

Regulations on the Prevention and Control of Marine Pollution from Vessels of the PRC

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Promulgated by the State Council on September 2, 2009
Effective: March 1, 2010

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Chapter I — General Provisions

Article 1 — These Regulations are formulated in accordance with the Marine Environment Protection Law of the People's Republic of China for the purposes of preventing and controlling pollution of the marine environment by vessels and their operational activities, and protecting the marine ecological environment.

Article 2 — These Regulations shall apply to the prevention and control of pollution of the marine environment by vessels and their operational activities within the sea areas under the jurisdiction of the

People's Republic of China. The term "vessel" as used in these Regulations means all types of watercraft, whether self-propelled or non-self-propelled, that may cause pollution of the marine environment. The term "vessel operational activities" means the loading, unloading, lighterage, bunkering, repairing, salvage, scrapping, and other operations related to vessels.

Article 3 — The State Council administrative department of transport shall be responsible for the supervision and administration of the prevention and control of marine pollution from vessels and their operational activities throughout the country. The maritime safety administrations shall be specifically responsible for the supervision and administration of the prevention and control of pollution of the marine environment from vessels and their operational activities.

Chapter II — General Provisions on Prevention and Control of Marine Pollution from Vessels

Article 4 — Vessel structures, equipment, and apparatus shall conform to the requirements of the relevant State rules and regulations on the prevention and control of marine pollution from vessels and shall pass the corresponding inspection. Vessels shall obtain the corresponding certificates, documents, and records on the prevention and control of pollution from vessels.

Article 5 — Vessels calling at Chinese ports shall hold the certificates and documents on the prevention and control of pollution from vessels required by international conventions to which China is a party and Chinese laws and administrative regulations. The maritime safety administrations shall conduct inspections of the certificates and documents on the prevention and control of pollution from vessels.

Article 6 — Owners, operators, or managers of vessels shall formulate contingency plans for the prevention and control of marine pollution from vessels and their operational activities and shall submit them to the maritime safety administrations for filing. The contingency plans shall include the organizational structure, emergency response measures, and equipment and apparatus for pollution prevention and control.

Chapter III — Prevention and Control of Pollution from Vessel Operational Activities

Article 7 — When a vessel engages in operational activities such as loading, unloading, lighterage, bunkering, repairing, salvaging, or scrapping of pollutants, the operating unit shall formulate an operating plan and take effective safety and pollution prevention measures. The operating unit shall report to the maritime safety administration before the operation commences.

Article 8 — The loading, unloading, and lighterage of oil, toxic and hazardous substances, and other pollutants by vessels shall comply with the relevant State rules and regulations on operational safety and pollution prevention. During the loading, unloading, and lighterage of oil by vessels, oil booms shall be deployed around the vessel.

Article 9 — The bunkering of vessels shall comply with the relevant State rules and regulations. Bunkering operations shall be carried out using bunkering vessels with valid certificates, and the bunkering vessels shall be equipped with corresponding pollution prevention facilities.

Chapter IV — Reception and Disposal of Vessel Pollutants

Article 10 — Ports, docks, loading and unloading stations, and ship repair and scrapping yards shall be equipped with reception facilities for vessel pollutants and shall maintain the reception facilities in good condition. Reception facilities shall be sufficient to receive the vessel pollutants generated by the vessels calling at the port.

Article 11 — The operators of vessel pollutant reception facilities shall apply for examination and acceptance to the maritime safety administration before putting the facilities into operation. The operators of vessel

pollutant reception facilities shall truthfully record the reception of vessel pollutants and shall keep the records for not less than two years.

Article 12 — Vessel pollutants shall be received and disposed of by qualified reception and disposal units. The reception and disposal of vessel pollutants shall comply with the relevant State standards and specifications on environmental protection. Vessels shall discharge vessel pollutants to the pollutant reception facilities; the discharge of vessel pollutants into waters is prohibited except as otherwise provided.

Chapter V — Emergency Response to Vessel Pollution Incidents

Article 13 — The State shall establish a contingency system for major vessel pollution incidents. The specific contingency plan for major vessel pollution incidents shall be formulated by the State Council administrative department of transport in conjunction with the relevant departments of the State Council.

Article 14 — Where a vessel pollution incident occurs, the vessel shall immediately activate the contingency plan and take measures to control and eliminate the pollution. The vessel shall immediately report to the nearest maritime safety administration, which shall immediately verify the report and take corresponding measures.

Article 15 — The maritime safety administration shall organize the implementation of corresponding contingency measures based on the nature, scale, and extent of the vessel pollution incident, including the use of oil spill dispersants and the deployment of oil containment booms. Where necessary, the maritime safety administration may requisition vessels and other social resources to participate in the emergency response.

Chapter VI — Investigation and Settlement of Vessel Pollution Incidents

Article 16 — A vessel pollution incident shall be investigated by the maritime safety administration. The investigation of a vessel pollution incident shall ascertain the cause and liability of the incident and shall put forward suggestions for handling the incident. The results of the investigation shall be made public, unless State secrets or commercial secrets are involved.

Article 17 — Vessels that cause pollution damage to the marine environment shall eliminate the hazards and compensate for the losses. The party that has suffered pollution damage shall have the right to demand compensation from the party that caused the pollution damage. The compensation may be settled through negotiation, or a lawsuit may be filed with the people's court, or the dispute may be submitted to an arbitration institution for arbitration.

Chapter VII — Legal Liability

Article 18 — Where a vessel violates the provisions of these Regulations and causes pollution of the marine environment, the maritime safety administration shall order it to take measures to eliminate the pollution and impose a fine. Where the circumstances are serious, the maritime safety administration may order the vessel to suspend operations, sail, or engage in operational activities.

Article 19 — Where a port, dock, loading and unloading station, or ship repair and scrapping yard fails to equip reception facilities for vessel pollutants as required, the maritime safety administration shall order it to make corrections within a specified time limit and may impose a fine.

Chapter VIII — Supplementary Provisions

Article 20 — The State Council administrative department of transport shall be responsible for the interpretation of these Regulations.

Article 21 — These Regulations shall take effect as of March 1, 2010.

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