

Coast Guard Law of the People's Republic of China

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Chapter One General Principles

Article 1: This law is formulated in order to regulate and guarantee the performance of duties of coast guard organizations, safeguard national sovereignty, security and maritime rights and interests, and protect the legitimate rights and interests of citizens, legal persons and other organizations.

Article 2: The People's Armed Police Force's Coast Guard [note: new, more specific wording], that is, the coast guard organization, shall uniformly perform maritime rights enforcement duties.

Coast guard organizations include the China Coast Guard Bureau and its maritime divisions and bureaus directly under it, provincial-level Coast Guard Bureaus, municipal-level coast guard bureaus, and coast guard Workstations. [note: Article 2 was Article 9 from Draft, slightly reworded.]

[Note: previous article 2 was removed: Article 2: Coast guard organizations are important maritime armed forces and state administrative law enforcement forces.]

Article 3: This law shall apply to coast guard organizations carrying out maritime rights enforcement activities in and above the sea areas under the jurisdiction of the People's Republic of China (hereinafter referred to as the sea areas under my country's jurisdiction).

Article 4: The maritime rights protection law enforcement work adheres to the leadership of the Communist Party of China, implements the overall national security concept, and follows the principles of legal management, comprehensive governance, standardized, efficient, fair and civilized.

Article 5: The basic tasks of maritime rights protection and law enforcement are to carry out maritime safety and security, maintain maritime security and order, combat maritime smuggling and stowaways, and supervise the development and utilization of marine resources, marine ecological environment protection, and marine fishery production operations within the scope of duties. Inspect, prevent, stop and punish illegal and criminal activities at sea. [Note: New role added: Stowaway (偷渡 – Tōudù)]

Article 6: Coast guard organizations and their staff are protected by law in performing their duties in accordance with the law, and no organization or individual may illegally interfere, refuse or obstruct.

Article 7: The staff of the coast guard organizations shall abide by the Constitution and laws, uphold honor, be loyal to their duties, have strict discipline, strictly enforce the law, and be honest and clean.

Article 8: The state establishes a coordination mechanism for land and sea coordination, division of labor, scientific and efficient maritime rights enforcement law enforcement cooperation. Relevant departments of the State Council, coastal local people's governments, relevant military departments, and maritime police agencies shall strengthen cooperation and cooperation with each other to do a good job in maritime rights protection and law enforcement. [note: new article]

Article 9: Organizations and individuals that have made outstanding contributions to maritime rights enforcement activities shall be commended and rewarded in accordance with the relevant laws and regulations. [note: Article 9 is draft Article 8]

Chapter Two Institutions and Responsibilities

Article 10: The State shall set up maritime divisions and sub-bureaus of the China Coast Guard in accordance with administrative divisions and mission areas in coastal areas, provincial coast guard bureaus, municipal coast guard bureaus and coast guard workstations, which are respectively responsible for maritime rights protection in their jurisdictions Law enforcement work. The China Coast Guard shall lead its coast guard organizations to carry out maritime rights enforcement work in accordance with relevant national regulations. [note: Article 9 in draft, first half went to Article 2, second half remains here, expanded.]

Article 11: The jurisdiction of the coast guard organizations shall be reasonably delineated and adjusted according to the needs of maritime rights enforcement work, and may not be restricted by administrative divisions.

The delimitation and adjustment of the jurisdiction of the coast guard organizations shall be announced to the public in a timely manner and the relevant agencies shall be notified. [note: Article 11 was Article 10 in Draft]

Article 12: Coast guard organizations perform the following duties according to law:

- (1) Carrying out patrols and vigilance in the waters under my country's jurisdiction, guarding key islands and reefs, managing and protecting maritime boundaries, and preventing, stopping and eliminating acts [note: formerly removing behavior] that endanger national sovereignty, security and maritime rights and interests;
- (2) Implement security protection for important maritime targets and major activities, and take necessary measures to protect key islands and reefs, as well as artificial islands, facilities and structures in the exclusive economic zone and continental shelf;
- (3) Implement maritime security management, investigate and punish maritime violations of security management, entry and exit management, prevent and deal with maritime terrorist activities, and maintain maritime security order;
- (4) Carry out inspections of transportation vehicles or goods, articles, and personnel suspected of smuggling at sea, and investigate and deal with illegal acts of smuggling at sea;
- (5) Use of sea areas, protection of islands and development and utilization of uninhabited islands, exploration and development of marine mineral resources, laying and protection of submarine electrical (optical) cables and pipelines, marine survey and measurement, marine basic surveying and mapping, and foreign-related marine scientific research within the scope of responsibility Supervise and inspect other activities, investigate and deal with illegal acts;
- (6) Supervise and inspect marine engineering construction projects, marine pollution damage caused by marine dumping of waste, and protection and utilization of the coastline of nature reserves to the sea within the scope of responsibility, investigate and deal with illegal acts, and participate in marine environmental pollution accidents in accordance with the prescribed authority Emergency response and investigation and handling;

