

# **China Maritime Trial (2022-2024)**

The Supreme People's Court of the People's Republic of  
China

## **Preface**

The year 2024 marks the 40th anniversary of the establishment of maritime courts in China. Under the strong leadership of the Central Committee of the Communist Party of China (CPC), the maritime adjudication work of the People's Courts has grown from inception to prominence, achieving comprehensive development and historic success. The People's Courts have successively established 11 maritime courts and 42 dispatched tribunals, forming a specialized maritime trial system characterized by "three levels of courts and a two-tier trial system" with cross regional jurisdiction. This jurisdiction encompasses all sea areas, navigable waters connecting to the sea, and ports under China's jurisdiction. The scope of cases accepted has expanded from 18 types to 108 types, evolving from primarily maritime commercial and trade disputes to cover maritime rights and interests, the marine economy, marine environmental

protection, and other maritime civil, administrative, and specific criminal fields. Cumulatively, the courts have accepted over 600,000 cases with a total subject matter value approaching RMB 4.5 trillion. This includes more than 80,000 foreign-related maritime cases involving parties from over 140 countries and regions. The courts have issued 38 maritime judicial interpretations and normative documents, 16 guiding cases, and 122 typical cases; furthermore, 138 maritime reference cases have been included in the People's Courts Case Library. China has emerged as the jurisdiction with the most complete maritime trial system, the largest volume of maritime cases, and the richest variety of case types globally.

From 2022 to 2024, maritime courts at all levels adhered to the guidance of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era. They fully implemented the guiding principles of the 20th CPC National Congress and its plenary sessions, thoroughly applying Xi Jinping Thought on the Rule of Law and General Secretary Xi Jinping's important instructions on accelerating the construction of a strong maritime country. Anchored in maritime trial practice, the courts have strengthened maritime judicial construction, adjudicated various

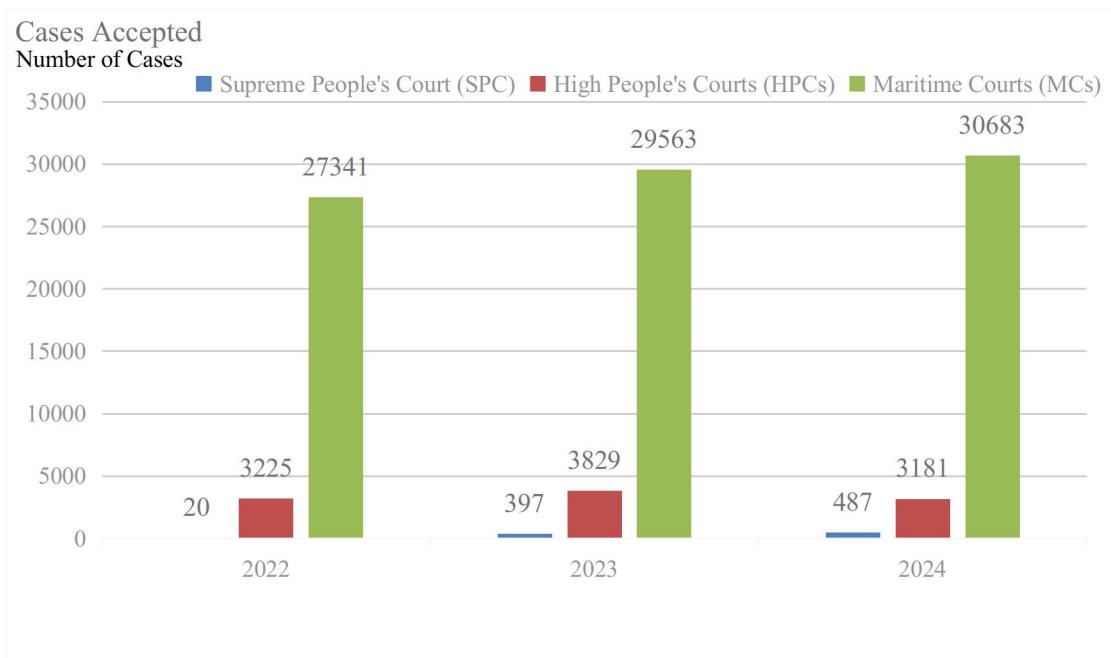
maritime cases impartially and in accordance with the law, and comprehensively promoted the high-quality development of maritime trial work. They have strived to make positive contributions to accelerating the construction of a strong maritime country. The international credibility and influence of China's maritime trials have continued to rise, and China's maritime courts have become a preferred forum for the resolution of international maritime disputes.

## **I. General Introduction of Maritime Trial and Enforcement Nationwide**

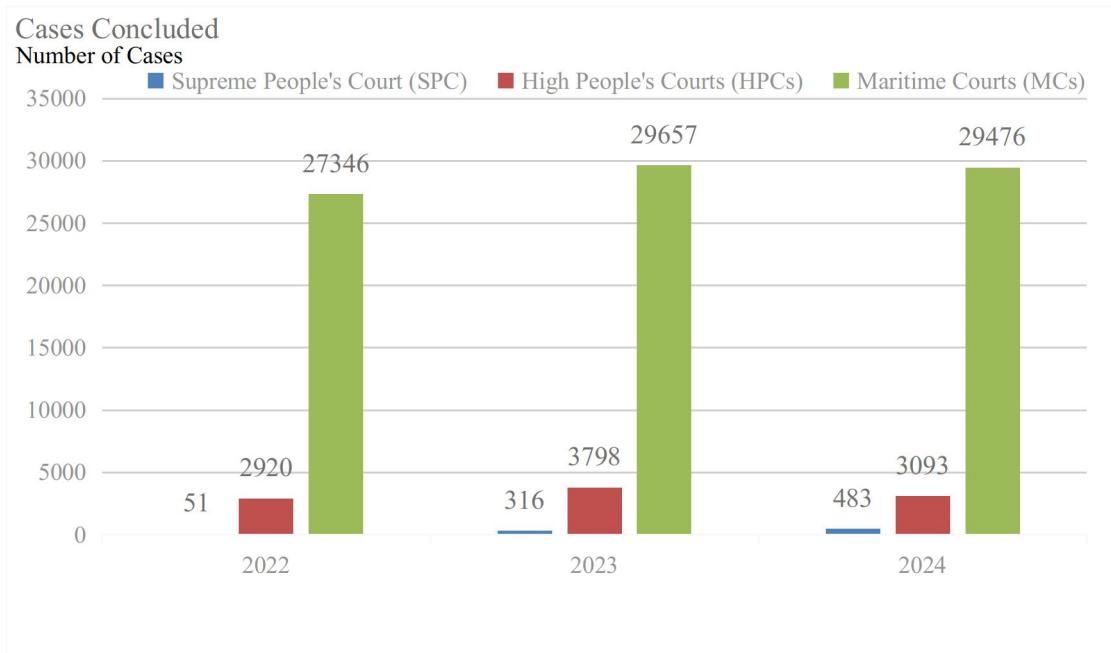
### **(I) Overall Situation**

From 2022 to 2024, courts participating in maritime adjudication at three levels nationwide accepted a total of 98,726 cases of maritime tort and commercial, maritime administrative, maritime criminal, and maritime enforcement disputes , and concluded 97,140 cases.

Annex One: The Statistics of Maritime Trial and Enforcement Cases Accepted in China (2022-2024)



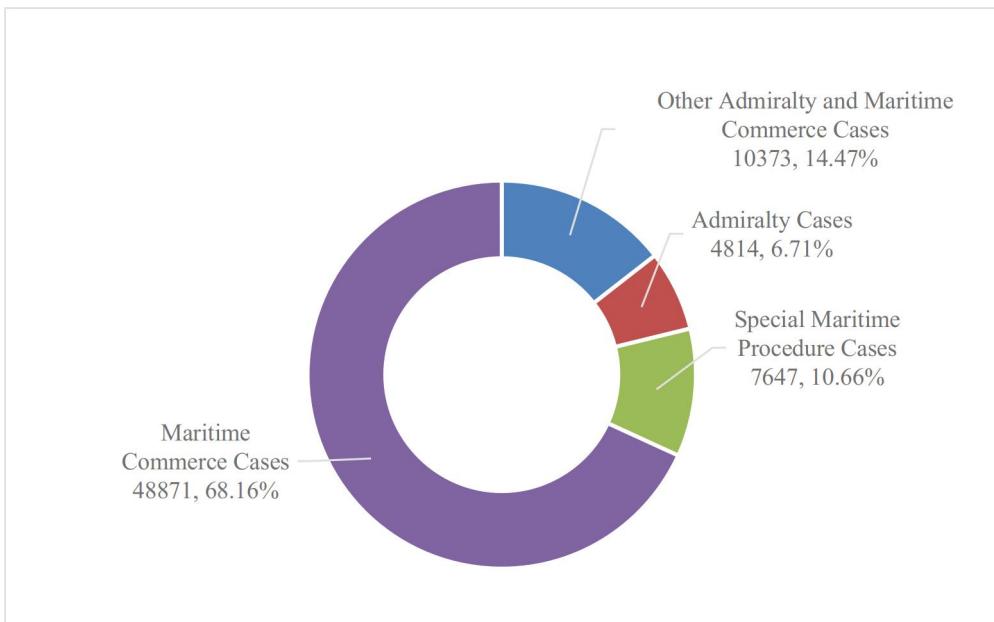
## Annex Two: The Statistics of Maritime Trial and Enforcement Cases Concluded in China (2022-2024)



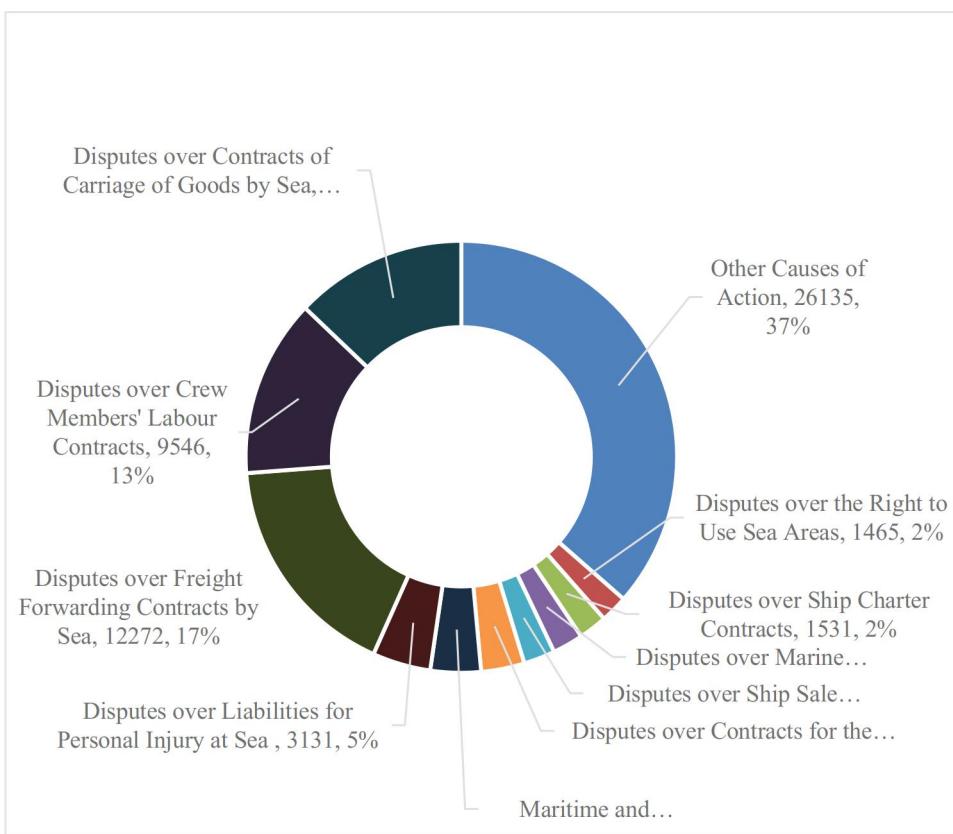
## **(II) Brief Introduction of Maritime Case Categories**

From 2022 to 2024, the three levels of courts trying maritime cases nationwide accepted 71,705 maritime tort and commercial cases and concluded 70,759. Specifically, maritime commercial cases accounted for 68.16%, special maritime procedure cases for 10.66%, maritime tort cases for 6.71%, and other maritime and commercial cases for 14.47%. The courts accepted 5,477 maritime administrative cases and concluded 5,482, accepted 185 maritime criminal cases and concluded 193. Six maritime courts, on the pilot jurisdiction, accepted 95 first-instance maritime criminal cases concerning maritime traffic accidents and damaging marine ecological environment and resources, concluded 102. Among them, Haikou Maritime Court concluded 57 cases, Ningbo Maritime Court concluded 41 cases, and Nanjing, Qingdao, Xiamen, and Guangzhou Maritime Courts each concluded 1 case.

Annex Three: Distribution of Maritime Case Types in China  
(2022-2024)



## Annex Four: Distribution of Causes of Action in Maritime Cases in China (2022-2024)



### **(III) Situation of Cases Involving Hong Kong, Macao, Taiwan, and Foreign Elements**

From 2022 to 2024, the three levels of courts trying maritime cases nationwide accepted 6,823 foreign-related cases and 1,226 cases involving Hong Kong, Macao, and Taiwan regions of China elements. They concluded 6,071 foreign-related cases and 1,134 cases involving Hong Kong, Macao, and Taiwan regions of China elements. Specifically, the eleven maritime courts accepted 6,534 foreign-related cases and 1,129 cases involving Hong Kong, Macao, and Taiwan regions of China elements at the first instance; concluding 5,851 foreign-related cases and 1,055 cases involving Hong Kong, Macao, and Taiwan regions of China elements. The cases involved 143 countries and regions.

