

Provisions of the People's Republic of China on the Prevention and Control of Vessel Pollution of the Inland Water Environment

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The Provisions of the People's Republic of China on the Prevention and Control of Vessel Pollution of the Inland Water Environment, which were adopted at the 12th ministerial meeting on June 20, 2005, are hereby promulgated, and shall come into force as of January 1st, 2006.

Minister: Zhang Chunxian
August 20, 2005

Provisions of the People's Republic of China on the Prevention and Control of Vessel Pollution of the Inland Water Environment

Chapter I General Principles

Article 1 With a view to strengthening the supervision and administration of the prevention and control of vessel pollution of inland water environment, protecting inland water environment and resources, and promoting the sustainable development of economy and society, the present Provisions are formulated in accordance with the Law of the People's Republic of China on the Prevention and Control of Water Pollution, the Detailed Rules for the Implementation of the Law of the People's Republic of China on the Prevention and Control of Water Pollution, and other laws and administrative regulations.

Article 2 The present Provisions shall be applicable to the activities of sailing, anchoring, operating and other activities that may influence inland water environment, which are undertaken by vessels within the inland water areas of the People's Republic of China.
The present Provisions shall not be applicable to fishing vessels and the vessels of military troops and armed police force which are in active service.

Article 3 The principle of focusing on prevention and combining prevention with control shall be applied in the prevention and control of vessel pollution of the inland water environment.

Article 4 The competent department of communications of the State Council shall take charge of the work for the prevention and control of vessel pollution of the inland water environment countrywide.

The maritime administrative institution of the competent department of communications of the State Council shall be responsible for the concrete work of supervision and administration on the prevention and control of vessel pollution of the inland water environment countrywide.

The maritime administrative institutions at all levels shall, according to their own functions and powers, be responsible for the work of supervision and administration of the prevention and control of vessel pollution of the inland water environment within their own jurisdictions.

Chapter II General Provisions

Article 5 The pollution prevention structures, equipments and facilities of the vessels of the Chinese nationality shall comply with the provisions of the competent department of communications of the State Council and the relevant state specifications and standards, and shall have been inspected and recognized by vessel inspection institutions and keep in good technical status.

The pollution prevention structures, equipments and facilities of the vessels of foreign nationality shall comply with the relevant international conventions concluded or joined by the People's Republic of China, and shall have been inspected and recognized by the government of the flag country of the vessel or its authorized vessel inspection institutions, and keep in good technical status.

Article 6 A vessel shall hold an effective pollution prevention certificate or document in light of the relevant provisions.

In case any vessel carries out any pollutant-involved operation, it shall make records true to the facts and fill in a standard form in the corresponding record books as required.

Article 7 A seaman shall have corresponding professional knowledge and skill on the prevention and control of vessel pollution of the inland water environment, be familiar with the procedures and requirements for vessel pollution prevention, and shall take part in the corresponding training, examination and assessment as required, as well as hold an effective competency certificate of post and corresponding conformity certificate of training.

Article 8 No vessel that navigates, anchors or carries out relevant operations in any inland water area may discharge pollutants to the inland water area in violation of any law, administrative regulation or the provisions of the competent department of communications of the State Council.

No vessel may carry dangerous chemicals that are prohibited to be transported in inland water areas as prescribed by any law, administrative regulation or the provisions of the competent department of communications of the State Council.

No vessel is allowed to use incinerators in any inland water area.

Article 9 The opinions of the maritime administrative institution shall be solicited beforehand for the establishment of any special protection water area according to law, and meanwhile a navigation warning or announcement shall be promulgated by the maritime administrative institution. The facilities for receiving and disposing vessel pollutants and other poisonous and harmful substances shall be set up at the time when a special protection water area is established.

Any vessel that navigates, anchors or operates within a special protection water area shall abide by the provisions and standards of the special protection water area for pollution prevention.

Article 10 A vessel shall use sound devices as required when it is navigating in the navigation channel of any inland water in the urban district of a city.

A motor vessel that navigates in the navigation channel of any inland water in the urban district of a city shall put the motor engine within a closed device or take other measures that have the equal effect so as to reduce the harm of noise produced from the running of the machine to the environment.

