



## Regulations on prevention and control of marine pollution by ships

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### Chapter I General

1. These Regulations are formulated in accordance with the Law of the People's Republic of China on Marine Environmental Protection in order to prevent and control pollution of the marine environment by ships and their related operational activities.
2. These Regulations shall be applicable to the prevention and control of pollution caused by ships and their related activities in the waters under the jurisdiction of the People's Republic of China.
3. The prevention and control of pollution of the marine environment by ships and their related operational activities shall be based on the principle of prevention and combination of prevention and control.
4. The competent department of transportation under the State Council shall be in charge of the prevention and control of pollution of the marine environment by non-military vessels in the waters of the port area under its jurisdiction and by non-fisheries and non-military vessels outside the waters of the port area.  
The MSA shall, in accordance with the provisions of these Regulations, be specifically responsible for the supervision and administration of the prevention and control of pollution of the marine environment by ships and their related operational activities.
5. The competent department of transportation under the State Council shall, in accordance with the need to prevent and control pollution of the marine environment by ships and their related operational activities, organize and prepare emergency capacity-building plans for preventing and controlling pollution of the marine environment by ships and their related operational activities, which shall be published and implemented after being submitted to the State Council for approval. Local people's governments at or above the municipal level with coastal districts shall, in accordance with the emergency capacity-building plan approved by the State Council for the prevention and control of pollution of the marine environment by ships and their related operational activities, organize and prepare corresponding emergency capacity-building plans for the prevention and control of pollution of the marine environment by ships and their related operational activities in accordance with the actual situation in the region.
6. The competent department of transportation under the State Council and the local people's governments at or above the municipal level with districts along the coast shall establish and improve emergency response mechanisms for preventing and controlling pollution of the marine environment by ships and their related operational activities, and formulate emergency plans for preventing and controlling pollution of the marine environment by ships and their related operational activities.
7. In accordance with the need to prevent and control pollution of the marine environment by ships and their related operational activities, the MSA shall, together with the competent marine authorities, establish and improve the monitoring and

monitoring mechanism for pollution of the marine environment by ships and their related operational activities, and strengthen the monitoring and monitoring of pollution of the marine environment by ships and their related operational activities.

8. The competent department of transportation under the State Council and the local people's governments at or above the municipal level with districts along the coast shall, in accordance with the contingency capacity-building plan for preventing and controlling pollution of the marine environment by ships and their related operational activities, establish specialized contingency teams and emergency equipment storehouses and equip them with special facilities, equipment and equipment.

9. If any unit or individual finds that a ship or its related operational activities have caused or may cause marine environmental pollution, it shall immediately report it to the MSA nearby.

### Chapter 2 General provisions

10. The ship's structure, equipment and equipment shall conform to the requirements of the relevant national technical norms for the prevention and control of pollution of the marine environment by ships and the international treaties concluded or acceded to by the People's Republic of China.

Ships shall, in accordance with laws, administrative regulations, the provisions of the competent department of transportation under the State Council and the requirements of international treaties concluded or acceded to by the People's Republic of China, obtain and carry with them corresponding certificates and documents for the prevention and control of marine environmental pollution by ships.

11. Owners, operators or administrators of Chinese vessels shall, in accordance with the provisions of the competent department of transportation under the State Council, establish and improve a management system for safe operation and prevention of pollution from ships.

The MSA shall examine and verify the management system for safe operation and prevention of pollution from ships. If it is qualified, it shall issue a certificate of conformity and a corresponding certificate of ship safety management.

12. Ports, wharfs, loading and unloading stations and units engaged in ship repair shall be equipped with pollution monitoring facilities and pollutant receiving facilities appropriate to the types of cargo and handling capacity or ship repair capacity, and keep them in good condition.

13. Ports, wharfs, loading and unloading stations and units engaged in ship repair, salvage and dismantling operations shall formulate relevant management systems for safe operation and pollution prevention, and equip corresponding pollution prevention equipment and equipment in accordance with the relevant national standards and standards for the prevention and control of pollution of the marine environment by ships and their related operations.

Ports, wharfs, loading and unloading stations and units engaged in ship repair, salvage and dismantling operations shall regularly inspect and maintain the equipped anti-pollution equipment and equipment to ensure that the anti-pollution equipment and

equipment meet the requirements of preventing and controlling pollution of the marine environment by ships and their related operations.

