

SHANGHAI HIGHWOODS SHIP CO., LTD.

中华人民共和国船舶污染海洋环境应急防备和应急处置管理规定

Regulations on emergency preparedness and emergency disposal of marine pollution in People's Republic of China

第一条 为提高船舶污染事故应急处置能力，控制、减轻、消除船舶污染事故造成的海洋环境污染损害，依据《中华人民共和国防治船舶污染海洋环境管理条例》等有关法律、行政法规和中华人民共和国缔结或者加入的有关国际条约，制定本规定。

Article 1. The Detailed Rules are formulated in accordance with the provisions of the Regulations of the People's Republic of China on Administration of Prevention and Control of Marine Environment Pollution from Ships and the Regulations of the People's Republic of China on Emergency Preparedness and Response on Marine Environment Pollution from Ships (Hereinafter referred to as "the Regulations") for the purpose of effectively implementing the Regime of Agreement for Ship Pollution Response and regulating administration of ship pollution response organizations.

第二条 在中华人民共和国管辖海域内，防治船舶及其有关作业活动污染海洋环境的应急防备和应急处置，适用本规定。

Article 2. In the waters under the jurisdiction of the People's Republic of China, these Provisions shall be applicable to the prevention and emergency response of ships and their related activities to pollution of the marine environment.

船舶在中华人民共和国管辖海域外发生污染事故，造成或者可能造成中华人民共和国管辖海域污染的，其应急防备和应急处置，也适用本规定。

A ship has a pollution accident outside the jurisdiction of the People's Republic of China, which causes or may cause pollution in the waters under the jurisdiction of the People's Republic of China. Its emergency preparedness and emergency treatment also applies to the provisions of this regulation.

本规定所称“应急处置”是指在发生或者可能发生船舶污染事故时，为控制、减轻、消除船舶造成海洋环境污染损害而采取的响应行动；“应急防备”是指为应急处置的有效开展而预先采取的相关准备工作。

The term "emergency treatment" refers to the response action taken to control, mitigate and eliminate the marine environmental pollution damage caused by the occurrence or possible occurrence of a ship pollution accident. "Emergency preparedness" refers to the preparatory work taken in advance for the effective development of emergency disposal.

第三条 交通运输部主管全国防治船舶及其有关作业活动污染海洋环境的应急防备和应急处置工作。

Article 3. The Ministry of communications and transportation is responsible for the emergency preparedness and emergency response of the whole country to prevent and control pollution caused by ships and their related activities.

SHANGHAI HIGHWOODS SHIP CO., LTD.

第四条 船舶及其有关作业活动污染海洋环境应急防备和应急处置工作应当遵循统一领导、综合协调、分级负责、属地管理、责任共担的原则。

Article 4. The principles for the emergency preparedness and emergency disposal of marine environment by ships and their related activities should follow the principles of unified leadership, comprehensive coordination, classification responsibility, territorial management and responsibility sharing.

第十三条 船舶污染清除单位是指具备相应污染清除能力，为船舶提供污染事故应急防备和应急处置服务的单位。

Article 13 The unit of pollution elimination of ships refers to the unit that has the ability of corresponding pollution elimination and provides emergency response and emergency handling services for ships.

根据服务区域和污染清除能力的不同，船舶污染清除单位的能力等级由高到低分为四级，其中：

According to the difference between the service area and the pollution removal capacity, the capacity level of the ship pollution elimination unit is divided into four levels from high to low.

(一) 一级单位能够在我国管辖海域为船舶提供溢油和其它散装液体污染危害性货物泄漏污染事故应急服务；

(i) Level I SPRO can provide emergency services for oil spill and other bulk liquid pollution and leakage accidents in ships under the jurisdiction of our country.

(二) 二级单位能够在距岸 20 海里以内的我国管辖海域为船舶提供溢油和其它散装液体污染危害性货物泄漏污染事故应急服务；

(ii) Level II SPRO can provide ships with oil spill and other bulk liquid pollution hazardous cargo emergency services in the sea area within 20 nautical miles from the shore.

(三) 三级单位能够在港区水域为船舶提供溢油应急服务；

(iii) Level III SPRO can provide oil spill emergency services for ships in the waters of the port area.