- (7) Supervise and inspect activities such as fishery production operations and marine wildlife protection on motorized fishing boat bottom trawling and fishing grounds and fishing grounds of specific fishery resources, and organize or participate in the investigation and handling of marine fishery production safety accidents and fisheries production disputes in accordance with the law. [Note: re-worded slightly]
- (8) Prevention, suppression and investigation of maritime criminal activities;
- (9) In accordance with the relevant national division of responsibilities, handle maritime emergencies;
- (10) In accordance with laws, regulations and international treaties that my country has concluded and participated in, undertake relevant law enforcement tasks in areas outside the jurisdiction of my country;
- (11) Other duties required by laws and regulations [Note: formerly "specified by the state"].

The division of responsibilities between the coast guard organizations and the public security, natural resources, ecological environment, transportation, fishery and fishery administration, customs and other competent departments shall be implemented in accordance with relevant national regulations.

Article 13: Upon receiving an emergency request for help from marine natural disasters, accidents, disasters, etc., the coast guard organizations shall promptly notify the relevant competent authorities and actively carry out emergency rescue and rescue. [Note: New Article –adding Search and Rescue]

Article 14: The central state organs shall provide professional guidance for maritime rights protection and law enforcement in accordance with relevant state regulations. [note: formerly 1st paragraph of Article 12]

Article 15: The China Coast Guard and its branch bureaus, in accordance with relevant national regulations, coordinate and guide the maritime law enforcement teams of coastal local people's governments to carry out law enforcement work such as sea area use, island protection and development, marine ecological environment protection, and marine fishery management. [Note: removed “, and it shall supervise their law enforcement work.”]

According to the needs of maritime rights protection and law enforcement, the China Coast Guard and its maritime district bureaus can coordinate and organize the ships and personnel of the maritime law enforcement teams of the coastal local people's governments to participate in major maritime rights protection and law enforcement operations. [Note: Formerly part of Article 12.]

Chapter Three Marine Security [Note: draft chapter started with Article 13]

Article 16: In order to maintain maritime safety and order, coast guard organizations have the right to identify and verify foreign ships sailing, berthing, and operating in the waters under the jurisdiction of my country, and to determine the basic information of the ship and its navigation and operation. For foreign ships suspected of violating the law, coast guard organizations has the right to take measures such as tracking and monitoring.

Article 17: For foreign ships that illegally enter my country's territorial waters and the waters within them, coast guard organizations have the right to order them to leave immediately, or take measures such as detention, forced removal, and forced towing.

Article 18: Coast guard organizations performing maritime security tasks may board and inspect ships sailing, berthing, and operating in the waters under my country's jurisdiction.

When boarding and inspecting ships, the maritime police agency shall pass clear instructions to require the inspected ships to stop for inspection. The inspected ship shall stop and accept the inspection in accordance with the instructions and provide necessary facilities; if it refuses to cooperate with the inspection, the maritime police agency may compulsory inspection; if it escapes from the scene, the maritime police agency shall have the right to take necessary measures to intercept and pursue it.

Coast guard organizations inspect ships and have the right to inspect the certificates, materials and personnel identification information related to ships and production operation permits, inspect ships and their cargo and articles, and conduct investigations and evidence collection on relevant illegal facts.

With regard to boarding, inspection, interception and hot pursuit of foreign ships, the relevant provisions of the international treaties that my country has concluded and participated in shall be observed.

Article 19: Coast guard organizations may take the following measures due to the urgent need to deal with emergencies at sea:

- (1) Order the ship to stop sailing and operating;
- (2) Order the ship to change course or sail to a designated place;
- (3) Order the persons on board to disembark, or restrict or prohibit persons from boarding or disembarking;
- (4) Order ships to unload cargo, or restrict or prohibit ships from unloading cargo;
- (5) Other measures required by laws and regulations.

Article 20: Without the approval of the competent authority of our country, if foreign organizations and individuals construct buildings, structures, and install various fixed or floating devices in the sea areas and islands under our jurisdiction, the coast guard organization has the right to order them to stop the above illegal acts or Demolition within a time limit; for those who refuse to stop illegal activities or do not tear down [note: rectify 整改 (Zhěngǎi) changed to tear down 拆除 (Chāichú)] within the time limit, the maritime police agency has the right to stop or force the demolition.