14. The owner, operator or administrator of a ship shall formulate an emergency plan for preventing and controlling pollution of the marine environment by ships and their related operational activities and report it to the MSA for the record.

Operators of ports, wharfs, loading and unloading stations and relevant operating units shall formulate emergency plans for the prevention and control of pollution of the marine environment by ships and their related operational activities, and report them to the maritime administrative agencies and the competent environmental protection authorities for the record.

Ships, ports, wharfs, loading and unloading stations and other relevant operating units shall organize drills regularly in accordance with emergency plans and make appropriate records.

### **Chapter 3. Discharge and reception of pollutants from ships**

15. Pollutants such as ship garbage, domestic sewage, oily water, water containing toxic and harmful substances, exhaust gas and ballast water discharged by ships into the sea areas under the jurisdiction of the People's Republic of China shall meet the requirements of laws, administrative regulations, international treaties concluded or acceded to by the People's Republic of China and relevant standards.

The ship shall discharge pollutants that do not meet the discharge requirements specified in the preceding paragraph into the port reception facilities or shall be received by the ship's pollutant receiving unit.

Ships shall not discharge ship pollutants into marine nature reserves, seashore scenic spots, important fishery waters and other areas requiring special protection as defined by law.

16. The pollutant discharged by ships shall be recorded in the corresponding record book. The ship shall keep the ship garbage record book that has been used on board for 2 years. The sewage record book containing oily waste water and toxic and harmful substances shall be kept on board for 3 years.

17. When receiving marine waste, residual oil, oily sewage or sewage containing toxic and harmful substances, the receiving units shall draw up operation plans, abide by relevant operating rules and take necessary anti-pollution measures. The receiving unit of ship pollutants shall report the reception of ship pollutants to the MSA in accordance with the regulations.

18. When receiving marine pollutants, the receiving unit shall issue a pollutant disposal receipt to the ship, which shall be confirmed by the signatures of both parties and retained for at least two years. The receipt documents of pollutants shall indicate the names of both parties involved in the operation, the time and place of the start and end of the operation, and the types and quantities of pollutants. The ship shall keep the pollutant receipt documents in the corresponding record book.

19. The receiving unit of ship pollutants shall treat the received ship pollutants in accordance with the relevant provisions of the State on the treatment of pollutants, report the reception and treatment of ship pollutants to the MSA for the record every month.

#### Chapter 4 Pollution prevention and control of ship related activities

20. Those engaged in ship clearing, tank washing, oil supply and acceptance, loading and unloading, barging, repairing, salvaging and dismantling, contamination hazardous cargo loading, tank filling, pollution clearance operations and underwater construction by ships shall abide by relevant operating rules and take necessary safety and pollution prevention measures.

Personnel engaged in the operational activities specified in the preceding paragraph shall have relevant professional knowledge and skills in safety and pollution prevention.

21. If a ship fails to meet the requirements for proper loading of contaminated hazardous cargo, it shall not carry contaminated hazardous cargo, nor shall the wharf or loading and unloading station carry out loading operations for it.

The list of pollution hazardous goods is published by the MSA.

22. The carrier, cargo owner or agent of a vessel carrying pollution hazardous goods into or out of a port shall apply to the maritime administrative agency for approval before it can enter or leave the port or stop in transit.

23. Ships carrying hazardous pollution cargo shall carry out loading and unloading operations at wharfs and loading and unloading stations with corresponding safety handling and pollutant handling capabilities announced by the maritime administrative agencies.

24. The owner or agent of the cargo shall ensure that the package and label of the cargo are in conformity with the relevant safety and pollution prevention regulations when delivering the pollution hazardous cargo on board the ship, and shall accurately indicate the technical name, number, category (nature), quantity, matters needing attention and emergency measures of the cargo on the transport document. If the owner or agent of the cargo delivers the cargo whose pollution hazard is unknown to the ship, he shall entrust the relevant technical institutions to carry out the hazard assessment, clarify the hazard nature of the cargo and the relevant safety and pollution prevention requirements before delivery to the ship.

25. If the MSA considers that the pollution hazardous goods delivered to the ship should be declared but not declared, or the contents declared do not conform to the actual situation, it may examine them by open-boxes or other means in accordance with the provisions of the competent department of transportation under the State Council.

When a maritime administrative agency inspects contaminated hazardous goods, the owner or agent of the goods shall be present, and be responsible for the removal of the goods, the opening and sealing of the packaging of the goods. If the MSA deems it necessary, it may conduct inspection, reinspection or withdrawal of samples, and the relevant units and individuals shall cooperate.