Article 11 All the vessels, entities and individuals shall have the obligation to maintain the inland water environment, and shall report to the maritime administrative institutions immediately if discovering any vessel that has any act of polluting any inland water environment.

Chapter III The Carriage of Harmful Polluting Goods by Vessels and the Relevant Operations

Article 12 In case any vessel enters or exits any port when carrying harmful polluting goods, it may not enter or exit the port until the relevant entities have, in accordance with the laws and administrative regulations and the provisions of the competent department of communications of the State Council on the carriage of dangerous goods by vessels, gone through declaration formalities to the maritime administrative institution beforehand, and has obtained its approval.

Article 13 A consignor shall, when delivering harmful polluting goods carried by a vessel, take effective pollution prevention measures, so as to ensure that the goods comply with the requirements

for vessel carriage and pollution prevention, and shall specify the correct name, quantity, pollution category, character of the goods, and prevention and emergency measures, and etc. in the transport documents.

Article 14 The packages and marks of harmful polluting goods shall comply with the relevant state requirements.

Before any empty container or transport component that has ever carried harmful polluting goods is completely cleaned up or eliminated dangers, transport shall be carried out in light of the requirements for carrying the former goods.

Article 15 Any owner or agent of goods who delivers any goods with unclear harm carried by a vessel shall make an assessment on the harmfulness of the goods in accordance with the relevant provisions of the competent department of communications of the State Council. The assessment institution shall determine the technical conditions of vessel carriage on the basis of the assessment result and clarify the corresponding pollution prevention measures.

Article 16 A vessel shall, when undertaking the operation of loading and unloading of harmful polluting goods and lighterage operations on water, abide by the relevant operating rules and determine an operating scheme through negotiation with the operating entities, and equip with and use the loading and unloading piping system and equipments reasonably, as well as formulate and implement pollution prevention measures according to the features of the goods and the ways of operation. The relevant pollution prevention measures shall be reported to the maritime administrative institution for archival filing before operation.

The rules for operating harmful polluting goods shall be formulated by the competent department of communications of the State Council separately.

Article 17 Any vessel or entity that undertakes the service or operation for the supply of vessel oil shall comply with the relevant state standards and requirements, equip with enough pollution prevention equipments and facilities, and obtain the operation qualification as prescribed by the state.

Any vessel that undertakes the service or operation of oil supply shall also abide by the relevant provisions on the carriage of dangerous goods by vessels.

Article 18 Any vessel that exceeds 300 tonnage in the trunk lines of Changjiang River, Pearl River and Heilongjiang River System and any vessel that exceeds 150 tonnage in other inland water areas shall, when undertaking the following activities, take pollution prevention measures including setting up oil fences:

1. Loading and unloading of sustainable oil in bulk and lighterage operations;
2. Loading and unloading of good with pollution danger whose specific gravity is less than 1 (as compared with water), and the solubility is less than 0.1% and lighterage operations, and
3. Other operations that may result in serious pollution to any water area.

The plan for setting up oil fences shall be reported to the maritime administrative institution for archival filing before operation. If it is not suitable for setting up oil fences due to the restrictions of natural conditions or other reasons, other pollution prevention measures shall be taken, but the substitute measures taken and the reasons thereof shall be reported to the maritime administrative institution for archival filing before carrying out the operation.

Article 19 In case any vessel discharges tank washing water that contains poisonous substances, the relevant qualified entities shall receive and dispose it in light of the relevant provisions, and the water shall not be discharged directly into any inland water area.

Any vessel shall, when washing (cleaning) the cabin, driving air or replacing the cabin, observe the Provisions on the Safety Supervision and Administration of Dangerous Goods Carried by Vessels and other relevant provisions.

Article 20 A vessel shall, when carrying out the following activities at any port, report to the maritime administrative institution for approval in light of the relevant provisions beforehand:

1. The vessel discharges ballasting water, tank washing water, cabin sewage and oil residues or sewage with oil and other residue substances; and
2. The vessel washes decks and cabins that carry bulk goods with poisonous and harmful substances or with dust.

Article 21 Any vessel that carries harmful polluting goods enters or exits any port or passes any bridge area, traffic control area, crowded navigable area and any area whose navigation conditions are restricted shall take navigation safeguard measures as prescribed by the maritime administrative institution.

