



Circular

Ref: 14/11

NOVEMBER 2011

OUTLINE

- The issue of lists of all approved contractors by China's MSA is postponed
- The requirement to contract with an approved clean up contractor will still be enforced in all Chinese ports from 1 January 2012
- The Club's Legal Briefing "Chinese marine pollution laws" of July 2010 provides an overview of this legislation
- This circular refers to previous circulars 7/11, 26/10, 14/10, 15/09 & 12/09.

TO THE MEMBERS

Dear Sirs

REGULATIONS OF THE PEOPLE'S REPUBLIC OF CHINA ON THE PREVENTION AND CONTROL OF MARINE POLLUTION FROM SHIPS

We refer Members to previous circulars on the Regulations of the People's Republic of China (PRC) on the Prevention and Control of Marine Pollution from Ships ("the Regulations"), and the postponement of the requirement that owners/operators of (a) any ship carrying polluting and hazardous cargoes in bulk or (b) any other vessel above 10,000 gt enter into a pollution clean up contract with a Maritime Safety Agency (MSA) approved pollution response company before the vessel enters a PRC port.

Members were previously informed, pursuant to advice received from the MSA, that the lists of all approved contractors would be issued in October 2011.

The International Group has maintained contact with the MSA and now understands that the list of all approved contractors has been delayed further as the process of approving responders in the various coastal local provinces is still ongoing and has yet to be finalised. The International Group understands that this has delayed the issue of the list of approved responders until later this month, at the earliest.

While the International Group has drawn the MSA's attention to the difficulty which Members will face in complying with the Regulations if the effective date is not put back, the present understanding is that the requirement to contract with an approved clean up contractor will still be enforced in all Chinese ports from 1 January 2012. There will therefore now be a very short period of time for owners/operators to contract with an approved spill responder.

A further update to Members, including detailed guidance on the spill response contract and procedure for contracting with an approved responder, will be provided in the near future and we would suggest that Members take no further action until this update has been received.

All Clubs in the International Group of P&I Clubs have issued similar circulars.

Yours faithfully

THOMAS MILLER (BERMUDA) LTD.

CONTACT

- Members requiring further information should contact Dr. Chao Wu (chao.wu@thomasmiller.com or telephone +44 20 7204 2157).