26. The carrier, cargo owner or agent of a ship carrying out barge operations on hazardous goods contaminated by bulk liquids shall apply to the MSA, inform the place of operation, and attach materials such as barge operation scheme, operation procedures and pollution prevention measures.

The MSA shall make a decision on whether to grant or not to grant permission within two working days from the date of accepting the application. If a decision cannot be made within two working days, it may be extended by five working days with the approval of the person in charge of the maritime administration.

27. The units that have obtained the qualification of ship oil supply for operation according to law shall be filed with the MSA. MSA shall supervise and inspect the operation of oil supply and acceptance of ships. If they find that they do not meet the requirements of safety and pollution prevention, they shall stop them.

28. The ship fuel supplier shall fill in the fuel supply and BDN truthfully and provide the ship with the fuel supply and BDN and fuel samples.

Ships and ship fuel suppliers shall keep fuel supply and BDN for three years and fuel samples for one year.

29. The location of ship repair and water dismantling should conform to environmental functional zoning and marine functional zoning.

30. Before the ship dismantling operation, the unit engaged in ship dismantling shall dispose of the residues and wastes on the ship, refuel the oil stored in the oil tank (cabinet), and carry out the work of ship clearance, tank washing and explosion detection.

Units engaged in ship dismantling shall promptly clean up the site of ship dismantling and dispose of the pollutants produced by ship dismantling in accordance with the relevant provisions of the State. It is forbidden to carry out ship dismantling operation by means of beach washing.

31. Ships are prohibited from transferring hazardous wastes through inland waters and territorial waters of People's Republic of China.

For the transfer of hazardous wastes in other sea areas under the jurisdiction of the People's Republic of China, the written consent of the competent environmental protection department under the State Council shall be obtained in advance, and the location of the ship shall be regularly reported in accordance with the route designated by the maritime administrative agency.

32. Dumping of wastes into the ocean should be recorded truthfully. After returning to Hong Kong, a written report shall be submitted to the maritime administrative organ at the port of departure.

33. Ships carrying dangerous goods contaminated by bulk liquids and other ships with a gross tonnage of more than 10,000 tons shall sign ship pollution cleanup agreements with Ship Pollution Response units in accordance with the relevant technical specifications of the State before operation or before entering or leaving ports, so as to clarify the rights and obligations of both parties in pollution cleanup after oil spill accidents.

The Ship pollution Response units that sign the pollution cleanup agreement with the ship operator shall carry out the oil spill response in time in accordance with the agreement after the ship pollution accident occurs.

## Chapter 5 Emergency disposal of ship pollution accidents

34. The term "ship pollution accidents" as mentioned in these Regulations refers to marine environmental pollution accidents caused by the leakage of oil, oil mixtures and other toxic and harmful substances from ships and their related operations.

35. The pollution accidents of ships are classified into the following levels:

- 1) A particularly serious ship pollution accident refers to a ship pollution accident that spills more than 1000 tons of oil or causes direct economic losses of more than 200 million yuan.
- 2) Major ship pollution accidents refer to ship pollution accidents in which oil spills between 500 tons and 1000 tons, or direct economic losses between 100 million yuan and 200 million yuan.
- 3) The larger ship pollution accident refers to the ship pollution accident that the oil spill between 100 tons and 500 tons or causes direct economic losses between 50 million yuan and 100 million yuan.
- 4) General ship pollution accidents refer to ship pollution accidents where oil spills are less than 100 tons or direct economic losses are less than 50 million yuan.

36. If a ship has a pollution accident in the sea area under the jurisdiction of the People's Republic of China, or if a pollution accident occurs outside the sea area under the jurisdiction of the People's Republic of China, or may cause pollution in the sea area under the jurisdiction of the People's Republic of China, it shall immediately start corresponding emergency plans, take measures to control and eliminate pollution, and take measures to control and eliminate pollution, as well as Management report.

If it is found that ships and their related operations may cause pollution to the marine environment, ships, wharfs and loading and unloading stations shall take corresponding emergency measures immediately and report to the relevant maritime administrative agencies nearby. The maritime administrative organ receiving the report shall immediately verify the relevant information and report it to the maritime administrative organ at a higher level or to the competent department of transportation under the State Council, as well as to the local people's government at or above the municipal level with the coastal districts.