Article 21: Coast guard organizations have the right to take necessary warning and control measures to stop foreign military ships and foreign government ships used for non-commercial purposes that violate my country's laws and regulations in the waters under my country's jurisdiction, and order them to leave immediately Relevant sea areas; for those who refuse to leave and cause serious harm or threats, the maritime police agency has the right to take measures such as forced eviction and forced towing.

Article 22: When national sovereignty, sovereign rights, and jurisdiction are being illegally infringed by foreign organizations and individuals at sea, or are facing an imminent danger of illegal infringement, the maritime police agency has the right to take measures including those in accordance with this law and other relevant laws and regulations. Use all necessary measures, including weapons, to stop the infringement and eliminate danger.

Chapter Four Maritime Administrative Law Enforcement[Note:draft started at Article 20]

Article 23: Coast guard organizations shall impose administrative penalties, including restrictions on personal freedom[Note: new from draft], on organizations and individuals that violate maritime security, customs, development and utilization of marine resources, marine ecological environment protection, marine fishery management, and other laws, regulations, and rules. , Administrative enforcement or other measures stipulated by laws and regulations.

Coast guard organizations supervise and inspect offshore production sites in accordance with laws and regulations on the development and utilization of marine resources, marine ecological environment protection, and marine fishery management.

Coast guard organizations have the right to collect and obtain evidence from relevant organizations and individuals due to the need to investigate maritime violations. Relevant organizations and individuals should truthfully provide evidence.

In order to maintain maritime security and order, maritime police agencies conduct on-the-spot interrogation, inspection or continued interrogation of persons suspected of violating the law or crime, in accordance with the provisions of the People's Police Law of the People's Republic of China.

Article 24: Coast guard organizations need to board, inspect, intercept, and pursue related ships due to administrative law enforcement, in accordance with the provisions of Article 18 of this law.

Article 25 :In one of the following circumstances, the provincial coast guard bureau and the Shanghai police agency[Note: New wording] may delimit temporary maritime security zones in the waters under my country's jurisdiction to restrict or prohibit the passage and stay of ships and personnel:

- (1) Required to perform maritime security missions;
- (2) What is needed to combat illegal and criminal activities at sea;
- (3) When dealing with emergencies at sea;
- (4) Protecting marine resources and ecological environment needs;
- (5) Other circumstances that require the delineation of temporary maritime security zones.

In the delineation of temporary maritime security zones, the area scope, security period, management measures and other matters of the temporary maritime security zones shall be specified and announced. Among them, those that may affect the safety of maritime traffic should seek the opinions of the maritime administrative agency before delineation, and apply to the maritime administrative agency for the issuance of navigational notices and navigational warnings in accordance with relevant regulations; involving military use of the sea or may affect the safety and use of maritime military installations In case of a violation, the consent of relevant military departments shall be obtained according to law.

Where there is no need to continue to restrict or prohibit the passage or stay of ships or personnel, the maritime police agency shall promptly lift the alert and make an announcement.

Article 26: For ships that are suspected of breaking the law and are being investigated and handled, the coast guard organization may order them to suspend navigation, operations, anchor at designated locations or prohibit them from leaving the port. When necessary, the coast guard organization may escort the suspected ship to a designated location for investigation and handling.

Article 27: Ships of international organizations, foreign organizations, and individuals have been approved by the competent authority of China to engage in fishery production operations, other natural resource exploration and development, marine scientific research, submarine electrical (optical) cables and pipeline laying in the sea areas under my country's jurisdiction The maritime police agency shall supervise in accordance with the law, and may send law enforcement personnel to supervise the ship.

Article 28: In order to prevent, stop and punish violations of laws and regulations concerning security, customs, finance, health, or entry and exit management in my country's land territory, internal waters or territorial waters, coast guard organizations have the right to exercise control in the contiguous zone The right to implement administrative compulsory measures or other measures prescribed by laws and regulations in accordance with the law.

Article 29: The illegal facts are conclusive, and in any of the following circumstances, the law enforcement officers of the maritime police agency may make a penalty decision on the spot:

(1) Imposing a fine or warning of less than 500 yuan on an individual, or a fine or warning of less than 5,000 yuan on a unit;

(2) The decision on fines is not made on the spot at sea, and it is difficult to punish afterwards.

Punishment decisions made on the spot shall be reported to the maritime police agency for the record.

