



CMS NEWSLETTER

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FAQ on Administration of Prevention and Control of Pollution to the Marine Environment by Vessels

Outline

- ★ FAQ on the Regulations is designed as follows.
- ★ No further detailed guidance or information has been released.
- ★ No official information on pre-contracting requirement has been enforced by any local MSA.
- ★ Further information will be provided if possible.

Dear Sirs

Q1: When did the Regulations become effective?

A: 1st March 2010.

Q2: What is the legal basis of the Regulation?

A: CLC1992, the Bunkers Convention 2001, the Maritime Code of PR China, and the Marine Environment Protection law of the PR China.

Q3: Who is the China governing authority that is responsible for implementing the Regulations?

A: Maritime Safety Administration (MSA).

Q4: Where do the Regulations apply?

A: Prevention and control of pollutions caused by vessels and their related operations occur in the sea waters under the jurisdiction of the People's Republic of China. or ship pollution accidents happen beyond the territory waters under China's jurisdiction that cause or possibly cause pollution to China.

Q5: What activities of ships are governed by the Regulations?

A: Discharge and reception of oil pollutants, dumping of waste and permissions for



dumping, oil pollution response planning, oil spill clean-up arrangements, reporting and emergency handling of pollution incidents, investigation and compensation of pollution incidents, supervision of the loading, lightening and discharging of the pollution hazardous cargoes, and penalties for contravening any of the Regulations' requirements.

Q6: Is SOPEP sufficient to meet MSA requirement of carrying emergency response plan on board?

A: It is believed to be sufficient, and MSA clarification is waited.

Q7: What ships are required to pre-contract with Chinese OSRO?

A: The ships carrying harmful polluting liquid goods in bulk and other vessels over 10,000 GT shall pre-contract with the qualified OSRO prior to entry into or departure from Chinese ports or carrying out relevant operations such as charging, discharging and lightening harmful polluting liquid goods in bulk even outside port.

Q8: Who is responsible to pre-contract with Chinese OSRO?

A: The operators of the ships. There is no official definition of "operator" yet. It is suggested that shipowner, operator and their agents might be within the scope of "operator" in the Regulation.

Q9: Where can the qualified OSRO list be obtained?

A: It is unavailable at the moment, and is expected to be published by MSA in due course. It is advised that the qualified OSRO will be organized into 4 level of capability. We shall follow up on this.

Q10: When will the pre-contracting be required?

A: Due to the lack of approved OSRO, the pre-contracting will not be required temporarily prior to the OSRO list is announced.

Q11: What ships must carry oil pollution liability insurance?

A: All ships navigating in Chinese waters except for those ships less than 1,000 GT which carry non-oil substance. CLC certificate and Bunker Convention certificate are sufficient evidence.

Q12: What documents should ships keep in case of receiving or discharging pollutants?

A: Ships shall keep accurate record in corresponding note for their discharging of pollutants. Ships' note of discharging of pollutants shall be kept onboard for 2 years; and the note of discharging of oily sewage and sewage containing poisonous and harmful substances for 3 years. Ships shall, on the basis of the documents of receiving pollutants,



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obtain the pollutant receiving certificate from MSA, and keep the same in the corresponding records for future reference.

Q13: What documents should ships keep in case of oil receiving?

A: Ships and suppliers supplying fuel oil shall keep the documents of oil receiving and supply for 3 years and the fuel oil sample for 1 year.

Q14: Will any further implementing regulation be released?

A: It is believed that implementing regulation with detailed requirements and procedures on the enforcement of the Regulation will be released by MSA. We shall follow up on this.

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