Article 22 Any oil tank of 150 tonnage or above and any non-oil tank of 400 tonnage or above shall record the oil operation information in the Book of Oils which is issued by the maritime administrative institution.

Any oil vessel of less than 150 tonnage and non-oil vessel of less than 400 tonnage shall record the oil operation information in the Engine Room Logbook or the Logbook.

Any vessel that carries poisonous liquid substances in bulk shall record the relevant operational information in the Book of Goods which is issued by the maritime administrative institution.

The Book of Oils and the Book of Goods shall be ready for inspection at any time, and shall be kept for three years after being used up on any vessel.

Article 23 Any vessel shall, when transporting goods which emit poisonous and harmful gas or dust substances, take closed or other protection measures. If closed operation is required for any harmful polluting goods, measures shall be taken to recycle the poisonous and harmful gas in transport and operation.

Chapter V Garbage from Vessels and Domestic Sewage

Article 24 A garbage bulletin board with uniform design shall be set up in any vessel whose total length is 12 meters or more to inform the crewmen and passengers of the requirements on garbage administration and the corresponding penalty provisions.

Any vessel of 400 tonnage or above or any vessel that can carry 15 persons or more after verification and whose single voyage exceeds 2 kilometers or whose time of sailing exceeds 15 hours shall be equipped with a Plan for Managing Vessel Garbage that complies with the compilation requirements and the Books for Vessel Garbage issued by the maritime administrative institutions.

Except for the vessels as prescribed in paragraph 2 of this Article, the relevant information on garbage disposal shall be recorded in the Logbook true to the facts for the inspection of the maritime administrative institutions.

The Books for Vessel Garbage shall be ready for inspection at any time, and shall be kept for two years in a vessel.

Article 25 It is prohibited to discharge any vessel garbage into any inland water area. Vessel garbage shall be received and disposed of by an entity that has the qualification.

A vessel shall be equipped with garbage storage containers which have covers and are seep-and leak-proof, or the garbage shall be carried with a bag, so as to meet the need for storage of vessel garbage in the voyage.

No one may use any disposable foaming plastic tableware that can not be degraded.

Article 26 A vessel shall classify, collect and keep the garbage it produces. The garbage disposal operations shall comply with the operating procedures as prescribed in the Plan for Managing Vessel Garbage.

The dangerous articles and poisonous and harmful articles in vessel garbage shall be kept separately, and the receiving entities shall be provided with the name, nature and quantity, etc. of the substances

contained in the vessel garbage.

Article 27 Passenger ships and tourist ships shall establish garbage management system and staff full-time or part-time environmental supervisors, who are responsible for managing the sanitation of the vessels.

Article 28 A vessel shall set up disposal devices or storage containers in match with the production of domestic sewage in light of the requirements.

No vessel may discharge any domestic sewage that does not comply with the discharging standard to any inland water area.

Chapter V Discharging and Receiving of Vessel Pollutants

Article 29 A vessel shall, when discharging vessel pollutants, comply with the relevant state and local standards and requirements for pollutant discharge. Any vessel pollutant that does not comply with the discharging standard and requirement shall be received and treated by the pollutant receiving entity that has the qualification upon entrustment, and shall not be discharged at will.

Article 30 A port or terminal shall have the pollutant receiving or disposing capability that matches with its capability for loading and unloading goods as well as handling capacity so as to meet the need of vessels at port.

A port or terminal shall report its receiving or handling capacity to the maritime administrative institution for archival filing.

Article 31 Any entity that undertakes the activities of receiving vessel pollutants or cleaning vessel cabins and other operations shall have corresponding receiving and handling capacity, be equipped with enough pollution prevention equipment, and establish a safety and pollution prevention system. Any entity that undertakes the activities of receiving vessel pollutants or cleaning vessel cabins shall report its receiving and handling capacity to the maritime administrative institutions for archival filing.

Article 32 During the course of receiving and discharging vessel pollutants and cleaning or washing cabins, the vessel and the operating entity shall observe the relevant operating rules, put into effect the pollution prevention measures so as to prevent the overflowing or leaking of pollutants.

