

Hai Chuan Bo [2012] No.658

Notice on Circulating the Detailed Rules on the Implementation of the  
Regime of Agreement for Ship Pollution Response (revised)

All maritime safety administrations directly under the P.R China MSA and relevant units,

In order to effectively implement the regime of agreement for ship pollution response, pursuant to the Regulations the People's Republic of China on Administration of the Prevention and Control of Marine Environment Pollution Caused by Vessels 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 "Regulations"), in combination of actual situations since the implementation of such regime, it is hereby circulated the Detailed Rules on the Implementation of the Regime of Agreement for Ship Pollution Response (revised) (hereinafter referred to as "Detailed Rules") to you for implementation, in the meantime, this P.R China MSA notifies relevant matters as follows:

1. All coastal maritime administration agencies directly under the P.R China MSA shall comprehensively take ship pollution risk and currently available emergency response capacity, etc within their respective jurisdictions into consideration, supervise, urge and help ship pollution response units to maintain and enhance the pollution emergency response capacity and level of management, encourage and guide ship pollution response units to integrate resources, so as to enhance the comprehensive capacity for responding to ship pollution accidents in their respective jurisdictions.

2. As of January 1, 2013, the pollution emergency response capacity of all ship pollution response units shall meet the requirements of the standard as specified in the Regulations.
3. All coastal maritime administration agencies directly under the P.R China MSA shall, in combination with actual situations within their respective jurisdictions, properly resolve the relationship between Article 41 of the Regulations of the PRC on the Prevention and Control of Pollution Caused by Vessels and Their Relevant Operations requiring vessels conducting operation of ship-to-ship transfer or loading and unloading oil or toxic bulk liquid substances to deploy oil booms and that ship pollution response units having concluded agreements for ship pollution response shall well prepare for emergency preparedness and response.
4. When implementing relevant provisions in the Regulations and Detailed Rules, all coastal maritime administration agencies directly under the P.R China MSA shall not take whether or not a vessel has concluded the agreement for ship pollution response as a precondition to approve such vessel to enter into or leave from a port or to conduct operation. Where a vessel is found failing to concluded such agreement, the maritime safety administration shall handle the same pursuant to relevant provisions.
5. Where there is no corresponding qualified ship pollution response unit in a port, a coastal maritime administration agencies directly under the P.R China MSA may adopt temporary substituted measure based on actual situations, allow ship pollution response unit(s) that possesses corresponding qualification within their respective jurisdiction to offer ship pollution response service in such port in a temporary manner. Where there is ship pollution response unit having obtained corresponding qualification in such port, the coastal maritime administration agency directly under the P.R China MSA shall cancel the temporary substituted

measure.

6. No unit or individual of coastal maritime administration agencies directly under the P.R China MSA shall seek benefits for himself or for other person in any form during implementing the regime of agreement for ship pollution response, nor shall any unit or individual of coastal maritime administration agencies directly under the P.R China MSA intervene, impede or affect the application of qualification, capacity evaluation, agreement conclusion, personnel training and daily operation activities of a ship pollution response unit or vessel. Once there is any violation found, such violation shall be seriously handled pursuant to relevant provisions.
  
7. The Notice on Circulating the Detailed Rules of the Maritime Safety Administration of the People's Republic of China on the Implementation of the Regime of Agreement for Ship Pollution Response (Hai Chuan Bo [2011] No.211), the Supplementary Notice on Relevant Issues Concerning the Implementation of the Regime of Agreement for Ship Pollution Response (HCB [2011] No.359), the Announcement on Affairs Relating to Retainer fees of Agreement for Ship Pollution Response ([2011] No.2) and the Announcement on Affairs Relating to Implementation of the Agreement for Ship Pollution Response Administration Regime ([2011] No.3) shall be repealed simultaneously. All coastal maritime administration agencies directly under the P.R China MSA shall eliminate relevant rules and provisions formulated and promulgated by themselves pursuant to requirements in this Notice.

Maritime Safety Administration of the People's Republic of China (seal)

September 14, 2012