

Loss Prevention Bulletin

Ship Type: All

Trade Area: People's Republic of China

Bulletin 137 - 04/00 - Revised Environmental Protection Law (effective 1st April 2000) including Fines People's Republic of China

During 1999, the People's Republic of China revised its Marine Environmental Protection Law of 1982. The revisions take effect from 1st April 2000 and while the extent to which they are being enforced is not yet clear, Members need to be aware of the changes, as there are many elements of relevance to shipping operations.

The revised law is divided into 10 chapters totalling 98 clauses. It is comprehensive and relatively detailed. It contains general principles for protection of the marine environment; supervision and administration of marine environment; protection of marine ecology; prevention against pollution of the sea by land-originated pollutants; prevention against pollution of the sea by coastal construction projects; prevention against pollution of the sea by construction projects at sea; prevention against pollution of the sea by dumping of waste; prevention against pollution of the sea by ships and their operations; and liabilities for violating the law.

Of particular relevance to shipowners and operators are the following requirements:

- * Compulsory and immediate reporting, both to persons who may be affected by the pollution **and** to the competent Maritime Safety Administration office (cl. 17), of any accident causing pollution or the threat of pollution. **The penalty for a violation of this provision is up to RMB 50,000 (US\$ 6,075)** (cl. 74, para. 2).
- * The National Maritime Safety Administration is responsible for preparing and submitting to the State Council a National Contingency Plan for response to major oil pollution accidents involving ships (cl. 18, para. 2);
- * No waste shall be dumped by anyone in the territory, including the sea area, within the PRC's jurisdiction. Dumping of waste is only allowed to those who have applied in writing for, and obtained, a specific dumping permit delivered by the National Marine Administrative Agency. A written report giving details of the dumping material, time and conditions must be submitted to the Maritime Safety Administration of the port of departure (cl. 55, 59, 60); **The penalty for a violation of this provision is a fine of RMB 30,000 (US\$ 3,645) to RMB 200,000 (US\$ 24,300)** (cl. 86);
- * Dumping of foreign waste within the PRC's jurisdiction is prohibited (cl. 55, para. 3). **The penalty for a violation of this provision is a fine of RMB 100,000 (US\$ 12,150) to RMB 1 million (US\$ 121,506)**, depending on the likelihood of harmful consequences of the dumping (cl. 87);
- * Discharges of pollutant, waste, ballast water, garbage or other toxic material from any vessel or during their operations are prohibited in accordance with the law (cl. 62, para. 1). **The penalty for violation is a fine of RMB 30,000 (US\$ 3,645) to RMB 200,000 (US\$ 24,300)** (cl. 73, para. 1,3). Ships carrying out tanks or holds cleaning must be equipped with appropriate treatment facilities (cl. 62, para. 2);
- * Vessels must be equipped with appropriate anti-pollution equipment (cl. 64);
- * Carriers, cargo owners, or their agents of vessels carrying pollutant cargoes must apply for approval to the Maritime Safety Administration before entering into ports (cl. 67);

- * Vessels intending to carry out tank cleaning, washing, degassing, discharge of ballast water, oily water, oil residues, derusting outboard or painting, use of chemical dispersants, washing deck contaminated with pollutants, toxic or harmful material, lightering operations involving oil or hazardous and noxious substances in bulk etc, must report to the authorities for prior approval (cl. 70);
- * Vessels in a casualty situation, causing or likely to cause serious pollution to the sea environment, may be ordered to take measures to avoid or mitigate pollution damage (cl. 71); Failure to take immediate measures may result in **finest of RMB 20,000 (US\$ 2,430) to RMB 100,000 (US\$ 12,150)** (cl. 73, para. 4);
- * Any vessel carrying dangerous waste passing through the sea area of PRC's jurisdiction must obtain prior consent in writing from the authorities concerned. Any ship in breach of this provision will be ordered to leave the PRC's jurisdiction and will be subject to **a fine of RMB 50,000 (US\$ 6,075) to RMB 500,000 (US\$ 60,753)** (cl. 79);
- * Damage to the marine ecological system may result in an order to make restoration and **a fine of RMB 10,000 (US\$ 1,215) to RMB 100,000 (US\$ 12,150)** (cl. 76);

It is important to note the law applies to all types of vessels. There is no definition of pollutant, nor is it clear whether the sea area governed by this law will be limited to the territorial sea or whether it would extend to the exclusive economic zone. Some of the provisions are somewhat vague and require further clarification.

Source of information : Dr Chao Wu (New Jersey) through Danny Ng (Hong Kong),