

MEMORANDUM OF UNDERSTANDING
ON THE REVISION OF REGULATIONS ON MANAGEMENT OF
SEARCH AND RESCUE, SALVAGE AND WRECK REMOVAL
ON THE LANCANG-MEKONG RIVER

The Ministry of Transport of the People's Republic of China, the Ministry of Public Works and Transport of the Lao People's Democratic Republic, the Ministry of Transport of the Republic of the Union of Myanmar and the Ministry of Transport of the Kingdom of Thailand (hereinafter referred to as "the Parties"), as the competent authorities of the Contracting Parties who signed the Agreement on Commercial Navigation on the Lancang-Mekong River among the Governments of the People's Republic of China, the Lao People's Democratic Republic, the Union of Myanmar and the Kingdom of Thailand (hereinafter referred to as "the Quadripartite Agreement") on April 20, 2000;

Referring to the MOU Concerning the Implementation of the Quadripartite Agreement, (hereinafter referred to as "the Implementation MOU"), signed in Beijing on March 15, 2001 by the Parties;

Taking into consideration the vigorous increase of the commercial navigation activities on the Lancang-Mekong River;

Desiring to jointly search and rescue persons and vessels in the danger of navigation-related accident, and timely remove sunken vessels;

Recognizing the significance of the revision of Annex V of the Implementation MOU regarding the Regulations on Management of Search & Rescue, Salvage and Wreck Removal on the Lancang-Mekong River (hereinafter referred to as "the Regulations");

Have reached the understanding as follows:

PARAGRAPH 1

The Parties agree to revise the Regulations with a view to satisfying the demanding safety and environment requirements arising from the development of the commercial navigation on the Lancang-Mekong River, and strengthening management, cooperation and coordination on search and rescue, salvage and wreck removal on the River.

PARAGRAPH 2

The revised Regulations are fully agreed and approved by the Parties, and attached as annex of this MOU.

PARAGRAPH 3

1. The revised Regulations shall replace the Regulations in Annex V of the Implementation MOU.
2. The revised Regulations shall enter into force from the date of the signature of this MOU, and remain in force until the termination of the Implementation MOU.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed these revised Regulations.

Kuala Lumpur
Done at on ..5..Nov., 2015. in four originals in English.

For 
Ministry of Transport
of the People's Republic of China

For 
Ministry of Public Works and Transport
of the Lao People's Democratic Republic


For
the Ministry of Transport
of the Republic of the Union of Myanmar


For
the Ministry of Transport
of the Kingdom of Thailand

Annex

**REGULATIONS ON MANAGEMENT OF
SEARCH AND RESCUE, SALVAGE AND WRECK REMOVAL
ON THE LANCANG-MEKONG RIVER**

CHAPTER I GENERAL PROVISIONS

Article 1

The Regulations are formulated with a view to jointly strengthening management of navigation safety on the Lancang-Mekong River (hereinafter referred to as "the River"), safeguarding lives, vessels and properties, coordinating, organizing and commanding Search and Rescue (SAR), salvage and wreck removal in a unified way, extending timely SAR and salvage to persons and vessels in distress in navigation-related accidents for avoiding or reducing loss, protecting environment and preventing pollution and enhancing management on wreck removal in accordance with the Quadripartite Agreement.

Article 2

The Regulations shall apply to persons and vessels in distress and sunken vessels in the navigation-related accidents, including vessels and cargoes within the navigation channel stipulated in the Quadripartite Agreement.