(四) 四级单位能够在港区水域内的一个作业区、独立码头附近水域为船舶提供溢油应急服务。

(iv) Level IV SPRO can provide oil spill emergency services for ships in the vicinity of an operation area and an independent port in the waters of the port area.

第十四条 从事船舶污染清除的单位应当接受海事管理机构的监督检查；

SHANGHAI HIGHWOODS SHIP CO., LTD.

Article 14 Units engaged in ship pollution elimination shall be subject to supervision and inspection by the maritime safety administrative (MSA).

第十五条 船舶污染清除单位应当将下列情况向社会公布，并报送服务区域所在地的海事管理机构：

Article 15 SPROs' abilities, pollutant work and disposal Solution as well as Ship Pollution Cleanup agreements shall be published to the public and submitted to the MSA at the location of the service area

船舶污染清除协议的签订

Chapter IV Signing of the ship pollution clearance agreement

第十六条 载运散装油类货物的船舶，其经营人应当在船舶进港前或者港外装卸、过驳作业前，按照以下要求与相应的船舶污染清除单位签订船舶污染清除协议：

Article 16 The operator of a ship carrying oil in bulk shall, prior to entering into a port or cargo handling or ship-to-ship transfer operation outside a port, conclude an agreement with a qualified ship pollution response organization in accordance with the following requirements:

(一) 600 总吨以下仅在港区水域航行或作业的船舶，应当与四级以上等级的船舶污染清除单位签订船舶污染清除协议；

(i) The operator of a ship of 600 GT or less only navigating or operating within port area shall conclude an agreement with a qualified ship pollution response organization of Level-4 or above

(二) 600 总吨以上 2000 总吨以下仅在港区水域航行或作业的船舶，应当与三级以上等级的船舶污染清除单位签订船舶污染清除协议；

(ii) The operator of a ship of 600-2,000 GT only navigating or operating within port area shall conclude an agreement with a qualified ship pollution response organization of Level-3 or above.

(三) 2000 总吨以上仅在港区水域航行或作业的船舶以及所有进出港口和从事过驳作业的船舶应当与二级以上等级的船舶污染清除单位签订船舶污染清除协议。

(iii) The operator of a ship of 2,000GT or above only navigating or operating within port area, or entering into or leaving a port, and any ship engaged in cargo handling or ship-to-ship transfer operation shall conclude an agreement with a qualified ship pollution response organization of Level-2 or above.

第十七条 载运油类之外的其他散装液体污染危害性货物的船舶，其经营人应当在船舶进港前或者港外装卸、过驳作业前，按照以下要求与相应的船舶污染清除单位签订船舶污染清除协议：

SHANGHAI HIGHWOODS SHIP CO., LTD.

Article 17. The operator of a ship carrying liquid cargo in bulk with pollution hazard other than oil shall, prior to entering into a port, or cargo handling or ship-to-ship transfer operation outside a port, conclude an agreement with a qualified ship pollution response organization in accordance with the following requirements.

(一) 进出港口的船舶以及在距岸 20 海里之内的我国管辖水域从事过驳作业的船舶应当与二级以上等级的船舶污染清除单位签订船舶污染清除协议；

(i) The operator of a ship engaged in cargo handling or ship-to-ship transfer operation within 20 nautical miles from shore shall conclude an agreement with a qualified ship pollution response organization of Level-2 or above.

(二) 在距岸 20 海里以外的我国管辖水域从事过驳作业的载运其他散装液体污染危害性货物的船舶应当与一级船舶污染清除单位签订船舶污染清除协议。

(ii) The operator of a ship engaged in cargo handling or ship-to-ship transfer operation at a distance more than 20 nautical miles from shore under the jurisdiction of China shall conclude an agreement with a qualified ship pollution response organization with Level-1

第十八条 1 万总吨以上的载运非散装液体污染危害性货物的船舶，其经营人应当在船舶进港前或者港外装卸、过驳作业前，按照以下要求与相应的船舶污染清除单位签订船舶污染清除协议：

The operator of a non-tanker of 10,000 GT or above shall, prior to entering into a port, or cargo handling or ship-to-ship transfer operation outside a port, conclude an agreement with a qualified ship pollution response organization in accordance with the following requirements.

