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Contents

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# Notice of the Ministry of Agriculture and Rural Affairs and the Ministry of Foreign Affairs and the National Immigration Administration on further strengthening the management and service of foreign crew members in distant-water fishing

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Relevant provincial, autonomous region, municipality directly under the Central Government and independently planned cities' agriculture, rural affairs and fishery departments (bureaus, committees), foreign affairs offices, public security departments' exit and entry administration bureaus, relevant port entry and exit inspection stations, China Distant Water Fisheries Association, and relevant distant water fishing enterprises:

In recent years, my country's distant-water fishing enterprises have independently hired foreign crew members abroad in accordance with international practices, which has better met the employment needs of distant-water fishing vessels. In order to better adapt to the situation of economic and social development, effectively strengthen the management and services of foreign crew members in distant-water fishing, and effectively protect the legitimate rights and interests of enterprises and foreign crew members, the following matters are hereby notified.

1. Strengthen coordination and guidance and improve the employment mechanism
1. Signing an employment agreement and clarifying responsibilities and obligations

Based on actual employment needs, offshore fishing enterprises shall sign a labor cooperation agreement (Annex 1) with domestic labor agencies that have labor dispatch qualifications in accordance with the law or foreign labor agencies officially recognized by labor exporting countries. The agreement should clearly define the crew's job positions, treatment, remuneration,

insurance, responsibilities and obligations of all parties, agency commissions, necessary laws and regulations, job skills training, casualty handling and aftermath, etc. The content of the agreement should clearly define the following basic requirements.

1. Offshore fishing enterprises shall pay wages directly to individual foreign seafarers, or have a labor agency set up a special account for wage payment to track and verify the wages and benefits of foreign seafarers. If the labor agency pays, the labor agency

shall provide payment vouchers for the crew's wages, etc.

2. Foreign crew members should undergo a pre-departure check-up in their country (region) of origin to ensure that their physical condition meets the health standards for Chinese fishery crew members and that they have no criminal record. Foreign crew members who have not undergone a health check-up shall not be recruited or used.

3. There must be no clauses discriminating against foreign crew members, and the terms of the agreements signed between distant-water fishing enterprises and labor agencies, and between labor agencies and foreign crew members must be consistent.

(II) Refine the application procedures and smooth the employment channels

Ocean-going fishing vessels operate in the high seas or in waters under the jurisdiction of other countries all year round, and the purpose of their foreign crew members entering the country is mainly to transit and exit the country. Ocean-going fishing enterprises must handle entry and exit procedures for foreign crew members in accordance with the information review, invitation letter processing, visa application, crew entry and exit and other links specified in the Guidelines for the Entry and Exit of Foreign Crew (Appendix 2) and the corresponding procedures. Our embassies and consulates in the source countries of labor services, the fishery, foreign affairs, and public security entry and exit management departments of the six provinces (municipalities) of Liaoning, Shandong, Shanghai, Zhejiang, Fujian, and Guangdong, and relevant port border inspection agencies should strengthen coordination and cooperation in accordance with the work guidelines, improve the level of management and services, do a good job in visa processing and entry and exit management, and smooth the entry and exit channels for foreign crew members. Learn from the experience of the employment management system for foreign personnel in related industries and continuously improve the management and services of foreign crew members in ocean-going fishing.

3. Strengthen organizational coordination and establish a linkage mechanism

The fishery authorities of Liaoning, Shandong, Shanghai, Zhejiang, Fujian and Guangdong provinces (municipalities directly under the Central Government) are requested to work together with the entry and exit management departments of foreign affairs and public security organs and border inspection agencies to determine one or two designated entry and exit cities for foreign crew members based on comprehensive consideration of port transportation convenience, entry and exit needs and management conditions of distant-water fishing vessels and crew members; refer to the "Procedure for Staying and Exiting the Country for Foreign Crew Members" (Appendix 3), and in light of actual conditions, clarify the technical support units and software and hardware requirements, the location and time arrangements for crew training and physical examinations, and the food and accommodation guarantees from entry to exit, and establish a linkage mechanism for the transit and stay management of foreign crew members in

distant-water fishing in the region. Foreign crew members who enter the country (region) with a visa from the source country (region) of labor services, and foreign crew members who are unable to apply for a visa from our embassy or consulate abroad due to special reasons before boarding the ship but apply for a visa or temporary entry permit at the designated port, should leave the country within the specified time and shall not exceed the stay period in China indicated on the visa or temporary entry permit.