Article 3

Under the leadership of the transport ministries of the Contracting Parties (hereinafter referred to as "the Competent Authorities"), the authority of maritime management (Search and Rescue Center) of each Competent Authority is responsible for directing the implementation of the Regulations, for coordinating, organizing and commanding SAR of persons and vessels in distress, and for the

management operations on salvage and wreck removal. The specific organizations undertaking the above responsibilities of the Contracting Parties are as follows:

For China:

- (1) For SAR: China Maritime Search and Rescue Center
- (2) For Salvage and Wreck Removal: Maritime Safety Administration of Ministry of Transport

For Laos:

- (1) For SAR: Department of Waterways
- (2) For Salvage and Wreck Removal: Department of Waterways

For Myanmar:

- (1) For SAR: Wong Pong Port Administration
- (2) For Salvage and Wreck Removal: Wreck Removal Management Committee, Ministry of Transport

For Thailand:

- (1) For SAR: Marine Department
- (2) For Salvage and Wreck Removal: Marine Department

Article 4

Each Competent Authority shall set up executing authorities in the following places, provide necessary personnel and facilities, and be responsible for SAR, salvage and wreck removal on each Contracting Party's navigation channel.

China: Xishuangbanna and Puer

Laos: Xiengkong

Myanmar: Wan Pong and Suploi

Thailand: Chiang Saen

Article 5

Under the framework of the Joint Committee on Coordination of Commercial Navigation (JCCCN), the Competent Authorities shall set up a cooperating mechanism on SAR, salvage and wreck removal of the executing authorities, through which the executing authorities will closely contact and cooperate with each other, and hold regular or irregular meetings, to ensure timely and effective SAR, salvage and wreck removal.

The executing authorities involved shall take timely actions of SAR, salvage and wreck removal, and report the actions having been taken and to be taken to the JCCCN offices of their own countries.

Article 6

The executing authority of each Competent Authority is responsible for SAR, salvage and wreck removal in the navigation channel stipulated in the Quadripartite Agreement. Upon receiving the request of assistance for SAR, salvage and wreck removal from the Competent Authority of the country, in which the accident happens, Competent Authorities of the other countries involved shall take action in time to provide necessary help to the SAR, salvage and wreck removal. All the assistance for SAR, salvage and wreck removal in the accident site shall be subject to the coordination of the executing authority in the place of the accident and subject to the laws and regulations of that country.

Upon receiving the rescue request from its vessels and persons, the executing authority of the vessel's Flag State shall report it to the executing authority nearest to the place of the accident. The executing authority nearest to the place of the accident shall take immediate effective actions to organize SAR, salvage and wreck removal.

The Competent Authority of the country, in which the accident happens, in compliance with its laws and regulations, shall approve Competent Authorities of the other countries involved to send rescue assistance to rescue its own vessels

and persons in distress.

In this connection, the executing authorities involved shall strengthen cooperation in the following aspects:

1. Mutually providing the contact persons and their contact information of the executing authorities;
2. Timely and mutually informing SAR, salvage, wreck removal through fax, satellite telephone, Very High Frequency (VHF) and other ways of communication, when a navigation-related accident happens;
3. Mutually reporting the annual SAR, salvage and wreck removal within respective navigation channel stipulated in the Quadripartite Agreement;
4. Mutually exchanging SAR, salvage and wreck removal experiences;
5. Jointly finding out deficiencies, analyzing the existing problems in the cooperation of SAR, salvage and wreck removal, and determining the convening of meetings.

Article 7

The JCCCN of one Contracting Party, in compliance with its national laws and regulations, shall facilitate the entry and exit of the other Contracting Parties' SAR, salvage and wreck removal personnel and vessels in conducting timely SAR, salvage and wreck removal.

For those persons and vessels being rescued, the JCCCN office of the country, in which the accident happens, shall coordinate with the relevant competent authorities, in line with its laws and regulations, accept those persons being rescued to get ashore for first aid treatment or provide entry-exit border convenience to them for first aid treatment in the countries that would accept them.

CHAPTER II SEARCH AND RESCUE AND SALVAGE

Article 8

Vessels in distress shall take any possible effective measures and means to conduct self-rescue and report promptly to the nearest executing authority and the vessel's owners and operators on the time, location, loss, preliminary causes of accidents as well as their requests for SAR and salvage.

Vessels involved in the accident, without endangering itself, shall not leave the site presumptuously, and shall report in time to the nearest executing authority of the situation of the accident site.