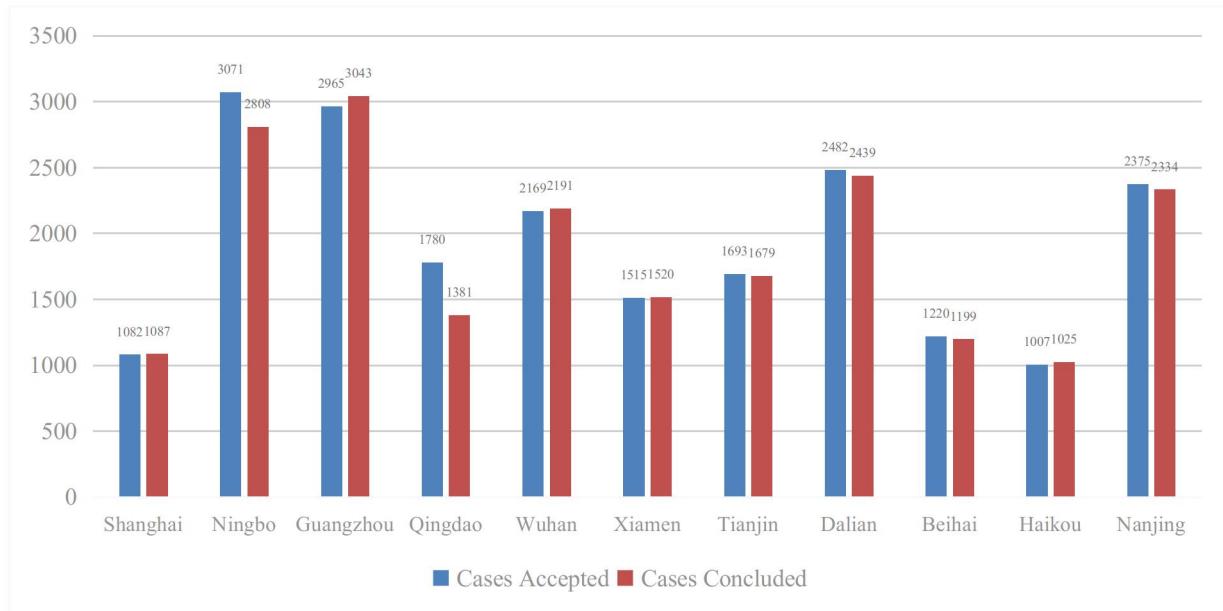
### **(IV) Situation of Vessel Seizure and Auction**

From 2022 to 2024, the eleven maritime courts seized 2,592 vessels, including 49 foreign vessels and 6 vessels from Hong Kong, Macao, or Taiwan regions of China. A total of 1,376 vessels were auctioned, including 13 foreign vessels and 2 vessels from Hong Kong, Macao, or Taiwan regions of China.

### **(V) Situation of Enforcement**

From 2022 to 2024, the eleven maritime courts accepted 21359 maritime enforcement cases and concluded 20706.

**Annex Five: Comparison of Maritime Enforcement Cases Accepted and Concluded in China (2022-2024)**



**II. Giving Full Play to the Function of Maritime Adjudication to Serve and Safeguard the Construction of a Strong Maritime Country and High-Standard Opening Up**

As a major country in shipping, trade, ports, shipbuilding, and seafarers, China is the economy with the highest maritime connectivity and the largest volume of trade in goods globally. Maritime trials, as an important component of the People's Courts' work, have a significant role to play in supporting and serving Chinese modernization through the modernization of adjudication

work, particularly in the process of building a strong maritime country. Three levels of courts trying maritime cases nationwide, standing at the intersection of domestic and international dynamics and coordinating the two major issues of development and security, firmly safeguard China's sovereignty, security, and development interests. They actively promote the high-quality development of the marine economy, build a solid barrier for marine ecological environmental protection, perform duties in accordance with the law, deepen reform and innovation, and serve to ensure the steady and long-term implementation of national maritime strategies and high-standard opening up.

### **(I) Actively Exercising Maritime Judicial Jurisdiction in Accordance with the Law to Safeguard National Sovereignty and Maritime Rights and Interests**

Maritime adjudication is vital to safeguarding national sovereignty and protecting maritime rights and interests. It is, therefore, a crucial responsibility and mission of maritime adjudication to proactively exercise, in accordance with the law, maritime judicial jurisdiction over sea areas under China's jurisdiction. The Haikou Maritime Court properly concluded a

marine ecological environment damage compensation case caused by the grounding of a foreign vessel, which damaged coral resources. The court lawfully upheld the compensation claim filed by the ecological environment bureau. This ruling effectively exercises judicial jurisdiction over China's jurisdictional waters, vigorously safeguarding the nation's maritime rights and interests in the relevant sea areas. The Nanjing Maritime Court applied the Anti-Foreign Sanctions Law of the People's Republic of China for the first time, accepting a tort lawsuit filed by a Chinese shipyard against a foreign company and seizing the vessel involved. Within just 39 days, the court facilitated a settlement between the parties, enabling the Chinese shipyard to successfully recover over RMB 84 million in construction payments. In a carriage of goods contract dispute before the Guangzhou Maritime Court, the foreign shipping company sought an anti-suit injunction from a foreign court to enjoin the plaintiff insurance company from proceeding with the lawsuit in China, despite a Chinese court having already issued a final ruling on its jurisdiction. Upon the insurance company's application, the maritime court issued a maritime injunction in accordance with the law, ordering the shipping company to apply for the withdrawal of the anti-suit injunction. The shipping company complied with the maritime

injunction, and the foreign court granted its application to withdraw the anti-suit injunction. This case serves as a powerful demonstration of China's judicial authority. Subsequently, the dispute was quickly resolved through mediation presided over by the maritime court, showcasing the efficiency and wisdom of Chinese justice.

## **(II) Giving Full Play to the Functions of Maritime Justice to Promote High-Quality Development of the Marine Economy**

The ocean is a strategic location for high-quality development, and a modern marine economy provides vital support for building a strong maritime country. Three levels of courts trying maritime cases nationwide have focused on the CPC Central Committee's deployment regarding encouraging and guiding social capital to actively participate in the development of the marine economy, protecting independent innovation capabilities in marine science and technology, cultivating leading marine technology enterprises and "specialized, refined, distinctive, and novel" SMEs, expanding and strengthening marine industries, and strengthening marine ecological environmental protection. They have given full

play to maritime judicial functions to provide strong judicial safeguards for the high-quality development of advantageous and emerging marine industries such as the modern shipping industry, offshore wind power industry, shipbuilding industry, and advanced marine engineering equipment manufacturing.

**Maintaining the Stability of Shipping and Commercial Order.** The people's courts have adjudicated various maritime cases involving the carriage of goods by sea and navigable waters, multimodal transport, freight forwarding, ship sales, marine insurance, and ship collisions in accordance with the law, promoting the stable development of international trade and ensuring the security of global supply chains. **First, they clarified the right to take delivery under bills of lading.** In a retrial regarding a dispute over a contract for the carriage of goods by sea between an Indian export company, a Shanghai supply chain company (collectively as Retrial Applicants) and a Liberian shipping trade company, a Korean shipping company (collectively as Retrial Respondents), where two sets of original bills of lading existed for the same batch of goods, the Supreme People's Court confirmed in the retrial that the holder of a validly obtained, completely endorsed, and transferred order bill of lading has the

right to claim delivery of goods from the carrier. The judgment reversed the previous ruling and supported the Indian export company's claim for the proceeds from the sale of the goods, protecting the legitimate rights and interests of foreign parties in accordance with the law and providing strong judicial safeguards for the stability of international trade and the efficiency of financial circulation. **Second, they clarified liability principles in international multimodal transport.** The Dalian Maritime Court adjudicated a dispute over a multimodal transport contract between a logistics company and an international company. The case concerned the export and cross-border transport of large-scale domestic power equipment, which was integral to the construction and operation of two important overseas power stations. In its ruling, the court accurately clarified the liability principles governing international multimodal transport contracts. The court carefully balanced the rights and obligations of the shipper and the multimodal transport operator in accordance with the law and the contract, providing valuable legal guidance for Chinese enterprises seeking to “go global” and to deepen their participation in “Belt and Road” green energy cooperation. **Third, they clarified judicial guidance for marine salvage.** In the second instance of a ship collision damage liability dispute

involving a Chinese insurance company, a Liberian company, and a Chinese Fujian shipping company, the High People's Court of Guangdong Province accurately interpreted and applied the provisions on marine salvage set forth in the International Convention on Salvage, 1989 and the Maritime Law of the People's Republic of China. The court further clarified the review standards for the statutory agency or emergency representation rights of the master or shipowner in signing a salvage contract. This reflects recognition of the master's timely decision to seek salvage, while also guiding masters to exercise their rights with prudence, thereby effectively ensuring the safety of navigation.

**Fourth, they respected international rules on general average.** In a general average dispute arising from a ship collision incident involving a shipping company and a trading company, the Xiamen Maritime Court determined the general average amount to be shared by the ship and cargo parties in accordance with the York-Antwerp Rules, protecting and promoting maritime transport.

**Fifth, they supported international ship safety standards.** In a dispute over a marine insurance contract between a foreign shipping company and a Chinese property insurance company adjudicated by the Shanghai Maritime Court and the Shanghai High People's Court, where the vessel involved was damaged due

to grounding, the court held that the vessel violated the International Safety Management Code (ISM Code), which seriously affected navigation safety and constituted unseaworthiness. Consequently, the insurer was not liable for compensation for the insurance accident. This case is of positive significance for regulating the international shipping safety regime. **Sixth, they safeguarded the steady development of navigable inland river shipping economy.** When multiple freighters were stranded in the Three Gorges Reservoir area due to trade disputes, leaving 35,000 tons of diluted bitumen unable to be unloaded normally and creating huge economic losses and ecological risks, the Wuhan Maritime Court facilitated a settlement through multi-party mediation. This achieved a multi-win effect of promoting trade flow, ensuring smooth inland waterways, and protecting the ecology of the Yangtze River.

**Safeguarding the Development Security of the Shipbuilding Industry.** As the world's largest shipbuilding nation, the shipbuilding industry is a core component of China's high-end marine equipment manufacturing industry and a key pillar promoting marine economic growth, safeguarding national security, and supporting the strategy of a strong maritime country.

The people's courts have fully leveraged their adjudicatory functions to justly and efficiently hear cases involving advanced shipbuilding manufacturing and the development of modern service industries, safeguarding the security of the shipbuilding industry and promoting industrial transformation and upgrading. Simultaneously, based on trial practices, courts have summarized experiences and actively conducted judicial research, serving the high-quality development of the shipbuilding industry with high-quality think tank report. **First, they properly resolved series disputes in ship construction.** In a dispute over a ship operation loan contract adjudicated by the Tianjin Maritime Court involving an equipment engineering company and a heavy industry technology company, concerning a project for the construction and export of 8 vessels and involving over 20 related contracts with a dispute amount of RMB 200 million, the court accurately identified the contractual elements and determined the contract's validity and the parties' liabilities in accordance with the law. All parties accepted the first-instance judgment, which provides effective guidance for guiding and regulating ship construction financing and risk management. **Second, they prevented and resolved legal risks in the shipbuilding industry.**

In 2023, the Nanjing Maritime Court issued the Chinese-English

bilingual *Report on Judicial Services to Support the Development of the Shippingbuilding and Ocean Engineering Equipment Industry*, publishing 10 typical cases involving ship building contract disputes and financing structure disputes. It offered suggestions on strengthening new energy ship R&D, enhancing technological innovation capabilities, and improving key supporting facilities, guiding the standardized development of the shipbuilding industry and building a pinnacle for judicial protection of ship construction. In 2024, the Ningbo Maritime Court released *the Guide to Legal Risk Prevention in Ship Repair and Construction Contracts* to guide ship repair and construction enterprises in improving risk anticipation and response capabilities. **Third, they assisted the shipbuilding industry in enhancing rule-making discourse power.** In 2024, the Dalian Maritime Court submitted the *Special Research Report on Judicial Service Innovations in Boosting High-Quality Development of the Shipbuilding Industry*, conducting in-depth research on how to enhance the rule-making discourse power of the shipbuilding industry and proposing suggestions and plans, providing strong intellectual support for safeguarding the safety and development of China's shipbuilding industry.

**Promoting the Development of New Quality Productive Forces in the Marine Economy.** Protecting innovation drives and promoting industrial renewal are the foundations and prerequisites for promoting the high-quality development of the marine economy. The people's courts have properly heard cases involving new business forms of the marine economy such as offshore wind power, submarine pipelines, marine ranching, port engineering, and marine cultural tourism, assisting in cultivating and developing new quality marine productive forces and shaping new advantages and drivers for high-quality marine development.

**First, they skillfully used maritime injunctions to resolve offshore wind power equipment contract disputes.** When offshore wind power tower equipment commissioned for transport by a company was detained by the shipowner, the company applied to the Guangzhou Maritime Court for a maritime injunction. The court adopted a case-handling approach of "quickly organizing hearings and striving for mediation," facilitating a settlement between the shipowner and its debtor. The shipowner agreed to release the cargo, and the equipment involved was successfully delivered to the applicant, ensuring the on-schedule grid connection and operation of China's first million-kilowatt offshore wind power project. **Second, they**

**accurately determined liability for ship collision, safeguarding submarine pipeline safety.** In a dispute over damages caused by a vessel belonging to a shipping company alliding a submarine oil pipeline, the Dalian Maritime Court accurately clarified the rights and responsibilities of all parties to the accident. By equally protecting the legitimate rights and interests of oil and gas enterprises, shipping enterprises, and the insurance industry in accordance with the law, the court safeguarded the safety and stability of submarine pipeline energy transport. **Third, they protected innovation and properly handled marine ranching disputes.** In a marine ranching platform construction contract dispute between Xing Company and Xi Company heard by the Qingdao Maritime Court, the court timely provided guidance and regulation for new situations and problems arising in the development of marine ranching construction, serving and guaranteeing the transformation and upgrading of marine development and utilization. **Fourth, they clarified ship financial leasing disputes, and promoted maritime financial innovation.** In a dispute over a ship financial leasing contract between Zhong Company and Rui Company, the Tianjin Maritime Court, in accordance with the law, determined issues concerning liability for breach of financial leasing contracts, responsibility

arising from retention of title, and the enforceability of unregistered ship mortgage rights. The court firmly made a negative evaluation to the defaulting party's dishonest conduct, fully demonstrating the vital role of maritime justice in safeguarding maritime financial reform and innovation and promoting the sustainable and healthy development of the shipbuilding industry.