Article 30: For maritime administrative cases where on-the-spot penalties are not applicable, but the facts are clear, the parties voluntarily admit their mistakes and punished, and have no objection to the illegal facts and the application of the law, the maritime police agency may, after obtaining the written consent of the parties, adopt simplified methods of obtaining evidence and review Measures such as examination and approval are handled quickly.

For maritime administrative cases that meet the requirements for rapid processing, if the parties acknowledge the illegal facts, admit their mistakes and punished them in their own written materials or in the interrogation transcripts, and have key evidence such as audio-visual materials, electronic data,

and inspection transcripts that can be mutually confirmed, the maritime police agency may no longer carry out other investigations and evidence collection.

The use of equipment such as law enforcement recorders to record and record the interrogation process can replace written interrogation records. When necessary, provide a text description of the key content and corresponding time period of the audiovisual materials.

For fast-handled maritime administrative cases, the maritime police agency shall make a handling decision within 48 hours after the parties arrive at the case.

Article 31: There are one of the following circumstances in maritime administrative cases, and fast handling is not applicable:

[note: removed 1. The parties involved are blind, deaf, mute, minors, or suspected of mental illness]

- (1) The hearing procedure should be applied in accordance with the law;
- (2) Administrative detention may be imposed for more than ten days;
- (3) Those with significant social impact;
- (4) May be suspected of committing a crime;
- (5) Other things that are not suitable for fast processing.

Article 32: Before the coast guard organization implements administrative compulsory measures, law enforcement officers shall report to the person in charge of the unit and obtain approval. If the situation is urgent and the administrative compulsory measures need to be implemented on the spot at sea, it should be reported to the person in charge of the unit within 24 hours, and the approval procedures should be completed in time after arrival; if it is impossible to report to the person in charge of the unit within 24 hours due to force majeure, it shall report to the person in charge of the unit within 24 hours after the force majeure effect is eliminated. If the person in charge of the coast guard organization believes that administrative compulsory measures should not be taken, it shall be lifted immediately.

Article 33: If the party fails to implement the penalty decision within the time limit, the coast guard organization that made the penalty decision may take the following measures according to law:

- (1) If the fine is not paid when due, an additional fine of 3% of the fine shall be imposed every day;
- (2) Auction or sell the sealed or seized property in accordance with the law, or transfer the frozen deposits and remittances to pay the fine;
- (3) According to the law, adopt other administrative enforcement methods [note: New addition].

This law and other laws do not provide for the coast guard organization to implement administrative enforcement. The maritime police agency shall apply to the people's court for enforcement.

Article 34: The division of jurisdiction over maritime administrative cases by coast guard organization at all levels shall be prescribed by the China Coast Guard.

If the coast guard organization and other agencies have disputes over the jurisdiction of maritime administrative cases, the coast guard organization and other agencies shall negotiate in accordance with the principle of facilitating the investigation and handling of the case.

Article 35: When a coast guard organization handles maritime administrative cases, if there is evidence to prove that the party committed an act of deliberately destroying evidence at sea by dumping items into the sea, which caused difficulties for the coast guard organization to produce evidence, it may combine other evidence to infer the relevant violation the facts are established, unless the parties have sufficient evidence to overturn. [note: new wording]

Article 36: Coast guard organizations carry out maritime law enforcement work such as patrol, alert, interception, hot pursuit, etc., and use law enforcement ships or aircraft marked with special signs to indicate their identity.

When a coast guard organization conducts administrative law enforcement investigations or inspections, there shall be no less than two law enforcement officers, and they shall proactively show their law enforcement credentials to indicate their identity. The parties or other relevant persons have the right to require law enforcement officers to produce law enforcement certificates. [Note: new article, mostly from draft Article 63]

Article 37: The procedures for maritime police agencies to carry out maritime administrative law enforcement, which are not provided for in this law, shall be governed by the "Administrative Punishment Law of the People's Republic of China", "Administrative Mandatory Law of the People's Republic of China", and "Public Security Management Punishment Law of the People's Republic of China". And other relevant laws.

Chapter Five Maritime Crime Investigation [note Draft started with Article 34]

Article 38: The coast guard organization handles criminal cases at sea, exercises investigative powers in accordance with the "Criminal Procedure Law of the People's Republic of China" and the relevant provisions of this law, and adopts investigative measures and criminal compulsory measures.

Article 39: After the coast guard organization has placed a case on file, it shall comply with the Criminal Procedure Law of the People's Republic of China for crimes endangering national security, terrorist activities, organized crimes of a gang-like nature, major drug crimes, or other crimes that seriously endanger society. Relevant regulations, after strict approval procedures, can take technical investigation measures and submit them to relevant agencies for execution in accordance with regulations.

