

Questionnaire-Pandemic Response

1. Is your jurisdiction a member of the World Health Organisation?
Yes, China is a member of the World Health Organization.

2. Has your jurisdiction given effect under its domestic law to the International Health Regulations (2005)?

Yes. China is one of the contracting states of the International Health Regulations (2005) (hereinafter the “**Regulations**”). It requires contracting states to develop, strengthen and maintain their quick and effective emergency response capacity on public health emergencies of international concern. The abilities to discover, assess, report, notify and settle public health emergencies are required to reach the standards by June 15, 2011, and if it is not possible to reach the standards as scheduled, the contracting states can apply for extension. In June 2012, taking into account various factors, China submitted an application to the World Health Organization for a two-year extension and it was approved. In the following two years, relevant departments of the State Council and provincial governments had conscientiously implemented the requirements of the “*Notice forwarded by the General Office of the State Council to National Health and Family Planning Commission and other departments on Implementing effectively the **Regulations** and Accelerating the Construction of Core Emergency Capacity of Public Health Events*”. (Guo Fa Ban [2013] No. 84) which had remarkable results. After the evaluation, China has reached the standards of the **Regulations**.

3. Has your jurisdiction ratified the IMO-MLC 2006 Convention?

Yes, the Chinese government has ratified the IMO-MLC 2006 Convention (hereinafter the “**Convention**”). The **Convention** has been in force under Chinese jurisdiction as of November 11, 2016. China declared at the same time that the **Convention** did not apply to the Hong Kong Special Administrative Region and Macao Special Administrative Region.

4. What steps have been taken within your jurisdiction to give effect to the IMO-MLC 2006 Convention?

In order to implement the **Convention**, China has promulgated the “*Regulation of the People's Republic of China on Seamen*”, the “*Regulation of the People's Republic of China on Seamen' Working and Living Conditions on Board*”, the “*Regulations of the People's Republic of China on the Administration of Seamen External Assignment*”, the “*Regulation of the People's Republic of China on Seamen Service Management*”, the “*Rules of the People's Republic of China on Seamen's Duty*”, the “*Rules of the People's Republic of China on Seamen Training Management*”, the “*Rules of the*

People's Republic of China on Seamen Competency Examination and Certification” and other administrative regulations and departmental rules.

In September 2016, the Ministry of Human Resources and Social Security of China and the Ministry of Transport issued the “*Announcement on the Implementation of the **Convention***” (No. 48, 2016).

In November 2016, the Ministry of Human Resources and Social Security of China and the Ministry of Transport issued the “*Notice on Printing and Distributing the Measures for the Inspection of Maritime Labor Conditions*” ([2016] No. 202).

5. Has your jurisdiction ratified the IMO Facilitation of Maritime Traffic Convention 1965 (FAL Convention)?

Yes. The *FAL Convention* was ratified on January 16, 1995 and it became effective as of March 17, 1995. The *FAL Convention* became effective in Hong Kong Special Administrative Region as of July 1, 1997 and in Macao Special Administrative Region as of June 24, 2005.

6. What steps have been taken within your jurisdiction to give effect to the FAL Convention?

With the approval of the State Council, China joined the *FAL Convention* as amended in 1990, which entered into force in China as of March 17, 1995. During the accession of China to the *FAL Convention*, the FAL Committee held by IMO approved the 1992 and the 1993 Amendments (Annex I and II) at its 21st and 22nd meetings, and thereafter approved the 1996 Amendments (Annex III) at the 24th meeting. The abovementioned amendments are the modifications to the Annex of the *FAL Convention*. In accordance to Article VII of the *FAL Convention*, any amendment to the Annex under this paragraph shall enter into force fifteen months after communication of the proposal to all Contracting Governments by the Secretary-General unless within twelve months after the communication at least one third of Contracting Governments have notified the Secretary-General in writing that they do not accept the proposal. Within the specified time period, the Secretary General did not receive any objections from the contracting governments, therefore the 1992,1993 and 1996 Amendments entered into force respectively on September 1, 1993, September 1, 1994, and May 1, 1997. China is a contracting state and therefore the abovementioned amendments are binding on China.