**Actively Protecting the Legitimate Rights and Interests of Crew Members.** Crew members are important production factors in the shipping industry and the cornerstone for maintaining the security of international maritime channels and stabilizing shipping and trade order. With the scale of China's crew ranking first globally, maritime trials play an irreplaceable and important role in safeguarding crew rights. **First, they fully protected crew members' litigation rights.** In a retrial of a maritime personal injury liability dispute between the applicant Wu and a Fujian fishery company, the Supreme People's Court clarified that labor disputes related to crew members boarding, working on board, and repatriation, as well as personal injury compensation cases, do not require labor arbitration as a prerequisite procedure. Parties can sue directly in maritime courts, providing judicial guarantees

for crew members to safeguard their rights in accordance with the law. **Second, they linked litigation, mediation, and enforcement to resolve mass crew disputes.** The Tianjin Maritime Court practiced the concept of "Adjudicating As If I Were the Litigant" (Ru Wo Zai Su), using mediation to efficiently resolve 102 crew labor contract dispute cases filed by Hao and 87 others against a shipping company. The court ensured the payment of crew wages through the judicial auction of vessels, thereby resolving the dispute and effectively safeguarding the legitimate rights and interests of crew members. **Third, they protected the labor rights of "silver-haired" crew members in accordance with law.** In a marine insurance contract dispute between a company and an insurance company, the Guangzhou Maritime Court clarified that employers hiring crew members over the statutory retirement age are not excluded from the scope of the Regulation on Work-Related Injury Insurances, providing judicial protection for the legitimate rights and interests of "silver-haired" crew members. **Fourth, they fully fulfilled convention obligations protecting crew rights.** For crew labor disputes where crew members were dispatched to international sailing vessels by crew service agencies with agreements to apply collective bargaining agreements, the Dalian Maritime Court

insisted on fulfilling the obligations of the *Maritime Labour Convention, 2006* to which China is a party, clarifying the application of collective agreements and safeguarding the legal rights of dispatched crew members. **Fifth, they opened "green channels" for crew litigation services.** Maritime courts have provided efficient and convenient judicial services for crew litigation through various forms. For example, the Haikou Maritime Court issued *the 12 Measures on Convenient Litigation Services for Cases Involving Crew Members and Fishermen*, opening "green channels" for fast filing, trial, enforcement, and conclusion of crew cases. Relying on smart trial platforms, telephone guidance, online filing, online service of process, internet mediation, and WeChat payment, the court achieved a satisfactory outcome, whereby crew members could participate in the entire litigation process without leaving their ships.

### **(III) Practicing the Concept of Green Development and Building a Shield for Marine Ecological Environmental Protection**

Marine ecological environmental protection is crucial to the construction of ecological civilization and a beautiful China. The

people's courts strictly implement the CPC Central Committee's requirements on "protecting the marine ecological environment", practice the concept of green development, support marine ecological environment public interest litigation in accordance with the law, orderly carry out specialized trial practices, and improve judicial protection cooperation mechanisms to promote the construction of a pattern of grand marine ecological protection.

**Supporting Marine Ecological Environment Procuratorial Public Interest Litigation in Accordance with Law. First, they improved the rules for marine ecological environment procuratorial public interest litigation.** On May 15, 2022, the Supreme People's Court and the Supreme People's Procuratorate jointly issued *the Provisions on Several Issues Concerning the Handling of Marine Natural Resources and Ecological Environment Public Interest Litigation Cases*, clarifying the functional role of procuratorial organs in marine environmental public interest litigation and promoting the effective connection between marine environmental regulatory departments and procuratorial organs in filing public interest litigation. Relevant provisions were later absorbed into *the Marine*

*Environment Protection Law* revised in 2023. **Second, they strengthened case guidance for marine ecological environment procuratorial public interest litigation.** On December 29, 2023, the Supreme People's Court and the Supreme People's Procuratorate jointly released typical cases of marine natural resources and ecological environment procuratorial public interest litigation. In a civil public interest litigation case for ecological environmental protection filed by the People's Procuratorate of Tangshan City, Hebei Province against a shipping company, heard by the Tianjin Maritime Court and the Tianjin High People's Court, the two levels of courts ordered the owner of the sunken ship to salvage the vessel within a reasonable period to eliminate environmental pollution and navigation safety risks. This fully reflected judicial organs' adherence to the principle of "protection first and prevention foremost." In a civil public interest litigation case regarding illegal fishing filed by the People's Procuratorate of Nanjing City, Jiangsu Province against Zhou and others, heard by the Nanjing Maritime Court, the court balanced ecological environmental protection with the defendants' right to survival and development, highlighting the combination of punishment and education in "one case, one restoration," practicing a new model of regional collaborative governance for the marine

ecological environment in the Yangtze River Delta. **Third, they leveraged judicial efficacy of procuratorial public interest litigation to combat illegal sea sand mining.** In a civil public interest litigation case regarding marine natural resources and ecological environment filed by the People's Procuratorate of Qingdao City against Wang, Zhen, and 11 others, heard by the Qingdao Maritime Court and the High People's Court of Shandong Province, the court carried out a full-chain crackdown on the organizers, miners, and transporters involved in the illegal sand mining chain, thoroughly cutting off the "mining, transport, and sales" profit chain. The Guangzhou Maritime Court innovated a "Court Judgment Enforcement + Procuratorial Supervision + Administrative Regulation" model, using labor compensation for off-site restoration to effectively solve the "difficulty in enforcement" in marine environmental civil public interest litigation.

**Orderly Carrying Out Specialized Trial Practices.** The complexity of the marine ecosystem and the arduousness of preventing marine ecological environmental risks require maritime courts to fully leverage their specialized advantages. **First, they accurately determined civil liability for oil**

**Pollution damage.** The Qingdao Maritime Court, in adjudicating the dispute over oil pollution damage liability involving the Liberian vessel "SYMPHONY", accurately applied the *International Convention on Civil Liability for Oil Pollution Damage, 1992* to which China is a party. The court determined the oil pollution damage compensation liability of the leaking ship's owner, safeguarding the compensation for clean-up costs while limiting the shipowner's liability within a reasonable range in accordance with the law. This reflects the convention's multiple goals of encouraging clean-up, proper compensation, and balancing other pollution damage claims, which is of great significance for protecting the marine environment and promoting the development of the maritime transport industry. **Second, they supported and supervised maritime administrative organs.** An investment company in Beihai City carried out reclamation construction without obtaining the right to use sea area in accordance with the law, causing the sea area involved to form land. The local Ocean and Fishery Bureau ordered it to return the illegally occupied sea area, confiscated illegal gains, and imposed a fine. The investment company filed an administrative lawsuit requesting the revocation of the administrative penalty decision. The Beihai Maritime Court and the High People's Court of

Guangxi Autonomous Region affirmed the administrative organ's law enforcement act, which provides clear guidance on identifying the responsible party, the due process for imposing penalties, and the exercise of discretion in illegal reclamation cases, providing effective legal guarantee for legally utilising and managing the sea. **Third, they resolutely punished illegal and criminal acts.** In the case of Mai and 8 others committing the crime of harming precious and endangered wildlife heard by the Haikou Maritime Court, the defendants violated *the Wildlife Protection Law of the People's Republic of China* by illegally purchasing, hunting, and killing Green Sea Turtles, a Class I national key protected wild animal. The court sentenced the nine defendants to fixed-term imprisonment ranging from 1 to 5 years and imposed fines for the crime of harming precious and endangered wildlife, demonstrating a clear attitude of guarding marine natural resources and the ecological environment with the strictest justice.

### **Improving Judicial Protection Cooperation Mechanisms.**

The people's courts have fully implemented the damage compensation system centered on ecological environment restoration, put the concept of restorative justice into practice, and

achieved multi-party wins in integrating law enforcement, judiciary, and pollution source governance for the protection of marine and navigable water ecosystems. **Frist, they strengthened law enforcement and judicial collaboration , orchestrating a "grand chorus" for marine ecological protection.** Maritime courts are firmly committed to the concept of integrated ecological and environmental development, forging a high-standard paradigm for judicial collaboration in marine ecological protection. For instance, the Ningbo Maritime Court has established a collaborative mechanism linking maritime judiciary with maritime and coast guard law enforcement, involving bodies such as the Zhejiang Maritime Safety Administration, the Zhejiang Coast Guard, and the Second Directly-Affiliated Bureau of the China Coast Guard. Concurrently, it has established working mechanisms with judicial departments in localities such as Ningbo, Wenzhou, and Zhoushan to delegate community correction investigations. These efforts enhance full-process, systemic synergy, ensuring the effective suppression of criminal activities detrimental to the marine environment and its resources. **Second, they leveraged the guiding role of cutting-edge scientific research to enhance the efficacy of judicial practice.** The Xiamen Maritime Court, for

example, has deepened its co-development and mutual learning with the Third Institute of Oceanography, Ministry of Natural Resources. It established the Xiamen Ecological Justice Demonstration Base at the Xiatanwei Mangrove Park. Relying on the Xiamen Ecological Judicial Collaborative Protection Platform, the court is exploring and refining mechanisms for marine public interest litigation, further consolidating a concerted, multi-dimensional effort for marine ecological protection. The court also spearheaded a symposium on ecological protection coordination for the Jiulong River estuary, formulating a cooperation plan for a collaborative mechanism and promoting the integrated protection of "Green Carbon" and "Blue Carbon".

**Third, they implemented multi-faceted measures to advance the comprehensive ecological protection of the yangtze river.**

The Wuhan Maritime Court, for instance, has established a joint mechanism for the "Grand Protection" of the Yangtze River with bodies such as the Changjiang Water Resources Commission (Ministry of Water Resources) and the Yangtze River Basin Ecological Environment Supervision and Administration Bureau (Ministry of Ecology and Environment), thereby refining consultation mechanisms between law enforcement and the judiciary. The court co-hosted a thematic side event for the 14th

Meeting of the Conference of the Contracting Parties to the Ramsar Convention on Wetlands (COP14). In coordination with the Yangtze River Maritime Law Society and the High People's Court of Hubei Province, the Wuhan Maritime Court held the first Yangtze River Protection Judicial Forum, which garnered a strong public response. Furthermore, through judicial rulings, the court has endorsed the purchase of "carbon sinks" as an alternative method for ecological restoration, assisting Hubei in accelerating its development trajectory toward "dual carbon" goals.

### **III.Promoting the Modernization of Maritime Adjudication Work and Building a Preferred Destination for International Maritime Dispute Resolution**

It is a key responsibility of the people's courts to advance and safeguard Chinese modernization by promoting the modernization of their judicial functions. Advancing the modernization of maritime adjudication and establishing a preferred destination for international maritime dispute resolution—thereby continuously enhancing the international influence of China's judiciary—serves as a pivotal strategy for China's participation in and promotion of reforms to the global ocean governance system.

## **(I) Improving the Domestic Maritime Rule System**

The Supreme People's Court has cooperated with legislative bodies to revise the *Maritime Law*, *the Special Maritime Procedure Law*, *the Marine Environment Protection Law*, and *the Civil Procedure Law* (Foreign-Related Part), continuously improving the system of maritime laws with Chinese characteristics. From 2022 to 2024, the Supreme People's Court released a total of 33 typical cases of national maritime trials, marine natural resources and ecological environment procuratorial public interest litigation, maritime cases involving the "Belt and Road" initiative, and cases applying international treaties and customs. In 2024, the Supreme People's Court released 7 thematic guiding cases on maritime trials for the first time, providing more authoritative and clearer rules for the trial of similar cases. For instance, in the case between a shipping company of the Marshall Islands (Retrial Applicant) and an industrial company (Retrial Respondent), concerning a dispute over a contract of carriage of goods by sea, the Supreme People's Court clarified the standard for determining whether a carrier has accurately remarked upon the apparent condition of the goods. This decision holds

significant guiding importance for standardizing the conduct of carriers in issuing bills of lading and for safeguarding the security of transactions in maritime transport. From 2022 to 2024, three levels of courts trying maritime cases nationwide included 138 maritime cases in the People's Courts Case Library, laying a solid foundation for promoting unified application of law and realizing similar judgments for similar cases nationwide.

## **(II) Actively Participating in the Formulation of International Rules**

*The United Nations Convention on the International Effects of Judicial Sales of Ships (the "Beijing Convention on the Judicial Sale of Ships")* was opened for signature in Beijing on September 5, 2023, becoming the first international maritime convention adopted by the UN General Assembly named after a Chinese city.

This Convention is a vivid illustration of how China's maritime judiciary has leveraged its practical experience and institutional wisdom to actively promote and participate in the formulation of international rules. It demonstrates the full recognition by the United Nations of China's active engagement in advancing the

international maritime rule of law and its significant contributions to the development of the global shipping economy. The Chinese courts have also extended support to Chinese maritime judges to participate in the project deliberations at the United Nations Commission on International Trade Law (UNCITRAL) concerning *the Convention on Negotiable Cargo Documents (NCD)*—a project initiated by a proposal from the Chinese government. This initiative promotes the extension of mature practices from maritime transport documents to all modes of transport, thereby contributing a "China solution" to the enhancement of international trade rules for multimodal transport.

### **(III) Taking Multiple Measures to Build a Preferred Destination for International Maritime Dispute Resolution**

The major deployments of the Third Plenary Session of the 20th CPC Central Committee regarding "improving the mechanism for safeguarding maritime rights and interests" and "strengthening the construction of foreign-related rule of law" have drawn a roadmap for the international engagement of China's maritime trials. The function of maritime adjudication in serving and safeguarding high-standard opening up has become

increasingly prominent, and significant gains have been achieved in building a preferred destination for international maritime dispute resolution.

**Improving the "One-Stop" Diversified Dispute Resolution Mechanism for Foreign-Related Maritime Disputes.** Three levels of courts trying maritime cases nationwide are continuously summarizing their experiences in the diversified resolution of foreign-related maritime disputes. They are strengthening coordination with maritime arbitration institutions, establishing and improving a "one-stop" resolution mechanism for foreign-related maritime disputes—encompassing mediation, arbitration, and litigation—to provide Chinese and foreign parties with fair, efficient, convenient, and low-cost dispute resolution services. In a case heard by the Shanghai Maritime Court concerning an application by a trading company to confirm the validity of an arbitration agreement, the court implemented the directive of the Third Plenary Session of the 20th CPC Central Committee to "advance institutional and rule innovation in maritime arbitration". It supported the implementation of "pilot measures for ad hoc arbitration" in the maritime sector, thereby promoting the innovative development of maritime arbitration in

China. The Ningbo Maritime Court established a "one-stop" diversified resolution center for foreign-related maritime disputes, integrating mediation, arbitration, and litigation. Relying on the collaborative mechanism established with the China Maritime Arbitration Commission (CMAC) and leveraging the mediation expertise of think tanks from the port, shipping, and logistics sectors—including maritime experts and arbitrators—the court has effectively achieved cross-jurisdictional coordination and management of disputes. In a case heard by the court concerning a dispute over liability for ship collision damages between a Zhoushan shipping company and a Marshall Islands ship management company, the court proactively contacted the foreign P&I (Protection and Indemnity) Club associated with the foreign vessel to participate in mediation. This facilitated a mediation agreement among all parties. The Marshall Islands ship management company voluntarily fulfilled the compensation payment of 1.25 million USD. The mediation efforts received high recognition from both parties and praise from the foreign P&I Club, demonstrating to the international community the superiority and authoritativeness of China's mediation system.