(一) 进出港口的 2 万总吨以下的船舶应当与四级以上等级的船舶污染清除单位签订船舶污染清除协议；

(i) The operator of a non-tanker of 20,000 GT or less entering into or leaving a port shall conclude an agreement with a qualified ship pollution response organization of Level-4 or above

(二) 进出港口的 2 万总吨以上 3 万总吨以下的船舶应当与三级以上等级的船舶污染清除单位签订船舶污染清除协议；

(ii) The operator of a non-tanker of 20,000-30,000 GT entering into or leaving a port shall conclude an agreement with a qualified ship pollution response organization of Level-3 or above

(三) 进出港口的 3 万总吨以上的船舶以及在我国管辖水域从事过驳作业的船舶应当与二级以上等级的船舶污染清除单位签订船舶污染清除协议。

(iii) The operator of a non-tanker of 30,000 GT and above engaged in cargo handling or ship-to-ship transfer operation within 20 nautical miles from shore shall conclude an agreement with a qualified ship pollution response organization of Level-2 or above.

第十九条 与一级、二级船舶污染清除单位签订污染清除协议的船舶划分标准由国家海事管理机构确定。

SHANGHAI HIGHWOODS SHIP CO., LTD.

Article 19 The ship classification standard for signing a pollution clearance agreement with level I SPRO or Level II SPRO shall be determined by the Maritime Safety Administration.

第二十条 国家海事管理机构应当制定并公布船舶污染清除协议样本，明确协议双方的权利和义务。船舶和污染清除单位应当按照国家海事管理机构公布的协议样本签订船舶污染清除协议。

Article 20 The MSA shall formulate and publish a sample of the ship pollution clearance agreement, the ship operator and ship pollution response organization shall conclude an agreement in accordance with the sample agreement (appendix II), which clarifies the rights and obligations of each party

第二十一条 船舶应当将所签订的船舶污染清除协议留船备查，并在办理船舶进出港口手续或者作业申请时向海事管理机构出示。

Article 21 The copy of the signed Agreement for Ship Pollution Response shall be kept onboard for reference, and show it to the maritime administration when handling the ship's entry and exit procedures or applications.

船舶发现船舶污染清除单位存在违反本规定的行为，或者未履行船舶污染清除协议的，应当向船舶污染清除单位所在地的直属海事管理机构报告。

When a ship finds a SPRO in violation of the provisions of the rules and regulations, or fails to perform the ship pollution clearance agreement, it shall report to MSA directly under the location of the SPRO.

第一章 应急处置

Chapter V Emergency Response

第二十二条 船舶发生污染事故或者可能造成海洋环境污染的，船舶及有关作业单位应当立即启动相应的应急预案，按照有关规定的要求就近向海事管理机构报告，通知签订船舶污染清除协议的船舶污染清除单位，并根据应急预案采取污染控制和清除措施。

Article 22 If a ship is contaminated with a pollution accident or may cause the pollution of the marine environment, the ship and the relevant operating units shall immediately start deploying emergency plan, report to MSA in accordance with the requirements of the relevant provisions, notify the SPRO signed the ship pollution clearance agreement with, and control, remove, clean the pollution according to the emergency plan.

船舶在终止清污行动前应当向海事管理机构报告，经海事管理机构同意后方可停止应急处置措施。

The ship shall report to the MSA before terminating the cleanup operation, and the emergency disposal measures can be stopped after the consent of the MSA.

第二十三条 船舶污染清除单位接到船舶污染事故通知后，应当根据船舶污染清除协议及时开展污染控制和清除作业，并及时向海事管理机构报告污染控制和清除工作的进展情况。

SHANGHAI HIGHWOODS SHIP CO., LTD.

Article 23 The SPRO shall promptly carry out pollution control and clearance operations according to the ship pollution clearance agreement, and report the progress of pollution control and clearance to the MSA in a timely manner.

第二十四条 接到船舶造成或者可能造成海洋环境污染的报告后，海事管理机构应当立即核实有关情况，并加强监测、监视。

Article 24 After receiving a report on the marine pollution caused by the ship, the MSA shall immediately verify the situation and strengthen monitoring and surveillance.

