



Provisions of a Safety Investigation into a Foreign-related Marine Casualty or Marine Incident

Article 1 The Provisions of a Safety Investigation into a Foreign-related Marine Casualty or Marine Incident (hereinafter referred to as the “Provisions”) are formulated in accordance with Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Resolution MSC.255 (84), hereinafter referred to as “Casualty Investigation Code”) and relevant laws and regulations, in order to promptly and effectively conduct a safety investigation into a foreign-related marine casualty or marine incident, and to fulfill the obligations under the relevant laws, regulations and international conventions.

Article 2 The Provisions applies to a safety investigation into a foreign-related marine casualty or marine incident.

Article 3 Maritime Safety Administration of the People’s Republic of China (hereinafter referred to as "China MSA") is responsible for notification on and safety investigation into a foreign-related marine casualty or marine incident.

Article 4 A safety investigator of a foreign-related marine casualty or marine incident (hereinafter referred to as "safety investigator") is appointed and designated by China MSA. The appointment and designation shall be specified separately. A safety investigator carrying out a marine safety investigation should have functional independence, be free of interference, and have access to the relevant information on other investigations.

Article 5 When a foreign-related marine casualty or marine incident occurs in Chinese coastal waters and navigable inland waters, reporting shall be made according to the relevant provisions of maritime traffic accidents investigation and handling. When a marine casualty or marine incident occurs to a ship flying Chinese flag engaged in international voyages in the waters beyond Chinese coastal waters and navigable inland waters, the report shall be made to the Maritime Safety Administration of its port of registry by the ship, its owner, operator and manager within 24 hours. When a marine casualty or marine incident occurs between a ship flying Chinese flag engaged in domestic voyages and a foreign ship in the waters beyond Chinese coastal waters and navigable inland waters, the report shall be made to the Maritime Safety Administration of its port of registry by the ship flying Chinese flag, its owner, operator and manager within 24 hours. When a marine casualty or marine incident occurs to a foreign ship with



Chinese seafarers onboard in the waters beyond Chinese coastal waters and navigable inland waters, the seafarer agency shall promptly report to the Maritime Safety Administration which issued the seafarers' qualification certificates. The report shall include ship's name, call sign, nationality, IMO number, port of departure and port of arrival, contact information of the ship owner, operator or manager, time and location of the marine casualty, weather and sea conditions, injuries and damage, etc.

Article 6 The MSA at all levels shall promptly report to the next superior on the information concerning foreign-related marine casualty or marine incident. When a foreign-related marine casualty or marine incident occurs within Chinese coastal waters and navigable inland waters, the regional MSA shall report to China MSA within 24 hours, in the format of Express on Maritime Traffic Accidents, with an English summary. When a foreign-related marine casualty or marine incident occurs in the waters beyond Chinese coastal waters and navigable inland waters, the regional MSA shall report to China MSA within 24 hours, in the format of Express on Maritime Traffic Accidents, with an English summary.

Article 7 The MSA at all levels, upon receiving the report of a foreign-related marine casualty or marine incident, shall promptly collect relevant information, evaluate the damage caused by the accident and potential damage, as well as lessons to be learned by the marine industry. In case the damage is very serious or the evaluation indicates lessons would be learned by the marine industry, the evaluation and relevant information shall be reported to China MSA without delay.

Article 8 The regional MSA, in accordance with Reports on Marine casualties and incidents (MSC/Circ. 953), shall submit to China MSA:

Annex 1-Ship Identification and Particulars within one week after the accident to the ship flying Chinese flag engaged in international voyages; and

Annex 2-Data for Very Serious and Serious Casualties and Annex 3-Supplementary Information on Very Serious and Serious Casualties after the investigation.

Article 9 China MSA is responsible for the report to IMO in accordance with the Reports on Marine casualties and incidents, and for the exchange of casualty information with the substantially interested State(s) or region(s).

Article 10 A safety investigation into foreign-related marine casualty or marine incident:



1. shall be conducted when a very serious marine casualty occurs to a ship flying Chinese flag engaged in international voyages in any waters.
2. should be conducted when a marine casualty or incident occurs to a ship flying Chinese flag engaged in international voyages in any waters, from which lessons may be learned by the marine industry.
3. may be organized or conducted when a marine casualty or incident occurs to a foreign ship with the death or missing of Chinese seafarers, or Chinese seafarers involved.
4. may be conducted when a marine casualty or incident occurs to a foreign ship within Chinese territorial sea or inland waters; and
5. may be conducted when a marine casualty or incident occurs between a foreign ship and a ship flying Chinese flag engaged in domestic voyages beyond Chinese territorial sea or inland waters.