A pollutant receiving entity shall, after completing pollutant receiving operations, issue a document on receiving and disposing of pollutants to the vessels, which shall be signed the captain thereof for confirmation.

A vessel shall handle pollutant receiving and disposing certificate to the maritime administrative institution upon the strength of the documents of receiving and disposing pollutants, the pollutant receiving and disposing certificate shall be kept by the vessel in the corresponding records for future reference.

Article 33 Vessel pollutants, vessel garbage, ballasting water and domestic sewage from any vessel of an epidemic region may not be disposed of until after they have been inspected and disposed of by the quarantine departments.

The administrative provisions of the state environmental protection departments on the relevant dangerous wastes shall be complied with in receiving and disposing of vessel pollutants that have poisonous and harmful substances or other dangerous components.

Article 34 The waste gas produced from the running of vessel motivation devices and the volatility organic compound produced in vessels shall not be emitted to air exceeding state and local standards.

Chapter VI Vessel Dismantling, Salvaging, Building and Repair and Other Construction Operation on and under Water

Article 35 The pollutants produced in the course of vessel building and repair and other relevant operations shall be recycled and disposed of by the entity that has the qualification, and shall not be dumped into water.

A vessel shall clean up the relevant pollutants in a timely manner after it has completed repair in the well deck or is put into water after completion of construction.

A vessel shall carry out cleanup and cleaning within a dock after it has completed the repair and building operations in the dock, and shall, before opening the dock caisson or sinking the dock, submit the dock cleaning report to the maritime administrative institution.

Article 36 Any entity that undertakes the vessel salvage operation and construction operation on and under water shall, when applying for construction operations, specify the kinds and quantity of pollutants kept in the vessel, the relevant operating plan, pollution prevention measures and emergency preparedness plan and other contents.

Article 37 The requirements of the Regulation on the Administration of Prevention and Control of Environmental Pollution from Dismantling Vessels shall be strictly followed in waste vessel dismantling operations within inland water areas so as to prevent the dismantling vessels from polluting the inland water environment.

Chapter VII Emergency Response on Vessel Pollution Accidents

Article 38 The maritime administrative institutions shall cooperate with the local people's governments in formulating emergency plan for accidents of vessel pollution.

Article 39 Vessel repair and building factories, vessel dismantling factories and operators undertaking the loading and unloading of harmful polluting goods in bulk shall formulate corresponding emergency plans for corresponding pollution accidents and report to the maritime administrative institutions for archival filing.

Article 40 Oil tanks or tugboats of 150 tonnage or above and lighterage fleets of non tankers or non lighterages of 400 tons or above shall hold an Emergency Plan for Vessel Oil Pollution as approved by the maritime administrative institutions.

Emergency preparedness plan for oil pollution shall be formulated for oil vessels of less than 150 tonnage.

Article 41 Vessels carrying poisonous liquid substances in bulk shall be equipped with an Emergency Plan for Pollution by Poisonous Liquid Substances on Vessels, which has been approved by the maritime administrative institutions.

Vessels of 400 tonnage or above that carry poisonous liquid substances shall substitute the Emergency Plan for Oil Pollution on Vessels and the Emergency Plan for Pollution by Poisonous Liquid Substances on Vessels with an Emergency Plan for Pollution on Vessels.

Article 42 Any entity and vessel that formulates an emergency plan for pollution accidents shall organize emergency drills periodically and keep the corresponding records properly, as well as improve the emergency plan incessantly.

Article 43 Any port, terminal, or any entity that undertakes vessel repair and building, salvaging, dismantling and other operating activities and any vessel that carries pollution dangerous goods shall be equipped with emergency equipment and facilities for pollution prevention that comply with the relevant state standards and that meet the local hydrogeological conditions.

Article 44 Where it is necessary to use any chemical oil-cleaning agents for cleaning up pollution within any inland water area, an application shall be filed to the maritime administrative institution beforehand, specifying the brand and number of the oil-cleaning agents, planned dosage and the

place of usage. It shall not be put into use until it has been examined and approved.