发生船舶污染事故的，海事管理机构应当立即组织对船舶污染事故的等级进行评估，并按照应急预案的要求进行报告和通报。

In case of a ship pollution accident, the MSA shall immediately organize the assessment of the grade of the ship pollution accident, and report and report it in accordance with the requirements of the emergency plan.

第二十七条 发生船舶污染事故，海事管理机构可以组织并采取海上交通管制、清除、打捞、拖航、引航、护航、过驳、水下抽油、爆破等必要措施。采取上述措施的相关费用由造成海洋环境污染的船舶、有关作业单位承担。

Article 27 The MSA may organize and adopt the necessary measures such as maritime traffic control, clearance, salvage, towing, pilotage, escort, refutation, underwater pumping, blasting and so on. The relevant expenses for the above measures shall be borne by the ships and related operation units that cause marine environmental pollution.

第二十八条 船舶发生事故有沉没危险时，船员离船前，应当按照规定采取防止溢油措施，尽可能关闭所有货舱（柜）、油舱（柜）管系的阀门，堵塞货舱（柜）、油舱（柜）通气孔。

Article 28 When the ship is in danger of sinking, the crew should take measures to prevent oil spill in accordance with the regulations before leaving the ship, and close all the cargo hold (cabinet), tank (cabinet) pipe as far as possible, and plug the cargo hold (cabinet) and the oil tank (cabinet) air vent.

船舶沉没的，其所有人、经营人或者管理人应当及时向海事管理机构报告船舶燃油、污染危害性货物以及其他污染物的性质、数量、种类及装载位置等情况，采取或者委托有能力的单位采取污染监视和控制措施，并在必要的时候采取抽出、打捞等措施。

The owner, operator or manager of a ship shall report to the maritime administrative agency in a timely manner the nature, quantity, type and position of the other pollutants, and take or entrust a competent unit to take measures for pollution monitoring and control, and when necessary. Measures such as extraction and salvage are adopted.

第三十条 海事管理机构应当建立、健全防治船舶污染应急防备和处置的监督检查制度，对船舶及有关作业单位的防治船舶污染能力以及污染清除作业实施监督检查，并对监督检查情况予以记录。

SHANGHAI HIGHWOODS SHIP CO., LTD.

Article 30 The maritime administrative institutions shall establish and improve the supervision and inspection system for the prevention and treatment of emergency preparedness and disposal of ship pollution, and carry out supervision and inspection on the prevention and control of ships' ability to prevent and control the pollution of ships and the operation of pollution clearance operations, and record the situation of supervision and inspection.

海事管理机构实施监督检查时，有关单位和个人应当予以协助和配合，不得拒绝、妨碍或者阻挠。

When carrying out supervision and inspection by MSA, relevant units and individuals shall assist and cooperate with them, and shall not refuse, obstruct or obstruct them.

第三十一条 海事管理机构发现船舶及其有关作业单位和个人存在违反本规定行为的，应当责令改正；拒不改正的，海事管理机构可以责令停止作业、强制卸载，禁止船舶进出港口、靠泊、过境停留，或者责令停航、改航、离境、驶向指定地点。

Article 31 The MSA shall order to correct the violation of the provisions of the regulations of ship and its relevant operating units and individuals; refusing to make corrections, the MSA may order to stop the operation, force the unloading, prohibit the ship from entering the port, berthing, transit, or order to stop, change, leave, and sail to the designated area. place

第三十二条 违反本规定，船舶未制定防治船舶及其有关作业活动污染海洋环境应急预案 之由海事管理机构处 2 万元以下的罚款， 之

、码头、装卸站的经营人未制定防治船舶及其有关作业活 之 海事管理机构予以警告，或者责令限期改正。

Article 32 In violation of the provisions, If the ship does not formulate an emergency plan for the prevention and control of a ship and its related activities to pollute the marine environment, a fine of less than 20 thousand yuan shall be imposed. or the emergency plan has not been submitted to MSA for approval, which shall be ordered to correct in limit time. The operators of the ports, wharfs and handling stations have not formulated emergency plans for preventing and controlling ships and their related activities stations have to pollute the marine environment, which shall be warned by the MSA or ordered to correct that in limit time.

