

# SHANGHAI HIGHWOODS SHIP CO., LTD.

## Regulations on Safety Supervision and Administration of Maritime Solid Bulk Goods (No. 1 of 2019 of the Ministry of Transport of the P.R.C)

Effective from 1 March 2019

### Chapter I General

Article 1 These Provisions are formulated in accordance with the <<Maritime Traffic Safety Law of the People's Republic of China>>, <<the Port Law of the People's Republic of China>> and other laws in order to strengthen the supervision and management of marine solid bulk cargo and ensure the safety of life and property at sea.

Article 2 These Provisions shall apply to ships carrying solid bulk cargo in the waters under the jurisdiction of the People's Republic of China.

Article 3 The Ministry of Transportation is managing the safety management of solid bulk cargo transported by sea throughout the country. The Nation Maritime Administration shall, in accordance with its duties, be responsible for the supervision and administration of the safety of solid bulk cargo transported by sea throughout the country. Other maritime administrations at all levels shall be specifically responsible for the safety supervision and management of marine solid bulk cargo in accordance with their respective responsibilities and powers.

Article 4 When carrying Group B solid bulk cargo, ship shall also comply with <<Regulations on Safety Supervision and Management of Dangerous Goods Carried by Ships>>.

### Chapter II General Provisions

Article 5 A ship owner, operator or administrator engaged in the transportation of solid bulk cargo shall establish and implement a ship safety operation and pollution prevention management system in accordance with the relevant provisions of the Ministry of Transportation, which shall include procedures, instructions or management systems for carrying solid bulk cargo.

Article 6 A ship carrying solid bulk cargo shall list the typical working conditions for safe and proper transportation of the cargo in its ship loading manual or stability calculation booklet.

Article 7 A ship carrying solid bulk cargo shall conform to the relevant safety technical specifications for stowage, isolation and transportation, and to the requirements of the corresponding fitness certificate or proving documents.

Article 8 The shipowner, operator or manager shall train and assess the crew members in their professional knowledge of solid bulk cargo to ensure that they are familiar with the characteristics, operating rules and Emergency response plans of solid bulk cargo.

Article 9 **Personnel** who is engaged in reporting to port authorities in

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accordance with these Provisions shall be familiar with relevant regulations, standards and reporting procedures.

Article 10 If the solid bulk cargo to be delivered to ships is not listed in **IMSBC code**, the shipper shall submit the identification materials issued by **the relevant qualified inspection agencies** (hereinafter referred to as the inspection agencies) to clarify the grouping, classification, hazards, pollution hazards and technical conditions for the carriage of the cargo before delivery to the ships for transportation.

Article 11 After discharge of solid bulk cargo harmful to the environment, cargo residues and their washing water shall be received by **port reception facilities or ship pollutant receiving units**. It shall be prohibited to discharge into the water, shall be recorded truthfully in the garbage record book in accordance with rules and regulations.

## Chapter III Report Management

Article 12 A ship carrying solid bulk cargo other than Group B shall report to the maritime administration 24 hours before entering or leaving the port. If the voyage is less than 24 hours, it shall be reported before leaving the last port. **The report** should include the following information:

- (1) Ship information such as name, voyage, nationality, port of departure, port of discharge, place of operation, estimated port of entry and exit and time of operation;
- (2) Information on the name, group, category, United Nations number, total weight and loading location of the goods.

Article 13 The shipper intending to deliver the solid bulk cargo to the ship shall submit the following **cargo information** to the carrier before delivery of the cargo and report it to the maritime administration:

- (1) **Declaration on the Safety and Transportation of Solid Bulk Goods;**
- (2) If the cargo belongs to fluidized solid bulk cargo, it shall submit the certificate of the cargo's suitable moisture limit and the cargo's moisture content issued by **the inspection institution;**
- (3) Carries of goods not listed in **IMSBC code** shall be submitted to the identification materials for the conditions of carriage of goods issued by **the inspection institutions;**
- (4) If an international route ship needs the approval from the relevant authorities of the import and export countries in accordance with regulations before it can be carried, an effective approval document shall be submitted;
- (5) Other certificates or documents required by the maritime administration authorities in accordance with the provisions of the International Maritime Rules for Solid Bulk Cargo, before loading solid

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bulk cargo, the principal of port operation shall provide the cargo information in Items (1) to (3) of the preceding paragraph to the port operator.