## 2. Enhance responsibility awareness and safeguard the rights and interests of crew members

Distant-water fishing enterprises are the responsible entities for employing foreign crew members and should earnestly fulfill their principal responsibilities and employ crew members in strict accordance with the labor cooperation agreement and the law.

### 1. Equal treatment and protection of legitimate rights and interests

Foreign crew members should be paid on time and in full. The receipt of payment should be verified and tracked, and the foreign crew members should be informed in a timely manner. The wages of crew members should not be delayed without reason. The work and rest of foreign crew members should be arranged reasonably, and the living and working conditions of Chinese and foreign crew members should be provided equally. Communication should be strengthened, foreign crew members should be treated equally, and reasonable demands of foreign crew members should be properly handled. The customs, religious beliefs and cultural differences of foreign crew members should be respected, and the food on board should be arranged reasonably.

### 2. Strengthen training to safeguard life safety

It is necessary to strengthen the safety production training of foreign crew members, carry out technical training on fishing production, life raft operation, fire fighting, escape, etc., to ensure that foreign crew members master basic safety operation skills and have a high level of safety production awareness. Ocean-going fishing vessels should be equipped with necessary labor protection supplies and facilities to ensure the safety production conditions and environment for foreign crew members; fishing vessels should be equipped with basic medicines, and it is encouraged to equip ocean-going fishing vessels with health workers who have received basic medical training to provide necessary medical assistance and psychological help to sick crew members in a timely manner.

### 3. Make good plans and strengthen emergency response

Ocean fishing enterprises and fishing vessels should establish and improve emergency response plans, and clearly define the captain as the first person responsible at the scene. In the event of injured or sick crew members who exceed the handling capacity of the fishing vessel, they should immediately report for help and organize timely treatment. In the event of emergencies such as crew members falling into the water or losing contact, fishing vessels should immediately organize search and rescue and report to

the enterprise and the fishery authorities of the provincial people's government where the enterprise is located in accordance with regulations. In the event of the death of foreign crew members, loss of contact, or foreign-related public security cases, ocean fishing enterprises should also promptly report to the entry and exit management departments and border inspection authorities of the public security organs where the enterprise is located.

### 3. Strengthen supervision and management and improve industry self-discipline

#### 1. Strengthen supervision and management, and consolidate the main responsibility

The Ministry of Agriculture and Rural Affairs will include the employment of foreign crew members by distant-water fishing enterprises in the performance assessment of distant-water fishing enterprises, strengthen risk control, and seriously investigate and deal with disputes involving foreign crew members or foreign-related incidents in accordance with the law. The fishery authorities of relevant provinces (autonomous regions, municipalities directly under the Central Government) and cities with independent planning status should urge enterprises to strictly employ and manage foreign crew members in combination with daily supervision of distant-water fishing; coordinate and cooperate with relevant departments to strengthen supervision of labor agencies for foreign crew members in distant-water fishing in the region, clarify management systems such as entry thresholds, supervision and assessment, management evaluation and exit mechanisms, and effectively safeguard the legitimate rights and interests of foreign crew members, ensuring that foreign crew members are "reliable in source, healthy, well-trained, and have welfare guarantees." Before July 31 of each year, the fishery authorities of relevant provinces (autonomous regions, municipalities directly under the Central Government) and cities with independent planning status should, together with foreign affairs, entry-exit management departments of public security organs and relevant port border inspection agencies, submit reports on foreign crew members and foreign labor cooperation in their jurisdiction in the first half of the year to the Ministry of Agriculture and Rural Affairs, the Ministry of Foreign Affairs and the National Immigration Administration; before January 31 of each year, submit reports on the previous year.