Article 45 In case a vessel incurs any accident of polluting any water area, it shall immediately report to the nearest maritime administrative institution true to the facts, and meanwhile, in light of the procedures and requirements of emergency plan for pollution accidents, take corresponding measures. After making a preliminary report, the vessel shall also make a supplementary report according to the progress of the accident.

Should a water traffic accident occurs and a vessel is likely to sink, or before discarding the vessel, the crewmen shall stop all valves of the liquid-storing cabins or the piping system of the oil hold (tank), and seal up the air holes of the oil hold (tank) so as to prevent oil from flowing out. Meanwhile the quantity of the remaining oil and the locations of air holes should be specified in the accident report.

Article 46 A maritime administrative institution shall, after receiving the report on any vessel pollution accident, make response in light of the procedures of the emergency plan for pollution accidents.

Should the pollution affect any water area of the nearby countries or regions, the maritime administrative institution of the competent department of communications under the State Council shall, in light of the requirements of the relevant international treaty or bilateral agreements, notify the competent maritime departments of the nearby countries or regions, and take necessary pollution prevention actions together with them.

Article 47 In case any vessel accident occurs and results in or is likely to result in the pollution of any inland water environment, the maritime administrative institution may take necessary pollution prevention measures, including forced clearance, forced salvage or forced towing and other emergency disposal measures, and all the expenses arising therefrom shall be borne by the party which is held to be liable.

Chapter VIII Investigation and Handling of Pollution Accidents

Article 48 The party that incurs a vessel pollution accident shall submit a pollution accident report to the maritime administrative institution at the place where the accident occurs within 24 hours. The contents of the report shall include:

1. name, call letters or serial number, nationality of the vessel or facility, and the name and address of the owner or operator thereof;
2. time and place for the occurrence of the accident and the meteorological and hydrogeological conditions thereof;
3. reasons for the accident or the preliminary judgment on the reason;
4. kinds and quantity of the pollutants or the estimated amount and scope of pollution;
5. the pollution prevention measures having been taken or planned to be taken and the pollution control conditions;
6. requirements for assistance or rescue; and
7. other matters that need to be reported.

Article 49 After receiving any report on a vessel pollution accident, a maritime administrative institution shall carry out investigation in a timely manner.

The maritime administrative institution shall carry out investigation into the vessel pollution accident in light of the prescribed procedures and methods. The accident investigation shall be complete, objective and just.

The parties to the accident and the relevant personnel shall accept investigation, show active assistance, and specify the relevant conditions and evidences of the accident according to the facts, no one may falsely report, conceal or destroy the evidence.

Article 50 In case any water area environment is polluted due to any vessel, facility or the relevant operating activities, compensations shall be made in accordance with the provisions of the relevant

laws and administrative regulations for the damages caused.

Article 51 In case any vessel is fined or needs to undertake cleanup, compensation and other economic liabilities, its owner, operator or the relevant parties concerned shall properly handle the relevant formalities for financial guaranty before leaving a port.

Chapter IX Legal Liabilities

Article 52 In case any maritime administrative institution discovers any hidden trouble of pollution existing in any vessel, it shall order vessel to eliminate the trouble at once or within a prescribed time limit; if any relevant entity or individual does not eliminate it at once or beyond the prescribed time limit, the maritime administrative institution may order it/him to stop navigation for the time being, stop its operations, prohibit it/him from entering or exiting the harbor, or order it/him to drive to the designated water area or take other mandatory measures.

Article 53 Whoever violates the present Provisions, and does not put into effect the pollution emergency plan or garbage management plan, the maritime administrative institution shall order it to correct within a prescribed time limit, and give it warning or impose upon it a fine of less than RMB 2000 Yuan.

Article 54 Whoever violates the present Provisions and has any one of the following acts, the maritime administrative institution shall give it a warning or impose upon it a fine less than RMB 10,000 Yuan:

1. Any vessel fails to hold effective certificate of pollution prevention or documents of pollution prevention, or fails to record operating conditions as required;
2. Any vessel fails to be equipped with pollution prevention equipments or the pollution prevention equipments are seriously defective, but does not make a correction within the time limit as prescribed by the maritime administrative institution; or
3. Any port or terminal whose vessel fails to be equipped with pollution prevention equipments when anchoring or the pollution prevention equipment are seriously defective.