Article 14 When the information of goods needs to be obtained through inspection, the shipper and the inspection institution shall jointly sample the goods.

Article 15 The carrier shall check and verify the information of the goods, shall not undertake the shipment if it fails to meet the requirements for the fitness of the ship. Relevant materials, certificates or documents shall be kept on board during the period of shipment.

## Chapter IV Operational Management

Article 16 A ship carrying solid bulk cargo shall, before loading, Carrier inspect the cargo's transport data and fitness conditions in accordance with the ship's loading manual or the ship's stability data, if it does not conform to these provisions, ship can't carry the goods.

Article 17 Ships and port operators engaged in loading and unloading of solid bulk cargo shall abide by safety and anti-pollution operation rules, establish and implement the system of ship-shore safety inspection forms, and inspect and fill in them strictly in accordance with the requirements of ship-shore safety inspection forms. Port operators engaged in solid bulk cargo loading and unloading operations shall designate persons with corresponding professional and performing abilities to be responsible for inspection and supervision of ship handling operations.

Port operators shall strengthen the training of relevant professional knowledge and operational ability of operators. Operators shall abide by relevant safety regulations and operating rules during loading and unloading operations.

Article 18 Ships and port operators carrying solid bulk cargo shall determine the loading and unloading plan in written form before the loading and unloading operation of solid bulk cargo, carry out the operation in accordance with the loading and unloading plan.

If it is found that the cargo handling operation does not conform to the loading and unloading plan or that there may be potential safety hazards, the ship carrying solid bulk cargo and the port operator shall jointly verify and take necessary safety measures.

Article 19 The port operator shall load the goods and carry them in flat cabins in accordance with the requirements of stowage provided by the ship carrying solid bulk cargo. After loading is completed, the port operator shall carry out inspection and confirm in writing by the captain.

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Article 20 Ships shall reasonably load and stow solid bulk cargo according to its nature. Incompatible goods should be segregated.

When carrying high density solid bulk cargo, ships should distribute reasonably in each compartment to avoid adverse effects on ship structure and strength.

## Chapter V Special Provisions for Fluidized Solid Bulk Goods

Article 21 The shipper of fluidized solid bulk cargo shall formulate and implement procedures for sampling, testing and controlling moisture content of the cargo in accordance with the provisions of **IMSBC code**.

Article 22 The moisture content of fluidized solid bulk cargo to be delivered to a ship shall not exceed the limit of its suitable moisture content. However, except for Chinese vessels that have built or installed special structures and equipment to prevent the movement of goods and have corresponding inspection certificates, or foreign vessels that have corresponding inspection and approval certificates.

Article 23 For the fluidized solid bulk cargo to be delivered to a ship, the shipper shall submit a test report containing technical indicators such as the moisture limit and moisture content of the cargo suitable for transport issued by the testing institution.

Sampling and testing of the transportable moisture limit shall be completed within six months before the planned shipment of the cargo, and sampling and testing of moisture content shall be completed within seven days before the planned shipment of the cargo.

In case of any of the following circumstances before or during the loading of the goods, the shipper shall re-sample and test the moisture content of the goods:

- (1) Rainfall and other conditions may cause an increase in the moisture content of goods or other changes in characteristics;
- (2) The captain has good reasons to believe that the cargo to be loaded does not correspond to the proof of its moisture content.

Article 24 For direct transshipment of fluidized solid bulk cargo by means of ship or wharf handling facilities, the trustee of the transshipment industry shall provide the original declaration of safe and suitable transportation of the cargo, the limit of suitable moisture and the certificate of moisture content.

Before the transfer operation, the trustee of the transfer operation and the ship carrying the goods shall jointly inspect the goods to be transported and confirm that there is no change in the form of the goods before the transfer operation can be carried out.