In order to steadily facilitate the international maritime traffic and to effectively implement the *FAL Convention* in China, with the approval of the State Council, the Chinese Commission on Facilitating the Maritime Traffic was established in 1996, led by the Ministry of Transport. The Commission

strives to improve the implementation mechanism of the *FAL Convention*, speeds up building an electronic information exchange system for foreign-going ships in and out of ports, promotes the application of the "single window" standard for international trade, consolidates China's effort to facilitate the international maritime traffic, and offers supports for accomplishing the Belt and Road Initiative.

7. Are you aware if your jurisdiction has denied free pratique to a vessel during any of the following pandemics: Avian flu; SARS; Chikungunya or MERS?
China has not denied free pratique to a vessel during any of the above-mentioned pandemics. However, the Inspection and Quarantine Department has duly informed the ships about the outbreaks.

8. Are you aware if your jurisdiction has taken any steps to establish the care capacities identified in Sections A and B of Annex 1 of the International Health Regulations, and in particular a "national public health emergency response plan" in compliance with the International Health Regulations?
Since 2012, core emergency capacity building to settle the public health emergency has been paid high attention by the authorities including National Health Commission, Ministry of Ecology and Environment, Ministry of Agriculture and Rural Affairs, General Administration of Quality Supervision, Inspection and Quarantine, Ministry of Emergency Management, China Food and Drug Administration, State Forestry Administration and State Administration of Science, Technology and Industry for National Defense, etc. According to the requirements of the International Health Regulations (*IHR 2005*), all departments concerned should work in close coordination, analyze major problems and gaps, establish public health emergency response plans and strategies, and improve the core surveillance and response capacities at all levels upon guidance and supervision.

After evaluation, now, China has reached the standards of *IHR 2005*.

9. (a) What measures were taken by your jurisdiction during the recent Ebola outbreak?

The anti-Ebola aid provided by China included but not limited to finance, equipment, disease control experts, and the construction of Ebola treatment centers.

Chinese government actively researched and developed Ebola vaccine and its clinical trials.

In the Ebola breakout, China delivered 4 rounds of humanitarian aid with a combined value amounted to 750 million RMB (120 million US dollars)

from which 13 African countries, United Nations (UN), World Health Organization (WHO), African Union were benefit, and sent more than 1000 medical staff and epidemiologists to the Ebola-hit countries. Eight chartered flights were deployed to deliver the aid materials and staff.

All local health authorities in China have developed a contingency training program for medical staff regarding national disease control and prevention, designated medical care and pre-hospital emergency care, etc. 167 designated medical institutions, 144 negative air pressure ambulances, 598 isolation negative pressure rooms and 127 national Ebola hemorrhagic fever (EHF) experts were approved to address Ebola prevention and control. 3 institutions including Chinese Center for Disease Control and Prevention had capacity for rapid screening and monitoring the Ebola virus within 80 hours. 16 institutions had capacity for providing qualified Ebola virus nucleic acid test (NAT).

No confirmed cases of Ebola were found in China during the outbreak.

- (b) Which Department of State or organisation in your jurisdiction was responsible for implementing those measures during the recent Ebola outbreak?

National Health Commission of the People's Republic of China.

- (c) Were maritime administrations within your jurisdiction consulted in relation to decisions taken within your jurisdiction during the Ebola outbreak?

Yes, probably.

- (d) Were those who took decisions in your jurisdiction during the Ebola outbreak aware of the requirements of:

- (i) International Health Regulations 2005; and
- (ii) The FAL Convention 1965 (As Amended); and
- (iii) The ILO MLC 2006 Convention?

Yes, we believe authorities were aware of all of the above.

- (b) Were those making the decisions in your jurisdiction in relation to the Ebola outbreak aware of the potential conflict in the requirements between those Regulations and Conventions?

There is a presumption that the government officials are familiar and aware with the domestic law and international commitments of China.