Article 11 China MSA is responsible for organizing or participating in the safety investigation mentioned in Article 10.

Article 12 Prior to a marine safety investigation, China MSA should notify the ship(s) involved, or the owner(s), operator(s) and manager(s) thereof, as well as the seafarer agency/agencies, the related maritime administration(s) and other institutions. The ship(s) involved, or the owner(s), operator(s) and manager(s) thereof, as well as the seafarer agency/agencies, the related maritime administration(s) and other institutions should cooperate with marine investigator(s).

Article 13 When a foreign-related marine casualty or marine incident involves other substantially interested State(s) or region(s), China MSA may exchange the information, conduct a joint investigation, and reach an agreement with the marine safety investigating State(s) or region(s), as appropriate.

Article 14 The safety investigation into a foreign-related marine casualty or incident shall be conducted in parallel with the administrative investigation. Safety investigator(s) may acquire relevant casualty information from the administrative investigations. No information collected for safety investigation shall be provided to any organization other than the marine safety investigating Authorities.

Article 15 Prior to the safety investigation, the investigator(s) shall inform the parties concerned of the rules of a safety investigation and their rights upheld.



Article 16 The safety investigation into a foreign-related marine casualty or incident shall be conducted at the earliest practical opportunity to avoid ship's undue delay and damage to seafarers' interests.

Article 17 For the hit-and-run cases within Chinese territorial sea and inland waters, or cases beyond the above waters involving a ship flying Chinese flag, the safety investigation shall be conducted when the offending ship is identified through the administrative investigation.

Article 18A Marine Safety Investigation Report On Foreign-related Marine Casualty or Marine Incident shall contain:

1. a summary outlining the basic facts of the marine casualty or incident;
2. the identity of the flag State, owner, operator, company as identified in the Safety Management Certificate, and the classification society;
3. relevant technical data about the ship dimensions and power plant, together with a description of the crew, working routine and other matters , such as time served on the ship;
4. a narrative detailing the circumstances of the marine casualty or incident;
5. analysis and comment on the causal factors including any mechanical, human and organizational factors;
6. a discussion of the marine safety investigation's findings, including identification of safety issues, and the marine safety investigation's conclusions; and
7. where appropriate, recommendations with a view to preventing future marine casualties and incidents.

Article 19 The marine safety investigator(s) is responsible for completing the draft reports, and submits to China MSA for review.

Article 20 China MSA is responsible for finalizing the Marine Safety Investigation Reports on Foreign-related Marine Casualty or Marine Incident. The safety investigation's findings may be exchanged in advance with the owner(s), operator(s) and manager(s) of the ship(s) involved, as well as the seafarer agency/agencies. China MSA should invite the substantially interested State(s) or Region(s) to submit the comments on the draft report, or provide comments on the draft report of other marine safety investigating State(s). China



MSA should submit the final version of a marine safety investigation report to IMO and the substantially interested State(s) or Region(s), and make the report available to the public and the marine industry.

Article 21 The archives of a safety investigation into a foreign-related marine casualty or marine incident should be kept in accordance with the relevant requirements.

Article 22 For the purpose of the Provisions, the terms are defined as follows:

1. A marine casualty means an event, or a sequence of events, that has resulted in any of the following which has occurred directly in connection with the operations of a ship:

- .1 the death or missing of, or serious injury to, a person;
- .2 the loss, presumed loss or abandonment of, or material damage to, a ship;
- .3 the collision, grounding, stranding or disabling of a ship;
- .4 material damage to the marine infrastructure external to a ship, that could seriously endanger the safety of the ship, another ship or an individual;
- .5 severe damage to the environment, or the potential for severe damage to the environment, brought about by the damage of a ship or ships.

A marine incident means an event, or sequence of events, other than a marine casualty, which has occurred directly in connection with the operations of a ship that endangered, or if not corrected, would endanger the safety of the ship, its occupants or any other person or the environment. A marine casualty or marine incident does not include a deliberate act or omission, with the intention to cause harm to the safety of a ship, an individual or the environment.

2. A foreign-related marine casualty or marine incident means:

- .1 a marine casualty or marine incident that occurs to a ship flying Chinese flag engaged in international voyages in any waters.
- .2 a marine casualty or marine incident that occurs between a ship flying Chinese flag and foreign ship.
- .3 a marine casualty or marine incident that occurs to a foreign ship with Chinese seafarers onboard.