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The trustee of the transshipment industry shall submit to the ship and maritime administration the inspection report of the inspection institution on the moisture content of the transshipment cargo before the transshipment ship leaves the port.

Article 25 For open storage of fluidized solid bulk cargo, the yard used shall have good drainage function, and appropriate measures shall be taken according to weather conditions and the nature of the cargo to prevent the increase of moisture content of the cargo.

When a port operator loads fluidized solid bulk cargo, it shall check the cargo information such as the moisture limit for transport, the moisture content detection report and so on, and the cargo information shall be checked before it can be operated without error.

Port operators should record their operations well, keep relevant information and documents on loading and unloading operations on file, and consciously accept and cooperate with port administrative departments to carry out supervision and management according to their duties.

If the port operator finds that the cargo does not meet the required requirements before or during loading, he shall inform the ship and cooperate with the ship not to load or stop loading.

Article 26 Before loading the fluidized solid bulk cargo on board, the ship shall inspect the wind and rain tightness of the hatch cover of the cargo premises, test whether the sewage system of the cargo premises is working properly, take measures to prevent the cargo from entering the bilge sewage pit, and make good records.

Article 27 During the loading period of fluidized solid bulk cargo, the ship and port operator shall immediately take safety measures such as stopping operation and closing hatch covers in case of precipitation, which may cause the increase of moisture content of cargo or other changes in characteristics.

Article 28 Ships carrying fluidized solid bulk cargo shall formulate regular inspection plans for cargo premises in accordance with the characteristics of the cargo carried and the characteristics of the navigation area.

During the voyage, ships shall make regular inspections in accordance with the inspection plan and record the inspections. If it is found that the goods are fluidized or have been fluidized, Emergency measures shall be taken immediately and reported to the nearest maritime administrative agency.

## Chapter VI Personnel Protection and Accident Prevention

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Article 29 When a ship carries solid bulk cargo that may release toxic gases, flammable gases or cause hypoxia in the cargo premises, it shall equip corresponding gas measuring instruments and instructions for their use, regularly measure the gas concentration in the cargo premises in accordance with the provisions, record the measurement results.

Article 30 When a ship carries solid bulk cargo that may release toxic gases, it shall provide mechanical ventilation or natural ventilation to the cargo premises.

When carrying solid bulk cargo that may release flammable gases, the ship shall provide mechanical ventilation to the cargo depot.

Article 31 Ships shall formulate safety procedures and emergency rescue measures for people entering and leaving closed premises and cargo fumigation premises, set up warning signs at the entrance of premises.

Article 32 When loading solid bulk cargo which is toxic, corrosive or causes lack of oxygen in the cargo premises, the relevant operators shall be trained in advance and equipped with protective equipment. If it is necessary to enter the cargo premises in an emergency, it shall be carried out under the supervision of the master or his designated crew members with management responsibilities in accordance with the safety procedures.

## Chapter VII Supervision and Management

Article 33 If a maritime administrative agency finds that a ship carrying solid bulk cargo has potential safety hazards, it shall order it to eliminate them immediately or within a time limit. If it does not eliminate them immediately or does not eliminate them within the time limit, it shall take measures such as prohibiting their entry into or departure from the port, or ordering them to stop sailing, change sailing or stop their operations.

Article 34 The port administrative department shall, in accordance with its duties, supervise and administer the storage and handling operations of solid bulk cargo ports within its jurisdiction. If it is found that there are potential safety hazards in the storage and handling of solid bulk cargo by port operators, it shall be ordered to eliminate the potential hazards immediately or within a time limit, and if the hidden hazards are not eliminated immediately or are not eliminated within the time limit, measures such as ordering the operators to stop their operations shall be taken.