Pursuing and arresting criminal suspects and defendants who are wanted or approved or decided to arrest at large, after approval, technical investigation measures necessary for the pursuit may be taken.

Article 40: If a criminal suspect who should be arrested is at large, the coast guard organization may issue a wanted order in accordance with regulations and take effective measures to pursue the arrest.

If a coast guard organization issues a wanted order against a criminal suspect, it may consult the public security agency to assist in the hunt.

Article 41: If a coast guard organization needs to board, inspect, intercept, or pursue related ships for handling maritime criminal cases, it shall be implemented in accordance with Article 18 of this Law.

Article 42: When coast guard organizations, people's procuratorates, and people's courts decide to release a suspect or defendant in a maritime criminal case on bail pending trial according to law, it shall be executed by the maritime police agency in the place where the bailed person is awaiting trial. Where there is no maritime police agency in the place of residence of the person released on guarantee, the local public security organ shall assist in the execution.

Article 43: When coast guard organizations, people's procuratorates, and people's courts decide to conduct residential surveillance on criminal suspects or defendants in maritime criminal cases in accordance with the law, the Coast guard organizations shall enforce them at the residence of the resident under surveillance; the resident under surveillance is responsible for handling the case. If the city or county where the coast guard organization is located does not have a fixed residence, it can be executed in the designated residence. For crimes suspected of endangering national security or terrorist activities, where the execution in the residence may hinder the investigation, the execution may also be executed in the designated residence with the approval of the higher-level coast guard organization. However, it shall not be executed in a prison or a special case-handling place.

Article 44: The coast guard work station is responsible for investigating maritime criminal cases that occur within its jurisdiction.

The municipal coast guard organization uses the Shanghai police agency to investigate major national security crimes, terrorist crimes, foreign-related crimes, economic crimes, group crimes, and other major crimes within its jurisdiction.

If a higher-level coast guard organization deems it necessary, it may investigate maritime criminal cases within the jurisdiction of a lower-level coast guard organization; a lower-level coast guard organization believes that the case is serious and needs to be investigated by a higher-level coast guard organization to report to the higher-level maritime police agency for jurisdiction.

Article 45: When a coast guard organization handles a maritime criminal case and needs to apply for approval of arrest or transfer for prosecution, it shall apply or transfer it to the corresponding people's procuratorate in the locality.

Chapter Six Use of Police Equipment and Weapons [Note: Draft started at Article 42]

Article 46: In any of the following circumstances, the personnel of the coast guard organization may use police equipment or other equipment and tools on the spot: [Note: Was Article 47 in Draft.]

- (1) When boarding, inspecting, intercepting, or pursuing a ship in accordance with the law, it is necessary to force the ship to stop sailing;
- (2) Forcibly evicted or towed away from the ship according to law;
- (3) Obstacles or nuisances encountered in the execution of duties according to law;
- (4) Other situations where illegal and criminal acts need to be stopped on the spot [note: formerly immediately].

Article 47: In any of the following circumstances, the staff of the maritime police agency may use hand-held weapons if the warning is invalid:

- (1) There is evidence that the ship is carrying criminal suspects or illegally carrying weapons, ammunition, state secret information, drugs and other items, and refuses to obey the stopping order;
- (2) Foreign ships enter the waters under the jurisdiction of my country to illegally engage in production activities, refuse to obey the stopping order or refuse to accept boarding or inspection in other ways, and the use of other measures is not sufficient to stop illegal activities.

Article 48: In one of the following situations, the staff of the maritime police agency can use not only hand-held weapons, but also shipborne or airborne weapons:

- (1) Performing maritime anti-terrorism missions;
- (2) Dealing with serious incidents of violence at sea;
- (3) Law enforcement ships or aircraft are attacked by weapons or other dangerous methods.

Article 49: Coastal police personnel who use weapons in accordance with the law but are too late to warn or may cause more serious harm after warning, they may use weapons directly.

Article 50: The staff of the maritime police agency shall, based on the nature, degree and urgency of the illegal and criminal acts and the dangerous perpetrators, reasonably judge the necessary limits of the use of weapons, and try to avoid or reduce unnecessary casualties and property losses. [Note: formerly Article 46 – removed wording “They shall do their utmost to avoid firing at sections below the waterline when using weaponry against vessels.”]

Article 51: The use of police equipment and weapons by the staff of maritime police agencies, which is not specified in this law, shall be implemented in accordance with the provisions of the people’s police on the use of police equipment and weapons and other relevant laws and regulations. [Note: Formerly Article 42]

Chapter Seven Guarantee and Cooperation [Note: Draft started at Article 48]

Article 52: The state establishes a funding guarantee mechanism that is compatible with the coast guard organization’s responsibility for maritime rights protection and law enforcement and construction and development. The required funds are included in the budget in accordance with relevant state regulations.