第三十三条 违反本规定，船舶和有关作业单位未配备防污设施、设备、器材的，或者配备的防污设施、设备、器材不符合国家有关规定和标准的，由海事管理机构予以警告，或者处 2 万元以上 10 万元以下的罚款。

Article 33 In violation of the provisions, the ships and relevant operating units are not equipped with antifouling facilities, equipment, equipment, or equipped with antifouling facilities, equipment and equipment that do not comply with the relevant regulations and standards of the state, MSA shall give a warning or impose a fine of not less than 20 thousand yuan and not more than 100 thousand yuan.

第三十四条 违反本规定，有下列情形之一的，由海事管理机构处 1 万元以上 5 万元以下的罚款：

Article 34 In violation of the provisions, in case of any of the following circumstances, the MSA shall impose a fine of not less than 10 thousand yuan but not more than 50 thousand yuan:

SHANGHAI HIGHWOODS SHIP CO., LTD.

(一) 载运散装液体污染危害性货物的船舶和1万总吨以上的其他船舶, 其经营人未按照规定签订污染清除作业协议的;

(i) The operators of ships carrying hazardous liquids in bulk and other ships with gross tonnage exceeding 10 thousand tons shall not sign the ship pollution cleanup agreement according to the provisions.

(二) 污染清除作业单位不符合国家有关技术规范从事污染清除作业的。

(ii) SPROs do not meet the relevant national technical standards for pollution cleanup operations.

第三十五条 违反本规定, 有下列情形之一的, 由海事管理机构处2万元以上10万元以下的罚款:

或者处2万元以上10万元以下的罚款。

Article 35 In violation of these Provisions, one of the following circumstances shall be fined by MSA at not less than 20 thousand yuan and not more than 100 thousand yuan.

(一) 船舶沉没后, 其所有人、经营人未及时向海事管理机构报告船舶燃油、污染危害性货物以及其他污染物的性质、数量、种类及装载位置等情况的;

(i) After the sinking of the ship, the owner and operator of the ship did not report to the maritime administrative agency in a timely manner on the nature, quantity, type and location of the ship's fuel, pollution and hazardous goods and other pollutants.

(二) 船舶沉没后, 其所有人、经营人未及时采取措施清除船舶燃油、污染危害性货物以及其他污染物的。

(ii) After the ship sank, its owners and operators did not take timely measures to clean up the ship's fuel, polluting dangerous goods and other pollutants.

第三十六条 违反本规定, 发生船舶污染事故, 船舶、有关作业单位迟报、漏报事故的, 对船舶、有关作业单位, 由海事管理机构处5万元以上25万元以下的罚款; 对直接负责的主管人员和其他直接责任人员, 由海事管理机构处1万元以上5万元以下的罚款; 直接负责的主管人员和其他直接责任人员属于船员的, 给予暂扣适任证书或者其他有关证件3个月至6个月的处罚。瞒报、谎报事故的, 对船舶、有关作业单位, 由海事管理机构处25万元以上50万元以下的罚款; 对直接负责的主管人员和其他直接责任人员, 由海事管理机构处5万元以上10万元以下的罚款; 直接负责的主管人员和其他直接责任人员属于船员的, 并处给予吊销适任证书或者其他有关证件的处罚。

Article 36 In violation of these provisions, in case of a marine pollution accident, a delayed report of the relevant operating units and of ship, which shall be fined by MSA at not less than 50 thousand yuan and not more than 250 thousand yuan. The directly responsible personnel and other directly responsible personnel shall be not less than 10 thousand yuan and not more than 50 thousand yuan from MSA. The officers in charge of direct responsibility and other directly responsible personnel who belong to the crew, shall be punished from 3 months to 6 months of the provisional certificate of competence or other relevant documents.

SHANGHAI HIGHWOODS SHIP CO., LTD.

Ships and related operation units, whoever conceals or falsely reports accidents shall be fined not less than 250 thousand and not more than 500 thousand yuan by MSA. For those directly in charge and other persons directly responsible, the maritime administrative agency shall be fined not less than 50 thousand yuan and not more than 100 thousand yuan. The persons directly in charge and other persons directly responsible shall belong to the crew members and be punished for revoking their certificates of competency or other related documents.

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