## Chapter VIII Legal Liability

Article 35 In violation of these Provisions, if one of the following circumstances occurs, the maritime administrative agency shall order it

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to make corrections and impose a fine of not less than 10,000 yuan but not more than 30,000 yuan:

- (1) If the ship fails to isolate incompatible cargo or distribute reasonably high density solid bulk cargo;
- (2) The ship fails to take such safety measures as stopping operation and closing hatch covers in accordance with regulations;
- (3) The ship is not equipped with a gas measuring instrument or has not measured the gas concentration at the cargo premises;
- (4) The ship fails to establish and implement the system of the ship's shore safety inspection form, or fails to inspect and fill in the requirements of the ship's shore safety inspection form.

Article 36 In violation of these Provisions, if one of the following circumstances occurs, the maritime administrative agency shall order it to make corrections and impose a fine of not less than 5,000 yuan but not more than 20,000 yuan:

- (1) The vessel fails to report to the maritime administrative organ before entering or leaving the port;
- (2) The shipper of solid bulk cargo or the trustee of the transshipment business fails to submit the relevant information of the cargo to the carrier or the maritime administration.

Article 37 In violation of these Provisions, the port administrative department shall order the port operator to correct immediately or within a time limit any of the following circumstances:

- (1) Failure to take appropriate measures to prevent the increase of moisture content in fluidized solid bulk cargo according to weather conditions and the nature of the cargo;
- (2) Failing to load goods or carry out flat cabins in accordance with the requirements for stowage and stowage provided by the ship.

Article 38 Whoever violates these Provisions and has one of the following circumstances shall be ordered by the port administrative department to make corrections and shall be fined not less than 10,000 yuan but not more than 30,000 yuan:

- (1) The port operator fails to inform the ship or stops loading when he finds that the goods do not meet the required requirements before or during loading;
- (2) When the port operator encounters precipitation in the course of loading and other circumstances and fails to ensure the safety of operation and transportation, it does not stop its operation.

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Article 39 Whoever, in violation of these Provisions, has one of the following circumstances, shall be ordered by the port administrative department to make corrections and shall be fined not less than 10,000 yuan but not more than 30,000 yuan:

(1) The port operator fails to establish and implement the system of ship-shore safety inspection forms, or fails to inspect and fill in the requirements of the ship-shore safety inspection forms;

(2) If the port operator has not designated any person to conduct inspection and supervision during loading and unloading operations;

(3) The port operator has not checked the cargo information.

Article 40 Whoever carries solid bulk cargo on board a ship that belongs to hazardous chemicals and violates these Provisions shall be punished in accordance with the Regulations on Safety Management of Hazardous Chemicals.

Article 41 Personnel of maritime administrative organs and port administrative departments who commit serious dereliction of duty, such as abuse of power, favoritism, malpractice, dereliction of duty, shall be dealt with by their units or higher authorities in accordance with the law; if the circumstances seriously constitute a crime, the judicial organs shall investigate for criminal responsibility in accordance with the law.

## Chapter IX Supplementary Provisions

Article 42 The meanings of the following terms in these Provisions are as follows:

Solid bulk cargo refers to cargo consisting of basically uniform particles, particles or larger bulk solids, which can be directly loaded into the ship's cargo premises without packaging except grain.

Group B solid bulk cargo refers to goods listed in Group B in Appendix 1 of the International Maritime Rules for Solid Bulk Cargo or in Group A and B at the same time.

Typical working conditions refer to the basic loading conditions of ships at full load, full load, ballast discharge and ballast arrival.

Solid bulk cargo harmful to the environment refers to the solid bulk cargo that meets the criteria for judging harmful substances in the marine environment stipulated in Annex V to the International Convention for the Prevention of Pollution Caused by Ships.

High density solid bulk cargo refers to the solid bulk cargo which occupies less than or equal to 0.56m<sup>3</sup> of space when each ton of cargo is normally stacked in the cargo hold.

Fluidized solid bulk cargo is a kind of solid bulk cargo which contains some fine particles and a certain amount of water. When the moisture content exceeds the water limit for transport, it will fluidize.



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Transportable moisture limit refers to the maximum moisture content to ensure the safe transportation of fluidized solid bulk cargo.

Article 43 These Provisions shall come into force on March 1, 2019.



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