**Effectively Enhancing the Attractiveness of International Maritime Dispute Resolution.** Three levels of courts trying maritime cases nationwide fully leverage their comprehensive institutional advantages. By continuously strengthening the maritime litigation service system and capacity building, and by summarizing and promoting best practices from typical cases, they strive to make maritime dispute resolution more convenient, law-based, and international. For instance, mechanisms innovated and promoted by the Shanghai Maritime Court—such as the general authorization mechanism for foreign litigants and the pre-guarantee mechanism for releasing arrested vessels (co-created with P&I Clubs)—offer convenient and efficient litigation services to foreign parties. A growing number of foreign parties are proactively choosing to litigate in Chinese maritime courts, clearly demonstrating the international influence and appeal of China's maritime judiciary. **First, foreign parties in ship collision disputes proactively submitted to Chinese jurisdiction and chose Chinese law.** In a case involving a collision between two foreign-flagged vessels in the Strait of Malacca—a dispute with no substantial connection to China—the two foreign parties mutually submitted to the jurisdiction of the Ningbo Maritime Court and chose to apply Chinese law. The

court fully respected the principle of party autonomy, affirming that parties to a foreign-related collision dispute can agree upon the governing law after the incident. Both parties accepted the first-instance judgment, and the defendant promptly fulfilled the payment. This case subsequently became a guiding case and was recognized as one of the "Top 10 Cases Promoting the Rule of Law in the New Era 2024". **Second, foreign parties waived foreign arbitration agreements in favor of Chinese jurisdiction.** A Liberian company and an Indonesian company were in dispute over a ship sale contract. Before commencing foreign arbitration (as originally agreed), the Liberian company applied to the Qingdao Maritime Court to arrest the Indonesian company's vessel. While awaiting arbitration, the parties mutually agreed to change the forum, choosing the Qingdao Maritime Court to deal with the dispute. The court effectively leveraged its "specially-invited mediator" system, helping the parties reach a pre-litigation settlement that was subsequently judicially confirmed. The agreement was fully implemented, resolving the matter completely. **Third, foreign parties waived contractual jurisdiction clauses to seek substantive resolution in China.** In a dispute over contract of carriage of goods by sea before the Dalian Maritime Court—Involving a Chilean agricultural

company against a Turkish steel company and a Singaporean shipping company—all foreign parties waived their original jurisdiction agreement, opting to litigate in China. This choice reflected a high level of confidence in the Chinese judiciary. Following several rounds of court-mediated negotiations, the parties reached a settlement, and the case was withdrawn. **Fourth, foreign parties selected Chinese courts for ship arrests, leading to efficient, substantive resolutions.** A UK bank had a mortgage dispute with a Turkish company. The bank learned that the vessel, then anchored in Southeast Asia, was next bound for Port of Fangcheng, China. The bank patiently waited a month for the ship to dock in Port of Fangcheng before applying to the Beihai Maritime Court for its arrest. The court enforced the arrest swiftly and then proactively mediated, helping the parties reach a full settlement within just nine days. This process efficiently resolved an \$18 million international dispute, demonstrating the "Chinese wisdom" for global maritime conflict resolution. **Fifth, the Chinese maritime courts are actively explored more open standards for reciprocity, fostering a healthy environment for cross-border judgment enforcement.** The Shanghai Maritime Court recognized a maritime judgment from a UK court by applying the standard of "reciprocity de jure" for the first time,

significantly advanced the practical application of the reciprocity principle. Subsequently, the High Court of England and Wales recognized two judgments from Chinese courts.

**Strengthening the Goal-oriented Approach of Substantive Dispute Resolution.** The three levels of courts trying maritime cases nationwide adhered to the principles of "adjudicating as if I were the litigant" (Ru Wo Zai Su) and achieving "finality and settlement" (Ding Fen Zhi Zheng). Guided by the primary objective of substantive dispute resolution, they vigorously promoted diversified dispute resolution mechanisms and enhanced judicial reasoning. This continually improved overall trial quality and efficiency, safeguarding social order and stability.

**First, "one-stop" resolution centers have become a key platform for maritime courts to serve the public.** For example, the Nanjing Maritime Court established a "1+10" judicial-administrative coordination mechanism. It created a "one-stop" center for maritime accidents aimed at "resolving minor issues on board, major issues at port, and preventing conflicts from escalating." This initiative has successfully provided on-site services to over 170 port and shipping companies and more than 900 crew members. **Second, they fully leveraged**

**mediation advantages to benefit the public and supported the economy.** In a retrial review of a crew labor dispute with a small monetary value, the Supreme People's Court focused on helping the crew member's family overcome hardship and resolving the parties' long-standing resentment. By integrating legal principles, factual reasoning, and human sentiment, the Supreme People's Court facilitated a settlement through repeated communication. The dispute was fully resolved, demonstrating a more profound and compassionate "justice for the people". In another case, following a collision between M/V "D" and M/V "C" on the Yangtze River, ten related cases (involving eight parties) were filed across four maritime courts. The Shanghai Maritime Court ultimately facilitated a comprehensive "package" settlement for all eight parties with a single agreement. This greatly reduced the litigation burden, ensured the complete enforcement of the agreement and allowed the involved enterprises to resume operations quickly. **Third, court-government coordination was strengthened to protect public interests and enhance social governance.** The M/V "Zhong Hua Fu Qiang" conflagration case, heard by the Qingdao Maritime Court, impacted the vital interests of thousands of victims across 13 provinces. The court pioneered a new court-government coordination model "centered on the

judicial axis", ensuring a stable, orderly, and efficient resolution of the incident. In a case concerning a 12-year collective dispute over tidal flat use-rights heard by Dalian Maritime Court, the judge proactively engaged with the local government to promote the substantive resolution of the dispute involving over 400 households (more than 2,000 villagers) within 5 months, providing a case reference for judicial participation in comprehensive social governance.

#### **(IV) Improving Institutional Mechanisms and Strengthening Talent Team Building**

The people's courts adhered to the unity of reform and the rule of law, placing a strong emphasis on thorough implementation. They are continuously improved institutional mechanisms governing maritime trial organizations, the integration of information technology, and the development of judicial teams, all to comprehensively enhance the quality and efficiency of maritime justice.

#### **Deepening the Pilot Program for Maritime Criminal Jurisdiction.** The Supreme People's Court has methodically

advanced the pilot program for criminal case jurisdiction in maritime courts. This initiative guides pilot courts to lawfully accept cases involving crimes of maritime traffic accidents and crimes that damage marine ecological resources. It is actively exploring a "three-in-one" trial mechanism (combining civil, administrative, and criminal adjudication). This approach ensures that civil, administrative, and criminal liabilities are seamlessly connected under the law, enhancing the effectiveness of maritime judicial governance. In a case, the defendant, Mr. Ma, was piloting a Panamanian cargo ship when it collided with a Liberian oil tanker, resulting in a catastrophic oil spill. The Qingdao Maritime Court, as a pilot court, accepted the case and held Mr. Ma criminally liable. This judgment provided a powerful judicial guarantee for maintaining maritime navigational order and protected the marine environment. Illegal sea sand mining not only results in the loss of national mineral resources but also destroys the marine ecosystem and jeopardizes construction safety. The Xiamen Maritime Court heard a case against four individuals (Huang, Chen, et al.) for illegal mining, which was filed with an associated civil public interest lawsuit. The court not only imposed criminal penalties but also held the defendants liable for civil infringement, ordering them to jointly compensate for the

loss of marine ecological service functions and cover restoration costs. This case highlighted the advantages of the "three-in-one" mechanism in deterring crime and promoting ecological protection.

**Promoting Integrated Innovation in Maritime Trial Information Technology.** Leveraging the construction of the national court "One Network," the courts continuously optimize the "Maritime Trial Work Platform" to achieve precise data provision, intelligent analysis, and decision support for all maritime courts. The "China Maritime Justice" website, established by the Supreme People's Court, was launched in April 2022. It features an internal platform (the "Maritime Trial Work Platform") and an external, bilingual (Chinese/English) public platform. It integrates "smart services, smart publicity, smart trials, and smart management", driving the deep fusion of maritime justice with smart court construction. Maritime courts across the nation are deeply applying technological advancements, such as big data and artificial intelligence, to effectively enhance the digitization and intelligence (informatization) of maritime trials. In a case involving the judicial sale of a ship, the parties could not agree on the starting price. The Guangzhou Maritime Court used

its "Intelligent Big Data Assessment System for Ship Auctions" to accurately calculate the vessel's starting bid. This effectively resolved the dispute, and the ship was sold in a single online auction, a concrete example of technology enhancing judicial efficiency. The Shanghai Maritime Court developed the "intelligent analysis system for the entire shipping chain," which provides integrated "vessel, cargo, and port" data analysis to assist in fact-finding. Drawing on Zhejiang's "Digital Court" reforms, the Ningbo Maritime Court utilizes the "Maritime Shared Court" to conduct remote mediation. This cloud-based system connects the courts, mediation rooms, and social organizations, linking judges, mediators, and litigants. It provides a "convenient judicial station" at the public's doorstep, resolving multiple related disputes "at one stop" and significantly reduces litigation costs.

**Forging a High-Quality, Professional Maritime Judicial Team.** The success or failure of any undertaking ultimately lies in its people. China's maritime courts at three levels nationwide, focusing on long-term development, have adopted an integrated approach to building political integrity, professional competence, and ethical conduct, providing a strong talent guarantee for the sustained, healthy development of maritime justice. The Dalian

Maritime Court, adopting a practice-oriented approach, has established and perfected a long-term training mechanism known as “in-court, in-school, on-board, and at-sea”. It utilizes its maritime law forum platform to invite expert lecturers, sends court personnel to renowned universities for intensive training, organizes voyages on vessels, and conducts joint practical training with the Coast Guard and fisheries enforcement teams. The court has also established a regular mechanism for engaging with the public by visiting harbors, fishing villages, and enterprises. Through proactive English training, on-the-job skill drills, professional competitions, regular seminars, and dispatching outstanding personnel to high-level academic forums, the court has successfully cultivated a group of high-quality, comprehensive, and foreign-related trial talents. The Xiamen Maritime Court, focusing on the developmental needs of a specialized court team in the new era, has researched and formulated a medium and long-term plan for its young cadres and a framework for optimizing its personnel structure. It drafted *the Several Measures for Strengthening the Work on Young Cadres* and, leveraging its youth cadre training project, has established a platform for enhancing core competencies. The court has also signed co-building agreements with universities to explore the cultivation

of composite-type professionals who combine theoretical research with practical experience, resulting in the emergence of numerous judicial experts recognized for their international vision and superb professional expertise. The Nanjing Maritime Court has established a clear objective to cultivate composite-type talent proficient in “law, foreign languages, marine affairs, trade, and shipping”. It recruits and selects high-caliber personnel through multiple channels and implements the “maritime law elite” cultivation program. The court has signed co-building agreements with numerous universities to jointly foster foreign-related maritime rule of law talents, established a youth research talent pool, and utilizes a comprehensive approach—including on-the-job training, skills enhancement, and theoretical seminars—to purposefully develop high-level maritime judicial talent, achieving significant results.

## **Postscript**

General Secretary Xi Jinping has emphasized that "advancing Chinese modernization requires promoting the high-quality development of the marine economy and blazing a trail to a strong

maritime country with Chinese characteristics." The 20th National Congress of the CPC explicitly emphasized "developing the marine economy, protecting the marine ecological environment, and accelerating the construction of a strong maritime country". The Third and Fourth Plenary Sessions of the 20th CPC Central Committee made major deployments on improving the institutions and mechanisms for high-standard opening up and promoting marine economy development. The 15th Five-Year Plan recommendations emphasized that "we must resolutely safeguard our maritime rights, and security and improve our capacity for maritime law enforcement and judicial administration of marine affairs". On new journey, the people's courts bear a crucial responsibility and mission in maritime adjudication. The courts will focus their efforts on safeguarding national maritime rights and interests, supporting the marine economy, protecting the marine environment, and participating in global ocean governance to make greater contributions to building a strong maritime country.