#### 2. Enhance industry self-discipline and provide good coordination services

The China Ocean Fisheries Association and relevant provincial associations should give full play to the role of industry self-discipline, assist the competent authorities in coordinating the management and service guarantee of foreign crew members, and improve the employment benefits of ocean fishing crew members through industry self-discipline. Actively explore the establishment of a non-governmental labor cooperation mechanism with relevant associations in the source countries of labor, strengthen

communication and coordination, and promote mutual benefit, win-win and sustainable development of bilateral labor cooperation.

The fishery authorities of Liaoning, Shandong, Shanghai, Zhejiang, Fujian and Guangdong, together with the entry and exit management departments of foreign affairs and public security organs and border inspection agencies, shall study and determine the designated entry and exit cities for foreign crew members in the province (municipality) and the corresponding "transit and stay management linkage mechanism for foreign crew members in distant-water fishing" in the region or between regions, and report them to the Ministry of Agriculture and Rural Affairs, the Ministry of Foreign Affairs and the National Immigration Administration for filing before June 30, 2024, and formally implement them on August 1, 2024. Foreign crew members who have gone to sea before and need to enter the country for transit or renewal of employment shall apply for entry visas or temporary entry permits in accordance with the entry procedures for foreign crew members.

This notice shall be implemented from the date of publication. The "Notice of the Ministry of Agriculture and Rural Affairs, the Ministry of Foreign Affairs, and the National Immigration Administration on Strengthening the Management of Foreign Crew in Distant-Water Fisheries" (No. 3 of the Ministry of Agriculture and Fisheries [2021]) shall be abolished at the same time.

Appendix: 1. Reference text framework of the labor cooperation agreement for foreign seafarers

2. Guidelines for the entry and exit of foreign seafarers

3. Procedures for foreign crew members to stay in China and leave the country

Ministry of Agriculture and Rural Affairs Ministry of Foreign Affairs National Immigration Administration

2024年4月17日

附件1

外籍船员劳务合作协议参考文本框架

甲方：(用工方)            乙方：(派出方)

账户信息：                薪酬专用账户信息：

第一条 船员资格和雇用条件

本条款应包括但不限于船员身体健康要求，并进行体检等基本要求。

第二条 雇用期限

第三条 甲方职责

本条款应包括但不限于：

1. 薪酬金额：按约定向船员支付薪酬
2. 生活待遇
3. 岗位职责
4. 船员规范管理内容
5. 按约定向乙方支付中介服务费用

#### 第四条 乙方职责

本条款应包括但不限于：

1. 船员条件：选派符合法定用工条件、身体健康、无犯罪记录、胜任海上工作的船员，并提供相应证明材料。
2. 有效证件：保障船员持有护照、海员证等有效国际旅行证件，提供船员真实、合法有效信息，并办理好入境签证。
3. 船员薪酬保障：按约定及时将船员工资发放到船员个人账户或其家属账户，并向甲方提供支付水单、明细，便于双方及船员核实到账金额、支付状况等。
4. 其他有关法律责任和义务。