Article 9

Vessels near the place of the accident shall, without endangering itself, make every effort to rescue the persons in distress, and report the nearest executing authority of the situation of the accident site.

Article 10

Upon receiving distress alerts, the nearest executing authority shall verify the information on the distress and immediately take effective actions to organize SAR and salvage, and, at the same time, notify the executing authority of the distressed vessel's Flag State of the information of the accident.

Article 11

After getting the approval from the executing authority of the country, in which the accident happens, if necessary, the vessel's Flag State can send the rescue vessels and personnel to the accident site to assist the executing authority of the country, in which the accident happens, to take SAR and salvage in accordance with Article 7 of the Regulations.

Article 12

For the purpose of the timely and effective SAR and salvage, all vessels and personnel participating in the SAR and salvage shall be subject to the unified direction of the executing authority nearest to the place of the accident or, if

necessary other executing authorities upon consent of the Competent Authorities concerned. Such direction shall not affect the sovereignty of the Contracting Parties.

CHAPTER III WRECK REMOVAL

Article 13

The executing authorities shall enhance the management on wreck removal for the purposes of maintaining safety of operation spots, protecting navigational conditions and preventing pollution from vessel.

Article 14

A sunken vessel shall be removed if it:

- a. is hindering navigation of vessels or regulation of waterways;
- b. has caused or will probably cause pollution;
- c. is threatening the security of the riparian countries; or
- d. is considered by the executing authority of the country, in which the sunken vessel locates, necessary to be removed.

Article 15

The executing authority of the country, in which the sunken vessel locates, shall notify the owner of the sunken vessel to remove the wrecks within specified time if they hinder navigation of vessel and regulation of waterways or threaten the security of the riparian countries.

Article 15

As for the sunken vessel seriously hindering navigation safety and having caused the pollution in the water areas, the executing authority of the country, in which the sunken vessel locates, has the right to ask the owner of the sunken vessel or the

authorized agent to execute a compulsory wreck removal in due course

Article 17

The owner of the sunken vessel or the authorized agent shall set up marks in the area of the sunken vessel hindering navigation safety in accordance with the requirements of the Competent Authorities, and issue the navigation warning through the executing authority of the country, in which of the sunken vessel locates.

The owner of the sunken vessel or the authorized agent should submit the wreck removal application to the executing authority of the country, in which the sunken vessel locates, together with the wreck removal plan. Having been approved by the executing authority of the country, in which the sunken vessel locates, the owner or the authorized agent should complete the wreck removal and clean-up within the specified time.

When the salvage company appointed by the owner of the sunken vessel or the authorized agent goes through the application formalities of wreck removal, the executing authority of the country, in which the sunken vessel locates, shall provide necessary assistance.

Article 18

As for the sunken vessel which has not been removed and cleaned-up by the owner or the authorized agent within the specified time, the executing authority of the country, in which the sunken vessel locates, has the right to execute a compulsory wreck removal, with all the expenses arising therefrom to be borne by the owner or the authorized agent.

Article 19

If the owner of a sunken vessel cannot be found, the JCCCN of the country, in which the sunken vessel locates, shall inform the JCCCN of the sunken vessel's Flag State. In the case that there is no formal response from the sunken vessel's

Flag State within the specified time, the executing authority of the country, in which the sunken vessel locates, under the approval of the JCCCN of that country, may sell off or auction off the removed derelict wrecks to pay the expenses for the removal and clean-up.

If the owner of a sunken vessel cannot be found and the sunken vessel's Flag State is not clear, the JCCCN of the country, in which the sunken vessel locates, shall inform the JCCCN of the other three countries. In the case that there is no formal response from the JCCCN of the other three countries within the specified time, the executing authority of the country, in which the sunken vessel locates, may sell off or auction off the removed derelict wrecks to pay the expenses for the removal and clean-up.

Article 20

Without the approval of the executing authority of the country, in which the sunken vessel locates, no entity or individual shall presumptuously remove or clean up the wrecks.