37. The report of ship pollution accident shall include the following contents:

- 1) The name, nationality, call sign or serial number of the ship;
- 2) The name and address of the owner, operator or manager of the ship;
- 3) The time and place of the accident and related meteorological and hydrological conditions;
- 4) A preliminary judgement of the cause of an accident or the cause of an accident.
- 5) The types, quantities and loading locations of pollutants on ships are outlined.
- 6) Degree of pollution
- 7) Pollution control, removal measures, pollution control and rescue requirements that have been taken or are to be taken;
- 8) Other matters that should be reported by the transportation and transportation department under the State Council.

If a new situation occurs after a report on a ship's pollution accident is made, the ship and the relevant unit shall make a timely report.

38. In the event of a particularly serious ship pollution accident, the State Council or the competent department of transportation under the State Council are authorized to establish an emergency command body for accidents.

In case of a major ship pollution accident, the people's governments of the relevant provinces, autonomous regions and municipalities directly under the Central Government shall, in conjunction with the maritime administrative organs, establish an emergency command organ for accidents.

In case of major ship pollution accidents and general ship pollution accidents, the municipal people's governments of the districts concerned shall, in conjunction with the maritime administrative organs, establish emergency command organs for accidents.

Departments and units concerned shall, under the unified organization and command of the accident emergency command organ, carry out corresponding emergency disposal according to the division of labor in the emergency plan.

39. If a ship is in danger of sinking in an accident, the crew shall close all the valves of the cargo hold (cabinet) and oil tank (cabinet) piping as far as possible before leaving the ship, block the ventilation holes of the cargo hold (cabinet) and oil tank (cabinet).

If a ship sinks, the owner, operator or administrator of the ship shall timely report to MSA the nature, quantity, type and loading location of the ship's fuel oil, polluting hazardous goods and other pollutants, and take timely measures to remove them.

40. If a ship pollution accident or sinking of a ship may cause pollution in the sea areas under the jurisdiction of the People's Republic of China, the local people's governments and MSA may, in accordance with the needs of emergency disposal, requisition vessels of relevant units or individuals, as well as facilities, equipment and equipment for pollution prevention and control. Relevant units and individuals shall cooperate with.

The requisitioned ships and pollution prevention facilities, equipment, equipment and other materials shall be returned in time after they have been used up or the emergency disposal work has been completed. Compensation shall be given to ships and pollution prevention facilities, equipment, equipment and other materials that have been requisitioned or destroyed or lost after requisition.

41. In case of ship pollution accidents, MSA may take such necessary measures as clearance, salvage, towing, pilotage and barge clearance to mitigate pollution damage. Relevant expenses shall be borne by vessels and relevant operating units that cause marine environmental pollution.

Ships that need to bear the expenses specified in the preceding paragraph shall pay the relevant expenses or provide corresponding financial guarantees before sailing.

42. The degreasing agents used in dealing with ship pollution accidents shall conform to the relevant national standards.

#### **Chapter 6 Investigation and Treatment of Marine Pollution Accidents**

43. The investigation and treatment of ship pollution accidents shall be carried out in accordance with the following provisions:

(1) Particularly serious ship pollution accidents shall be investigated and dealt with by the State Council or the competent department of transportation under the State Council authorized by the State Council.

(2) Major ship pollution accidents shall be investigated and dealt with by the State Maritime Administration.

(3) Large ship pollution accidents and general ship pollution accidents shall be investigated and dealt with by MSA at the place where the accident occurred.

If a ship pollution accident causes damage to fisheries, the competent fishery authorities shall be involved in the investigation and treatment; if damage is caused to the waters of military ports, the competent military departments concerned shall be involved in the investigation and treatment.

44. In the event of a ship pollution accident, the organ organizing the investigation and treatment of the accident or MSA shall promptly, objectively and impartially carry out the accident investigation, investigate the accident scene, inspect the relevant ships, inquire the relevant personnel, collect evidence and find out the cause of the accident.

45. Depending on the need of accident investigation and handling, the organ organizing accident investigation and handling or the maritime administrative organ may temporarily withhold relevant certificates, documents and materials; if necessary, it may prohibit ships from leaving the port or order them to stop sailing, change sailing, stop working until they are temporarily detained.

46. When organs or MSA organizing accident investigation and handling conduct accident investigation, the parties to the ship pollution accident and other relevant personnel shall truthfully reflect the situation and provide information, and shall not forge, conceal or destroy evidence or obstruct investigation and evidence collection in other ways.