#### 第五条 中介费用

中介费用包括：一次性招募费，按月收取劳务费，以及双方约定的其他费用。乙方不得从船员薪酬中扣取中介费用。

#### 第六条 船员薪酬

本条款应包括但不限于：

明确每位船员应得薪酬金额、支付方式（直接支付或通过乙方薪酬专用账号支付）、支付日期，有欠款、垫付等情况除外。

#### 第七条 差旅费

甲乙双方应约定船员从出发地至工作地往返交通、住宿、差旅费用以及责任。

#### 第八条 船员责任和义务

#### 第九条 保险

双方应约定为船员办理保险，保费不得由船员支付。

#### 第十条 船员患病、伤残和死亡等事故处置

体现人道主义，及时开展救助。

#### 第十一条 终止雇用以及船员转移

#### 第十二条 伙食津贴、供应

第十三条 争议解决

第十四条 合同有效性

第十五条 其他事宜

## 附件2

### 外籍船员出入境工作指南

远洋渔业企业为外籍船员办理出入境手续时，按照以下程序办理。

#### 一、外籍船员入境

(一) 从劳务来源国（地区）入境，在驻外使（领）馆申办签证的

1. 提交申请。远洋渔业企业应将申请材料（包括雇用外籍船员意向书、船员信息、用工信息、出入境信息、劳务合作协议、国际旅行证件、保证函、体检报告、无犯罪记录证明）提交省级渔业主管部门或其授权的市、县级渔业主管部门（以下简称“地方渔业主管部门”）进行审核。

2. 信息审核和邀请函办理。地方渔业主管部门根据相关要求，对提交的材料进行审核，对符合条件的，签发外籍船员临时入境邀请函。相关远洋渔业企业应当保存该邀请函复印件至少2年。

3. 申请签证。劳务公司持外籍船员的护照或其他国际旅行证件、签证申请表、外籍船员临时入境邀请函等签证所需材料，到我驻外籍船员所在国使馆（领馆）办理相应S2签证。

4. 申请入境。劳务公司和远洋渔业企业根据协议约定，统一安排外籍船员入境。外籍船员抵达指定入境口岸后，持有效签证和护照或其他国际旅行证件办理入境手续。

(二) 随远洋渔船入境并中转出境，登船前确因特殊原因无法向驻外使（领）馆申办签证的

1. 提交申请。远洋渔业企业应在外籍船员拟入境前至少30天，提交申请材料（上次入境邀请函复印件、随船入境申请、定妥座位的空港联程客票或用工单位出具的换乘其他船舶出境的相关证明）至地方渔业主管部门。

2. 邀请函办理。地方渔业主管部门根据上述申请材料办理邀请函。

3. 入境申请。远洋渔业企业或劳务公司持地方渔业主管部门签发的邀请函及外籍船员相关材料等，在指定口岸办理签证或临时入境许可。

#### 二、外籍船员境内停留

口岸所在地渔业、外事、公安机关出入境管理部门建立分工负责、相互协作的联动管理机制，督促指导远洋渔业企业安排雇用的



外籍船员统一居住，并依法办理住宿登记。鼓励国家远洋渔业基地统筹配建生活设施良好的外籍船员居住区。

(一) 行前体检。入境后3个工作日内，到海关进行体检，取得健康检查证明书。

(二) 行前培训。体检后5个工作日内，在指定的集中场所完成远洋渔业安全操作技术、涉外法规等行前培训。

(三) 信息备案。地方渔业主管部门办理人员信息备案，向有关部门出具联系单。

### 三、外籍船员出境

(一) 持境外签发的有效签证入境的，持有效护照或者其他国际旅行证件，在签证有效期内出境。

(二) 未在境外办妥签证随远洋渔船入境后中转出境回国、在指定口岸办妥签证或临时入境许可的，持有效护照或者其他国际旅行证件，在签证或临时入境许可有效期内乘坐国际交通运输工具出境；继续续聘的，持有效护照或其他国际旅行证件，在签证或临时入境许可有效期内登远洋渔船出境。