## **Appendix:**

### **I. Maritime Judicial Interpretations Issued or Revised during 2022-2024**

Title of Judicial Interpretation	Reference Number	Date of Announcement
Provisions of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues Concerning the Handling of Marine Natural Resources and Ecological Environment Public Interest Litigation Cases	FA SHI No. 15 [2022]	Effective from May 15, 2022

### **II. Maritime Guiding Cases and Typical Cases Released during 2022-2024**

Guiding Cases		
Case Number	Case Name	Date of Release
Guiding Case No. 230	X Shipping Co., Ltd. v. China JInternational Cooperation Co., Ltd.: Dispute over Contract for Carriage of Goods by Sea	November 25, 2024
Guiding Case No. 231	Dongguan F Shipping Co., Ltd. v. Dongying XLogistics Co., Ltd.: Dispute over Marine Salvage	November 25, 2024
Guiding Case No. 232	M Industrial Co., Ltd. v. PShipping Co.: Dispute over Contract for Carriage of Goods by Sea	November 25, 2024
Guiding Case No. 233	Changzhou H Petrochemical Storage Co., Ltd. et al. v. Ningbo TShipping Co., Ltd.: Dispute over Liability for Damage Caused by Ship Collision	November 25, 2024
Guiding Case No. 234	Application of Nanjing H Shipping Co., Ltd. for Establishment of Fund for Limitation of Liability for Maritime Claims	November 25, 2024
Guiding Case No.	Application of S Shipping Co., Ltd. for Recognition of Foreign Court Civil Judgment	November 25, 2024

235		
Guiding Case No. 236	H Ship Leasing Co., Ltd. v. T Wealth Co., Ltd.: Dispute over Liability for Ship Collision Damage	November 25, 2024

Typical Cases of Maritime Trial in 2022	
Case Name	Citation Number
Application of SPAR Shipping AS for Recognition of a UK Court Judgment	(2018) HU 72 XIE WAI REN No. 1
Dongguan Blue Ocean Food International Trade Co., Ltd. v. Hong Kong Changning Shipping & Trading Co., Ltd.: Objection to Jurisdiction over Dispute over Voyage Charter Contract	(2019) YUE MIN XIA ZHONG No. 327
Application of Fullinks Marine Co.,Ltd. for Preservation of Maritime Claims	(2022) E 72 CAI BAO No.45
People's Procuratorate of Haikou	(2022) QIONG 72 MIN CHU

City, Hainan Province v. Liang and Others: Marine Environment Civil Public Interest Litigation	No.37
People's Procuratorate of Ningde City, Fujian Province v. Lin and Others: Marine Natural Resources and Ecological Environment Civil Public Interest Litigation	(2022) MIN 72 MIN CHU No.40
China Life Property & Casualty Insurance Co., Ltd. Hunan Branch v. Verba Marine Co., Ltd.: Dispute over Contract for Carriage of Goods by Sea	(2020) YUE 72 MIN CHU No. 675
STO Chartering Korea Corporation v. Wilmar Trading (ASIA) Pte. Ltd. et al.: Dispute over Contract for Carriage of Goods by Sea	(2022) SU 72 MIN CHU No.1300
Ningbo Port Chuanduoduo International Shipping Agency Co., Ltd. v. Shenzhen Xinzhongfu Supply Chain Co., Ltd.: Dispute	(2021) ZHE 72 MIN CHU NO.2288

over Container Leasing Contract	
Maximas International GroupLtd. v. Haicheng Magnesium Fertilizer Industrial Co., Ltd. et al.: Dispute over Voyage Charter Contract	(2021) LIAO MIN ZHONG NO.955
CM International Financial Leasing Corp. v. Ruitong (Guangzhou) Shipping Co., Ltd. et al.: Dispute over Ship Financial Leasing Contract	(2022) JIN MIN ZHONG No.778

Typical Cases of Maritime Trial in 2023	
Case Name	Citation Number
Liberian A Company v. Indonesian B Company: Dispute over Ship Sale Contract	(2023) LU 72 CAI BAO No.176; (2023) LU 72 SU QIAN TIAO QUE No. 319
Series of Disputes involving Ship Collision and Marine Salvage between M/V "D" and M/V "C"	(2023) HU 72 MIN CHU No.1252 and others

Singapore A Shipping Co., Ltd. v. Liberian B Company: Objection to Jurisdiction in Dispute over Liability for Ship Collision Damage	(2023) ZHE MIN XIA ZHONG No.102
A P&C Insurance Guangdong Branch v. Liberian B Company and Fujian C Shipping Company: Dispute over Liability for Ship Collision Damage	(2022) YUE MIN ZHONG No. 2609
A Pelagic Fishery Company v. Jinjiang City Bureau of Agriculture and Rural Affairs: Case of Fishery Administrative Payment	(2023) MIN 72 XING CHU NO.38

Typical Cases of Maritime Trial in 2024	
Case Name	Citation Number
UK A Bank v. Turkish B Company: Pre-litigation Property Preservation	(2024) GUI 72 CAI BAO No. 4
A Trading Company v. B Shipping	(2024) HU 72 MIN TE No. 43

Agency Company: Application for Confirmation of Validity of Arbitration Agreement	
Zhongshan A Service Department v. B Waterway Bureau and Hong Kong C Engineering Company: Other Maritime and Commercial Disputes	(2023) E 72 MIN CHU NO.997
A Oil Company and B Insurance Company v. Hainan C Shipping Company and D Insurance Company: Dispute over Liability for Ship Collision Damage	(2024) LIAO MIN ZHONG No.846
People's Procuratorate of Qingdao City v. Wang, Zhen, et al. (11 persons): Marine Natural Resources and Ecological Environment Civil Public Interest Litigation	(2024) LU MIN ZHONG No. 892
Hao and Others (88 persons) v. B Shipping Company: Series of Disputes over Crew Labor	( 2024 )JIN 72 MIN CHU No. 691 and others (102 Cases)

**Typical Cases of Marine Natural Resource and Ecological Environment Procuratorial Public Interest Litigation**

Case Name	Citation Number
People's Procuratorate of Tangshan City, Hebei Province v. A Shipping Company: Civil Public Interest Litigation for Shipwreck Salvage	( 2022 )JIN 72 MIN CHU No. 226
Shanghai People's Procuratorate 3rd Branch v. Wang et al.: Civil Public Interest Litigation for Illegal Fishing	( 2022 ) HU 72 MIN CHU No. 1573
People's Procuratorate of Nanjing City, Jiangsu Province v. Zhou et al.: Civil Public Interest Litigation for Illegal Fishing	( 2022 ) SU 72 MIN CHU No.1863
People's Procuratorate of Haikou City, Hainan Province v. Zhou : Civil Public Interest Litigation for Illegal Purchase of Precious and Endangered Wildlife	(2021)QIONG 72 MIN CHU No. 319

People's Procuratorate of Ningbo City, Zhejiang Province v. Ningbo Municipal Natural Resources and Planning Bureau: Administrative Public Interest Litigation	(2021) ZHE 72 XING CHU No. 11
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**Third Batch of Typical Cases involving "Belt and Road" Construction (Maritime)**

Case Name	Citation Number
New Golden Sea Shipping Pte. Ltd. v. Shenzhen Xinliansheng International Logistics Co., Ltd. and Dalian KESKER Co., Ltd.: Dispute over Contract for Carriage of Goods by Sea	( 2018 ) LIAO 72 MIN CHU No. 758
Fujian Yuancheng Bean Co., Ltd. v. Revival Shipping Co., Ltd. : Dispute over Liability for Damage to Property at Sea	( 2019 ) MIN 72 MIN ZHONG No. 1495
Shanghai Jiexi International Freight Forwarding Co., Ltd. v.	(2016) HU MIN ZHONG No.4

Chongqing Highway Engineering (Group) Co., Ltd.: Dispute over Maritime Freight Forwarding Contract	
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<b>Fourth Batch of Typical Cases involving "Belt and Road" Construction (Maritime)</b>
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Case Name	Citation Number
Jiangsu Puhua Co., Ltd. v. The Bank of East Asia (China) Limited, Shanghai Branch et al.: Dispute over Letter of Credit Fraud	( 2020 ) ZUI GAO FA MIN SHEN NO. 2937

<b>Typical Cases of Foreign-Related Civil and Commercial Cases Applying International Treaties and International Customs (Maritime)</b>
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Case Name	Citation Number
Qingdao Ronghai Marine Environmental Protection Service Co., Ltd. v. Symphony Shipholding S.A. and North of England P&I	( 2021 ) LU 72 MIN CHU No.1984

Designated Activity Company:	
Dispute over Liability for Ship Pollution Damage	
Tai Shing Maritime Co., S.A. v. Tsingshan Holding Group Co., Ltd.:Dispute over General Average	( 2022 ) MIN 72 MIN CHU No. 325
Guangzhou Marine Materials Supply Co., Ltd. v. Tan Binh Co., Ltd: Dispute over Liability for Ship Collision Damage	( 2022 ) YUE 72 MIN CHU No. 238

# 中国海事审判（2022-2024）

## 前言

2024 年是我国设立海事法院四十周年。在党中央的坚强领导下，人民法院海事审判从无到有、由弱到强，实现全方位发展、取得历史性成就。人民法院先后建立 11 个海事法院及 42 个派出法庭，形成跨行政区划管辖的“三级法院两审终审”海事审判体系，管辖范围涵盖我国全部海域、通海可航水域和港口；受理案件范围从 18 项增至 108 项，案件类型由航运商贸民商事案件为主，拓展至海洋权益、海洋经济和海洋保护等涉海民事、行政和部分刑事领域；累计收案 60 余万件，标的额近 4.5 万亿元，受理涉外海事案件 8 万余件，涉及 140 多个国家和地区；发布海事司法解释和规范性文件 38 件、指导性案例 16 件、典型案例 122 件，人民法院案例库收录海事参考案例 138 件。我国已经成为世界上海事审判体系最完善、案件数量最多、案件类型最丰富的国家。

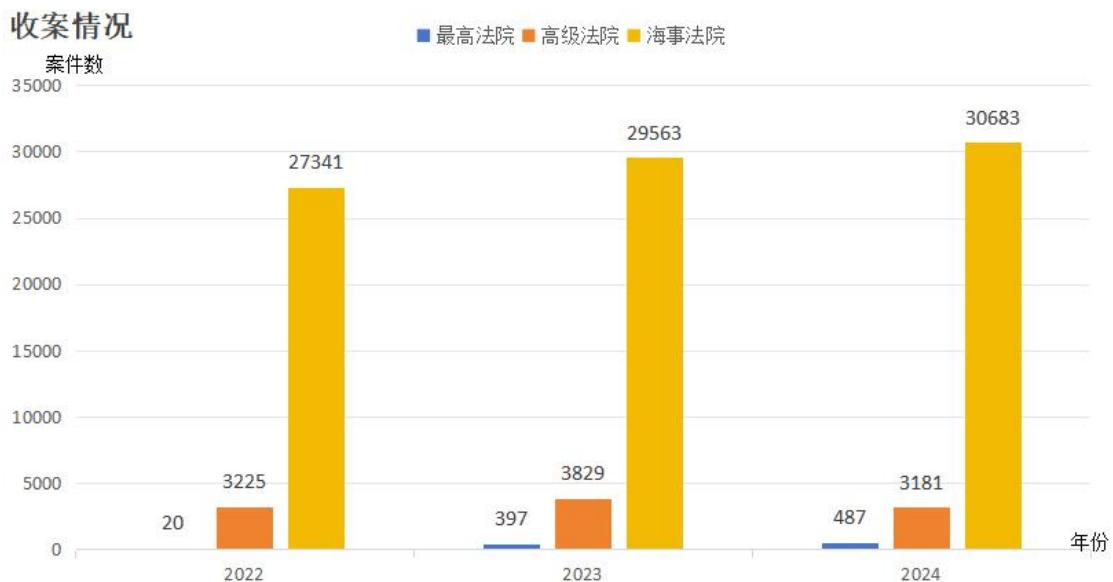
2022 年至 2024 年期间，海事审判各级法院坚持以习近平新时代中国特色社会主义思想为指导，全面贯彻党的二十大及二十届历次全会精神，深入贯彻落实习近平法治思想和习近平总书记关于加快建设海洋强国的重要指示精神，立足海事审判实践，加强海事司法建设，依法公正审理各类海事案件，全面

