

TRANSPORT LAW IN CHINA

JAMES ZHENGLIANG HU



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James Zhengliang Hu

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Transport Law in China

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List of Abbreviations

AL	China Arbitration Law
Art.	Article
AUL	China Auction Law
c.i.f.	cost, insurance and freight
CAAC	Civil Aviation Administration of China
CAL	China Civil Aviation Law
CCP	Collision Compensation Provisions
CCS	China Classification Society
Ch.	Chapter
CIETAC	China International Economic and Trade Arbitration Commission
CL	China Contract Law
Cl.	clause
CLC.	International Convention on Civil Liability for Oil Pollution Damages
CMAC	China Maritime Arbitration Commission
CMI	Comité Maritime International
CMIC	Agreement of International Railway Through Transport
COLREG	International Regulations for the Prevention of Collisions at Sea
COSCO	China Ocean Shipping (Group) Company
CPC	China Civil Procedure Code
CPI	China Shipowners' Mutual Assurance Association
CPIC	China Pacific Insurance (Group) Co., Ltd.
CR	Regulations Governing Domestic Carriage of Goods by Waterways
DACR	Regulations on the Domestic Cargo Transport of China Civil Aviation
DAPR	Regulations on the Domestic Passenger and Baggage Transport of China Civil Aviation

List of Abbreviations

DWT	deadweight tonnage
EDI	electronic data interchange
EPL	China Environmental Protection Law
F.P.A.	free from particular average
FCL	full container load
GPCL	General Principles of Civil Law of China
HL	China Highway Law
IACR	Regulations on the International Cargo Transport of China Civil Aviation
IAPR	Regulations on the International Passenger and Baggage Transport of China Civil Aviation
ICAO	International Civil Aviation Organization
IL	China Insurance Law
ILO	International Labour Organization
IMO	International Maritime Organization
Km	kilometre
LCL	less than container load
LLMC	Convention on the Limitation of Liability for Maritime Claims
MC	China Maritime Code
MEPL	China Marine Environmental Protection Law
MOC	The Ministry of Communications (replaced by the Ministry of Transport)
MOR	The Ministry of Railways (merged into the Ministry of Transport)
MOT	Ministry of Transport
MR	Regulations governing International Multimodal Transport of Goods in Containers
MSA	Maritime Safety Administration
Mt	metric tons
MTO	multimodal transport operator
MTSL	China Maritime Traffic Safety Law
NPC	The National People's Congress of China
P&I	protection & indemnity
PAL	Athens Convention relating to the Carriage of Passengers and Their Luggage by Sea
para.	Paragraph
PICC	The People's Insurance Company (Group) of China
PICC	P&C PICC Property & Casualty Company Limited
PRCT	Provisions on Railway Cargo Transport
PRPT	Provisions on Railway Passenger Transport

List of Abbreviations

RCE	Explanations concerning Certain Issues in the Trial of Cases of Compensation for Damages in the Railway Transport
RPCE	Explanations concerning Certain Issues in the Trial of Cases of Compensation for Loss of Life or Personal Injury in the Railway Transport
RDC	Running Down Clause
RL	China Railway Law
RMB	Chinese currency Renminbi
RRCT	Regulations on Road Cargo Transport
RRL	China Real Right Law
RRPT	Regulations on Road Passenger Transport
SDR	Special Drawing Right
SEPA	State Environmental Protection Administration
SL	China Security Law
SMPL	China Special Maritime Procedure Law
SOA	The State Oceanic Administration
SPC	The Supreme People's Court of China
STCW	International Convention on the Standards of Training, Certification and Watch-keeping for Seafarers
TLL	China Tort Liability Law
UNCLOS	United Nations Convention on the Law of the Sea
W.A.	with average

Preface

As encouraged by Prof Marc A. Huybrechts who is the chief-editor of the International Encyclopaedia of Transport Law and was my academic supervisor when I was studying maritime and shipping law in Belgium, I finalized the first edition of the Monograph on China Transport Law in 2002, the first comprehensive introduction to Chinese transport law presented in English, covering each of the main legal aspects of maritime, road, rail, air and multimodal transport, inland navigation as well as the related issues. The present edition was revised in 2014.

The domain of Chinese transport law is so vast that the present Monograph can only be an introduction to this subject. Hopefully, however, it will serve as a reliable access to the various sources of Chinese transport law.

The author cited the various international treaties China has ratified or acceded to, Chinese laws and regulations enacted regarding maritime and other modes of transport up to 2013, the abbreviation of which are contained in Chapter 2 of Part II. Readers are requested to pay attention to the development of Chinese legislation in this area, since laws and regulations will be enacted or amended in the fast developing China. Meanwhile, China will ratify or accede to more international treaties in the area of transport. While the author has tried to make this Monograph as practicable as possible, the Monograph has also been prepared by reference to the most reliable academic sources available. Noticeably, not many cases regarding transport law are quoted, since China is not a case law country. However, there is a tendency that the judgments, especially those rendered by the Supreme People's Court, are having more important reference value.

Thanks are given to Faculty of Law of Catholic University of Leuven for its provision of study facility in 2001 when I was a visiting professor, which enabled me to finish preliminary preparation of the first edition of the Monograph. Most thanks are due to my wife, Liu Min for her continuous and greatest encouragement and support.

Shanghai, 25 March 2014 James Zhengliang Hu

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