(三) 外籍船员出境后，远洋渔业企业应及时核销信息，报告地方渔业主管部门。

### 四、外籍船员境外上下船

远洋渔船在境外作业期间，因增派、病退等原因，外籍船员需要从第三国登船、下船的，按照下列程序办理。

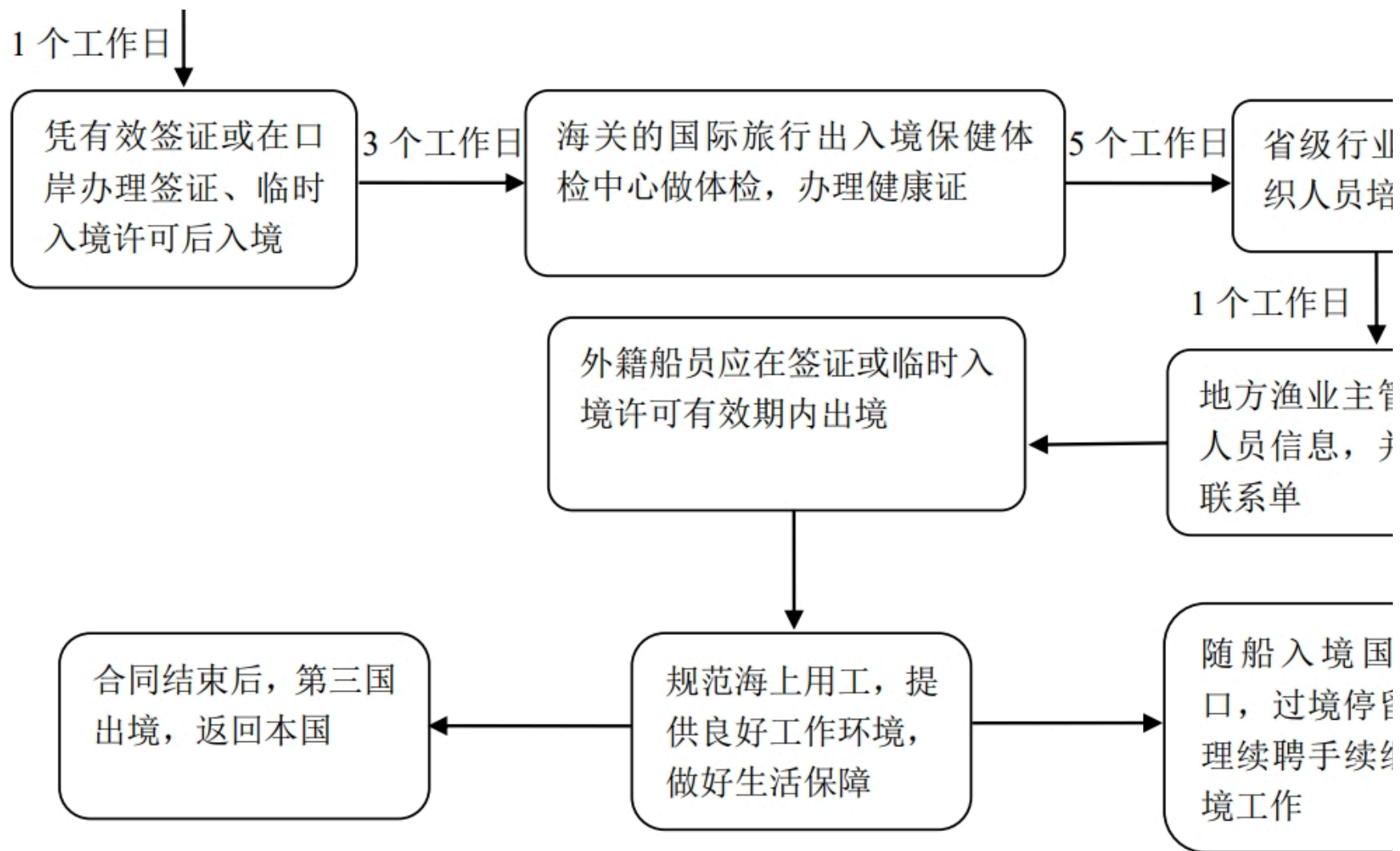
(一) 申请与审批。远洋渔业企业应当根据工作需求，将境内外劳务公司签订的劳务合作协议及外籍船员雇用协议、外籍船员个人信息及有效国际旅行证件、保证函、体检报告（或健康证明），以及外籍船员在境外上下船的申请等材料报地方渔业主管部门批准。

(二) 上下船报告。经地方渔业主管部门批准后，外籍船员从境外登船或下船的，远洋渔业企业应及时将外籍船员登船、下船信息报告地方渔业主管部门。

附件3

外籍船员境内停留及出境流程

外籍船员到达中国后



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