Article 53: Relevant departments of the State Council, local people’s governments at or above the county level along the coast, and their relevant departments shall, when compiling territorial and spatial plans and related special plans, coordinate the needs for maritime rights protection and law enforcement, and conduct law enforcement and case handling of maritime police agencies in accordance with relevant national regulations. Duty training, living and other venues and facility construction are guaranteed. [Note: Formerly Article 49, reworded]

Article 54: Coast guard organizations may, in accordance with laws, regulations, and rules, give priority to using or requisitioning organizations and individuals’ vehicles, communication tools, and venues due to the urgent need for maritime rights enforcement and law enforcement, and they shall promptly return them after use and pay appropriate fees. ; If losses are caused, compensation shall be given in accordance with relevant state regulations. [Note: New Article.]

Article 55: Coast guard organizations shall optimize their strength system, build a strong talent team, strengthen education and training, ensure that their staff have the knowledge, skills and qualities to perform statutory duties, and improve the professional capabilities of maritime rights protection and law enforcement.

Maritime rights protection law enforcement implements a certification and qualification management system.

Article 56: The state strengthens the construction of the maritime rights protection law enforcement equipment system to ensure that the maritime police agencies are equipped with ships, aircraft, weapons and other equipment suitable for their duties.[Note: New Article]

Article 57: Coast guard organizations shall strengthen informatization construction, use modern information technology, promote open law enforcement, strengthen convenient services, and improve the efficiency of maritime rights law enforcement.

The coast guard organization shall open a maritime alarm service platform to promptly accept the people's alarm and emergency assistance.

Article 58: Coast guard organizations shall cooperate with the corresponding diplomatic (foreign affairs), public security, natural resources, ecological environment, transportation, fishery and fishery administration, emergency management, customs and other competent departments, as well as the relevant departments of the People's Court, the People's Procuratorate and the military. Establish a mechanism for information sharing and work collaboration.[Note: Reworded substantially to align with new Article 8.]

Relevant competent authorities shall provide coast guard organizations with information services and technical support such as basic data, administrative licenses, administrative management policies, etc. related to the implementation of maritime rights enforcement work in a timely manner.

The coast guard organization shall report the work data and information of maritime supervision and inspection, investigation and punishment of violations and crimes in a timely manner to relevant competent authorities, and cooperate with relevant competent authorities to do a good job of maritime administrative management. Coast guard organizations impose administrative penalties in accordance with the law, and if they believe that permits need to be revoked, they should transfer the relevant materials to the permit-issuing agency for processing.

Article 59: Coast guard organizations may request assistance from the relevant competent authorities due to the need to carry out maritime rights enforcement work. If the request for assistance falls within the scope of responsibility of the relevant competent department, the relevant competent department shall cooperate.

Article 60: Coast guard organizations shall send offenders who have decided to administrative detention in accordance with the law and foreigners who have been detained for review, as well as criminal suspects who have decided to criminally detain and execute arrests, to be respectively sent to the detention center or custody center where the coast guard organization is located.

Article 61: The coast guard organization shall properly keep the property involved in the case seized or detained according to law, and shall not damage or dispose of it without authorization[note: reworded]

slightly]. However, the following goods and articles may be auctioned or sold in accordance with the law with the approval of the person in charge of the Shanghai Police Agency with the approval of the municipal coast guard bureau and the owner shall be notified. If the owner is unclear, the other parties shall be notified:

- (1) Dangerous goods such as refined oil; [note: formerly Hazardous materials]
- (2) Fresh, perishable, and prone to failure, etc., which are not suitable for long-term storage;
- (3) Long-term non-use of vehicles, ships, etc., which are likely to cause a decrease in mechanical performance and depreciation of value;
- (4) The size is huge and difficult to keep;
- (5) The owner applies for a first auction or sale.

The proceeds from the auction or sale shall be temporarily kept by the coast guard organization, and shall be processed in accordance with relevant state regulations after the case is closed.

Article 62: For the property involved in the case that should be returned to the owner or other parties, the coast guard organization shall notify the owner or other parties to collect it within six months; if the owner is unclear, it shall notify the owner to claim it by means of an announcement. If no one claims it within six months after the notification to the owner, other parties or the announcement, the property shall be treated as unowned property, and the proceeds shall be turned over to the state treasury after auction or sale in accordance with the law. In case of special circumstances, the processing can be postponed, and the extension period shall not exceed three months.