47. The organ that organizes the investigation and handling of accidents or the MSA shall, within 20 working days from the end of the investigation of accidents, prepare a certificate of accidental determination and serve it to the parties concerned.

The certificate of accidental determination shall specify the basic situation of the accident, the cause of the accident and the liability for the accident.

#### **Chapter 7 Compensation for damage caused by ship pollution accident**

48. Those responsible for causing damage to marine environmental pollution shall eliminate the harm and compensate for the loss; if the damage to marine environmental pollution is caused solely by the intent or negligence of a third party, the third party shall eliminate the harm and assume the liability for compensation.

49. Under one of the following circumstances, if pollution damage to the marine environment is still unavoidable after timely and reasonable measures are taken, it shall be exempted from liability:

(1) War;

(2) Irresistible natural disasters;

(3) The competent authorities responsible for lighthouses or other navigational aids, negligence or other negligent acts in the performance of their duties.



50. The limitation of compensation for ship pollution accidents shall be implemented in accordance with the provisions of the Maritime Law of the People's Republic of China on limitation of liability for maritime claims. However, if the pollution of the sea areas under the jurisdiction of the People's Republic of China is caused by the persistent oil substances in bulk carried by ships, the compensation limit shall be implemented in accordance with the provisions of the relevant international treaties concluded or acceded to by the People's Republic of China.

The term "persistent oil substances" as mentioned in the preceding paragraph refers to any persistent hydrocarbon mineral oil.

51. The owner of a ship sailing in the waters under the jurisdiction of the People's Republic of China shall, in accordance with the provisions of the competent department of transportation under the State Council, insure the ship against civil liability for oil pollution damage or obtain corresponding financial guarantees. However, ships carrying non-oil substances below 1000 gross tons are excluded. The amount of civil liability insurance or financial guarantee obtained by the shipowner shall not be less than the limit of compensation for oil pollution stipulated in the Maritime Law of the People's Republic of China and the relevant international treaties concluded or acceded to by the People's Republic of China.

52. If a Chinese-nationality ship has been insured for oil pollution damage civil liability insurance or has obtained financial guarantee in accordance with the provisions of Article 51 of these Regulations, the owner of the ship shall apply to the maritime authority of the port of registry for oil pollution treatment on the basis of the certificate of nationality of the ship, the contract of insurance for oil pollution damage civil liability of the ship or the certificate of financial guarantee. Certificate of Civil Liability Insurance for Damage or Certificate of Financial Guarantee.

53. In case of oil pollution accidents on ships, the State shall organize relevant units to carry out emergency disposal and clean up the necessary expenses incurred by pollution, shall give priority to compensation in compensation for oil pollution damage on ships.

54. Owners or agents of cargo receiving persistent oil cargo transported by sea in waters under the jurisdiction of the People's Republic of China shall pay compensation funds for oil pollution damage from ships.

Specific measures for the collection, use and management of compensation funds for oil pollution damage from ships shall be formulated by the financial department of the State Council in conjunction with the competent department of transportation under the State Council.

The State establishes the Management Committee of the Compensation Fund for Oil Pollution Damage from Ships, which is responsible for dealing with such matters as compensation of the Compensation Fund for Oil Pollution Damage from Ships. The Management Committee of Marine Oil Pollution Damage Compensation Fund is composed of the relevant administrative organs and the main cargo owners who pay the Marine Oil Pollution Damage Compensation Fund.

55. In the case of disputes over compensation for damage caused by ship pollution accidents, the parties concerned may request the MSA to mediate, or apply to the arbitration agency for arbitration or bring a civil action to the people's court.

#### Chapter 8 Legal responsibility

56. Where a ship or an operating unit violates the provisions of these Regulations, the maritime administrative agency shall order it to make corrections; if it refuses to make corrections, MSA may order it to stop its operations and forcibly unload, prohibit the vessel from entering or leaving the port, berthing or stopping in transit, or order it to stop, change its course of sailing, leave the country or sail to a designated place.

57. In violation of the provisions of these Regulations, if the structure of a ship does not conform to the technical norms of the State for the prevention and control of pollution of the marine environment by ships or the requirements of relevant international treaties, the maritime administrative agency shall impose a fine of not less than 100,000 yuan but not more than 300,000 yuan.