4. A marine casualty or marine incident that occurs to a foreign ship in Chinese territorial sea or inland waters.

3. A marine safety investigation means an investigation or inquiry conducted by China MSA, according to the Casualty Investigation Code, into a marine casualty or marine incident, with the objective of preventing marine casualties and marine incidents in the future. The investigation includes the collection and analysis of evidence, the identification of causal factors and the making of safety recommendations as necessary.

4. A very serious marine casualty means a marine casualty involving the total loss of the ship or a death or missing or severe damage to the environment.

5. A ship flying Chinese flag engaged in international voyages refers to the ship holding a valid "Registration Certificate of International Marine Transport ships".

6. Severe damage to the environment means damage to the environment which, as evaluated by the State(s) affected, or the flag State, as appropriate, produces a major deleterious effect upon the environment. Definition of relevant terms not covered in the Provisions could be referred to in the Casualty Investigation Code.

Article 23 The Provisions shall take effect on the date of issuance.

Regulations on simplified procedures for investigating water traffic accidents.

Article 1: These regulations are formulated in accordance with relevant laws and regulations such as the Maritime Traffic Safety Law of the People's Republic of China and the Regulations on the Administration of Domestic River Traffic Safety of the People's Republic of China.

Article 3: Water traffic accidents that apply simplified procedures shall simultaneously meet the following conditions:

(1) No minor injury, serious injury or death (including missing persons) has been caused and the direct economic loss is less than 1 million yuan.

(2) The situation of the vessel involved, the course of the accident, and the facts of the accident losses are clear.

(3) Maritime investigators can preliminarily determine the responsibility of the vessel involved by analyzing relevant evidence.



The accident specified in the first paragraph of this article shall not be subject to summary procedures if:

- (1) Ships or crew members engage in illegal activities such as false or unlicensed certificates.
- (2) Causing water environmental pollution.
- (3) If the grounding causes the ship to be suspended for more than 7 days.

Article 4: MSA shall designate one maritime investigator to be responsible for accident investigation, and the number of investigators and evidence collectors shall not be less than two.

Article 5: After receiving an accident report, the maritime management agency shall investigate through methods such as investigation, measurement, photography, and video recording, and make an investigation record.

Article 6 Maritime investigators shall preliminarily inquire with the parties involved in the accident, examine relevant evidence, and combine the investigation situation to preliminarily confirm the facts of the accident, evaluate the losses of the accident, analyze the liability of the accident, and evaluate whether the simplified procedure is applicable in accordance with Article 3 of these Regulations.

Article 7: If simplified procedures are applicable, maritime investigators shall conduct detailed inquiries of the parties involved in the accident and other relevant personnel, make inquiry records, and further collect evidence related to the accident. The parties involved shall provide copies of the certificates of the vessel, relevant equipment, and personnel, as well as copies of relevant documents, logs, and record books, as well as backup records of the vessel's navigation equipment, in accordance with the needs of the accident investigation.

Article 8: After the relevant inquiries and investigations are completed, and the collection of relevant certificates, documents and other evidence is completed, maritime investigators shall analyze the accident process and causes, and determine the responsibility for the accident.

Article 9: Maritime administrative agencies shall complete the accident investigation within five working days from the date of receiving the "Maritime Traffic Accident Report" or "Inland River Traffic Accident Report" submitted by all the involved ships. In special circumstances, with the approval of the person in charge of the maritime management agency responsible for accident



investigation, the investigation period may be appropriately extended, but the maximum extension period shall not exceed five working days.

Article 10: The maritime administrative agency shall, within two working days after completing the accident investigation, issue a "Maritime Traffic Accident Liability Determination Letter" or a "Inland River Traffic Accident Investigation Conclusion Letter".

Article 11: The "Certificate of Liability for Maritime Traffic Accidents" and the "Conclusion of Investigation on Inland River Traffic Accidents" shall be made public in accordance with the law.

Article 12 If maritime investigators find that the accident under investigation does not comply with the provisions of Article 3, Paragraph 1 of these Regulations during the execution of the simplified procedure, they shall terminate the application of the simplified procedure and conduct the investigation in accordance with general regulations.

Article 13: If an accident investigation discovers illegal behavior, the maritime management agency shall handle the relevant units or personnel in accordance with relevant regulations or transfer the illegal clues to the relevant management department.

Article 14: If safety issues or weak links in safety management are discovered during accident investigation, the maritime management agency shall provide safety management suggestions to relevant units.

Article 15: The water traffic accidents referred to in these regulations include maritime traffic accidents and inland river traffic accidents.

Article 16: These regulations shall come into effect on April 1, 2024.