acts, that party shall be ordered to correct the act immediately, and be imposed on a fine ranging from 2,000 Yuan to 20,000 Yuan; if the vessel is being operated, the operation shall be ordered to be stopped immediately; if the party refuses to correct the act or refuses to stop the operation, the important equipment, parts and materials illegally used shall be dismantled forcibly or the certificate of fishing vessel inspection shall be suspended; and the criminal liabilities shall be investigated for according to law if a crime is constituted:

- 1) Using any important equipment, parts, and materials that are related to the voyage, operations, personal and property safety, and prevention of environmental pollution and that have not passed the inspection to manufacture, rebuild, or repair a fishing vessel;
- 2) Dismantling without authorization any of the important equipment and parts that are related to the voyage, operations, personal and property safety, and prevention of environmental pollution;

3) Changing without authorization the tonnage, load line, main engine power, fixed personnel number, or navigable areas of a fishing vessel.

Article 35 If any working person of the agency of fishing vessel inspection takes up the work of fishing vessel inspection without passing the examination, that person shall be ordered to stop the inspection work immediately, and be imposed on a fine ranging from 1,000 Yuan to 5,000 Yuan.

Article 36 If any party, in violation of the present Regulations, is involved in any of the following circumstances, that party shall be ordered to correct the act immediately, and the directly liable personnel in charge and other directly liable personnel shall be given the sanctions of demotion, removal from post, or cancellation of inspection qualification; the criminal liabilities shall be investigated for according to law if a crime is constituted; and the certificate of fishing vessel inspection already issued shall be invalidated:

- 1) Failing to carry out the inspection pursuant to the relevant provisions of the administrative department of fishing under the State Council;
- 2) Issuing the certificate of fishing vessel inspection issued or the inspection records or inspection report that are inconsistent with the actual status of the fishing vessel;
- 3) Carrying out the fishing vessel inspection beyond the prescribed authority.

Article 37 Forged or altered certificates of fishing vessel inspection, inspection records or inspection reports, and privately engraved official stamp of fishing vessel inspection shall be confiscated; and the criminal liabilities shall be investigated for according to law if a crime is constituted.

Article 38 The administrative punishments provided for in the present Regulations shall be decided by the administrative departments of fishing of the people's governments of county level and above or the administrative enforcement agencies of fishing affiliated thereto.

Where the organs making administrative punishments specified in the preceding paragraph, or the functionary thereof accept money or properties, or other benefits from others by taking advantage of the post, or fail to perform the supervision duties, or fail to investigate the illegal acts that have been found out, or has any other act of neglect of duties, abuse of powers, or seeking private benefits through wrongful means, and constitutes a crime, the directly liable person in charge and other directly liable persons shall be investigated for criminal liabilities according to law; and administrative sanctions shall be given if a crime has not been constituted.

#### Chapter 7 Supplementary Provisions

Article 39 Where the flag country of a foreign fishing vessel entrusts the People's Republic of China to inspect that vessel, the provisions of the present Regulations shall be followed in the execution.

Article 40 The present Regulations shall take effect as of August 1, 2003.