推进海事审判工作高质量发展，努力为加快海洋强国建设作出积极贡献，海事审判国际公信力和影响力持续提升，中国海事法院已成为国际海事纠纷解决的重要优选地。

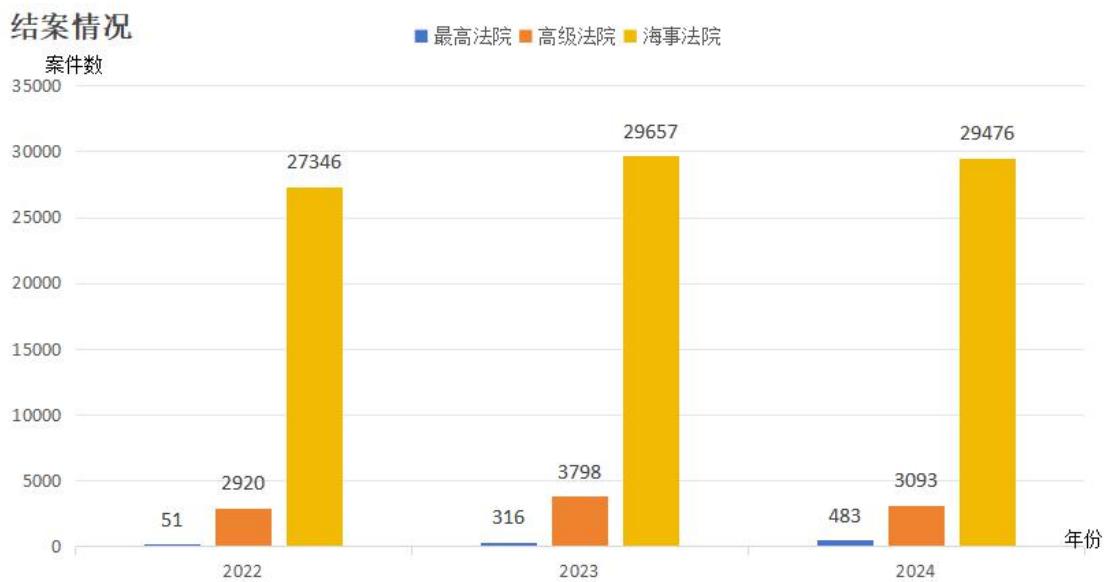
## 一、全国海事审判与执行基本情况

### (一) 总体情况

2022 年至 2024 年，全国海事审判三级法院受理各类海事海商、海事行政、海事刑事以及海事执行案件 98726 件，审执结 97140 件。



附表一：2022-2024 年全国海事审判执行收案一览表

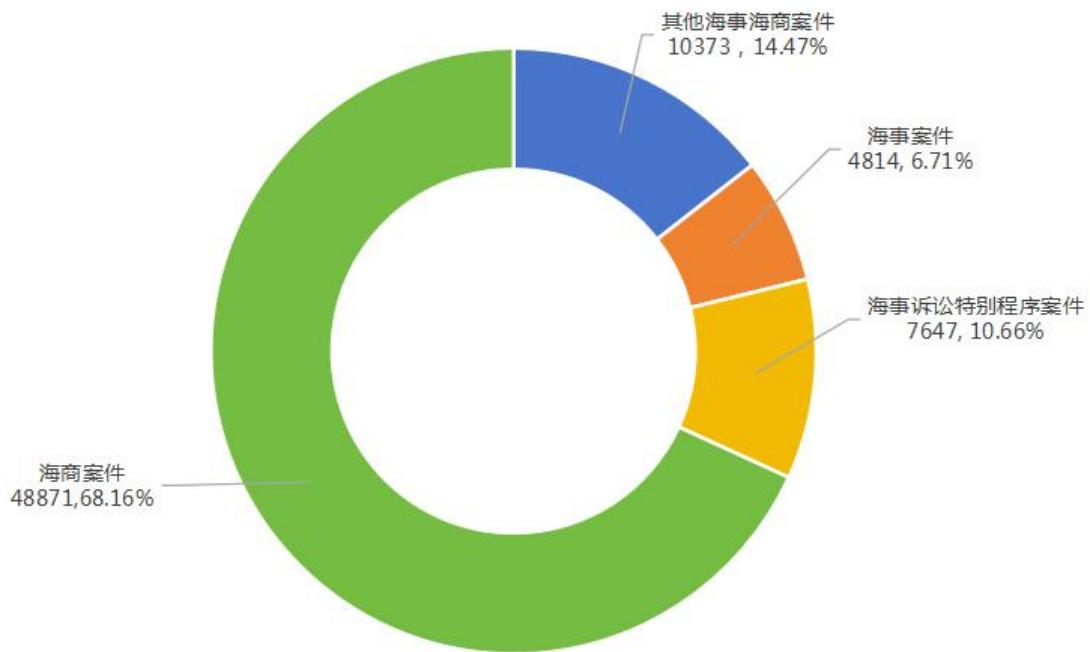


附表二：2022-2024年全国海事审判执行结案一览表

## （二）各类海事案件概况

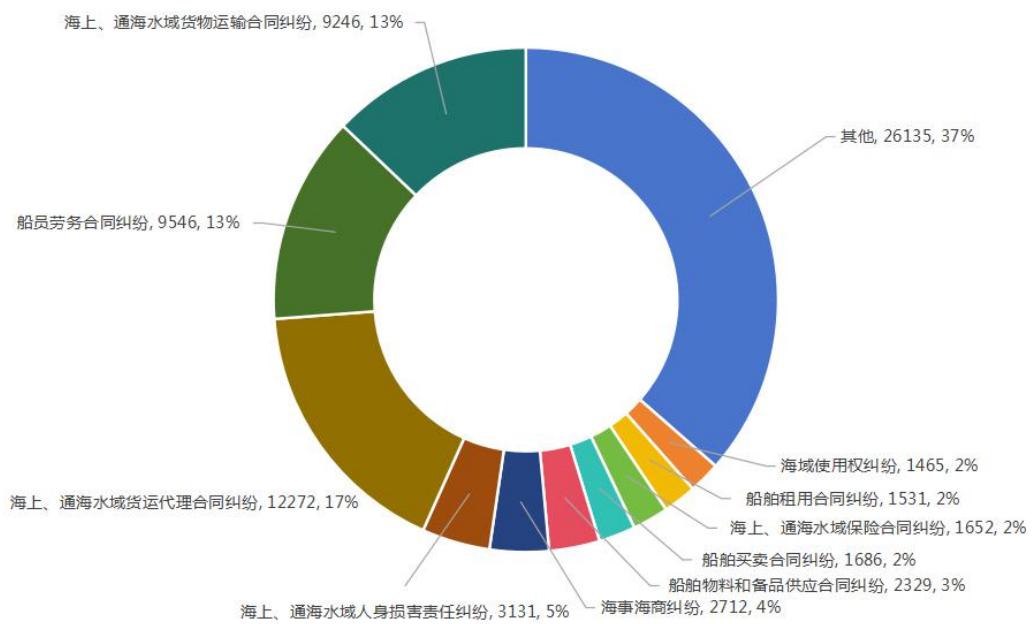
2022年至2024年，全国海事审判三级法院受理海事海商案件71705件，结案70759件（海商案件占比68.16%，海事诉讼特别程序案件占比10.66%，海事案件占比6.71%，其他海事海商案件占比14.47%）；受理海事行政案件5477件，结案5482件；受理海事刑事案件185件，结案193件。六家海事法院试点受理一审海事刑事案件（海上交通肇事、破坏海洋生态环境资源类犯罪）95件，结案102件，其中海口海事法院57件，宁波海事法院41件，南京、青岛、厦门、广州海事法院各1件。

全国海事审判三级法院海事海商案件类型分布图



附表三：2022-2024年全国海事案件类型分布图

全国海事审判三级法院海事海商案件案由分布图



附表四：2022-2024年全国海事案件案由分布图

### （三）涉外涉港澳台案件情况

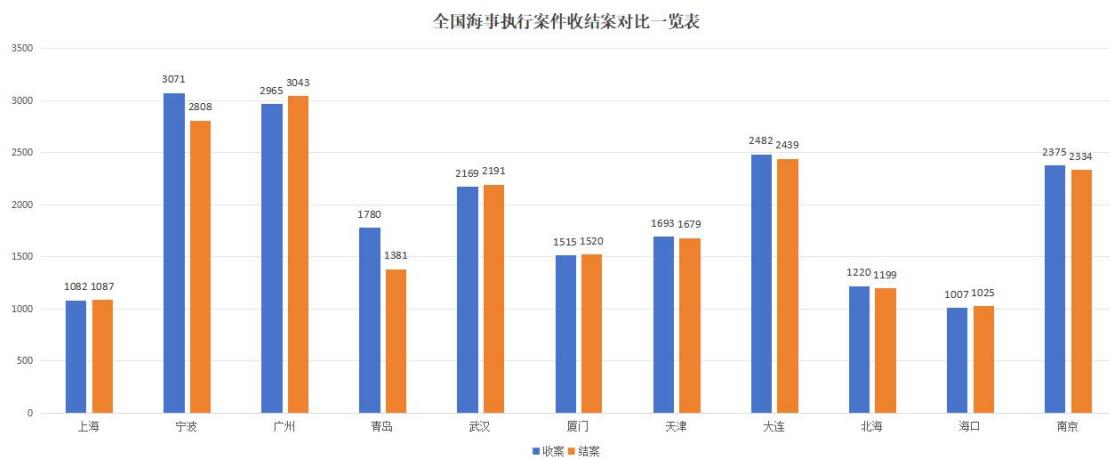
2022 年至 2024 年，全国海事审判三级法院共受理涉外案件 6823 件、涉港澳台案件 1226 件，审结涉外案件 6071 件、涉港澳台案件 1134 件。其中，十一家海事法院一审受理涉外案件 6534 件、涉港澳台案件 1129 件；审结涉外案件 5851 件、涉港澳台案件 1055 件。案件涉及 143 个国家和地区。

#### （四）扣押、拍卖船舶情况

2022 年至 2024 年，十一家海事法院扣押船舶 2592 艘，其中外籍船舶 49 艘，港澳台籍船舶 6 艘。拍卖船舶 1376 艘，其中外籍船舶 13 艘，港澳台籍船舶 2 艘。

#### （五）执行情况

2022 年至 2024 年，十一家海事法院受理海事执行案件 21359 件，结案 20706 件。



附表五：2022-2024 年全国海事执行案件收结案对比一览表

## 二、充分发挥海事审判职能作用，服务保障海洋强国建设

### 和高水平对外开放

中国作为海运大国、贸易大国、港口大国、造船大国、船

员大国，是与全球海运连接度最高、货物贸易额最大的经济体。海事审判作为人民法院工作的重要组成部分，在以审判工作现代化支撑和服务中国式现代化进程中，特别是在服务海洋强国建设进程中肩负着重要责任。全国海事审判三级法院立足国内国际两个大局，统筹发展和安全两件大事，坚定维护我国主权、安全和发展利益，积极促推海洋经济高质量发展，筑牢海洋生态环境保护屏障，依法履职尽责，深化改革创新，服务保障国家海洋战略和高水平对外开放行稳致远。

### **(一) 依法积极行使海事司法管辖权，维护国家主权和海洋权益**

海事审判事关国家主权和海洋权益保护，依法对我国管辖海域积极行使海事司法管辖权，是海事审判肩负的重要职责和使命。海口海事法院妥善审结因某外籍船舶搁浅造成珊瑚资源破坏引发的海洋生态环境损害赔偿案，依法支持生态环境局的赔偿请求，实现对我海域的有效司法管辖，有力维护我海洋权益。南京海事法院首次适用《中华人民共和国反外国制裁法》受理我国船厂对某外国公司提起的侵权诉讼并扣押案涉船舶，仅用 39 天就促成当事人和解，我国船厂顺利拿到 8400 余万元建造款。广州海事法院审理的某保险公司诉外国某海运公司海上货物运输合同纠纷案中，在我国法院已对管辖问题作出终审裁定的情况下，某海运公司仍向外国法院申请禁诉令，禁止某保险公司在我国法院起诉，海事法院根据某保险公司申请，依

法适用海事强制令，责令某海运公司申请撤回禁诉令，某海运公司履行强制令要求，外国法院应其申请同意撤回禁诉令，有力彰显中国司法权威。后当事人在海事法院主持调解下快速解决纠纷，展现了中国司法的效率与智慧。

## （二）充分发挥海事司法职能作用，促推海洋经济高质量发展

海洋是高质量发展战略要地，现代化的海洋经济是建设海洋强国的重要支撑。全国海事审判三级法院围绕党中央关于鼓励引导社会资本积极参与发展海洋经济、保护海洋科技自主创新能力、培育发展海洋科技领军企业和专精特新中小企业、做大做强海洋产业、加强海洋生态环境保护的部署，充分发挥海事司法职能作用，为现代海运业、海上风电产业、船舶工业和先进海工装备制造等海洋优势产业和新兴产业实现高质量发展提供有力司法保障。

**维护航运商贸秩序稳定。**人民法院依法审结海上及通海水域货物运输、多式联运、货运代理、船舶买卖、海上保险、船舶碰撞等各类海事案件，促进国际贸易稳定发展，保障全球供应链安全。一是进一步明确提单提货权问题。再审申请人印度某出口公司、上海某供应链公司与被申请人利比里亚某航运贸易公司、韩国某航运公司海上货物运输合同纠纷案中，同一批货物存在两套正本提单，最高人民法院再审确认，提单持有人有权凭合法取得、完整背书流转的指示提单向承运人主张提

货，改判支持印度某出口公司取得货物买卖价款的诉讼请求，依法保护外国当事人合法权益，为国际贸易稳定、资金融通高效提供有力司法保障。**二是厘清国际多式联运归责原则。**某物流公司诉某国际公司多式联运合同纠纷案，涉及国产大型电力设备的出口跨境运输，关乎境外两座重要电站的建设运营，大连海事法院准确厘清国际多式联运合同的归责原则，依法依约平衡托运人与多式联运经营人之间的权责分配，为我国企业更好地“走出去”并深度融入共建“一带一路”绿色能源合作提供了有益的法律指引。**三是明确海难救助司法指引。**广东省高级人民法院在国内某保险公司与利比里亚某公司、福建某船务公司等船舶碰撞损害责任纠纷案二审中，准确理解和适用《1989年国际救助公约》和《中华人民共和国海商法》关于海难救助的规定，进一步明确船长或船舶所有人签订救助合同的法定代理权或紧急代表权的审查标准，既体现了对船长及时决定寻求救助的支持，也引导船长应当谨慎行使权利，有效保障船舶航行安全。**四是尊重共同海损国际规则。**厦门海事法院审理的某海运公司与某贸易公司因船舶触碰引发的共同海损纠纷案，法院根据《约克-安特卫普规则》确定船货双方应分摊的共同海损金额，保护和促进海上运输。**五是支持国际船舶航行安全标准。**上海海事法院、上海市高级人民法院审理的某外国航运公司诉某财产保险公司等海上保险合同纠纷案中，涉案船舶因搁浅受损，法院认为该船违反《国际船舶安全营运及

防止污染管理规则》(ISM 规则) 并严重影响航行安全, 构成船舶不适航, 造成保险事故的, 保险人不负赔偿责任。该案对规范国际航运安全秩序具有积极意义。六是保障通海内河航运经济稳健发展。多艘货轮因贸易纠纷在三峡库区滞港, 3.5 万吨稀释沥青无法正常卸载, 形成巨大经济损失和生态风险, 武汉海事法院经多方调解, 促成和解结案, 实现促进贸易流转、畅通内河航路、保护长江生态的多赢效果。

**保障船舶工业发展安全。**作为全球造船第一大国, 船舶工业是我国海洋高端装备制造业的核心组成部分, 是推动海洋经济增长、保障国家安全、支撑海洋强国战略的重要支柱。人民法院充分发挥审判职能作用, 依法公正高效审理涉船舶先进制造业、现代服务业发展案件, 保障船舶工业发展安全, 推动船舶产业转型升级。同时, 在立足审判实践的基础上, 及时总结审判经验, 积极开展司法调研, 以高质量智库成果服务船舶工业高质量发展。一是妥善解决船舶建造系列纠纷。天津海事法院审理的某设备工程公司诉某重工科技公司等船舶营运借款合同纠纷案, 涉及 8 艘船舶建造及出口项目, 关联船舶建造相关合同 20 余份, 争议标的 2 亿元。法院准确归纳合同要素, 依法认定合同效力和各方责任, 各方当事人一审服判息诉, 为引导和规范船舶建造融资与风险管理提供了有效指引。二是防范化解造船产业法律风险。2023 年南京海事法院发布中英双语《服务保障船舶与海洋工程装备产业发展审判情况通报》,

发布涉及船舶建造合同纠纷、融资结构争议等 10 个典型案例，围绕加强新能源船舶研发、提升科技创新能力、完善关键配套等提出意见建议，引导船舶工业产业规范发展，打造船舶建造司法保护高地。宁波海事法院于 2024 年发布《船舶修造合同法律风险防范指南》，引导修造船企业提高风险预判和应对能力，减少涉诉纠纷发生。三是助力船舶工业提升规则话语权。大连海事法院于 2024 年报送《司法服务创新助推造船业高质量发展专项研究报告》，围绕如何提升造船业规则话语权进行深入调研，并提出应对建议和方案，为保障中国船舶工业的安全与发展提供了有力智力支持。

**促推发展海洋经济新质生产力。**保护创新驱动、推动产业更新，是促推海洋经济高质量发展的基础和前提。人民法院依法妥善审理涉及海上风电、海底管道、海洋牧场、筑港工程、海洋文旅等海洋经济新业态纠纷案件，助力培育发展海洋新质生产力，塑造海洋高质量发展新优势、新动能。一是巧用海事强制令，化解海上风电设备合同纠纷。某公司委托运输的海上风电塔筒设备被船东扣留，遂向广州海事法院申请海事强制令。法院确定“迅速组织听证，争取调解解决纠纷”的办案思路，促成船东与其债务人达成和解，船东同意放货，涉案设备顺利交付申请人，保障了国内首个百万级海上风电项目的按期并网运行。二是准确认定船舶触碰责任，保障海底管道安全。在某船务公司所属船舶触碰海底输油管道造成的损害赔偿纠