Chapter Eight International Cooperation [Note: draft started at Article 57]

Article 63: The China Coast Guard shall carry out international cooperation in maritime law enforcement in accordance with international treaties concluded or acceded to by the People's Republic of China or in accordance with the principle of reciprocity and mutual benefit; organize or participate in the implementation of relevant maritime law enforcement international treaties within the prescribed powers, and negotiate Sign maritime law enforcement cooperation documents. [Note: reworded substantially. Former Article 57 "The PRC conducts international cooperation in maritime law enforcement in accordance with international treaties it has concluded or participated in, or in accordance with the principles of equal treatment and mutual benefit."]

Article 64: The main tasks of coast guard organizations to carry out maritime law enforcement international cooperation are to participate in the handling of foreign-related maritime emergencies, coordinate and resolve maritime law enforcement disputes, manage maritime crises, and cooperate with foreign maritime law enforcement agencies and relevant international organizations to combat maritime illegal and criminal activities, To protect marine resources and the environment, and jointly maintain international and regional marine public security and order.

Article 65: Coast guard organizations may carry out the following maritime law enforcement international cooperation with foreign maritime law enforcement agencies and relevant international organizations:

- (1) Establish bilateral and multilateral maritime law enforcement cooperation mechanisms and participate in activities of maritime law enforcement cooperation mechanisms; [note: Former #1 and #2 combined into new #1]
 - (2) Exchange and share maritime law enforcement intelligence information;
 - (3) Joint maritime patrols, inspections, drills, and training;
 - (4) Education and training exchanges;
- [note: removed from draft: "5. Joint strikes against illegal and criminal activities at sea; 6. Humanitarian rescue at sea "(now in Article 13)]
- (5) Mutual dispatch of liaison officers for maritime law enforcement international cooperation;
 - (6) Other maritime law enforcement international cooperation activities.

Chapter Nine Supervision

Article 66: The coast guard organization and its staff shall perform their duties and exercise their powers in accordance with the conditions, powers and procedures prescribed by laws and regulations, and shall not abuse their powers, neglect their duties, engage in malpractice for personal gain, or infringe the lawful rights and interests of organizations and individuals.

Article 67: Coast guard organizations shall respect and protect citizens, legal persons and other organizations' rights to know, participate and supervise the law enforcement work of the Coast guard organizations in accordance with the law, and enhance the transparency and credibility of law enforcement.

Coast guard organizations shall disclose maritime law enforcement information according to law. [Note: Entire article reworded]

Article 68: Coastal police agencies' inquiries, interrogations, continued cross-examination, identification of criminal suspects, security inspections, information collection and other law enforcement activities of criminal suspects shall be conducted in the case-handling premises. Except in cases where inquiries or interrogations must be conducted on the spot in an emergency, or in other situations where it is not appropriate to conduct inquiries or interrogations in the case-handling place.

The coast guard organization shall, in accordance with relevant national regulations, record the entire process of maritime rights enforcement activities in the form of text, audio and video, and archive them.

Article 69: The coast guard organization and their staff carry out maritime rights protection and law enforcement work, and accept the supervision of procuratorial organs and military supervisory organs in accordance with the law.

Article 70: The people's government and its relevant departments, citizens, legal persons, and other organizations have the right to report, report, and sue the coast guard organization and their staff of violations of laws and disciplines. Any ongoing violations of laws, disciplines, or dereliction of duty by maritime police agencies and their staff can be reported through the maritime alarm service platform.

No agency or individual shall suppress or retaliate against citizens, legal persons and other organizations that report, accuse, or complain or report in accordance with the law.

Article 71: The higher-level coast guard organization shall supervise the maritime rights enforcement work of the lower-level coast guard organization, and if it finds that the handling measures or decisions made by it are wrong, it shall have the right to revoke or change or order the lower-level coast guard organization to cancel or change; If it is discovered that it is not performing its statutory duties, it has the right to order it to perform according to law.

Article 72: The China Coast Guard shall establish a sound supervision mechanism for maritime rights protection and law enforcement work and a system of accountability for law enforcement faults.

Chapter Ten Legal Liability

Article 73: One of the following acts that hinder the coast guard organization and its staff from performing their duties in accordance with the law shall be imposed by the public security organ or the maritime police agency in accordance with the provisions of the Law of the People's Republic of China on Public Security Administration Punishments on obstructing the people's police from performing their duties Penalties:

- (1) Insulting, threatening, confining, intercepting, or attacking the staff of the coast guard organization;
- (2) Obstructing investigation and evidence collection;
- (3) Forcibly breaking into the temporary maritime security zone;
- (4) Obstructing the execution of missions such as pursuit, inspection, search, rescue, and security;
- 5) Obstructing the passage of law enforcement ships, aircraft, vehicles and personnel;
- (6) Using dangerous driving, setting obstacles, etc. to drive the ship to escape, endangering the safety of law enforcement ships and personnel;
- (7) Other acts that seriously hinder the performance of duties by maritime police agencies and their staff.