58. In case of any of the following violations of the provisions of these Regulations, MSA shall impose penalties in accordance with the relevant provisions of the Marine Environment Protection Law of the People's Republic of China:

(1) Where a ship has not obtained and carried with it certificates or documents for the prevention and control of pollution of the marine environment by a ship;

(2) Ships, ports, wharfs and loading and unloading stations are not equipped with pollution prevention equipment;

(3) Ships discharging pollutants prohibited by these Regulations into the sea;

(4) If the ship fails to faithfully record the disposal of pollutants;

(5) Ships discharging pollutants into the sea beyond the standard;

(6) Those engaged in ship dismantling operations on water cause damage to marine environmental pollution.

59. In violation of the provisions of these Regulations, if a vessel fails to keep a vessel's pollutant disposal record on board in accordance with the provisions, or if the vessel's pollutant disposal record does not conform to the quantity of pollutants generated during the operation of the vessel, the maritime administrative agency shall impose a fine of not less than 20,000 yuan but not more than 100,000 yuan.

60. In violation of the provisions of these Regulations, if the receiving units of ship pollutants engage in the receiving operations of ship garbage, residual oil, oily sewage and sewage containing toxic and harmful substances, fail to formulate operational plans, comply with relevant operational regulations and take necessary anti-pollution measures, the maritime administrative agencies shall impose a fine of not less than 10,000 yuan but not more than 50,000 yuan, which will result in Shanghai. If foreign environmental pollution occurs, a fine of more than 50,000 yuan and less than 250,000 yuan shall be imposed. 61. If, in violation of the provisions of these Regulations, the receiving unit of ship pollutants fails to report the reception of ship

pollutants to the maritime administrative organ in accordance with the provisions, or fails to issue the receipt document of pollutants to the ship in accordance with the provisions, or fails to report the reception and treatment of ship pollutants to MSA for the record in accordance with the provisions, MSA shall be responsible for it and shall impose a fine of less than 20,000 yuan.

62. In violation of the provisions of these Regulations, in any of the following circumstances, MSA shall impose a fine of between 2000 yuan and less than 10,000 yuan:

- (1) If the ship fails to keep the receipt documents of pollutants in accordance with the regulations;
- (2) If the ship's fuel supply unit fails to fill in the fuel supply and acceptance documents truthfully;
- (3) The ship's fuel supplier fails to provide the fuel supply and acceptance documents and fuel samples to the ship in accordance with the regulations.
- (4) Ships and ship fuel suppliers fail to keep fuel supply and acceptance documents and fuel samples in accordance with regulations.

63. In violation of the provisions of these Regulations, in any of the following circumstances, the maritime administration shall impose a fine of not less than 20,000 yuan but not more than 100,000 yuan:

- (1) Ships carrying polluting hazardous goods do not meet the requirements for proper loading of polluting hazardous goods;
- (2) Ships carrying hazardous pollution cargo do not carry out loading and unloading operations at wharfs and loading and unloading stations with corresponding safety handling and pollutant handling capabilities.
- (3) The owner or agent of the goods fails to assess the hazards of the goods with unclear pollution hazards in accordance with the regulations.

64. In violation of the provisions of these Regulations and without the approval of MSA, MSA shall impose a fine of not less than 10,000 yuan but not more than 50,000 yuan on ships carrying pollution hazardous goods into or out of ports, transit stops or barge operations.

65. In violation of the provisions of these Regulations, in any of the following circumstances, the maritime administration shall impose a fine of not less than 20,000 yuan but not more than 100,000 yuan:

- (1) When a ship sinks in an accident, the owner or operator of the ship fails to report to the maritime administration in time the nature, quantity, type and loading location of the fuel oil, polluting hazardous cargo and other pollutants of the ship.
- (2) If a ship has sunk in an accident and the owner or operator of the ship fails to take timely measures to remove fuel oil, polluting hazardous goods and other pollutants from the ship.

66. In violation of the provisions of these Regulations, in any of the following circumstances, the maritime administration shall impose a fine of between 10,000 yuan and 50,000 yuan:

(1) The operators of ships carrying dangerous goods polluted by bulk liquids and other ships with a gross tonnage of more than 10,000 tons fail to sign the pollution clearance operation agreement in accordance with the regulations.

(2) Units engaged in pollution removal operations do not conform to the relevant technical specifications of the State.