纷案中，大连海事法院准确厘清事故各方权责，依法平等保护油气企业、航运企业和保险行业的合法权益，保障了海底管道能源运输的安全与稳定。三是保护创新，妥处涉海洋牧场纠纷。青岛海事法院审理的兴某公司与西某公司海洋牧场平台建造合同纠纷案，法院及时引导和规范海洋牧场建设发展过程中出现的新情况和新问题，服务和保障海洋开发利用转型升级。四是厘清船舶融资租赁争议，促推海事金融创新。在中某公司与睿某公司等船舶融资租赁合同纠纷案中，天津海事法院依法认定融资租赁合同的违约责任、所有权保留的责任承担、未登记船舶抵押权的追及力等问题，对违约方的失信行为作出否定评价，充分体现海事司法为海事金融改革创新保驾护航、推动船舶产业持续健康发展的重要作用。

**积极维护船员合法权益。**船员是航运业的重要生产要素，是维系国际海上通道安全、稳定航运商贸秩序的重要基石。中国船员队伍规模位居世界第一，在保障船员权益方面，海事审判发挥着不可替代的重要作用。一是充分保障船员的诉讼权利。再审申请人吴某海与被申请人福建某渔业公司海上人身损害责任纠纷案，最高人民法院再审明确与船员登船、在船工作、离船遣返相关的劳动争议以及人身伤亡赔偿案件，不适用劳动仲裁前置程序，当事人可以直接向海事法院起诉，为船员依法维权提供司法保障。二是诉调执衔接，化解船员群体性纠纷。天津海事法院践行“如我在诉”理念，运用调解高效化解郝某

某等 88 人诉某船务公司共 102 件船员劳务合同纠纷案件，并通过司法拍卖船舶保障船员工资得到清偿，实现案结事了，有力维护船员合法权益。三是依法维护“银发”船员的劳动权益。广州海事法院在某公司与某保险公司海上保险合同纠纷案中，明确用人单位聘用超过法定退休年龄的船员劳动者并未被排除在《工伤保险条例》调整范围之外，为保护“银发”船员的合法权益提供司法保障。四是充分履行涉船员权利保护的公约义务。针对经船员服务机构外派至国际航行船舶并约定适用集体谈判协议的船员劳务纠纷，大连海事法院坚持依法履行我国加入的《2006 年海事劳工公约》义务，明确集体协议的适用规则，保障外派船员的合法权益。五是开通涉船员诉讼服务“绿色通道”。各海事法院以多种形式为船员诉讼维权提供高效便捷的司法服务。如海口海事法院出台了《关于办理涉船员、渔民类案件便民诉讼服务措施 12 条》，通过开通船员案件快立、快审、快执、快结“绿色通道”，依托智慧审判平台电话指导、网上立案、线上送达、互联网调解及微信缴费等手段，实现了船员不下船即可参与诉讼全流程的良好服务效果。

### （三）践行绿色发展理念，筑牢海洋生态环境保护屏障

海洋生态环境保护关乎生态文明建设和美丽中国建设。人民法院坚决贯彻落实党中央关于“保护海洋生态环境”的要求，践行绿色发展理念，依法支持海洋生态环境公益诉讼，有序开展专业化审判实践，完善司法保护合作机制，推动构建海洋生

态大保护格局。

**依法支持海洋生态环境检察公益诉讼。**一是完善海洋生态环境检察公益诉讼规则体系。2022年5月15日，最高人民法院、最高人民检察院联合发布《关于办理海洋自然资源与生态环境公益诉讼案件若干问题的规定》，明确检察机关在海洋环境公益诉讼中的职能作用，推进海洋环境监管部门与检察机关提起公益诉讼的有效衔接，后相关规定被2023年修订的海洋环境保护法吸收。二是加强海洋生态环境检察公益诉讼的案例指引。2023年12月29日，最高人民法院、最高人民检察院联合发布海洋自然资源与生态环境检察公益诉讼典型案例，充分展示司法审判加强保护海洋生态环境的显著成效。天津海事法院和天津市高级人民法院审理的河北省唐山市人民检察院诉某航运公司生态环境保护民事公益诉讼案，判决沉没船舶的所有人在合理期限内打捞沉船，消除环境污染和航行安全风险，充分体现司法机关坚持“保护优先、预防为主”的原则，为保护海洋生态环境筑牢司法屏障。南京海事法院审理的江苏省南京市人民检察院诉周某等非法捕捞民事公益诉讼案，兼顾生态环境保护与被告生存发展权利之间的平衡，在“一案一修复”中凸显惩治与教育相结合，实践长三角海洋生态环境区域协同治理新模式。三是发挥检察公益诉讼司法效能，严厉打击非法盗采海砂行为。青岛海事法院和山东省高级人民法院审理的青岛市人民检察院诉王某某、甄某某等11人海洋自然资源

与生态环境民事公益诉讼案，法院对非法采砂行为链条上的组织者、采挖者、运输者等进行全环节、全要素、全链条打击，彻底切断“采、运、销”利益链条，切实维护海洋生态环境和矿产资源安全。广州海事法院创新“法院判决执行+检察监督+行政监管”模式，以劳务代偿异地修复，有效破解海洋环境民事公益诉讼“执行难”问题。

**有序开展专业化审判实践。**海洋生态系统的复杂性以及海洋生态环境风险防范的艰巨性，需要海事法院充分发挥专业化优势。一是准确认定油污损害民事赔偿责任。青岛海事法院审理的利比里亚籍“交响乐”轮船舶污染损害责任纠纷案，准确适用我国缔结的《1992年国际油污损害民事责任公约》，判定漏油船舶所有人的油污损害赔偿责任，一方面保障了清污费用的受偿，另一方面将船舶所有人的责任依法限制在合理范围内，充分体现了公约鼓励清污、适当赔偿、兼顾其他污染损害实际受偿等多重价值目标，对保护海洋环境、促进海上运输业发展具有重要意义。二是支持监督海事行政机关依法行政。北海市某投资公司在未依法取得海域使用权的情况下，进行填海施工，导致涉案海域形成陆域。当地海洋与渔业局责令其退还非法占用海域，没收违法所得并处以罚款。北海市某投资公司提起行政诉讼，请求撤销该行政处罚决定。北海海事法院和广西高院支持行政机关的依法行政行为，对非法围填海的主体认定、处罚正当程序及自由裁量权行使等具有示范作用，为依法

用海、管海提供了有力法治保障。**三是坚决惩治违法犯罪行为。**海口海事法院审理的麦某等 9 人犯危害珍贵、濒危野生动物罪案，被告人麦某等违反《中华人民共和国野生动物保护法》，非法收购、猎捕、杀害国家一级重点保护野生动物绿海龟，对海洋生态平衡和海洋生物多样性造成了严重影响。法院对九名被告人以危害珍贵、濒危野生动物罪，判处有期徒刑 1 年到 5 年不等，并处罚金，彰显以最严格司法守护海洋自然资源与生态环境的鲜明态度。

**完善司法保护合作机制。**人民法院全面落实以生态环境修复为中心的损害赔偿制度，把恢复性司法理念落到实处，实现海洋、通海水域生态环境保护执法、司法与污染源头治理的多方共赢。**一是加强执法司法协作，唱好海洋生态环境保护“大合唱”。**各海事法院牢固树立生态环境一体化发展理念，打造海洋生态保护司法协作的高水平样板。如宁波海事法院与浙江海事局、浙江海警局、中国海警局直属第二局等单位建立海事司法与海事执法、海警执法协作机制，与宁波、温州、舟山等地司法部门建立委托开展社区矫正调查工作机制，加强全流程全体系的协同联动，切实有效打击海洋环境资源类犯罪行为。**二是发挥科研的前沿理论指导作用，提升司法实践效能。**如厦门海事法院深化与自然资源部第三研究所的共建互学，在下潭尾红树林公园挂牌成立厦门生态司法示范基地，依托厦门市生态司法协同保护平台探索完善海洋公益诉讼机制，进一步凝聚

海洋生态立体保护合力；牵头召开九龙江入海口生态保护协作研讨会，形成九龙江入海口生态保护协作机制的合作方案，推动“绿碳”“蓝碳”一体化保护。三是多措并举，促推长江生态大保护。如武汉海事法院与水利部长江水利委员会、生态环境部长江流域生态环境监督管理局等建立共抓长江大保护联席机制，完善执法和司法会商机制；承办《湿地公约》第十四届缔约方大会主题边会，协同长江海商法学会与湖北省高级人民法院举办首届长江大保护司法论坛，引发社会强烈反响；通过司法裁判认购“碳汇”替代生态修复方式，助力湖北加快布局“双碳”发展新赛道。

### **三、推动海事审判工作现代化，打造国际海事纠纷解决优选地**

以审判工作现代化支撑和服务中国式现代化是人民法院工作的重要职责。推动海事审判工作现代化，通过打造国际海事纠纷解决优选地不断提升中国司法的国际影响力，是我国参与和推动全球海洋治理秩序变革的重要抓手。

#### **（一）完善国内海事规则体系**

最高人民法院配合立法机关修订海商法、海事诉讼特别程序法、海洋环境保护法、民事诉讼法涉外编等，不断完善中国特色海事法律制度体系。2022年至2024年，最高人民法院发布全国海事审判典型案例、海洋自然资源与生态环境检察公益诉讼典型案例、涉“一带一路”建设海事典型案例、适用国际

条约和国际惯例海事典型案例等共计 33 个。2024 年，最高人民法院首次发布 7 个海事审判专题指导性案例，为审理同类案件提供更权威、更明确的裁判规则指引。如再审申请人马绍尔群岛某海运公司与被申请人某实业公司海上货物运输合同纠纷案，最高人民法院再审明确了承运人对货物表面状况是否如实批注的判断标准，对于规范承运人签发提单行为、维护海上货物运输交易安全具有重要指引意义。2022 年至 2024 年，全国海事审判三级法院在人民法院案例库入库海事案例 138 件，为全国范围内促推法律适用统一、实现类案同判奠定了坚实的基础。

## （二）积极参与国际规则制定

《北京船舶司法出售公约》于 2023 年 9 月 5 日在北京开放签署，成为联合国大会通过的首个以中国城市命名的国际海事公约。该公约是中国海事司法凝聚实践经验和制度设计智慧，积极推动并参与国际规则制定的生动实践，体现了联合国对中国积极参与国际海事法治建设、为世界航运经济发展所作贡献的充分肯定。支持海事法官参加联合国国际贸易法委员会对中国政府首次提出议题的《可转让货物单证公约》的项目审议，促推海运单证成熟经验拓展至所有运输方式，为完善多式联运国际贸易规则贡献中国方案。

## （三）多措并举打造国际海事纠纷争议解决优选地

党的二十届三中全会关于“健全维护海洋权益机制”“加

强涉外法治建设”等重大部署，绘就了中国海事审判外向发展的路线图，海事审判服务保障高水平对外开放的职能愈发凸显，着力打造国际海事纠纷解决优选地取得显著成效。

**完善涉外海事纠纷“一站式”多元解纷机制。**全国海事审判三级法院不断总结各地涉外海事纠纷多元化解工作经验，与海事仲裁机构加强对接，建立健全包括调解、仲裁、诉讼在内的涉外海事纠纷“一站式”解决机制，为中外当事人提供公正、高效、便捷、低成本的解纷服务。上海海事法院审理的某贸易公司申请确认仲裁协议效力案，贯彻落实党的二十届三中全会关于“推进海事仲裁制度规则创新”的部署，支持“临时仲裁试点措施”在海事领域落地实施，推动我国海事仲裁创新发展。宁波海事法院创设调解、仲裁、诉讼“一站式”涉外海事纠纷多元化解中心，依托同中国海事仲裁委员会建立的协作机制，借助海事专家、仲裁员等港航物流领域智库调解力量，有效实现纠纷跨域统筹协调。该院审理的舟山某航运公司与马绍尔群岛某船舶管理公司船舶碰撞损害责任纠纷案，法院主动联系外籍船舶所属的外国船东保赔协会参与调解，促成各方达成调解协议，马绍尔群岛某船舶管理公司主动履行 125 万美元赔偿款，调解工作得到双方当事人高度认可和外国保赔协会点赞，向国际社会展示了中国调解制度的优越性、权威性。

**有效提升国际海事争议解纷吸引力。**全国海事审判三级法院充分发挥中国海事审判的综合性制度优势，持续加强海事诉

讼服务体系和能力建设，总结推广典型案件办理经验，努力实现海事纠纷解决的便利化、法治化、国际化。如上海海事法院创设并推广的境外诉讼主体概括性授权机制、与船东互保协会共创的解除船舶扣押预担保机制等，为外国当事人提供了便利、高效的诉讼服务。越来越多的外国当事人主动选择向中国海事法院提起诉讼，充分彰显了中国海事司法的国际影响力和解纷吸引力。一是船舶碰撞纠纷外国当事人主动选择中国法院管辖并适用中国法律。两艘外籍船舶在马六甲海峡发生船舶碰撞，案涉纠纷与我国并无实际联系，双方外国当事人主动选择宁波海事法院管辖，并选择适用中国法律解决争议。法院充分尊重当事人意思自治，明确涉外船舶碰撞损害责任纠纷当事人可以在碰撞发生后协议选择适用的准据法。一审宣判后，原、被告均服判息诉，被告主动履行全部款项。该案成为指导性案例并入选“新时代推动法治进程 2024 年度十大案件”。二是外国当事人放弃国外仲裁约定，选择中国法院管辖并适用中国法律。利比里亚某公司与印度尼西亚某公司因船舶买卖合同发生纠纷，利比里亚某公司在提起外国仲裁之前，向青岛海事法院申请扣押印度尼西亚某公司所有的船舶。在等待仲裁过程中，双方当事人协商变更争议解决方式，选择由青岛海事法院管辖纠纷。法院充分发挥特邀调解员作用，促成双方以诉前调解方式解决争议并予以司法确认，协议全面履行、纠纷案结事了。三是外国当事人放弃合同约定管辖，选择中国法院管辖并

实质化解争议。大连海事法院审理的智利某农业公司诉土耳其某钢铁公司、新加坡某航运公司海上货物运输合同纠纷案，各外国当事人放弃约定管辖，选择在中国法院诉讼，体现了外国当事人对中国司法的高度认可。经法院组织多轮协商，当事人达成和解，撤诉结案。**四是**外国当事人选择在中国海事法院申请扣押船舶，实现高效实质解纷。英国某银行与土耳其某公司发生船舶抵押借款合同纠纷，案涉船舶锚泊东南亚某国期间，英国某银行获悉该轮下一目的港为我国广西防城港，特意等待一个月后船舶停泊防城港卸货时，向北海海事法院申请扣船。法院快速实施扣船后积极促成当事人在 9 天内达成和解，顺利化解 1800 万美元的国际海事纠纷，高效实现定分止争，为国际海事纠纷解决提供更多“中国智慧”。**五是**积极探索更为开放的互惠认定标准，营造健康向好的判决跨境执行环境。上海海事法院首次适用“法律互惠”标准承认英国法院海事判决，有力推动互惠原则的实践发展，此后英国高等法院对我国两起判决予以承认。