Article 74: In the performance of their duties, the staff of the coast guard organization commits one of the following acts and shall be punished in accordance with the relevant regulations of the Central Military Commission:

- (1) Disclosure of state secrets, commercial secrets and personal privacy;
- (2) Falsified, concealed the facts of the case, sheltered or condoned illegal and criminal activities;
- (3) Extorting a confession by torture, or corporal punishment, or maltreatment of suspects in violation of the law;
- (4) Using police equipment or weapons in violation of regulations;
- (5) Illegal deprivation or restriction of personal freedom, illegal inspection or search of persons, goods, articles, vehicles, residences or places;

- (6) Extortion, soliciting or accepting bribes, or accepting a treat or gift from the party or his agent;
- (7) Illegal implementation of administrative penalties, administrative enforcement, criminal enforcement measures or collection of fees;
- (8) Dereliction of duty and failure to perform legal obligations;
- (9) Other violations of law and discipline.

Article 75: Violation of the provisions of this law, which constitutes a crime, shall be investigated for criminal responsibility in accordance with the law.

Article 76: Organizations and individuals who are dissatisfied with the administrative actions taken by the coast guard organization shall have the right to apply for administrative reconsideration to the higher-level coast guard organization in accordance with the "Administrative Reconsideration Law of the People's Republic of China"; According to the provisions of the Law, an administrative lawsuit shall be filed in a people's court with jurisdiction.

Article 77: Coast guard organizations and their staff who illegally exercise their powers and infringe on the lawful rights and interests of organizations and individuals and cause damages shall be compensated in accordance with the "National Compensation Law of the People's Republic of China" and other relevant laws and regulations.

Chapter Eleven Supplementary Provisions

Article 78: The following terms in this law mean:

(1) Provincial Coastal Police Bureau refers to the Coastal Police Bureau directly under the leadership of the China Coast Guard Bureau and established in coastal provinces, autonomous regions, and municipalities directly under the Central Government; Municipal Coast Guard Bureau refers to the Coast Guard Bureau headed by the Provincial Coast Guard Bureau in coastal provinces, autonomous regions and municipalities directly under the Central Government; Coast guard work stations established in cities under the jurisdiction of provinces, autonomous regions and municipalities directly under the Central Government; Coast guard workstations usually refer to grass-roots maritime police agencies established in coastal county-level administrative regions under the leadership of municipal coast guard bureaus.

[note: removed from draft: 2. Jurisdictional waters of the PRC refer to the PRC's internal waters (*neihai*), territorial sea, contiguous zone, exclusive economic zone, and continental shelf, as well as other waters under the jurisdiction of the PRC. Internal waters refer to waters to the landward of the PRC's territorial sea baselines. Inland waters (*neishui*) refer to waters to the landward of the PRC's territorial sea baselines, including the internal sea, internal rivers, and internal lakes.]

(2) Vessel refers to all kinds of mobile devices such as displacement or non-displacement ships, boats, rafts, water vehicles, submersibles, etc., excluding offshore oil and natural gas operation platforms.

Article 79: Where foreign countries adopt discriminatory prohibitions, restrictions or other special measures against Chinese citizens, legal persons, and other organizations in maritime law enforcement, coast guard organizations may take corresponding reciprocal measures in accordance with relevant national regulations.

Article 80: The enforcement measures for the protection of the rights of ships provided for in this law shall be applicable to various fixed or floating buildings, installations, fixed or mobile platforms at sea.

Article 81: In accordance with laws, regulations, and international treaties that my country has concluded and participated in, when coast guard organizations perform law enforcement tasks in areas outside the jurisdiction of my country, the relevant procedures may refer to the relevant provisions of this law.

Article 82: The China Coast Guard shall formulate regulations on maritime rights protection law enforcement matters in accordance with laws, administrative regulations, and decisions of the State Council and the Central Military Commission, and record them in accordance with regulations.

Article 83: Coast guard organizations perform defense operations and other tasks in accordance with the "National Defense Law of the People's Republic of China", the "People's Armed Police Law of the People's Republic of China" and other relevant laws, military regulations and orders of the Central Military Commission.

Article 84: This law shall come into force on February 1, 2021.