67. In case of a ship pollution accident in violation of the provisions of these Regulations and if the ship or the relevant operating unit fails to initiate an emergency plan immediately, the maritime administrative organ shall impose a fine of not less than 20,000 yuan but not more than 100,000 yuan on the ship or the relevant operating unit; and the maritime administrative organ shall impose a fine of not less than 10,000 yuan on the persons directly in charge and other persons directly responsible. A fine of more than 20,000 yuan or less. If the person in charge and other persons directly responsible belong to the crew, they shall be punished with temporary withholding of the competency certificate or other relevant documents for one to three months.

68. In case of a ship pollution accident in violation of the provisions of these Regulations, if the ship or the relevant operating unit fails to report or fails to report the accident, MSA shall impose a fine of not less than 50,000 yuan but not more than 250,000 yuan on the ship or the relevant operating unit; and for the persons directly responsible and other persons directly responsible, MSA shall impose a fine of not less than 10,000 yuan. A fine of less than 50,000 yuan. If the person in charge and other persons directly responsible belong to the crew, they shall be punished with temporary withholding of the competency certificate or other relevant documents for three to six months. Where an accident is concealed or falsely reported, a fine of not less than 250,000 yuan but not more than 500,000 yuan shall be imposed on the ship or the relevant operating unit by the maritime administrative organ, and a fine of not less than 50,000 yuan but not more than 100,000 yuan shall be imposed on the directly responsible persons in charge and other directly responsible persons by the maritime administrative organ. If the person in charge directly responsible and other persons directly responsible belong to the crew, they shall also be punished by revoking the competency certificate or other relevant documents.

69. In case of violating the provisions of these Regulations and failing to use degreasing agents in accordance with the standards prescribed by the State, MSA shall impose a fine of not less than 10,000 yuan but not more than 50,000 yuan on the ship or the user.

70. If, in violation of the provisions of these Regulations, the parties to a ship pollution accident and other relevant personnel fail to truthfully report the situation and provide information to the organ organizing the investigation and handling of the accident or MSA, forge, conceal or destroy evidence, or otherwise obstruct the investigation and collection of evidence, MSA shall handle the case at least 10,000 yuan and 50,000 yuan. The following fine.

71. In violation of the provisions of these Regulations, if the owner of a ship commits any of the following circumstances, he shall be ordered by the maritime administration to make corrections and may be fined not more than 50,000 yuan; if he



refuses to make corrections, he shall be fined not less than 50,000 yuan but not more than 250,000 yuan.

(1) If the owner of a ship sailing in the waters under the jurisdiction of the People's Republic of China fails to insure the ship against civil liability for oil pollution damage or obtains corresponding financial guarantees in accordance with the provisions;

(2) The amount of civil liability insurance or financial guarantee obtained by the shipowner for oil pollution damage is lower than the limit of oil pollution compensation stipulated in the Maritime Law of the People's Republic of China and relevant international treaties concluded or acceded to by the People's Republic of China.

72. In violation of the provisions of these Regulations, if the cargo owner or agent who receives the persistent oil cargo transported by sea in the waters under the jurisdiction of the People's Republic of China fails to pay the compensation fund for oil pollution damage from ships in accordance with the regulations, the maritime administrative agency shall order him to make corrections; if he refuses to make corrections, he may stop receiving the persistent oil. Material goods are loaded, unloaded and barged in waters under the jurisdiction of the People's Republic of China.

If the owner or agent of the goods fails to pay the compensation fund for oil pollution damage to the ship within the time limit, he shall pay an additional five-tenths of the overdue fee on a daily basis from the date of payment.

#### Chapter 9 Supplementary articles

73. Where international treaties concluded or acceded to by the People's Republic of China provide for the prevention and control of pollution of the marine environment by ships and their related operational activities, the provisions of international treaties shall apply. However, the provisions on which the People's Republic of China declares reservations are excluded.

74. The competent fishery departments of the people's governments at or above the county level shall be responsible for the supervision and management of pollution of the marine environment by non-military vessels in the waters of fishing ports and fishing vessels outside the waters of fishing ports, for the protection of the ecological environment of fishing waters, and for the investigation and treatment of fishery pollution under Article 5, paragraph 4, of the Marine Environment Protection Law of the People's Republic of Therefore.

75. The military environmental protection department is responsible for the supervision and management of marine environmental pollution by military ships and the investigation and treatment of pollution accidents.

76. These Regulations shall come into force on March 1, 2010.

**This is the latest effective version as per list of valid Rules updated by State Council.**