**强化实质化解矛盾纠纷目标导向。**全国海事审判三级法院坚持践行“如我在诉”和“定分止争”，以实质化解矛盾纠纷为目标导向，深入推进多元解纷和释法说理工作，不断提升整体审判质效，维护社会秩序稳定。**一是**“一站式”解纷中心成为海事审判践行为民服务宗旨的重要阵地。如南京海事法院积极探索建立“1+10”海事司法与行政执法协作机制，以“小事

不下船、大事不出港、矛盾不上交”为目标设立水上交通事故“一站式”解纷中心，成功为 170 余家港航企业和 900 余名船员提供上门服务。二是充分发挥调解制度优势，惠民生、促经济。在一起船员劳务合同纠纷再审审查案件中，案件标的额很小，但最高人民法院审理时充分考虑帮助船员家庭摆脱困境，化解当事双方多年积怨，将法理、事理和情理有机结合，通过反复沟通促成当事人和解，纠纷得到圆满解决，让司法为民底色更足、更有温度。“德某”轮与“长某”轮在长江航道发生碰撞，4 家海事法院分别受理了事故引发的海难救助、货物运输、船舶碰撞等“八方十案”，上海海事法院最终以一份和解协议促成所有纠纷的八方当事人一揽子达成和解，有效减轻当事人诉累，协议全部得到履行，助力涉案企业尽快恢复生产运营。三是加强府院联动实现维护群众权益与促推社会治理双赢效果。青岛海事法院审理的“中华富强”轮火灾案，涉及全国 13 个省市上千名受损群众的切身利益，法院探索建立“以司法为主轴”的府院联动新模式，实现事故稳妥、有序、高效化解。大连海事法院审理的某滩涂使用权纠纷案，关涉长达 12 年的群体纠纷，法官积极与地方政府沟通争取支持，竭尽全力促推实质化解纠纷，历时 5 个月时间成功化解涉及 400 余户 2000 多村民的群体纠纷，为法院积极参与社会综合治理提供了案例指引。

#### （四）完善体制机制建设，加强人才培养

人民法院坚持改革与法治相统一，狠抓“九分落实”，在海事审判组织机制、海事审判信息化融合创新和海事审判队伍建设方面，不断完善体制机制建设，全面提升审判质效。

**深化海事审判刑事案件管辖试点工作。**最高人民法院有序推进海事刑事案件管辖试点工作，指导试点海事法院依法受理海上交通肇事罪和破坏海洋生态环境资源犯罪案件，探索推进海事审判“三审合一”机制，促进民事、行政、刑事责任追究依法衔接，提升海事司法治理效能。被告人马某某驾驶巴拿马籍杂货船，与利比里亚籍油轮发生碰撞导致特大溢油污染事故，青岛海事法院作为试点法院受理该案并判决马某某承担刑事责任，为维护海上航行秩序、保护海洋生态环境提供了有力的海事司法服务与保障。非法开采海砂不仅造成国家矿产资源流失，也会破坏海洋生态环境，不当使用海砂还将危及建筑工程的安全。厦门海事法院审理的黄某、陈某飞等4人非法采矿罪附带民事公益诉讼案，在判决被告人承担刑事责任的同时，依法追究其民事侵权责任，判令其连带赔偿海域生态服务功能价值损失及生态修复费用等，有力震慑盗采海砂违法犯罪，促进海洋生态环境的修复和保护，彰显海事审判“三审合一”机制的优势。

**推动海事审判信息化融合创新。**依托全国法院“一张网”建设，不断优化“海事审判工作平台”，实现全国海事审判数据精准提供、智能分析、辅助决策。最高人民法院设立的“中

国海事审判”网于2022年4月上线运行，设置内、外网两个平台，内网为“海事审判工作平台”，外网并存中、英文两种界面，实现“智服、智宣、智审、智管”多重功能，推动海事审判与智慧法院建设深度融合，促进提升海事审判智能化水平。各地海事法院深入应用大数据、人工智能等科技成果，有效提升海事审判信息化水平。广州海事法院在拍卖某案涉船舶以清偿债务时，当事人就船舶起拍价款无法达成一致意见。法院通过网拍船舶大数据智能评估系统科学测算船舶起拍价格，有效化解当事人争议，船舶在网上拍卖一拍成交，科技提升司法服务效能得到具象化体现。上海海事法院研发“航运链全要素智能分析系统”，为查明案件提供“船舶、货物、港口”三位一体数据分析。宁波海事法院依托浙江全域数字法院改革成果，组织当事人通过“海上共享法庭”远程调解，将法庭、调解室、社会组织等基层治理单位放在“云端”，通过技术连接法官、调解员、当事人等主体，为人民群众提供家门口的司法“便捷驿站”，“一揽子”解决多起关联纠纷，极大节约诉讼成本。

**锻造高素质专业化海事审判队伍。**事业兴衰，关键在人。全国海事审判三级法院立足长远发展，一体融合推进政治素质、业务素质、职业道德素质建设，为海事审判持续健康发展提供有力人才保障。大连海事法院以实践为导向，建立完善“在院、入校、上船、进海”培训长效机制，利用“海法讲坛”平台邀请专家授课，将干警送入知名高校集中培训，组织干警随

船航海，与海警局、海洋渔业执法队同堂实训，深入海港、渔村和企业建立联系群众常态化机制，积极开展英语培训、岗位练兵、技能比武，定期组织业务研讨会，选派优秀干警参加高水平学术论坛，培养了一批高素质的综合性涉外审判人才。厦门海事法院聚焦新形势下专门法院队伍发展需求，研究编制全院年轻干部中长期规划和队伍结构优化的框架性方案，拟定《关于加强全院年轻干部工作的若干措施》，依托青年干部培养工程，开辟素能提升练兵台，与高校签订共建协议，探索培育理论研究与实务经验相结合的复合型专业人才，涌现出多名具有国际视野、专业水平精湛的审判专家。南京海事法院明确“懂法律、懂外语、懂海洋、懂贸易、懂航运”复合型人才培养目标，多渠道引进、选拔高素质人才，实施“海法菁英”培养计划，与多所高校签署涉外海事法治人才共建协议，组建青年调研人才库，综合运用岗位锻炼、培训提升、理论研讨等方式，定向培养高层次海事审判人才，成效显著。

## 后记

习近平总书记强调，“推进中国式现代化必须推动海洋经济高质量发展，走出一条具有中国特色的向海图强之路”。党的二十大报告明确强调“发展海洋经济，保护海洋生态环境，加快建设海洋强国”。党的二十届三中、四中全会就完善高水

平对外开放体制机制、完善促进海洋经济发展体制机制、健全海洋资源开发保护制度、健全维护海洋权益机制等作出重大部署。“十五五”规划建议指出，“坚定维护海洋权益和安全，提高海上执法和海事司法能力。”新征程上，人民法院海事审判在服务保障国家海洋事业发展中肩负重要职责使命，要紧紧围绕维护国家海洋权益、服务海洋经济发展、保护海洋生态环境、参与全球海洋治理，依法履职尽责，深化改革创新，努力为加快建设海洋强国和服务高水平对外开放作出更大贡献。

## 附录：

### 一、2022—2024 年期间发布、修订的涉海司法解释

司法解释名称	文号	公布日期
最高人民法院、最高人民检察院关于办理海洋自然资源与生态环境公益诉讼案件若干问题的规定	法释〔2022〕15号	2022年5月15日起施行

### 二、2022—2024 年期间发布的海事指导性案例和典型案例

指导性案例		
案例编号	案例名称	发布时间
指导案例 230 号	新某航运有限公司诉中国某国际合作股份有限公司海上货物运输合同纠纷案	2024年11月25日

指导案例 231 号	东莞市丰某海运有限公司诉东莞市鑫某物流有限责任公司海难救助纠纷案	2024 年 11 月 25 日
指导案例 232 号	某牧实业股份有限公司诉帕某海运公司海上货物运输合同纠纷案	2024 年 11 月 25 日
指导案例 233 号	常州宏某石化仓储有限公司等诉宁波天某海运有限公司船舶触碰损害责任纠纷案	2024 年 11 月 25 日
指导案例 234 号	南京华某船务有限公司申请设立海事赔偿责任限制基金案	2024 年 11 月 25 日
指导案例 235 号	S 航运有限公司申请承认外国法院民事判决案	2024 年 11 月 25 日
指导案例 236 号	环某船舶租赁有限责任公司诉天某财富有限公司船舶碰撞损害责任纠纷案	2024 年 11 月 25 日

## 2022 年海事审判典型案例

案例名称	生效案号
SPAR 航运有限公司 (SPAR SHIPPING AS) 申请承认英国法院判决案	(2018) 沪 72 协外认 1 号
东莞市蓝海食品国际贸易有限公司与香港长宁航贸有限公司航次租船合同纠纷管辖异议案	(2019) 粤民辖终 327 号
丰联克斯海运有限公司 (FULLINKS MARINE COMPANY LIMITED) 申请海事请求保全案	(2022) 鄂 72 财保 45 号
海南省海口市人民检察院与梁某等海洋环境民事公益诉讼案	(2022) 琼 72 民初 37 号
福建省宁德市人民检察院与林某某等海洋自然资源与生态环境民事公益诉讼案	(2022) 闽 72 民初 40 号
中国人寿财产保险股份有限公司湖南省分公司与沃巴海运有限公司 (VERBA MARINE COMPANY LIMITED) 海上货物运输合同纠纷案	(2020) 粤 72 民初 675 号

STO 租船韩国股份有限公司 (STO CHARTERING KOREA CORPORATION) 与 丰益贸易 (亚洲) 有限公司 [WILMAR TRADING (ASIA) PTE. LTD.] 等海上 货物运输合同纠纷案	(2022) 苏 72 民 初 1300 号
宁波港船多多国际船舶代理有限公司与深圳市鑫中孚供应链有限公司 集装箱租赁合同纠纷案	(2021) 浙 72 民 初 2288 号
马西马斯国际集团有限公司 (MAXIMAS INTERATION GROUP LIMITED) 与 海城镁肥实业有限公司等航次租船合同纠纷案	(2021) 辽民终 955 号
中民国际融资租赁股份有限公司与睿通 (广州) 海运有限公司等船舶融 资租赁合同纠纷案	(2022) 津民终 778 号

## 2023 年海事审判典型案例

案例名称	生效案号
利比里亚某公司与印度尼西亚某公司船舶买卖合同纠纷案	(2023) 鲁 72 财保 176 号、(2023) 鲁 72 诉前调确 319 号
“德某”轮与“长某”轮船舶碰撞、海难救助等系列纠纷案	(2023) 沪 72 民初 1252 号等
新加坡某航运有限公司与利比里亚某公司船舶碰撞损害责任纠纷管辖 权异议案	(2023) 浙民辖终 102 号
某财保广东分公司与利比里亚某公司、福建某船务公司等船舶碰撞损 害责任纠纷案	(2022) 粤民终 2609 号
某远洋渔业公司诉晋江市农业农村局渔业行政给付案	(2023) 闽 72 行初 38 号

## 2024 年海事审判典型案例

案例名称	生效案号
英国某银行与土耳其某公司诉前财产保全案	(2024) 桂 72 财保

	4号
某贸易公司与某运输代理公司申请确认仲裁协议效力案	(2024)沪72民特43号
中山某服务部诉某航道局、香港某工程公司其他海商纠纷案	(2023)鄂72民初997号
某石油公司、某甲保险公司与海南某船务公司、某乙保险公司船舶碰撞损害责任纠纷案	(2024)辽民终846号
青岛市人民检察院诉王某某、甄某某等11人海洋自然资源与生态环境民事公益诉讼案	(2024)鲁民终892号
郝某某等88人诉某船务公司船员劳务合同系列纠纷案	(2024)津72民初691号等102案

## 海洋自然资源与生态环境检察公益诉讼典型案例

案例名称	生效案号
河北省唐山市人民检察院诉某航运公司沉船打捞民事公益诉讼案	(2022)津72民初226号
上海市人民检察院第三分院诉王某某等非法捕捞民事公益诉讼案	(2022)沪72民初1573号
江苏省南京市人民检察院诉周某等非法捕捞民事公益诉讼案	(2022)苏72民初1863号
海南省海口市人民检察院诉周某某非法收购珍贵、濒危野生动物民事公益诉讼案	(2021)琼72民初319号
浙江省宁波市人民检察院诉宁波市自然资源和规划局行政公益诉讼案	(2021)浙72行初11号

## 第三批涉“一带一路”建设典型案例（海事）

案例名称	生效案号
新鑫海航运有限公司（NEW GOLDEN SEA SHIPPING PTE. LTD.）与深圳市鑫联升国际物流有限公司、大连凯斯克有限公司海上货物运输合同纠纷案	（2018）辽 72 民初 758 号
福建元成豆业有限公司与复兴航运有限公司（REVIVAL SHIPPING CO., LTD.）海上财产损害责任纠纷	（2019）闽 72 民终 1495 号
上海捷喜国际货物运输代理有限公司与重庆市公路工程（集团）股份有限公司海上货运代理合同纠纷	（2016）沪民终 4 号

## 第四批涉“一带一路”建设典型案例（海事）

案例名称	生效案号
江苏普华有限公司与东亚银行（中国）有限公司上海分行等信用证欺诈纠纷案	（2020）最高法民申 2937 号

## 涉外民商事案件适用国际条约 和国际惯例典型案例（海事）

案例名称	生效案号
青岛容海海洋环保服务有限公司与交响乐船运有限公司（SYMPHONY SHIPHOLDING S. A.）、北英保赔公司（NORTH OF ENGLAND P&I DESIGNATED ACTIVITY COMPANY）船舶污染损害责任纠纷案	（2021）鲁 72 民初 1984 号
台新海运有限公司（TAI SHING MARITIME CO., S. A.）与青山控股集团有限公司共同海损纠纷案	（2022）闽 72 民初 325 号
广州海运物资供应有限公司与潭滨有限公司（TAN BINH CO., LTD）船舶碰撞损害责任纠纷案	（2022）粤 72 民初 238 号