Article 55 In case any vessel or its relevant entity or personnel has any other act in violation of the present Provisions, the maritime administrative institution shall, in accordance with the provisions of the Provisions of the People's Republic of China on Maritime Administrative Punishment of Inland Waters, give corresponding punishment. If it is suspected of committing any crime, it/he shall be transferred to the judicial department of the state.

Article 56 In case any administrative law enforcement personnel of any maritime administrative institution abuses his power, is derelict of his duty, practices favouritism or malpractice, or breaches his duty in violation of law, he shall be given an administrative punishment; if any crime is constituted, he shall be subject to criminal liabilities according to law.

Chapter X Supplementary Provisions

Article 57 The following terms in the present Provisions shall have the following meaning:

1. "Inland Water Areas" shall refer to the water areas of rivers, lakes or reservoirs within the territory of the People's Republic of China for navigation of vessels.
2. "Vessels" shall refer to all types of displacement or non-displacement ships, light boats, rafts, water aerocrafts, submersibles, mobile platform and other movable devices on water, but excluding fishing boats and the vessels of military troops and armed police force in active service.
3. "Operations" shall refer to the relevant operating activities relating to the vessels, including vessel transport, loading and unloading, oil supply, receiving pollutants and the repair and building, salvaging, and dismantling of vessels and other operating activities;
4. "Harmful Polluting Goods" shall refer the goods that enter into any water area directly or indirectly, and may bring about damage to biological resources, imperil personal health, obstruct fishing and other lawful activities, do harm to the quality of water body and derogate the

environment quality, and other harmful influences. Such goods include the substances as listed in the Supplementary Provisions I “Name List of Oil Substances” and Supplementary Provisions II “List of Poisonous Liquid Substances Transported in Bulk” as prescribed in the International Convention for the Prevention of Pollution from Ships, as Revised in 1973 by the Protocol of 1978 (MARPOL73/78) and the harmful substances as determined in light of the identification standards of the Supplementary Provisions III “Guidelines for Identifying Harmful Substances in Packaging Forms”.

5. “Vessel Garbage” shall refer to the domestic waste, materials for filling up and cleaning up the cabins produced from routine activities of vessels and other solid wastes on vessels, and etc., including the garbage as defined in Supplementary Provisions V of the International Convention for the Prevention of Pollution from Ships, as Revised in 1973 by the Protocol of 1978 (MARPOL73/78) .

6. “Domestic Sewage” shall refer to any type of toilets and the drainage and other waste in the outfalls of toilets and other wastes; the drainage in the wash basins, bidets of infirmaries and the scuppers in these places; the drainages in places where living animals are contained or other waste water mixed with the aforesaid drainages.

7. “Vessel Pollutants” shall refer to the substances that have caused pollution damage to water area environment due to vessel or the relevant operating activities, including oil, oil compound, liquid chemicals, residues of goods, harmful substances in packaging form, ballasting water, exhaust gas, and noise, and etc..

8. “Dangerous Chemicals” including explosives, compressed gases and liquefied gases, flammable liquids, flammable solids, substances liable to spontaneous combustion and substances emitting flammable gases when wet, oxidizing substances and organic peroxides, poisons and corrosives, and etc..

9. “Poisonous Liquid Substances” shall refer to the substances that may result in damage to water resources or human health when being discharged into water body or may cause damage to lawful utilization of water resources, including the substances as listed in the Supplementary Provisions II “List of Poisonous Liquid Substances Transported in Bulk” of the International Convention for the Prevention of Pollution from Ships, as Revised in 1973 by the Protocol of 1978 (MARPOL73/78) .

10. “Special Protection Area” shall refer to the region that needs special protection as defined and announced by the people’s governments at different localities in light of the relevant provisions.

Article 58 Any entity or individual that suffers from pollution of water area environment due to the vessel or the relevant operational activities shall have the right to require the party who causes the pollution damage to compensate the losses. The relevant state provisions shall be followed for the concrete measures for the compensation.

Article 59 The international conventions and bilateral agreements shall be implemented in priority for the activities of prevention and control of vessel pollution within the water areas of boundary water.

Article 60 The present Provisions shall come into force as of January 1, 2006.