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REGULATIONS OF THE PEOPLE'S REPUBLIC OF CHINA
ON THE CONTROL OVER PREVENTION OF POLLUTION BY
VESSELS IN SEA WATERS

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CHAPTER I GENERAL PRINCIPLES

[Article 1] The Regulations are hereby formulated in order to prevent vessels from polluting sea water and protect the sea water ecotype as part of the effort to enforce "the Law of the People's Republic of China on Marine Environmental Protection".

[Article 2] The regulations are applicable to all vessels of Chinese and foreign registry, ship owners and other individuals in the sea waters and harbors under the jurisdiction of the People's Republic of China.

[Article 3] The Harbor Superintendency Administration of the People's Republic of China (hereinafter referred to as Harbor Superintendency) is the organ in charge of preventing vessels from polluting sea waters.

CHAPTER II GENERAL PROVISIONS

[Article 4] No vessels in the sea waters and harbors under the jurisdiction of the People's Republic of China are allowed to discharge oils, oil mixtures, wastes and other harmful and poisonous matters in violation against "the Law of the People's Republic of China on Marine Environmental Protection" and the stipulations of the present regulations.

[Article 5] No ships are allowed to discharge oils, oil mixtures, wastes and other harmful and poisonous matters to the harbor fresh water areas near river mouths, special maritime protection zones and maritime natural preserves.

[Article 6] Should sea waters be polluted by oils, oil mixtures and other harmful and poisonous matters from vessels, the vessels shall adopt prompt measures to control and eliminate the pollution and file written reports to the nearest Harbor Superintendency in the shortest possible time and be ready to accept investigations.

[Article 7] If an average has occurred and it has caused or might cause major pollution of the sea environment, the Harbor Superintendency has the right to enforce measures including forced clearance or forced towing to avoid or mitigate damages by such pollution. The vessels causing the accidents shall be responsible for all expenses arising therefrom.

[Article 8] Vessels that have caused or committed or discovered other vessels causing or committing pollution and law violating acts in the sea waters under the jurisdiction of the People's Republic of China shall be dealt with according to the provisions of Article 36 and article 37 of "the Law of the People's Republic of China on Marine Environmental Protection".

[Article 9] Vessels in need of cleaning inside a harbor must take safety and anti-pollution measures before the operations start with the approval of the Harbor Superintendency upon prior application.

[Article 10] In order to ensure safe pilotage and berthing and prevent pollution, all load-free oil tankers calling at ports must have ballasting water on less than one fourth of their loading capacities. The Harbor Superintendency shall investigate those oil tankers that have not retained sufficient ballasting water and find out where it has been discharged and deal with the cases in light of actual circumstances.

[Article 11] Vessels are not allowed to use wilfully chemical oil-cleaning agents to eliminate oil pollution they have caused or oils they have discharged in violation against the rules. If oil-cleaning agents must be used, they must make prior application by telephone or in writing with the Harbor superintendency, specifying brands of the oil-cleaning agents, the amount intended to be used and places of application, and await approval for the application of such oil-cleaning agents.

[Article 12] Owners of vessels or culprits who have been fined or obliged to shoulder the responsibility of cleaning or compensation for polluting the waters or discharging wastes against the rules must complete the procedures for finding sureties or related payments before setting sail.

[Article 13] In addition to observance of the regulations herein, vessels carrying 2,000 tons or more of bulk oil sailing international routes will abide, apart from the present regulations, by the "International Convention on Civil Liability for Oil Pollution Damage, 1969" (Nov. 29, 1969, Brussels).

CHAPTER III VESSEL POLLUTION PREVENTION DOCUMENTS AND ANTI-POLLUTION EQUIPMENT

[Article 14] Vessel pollution prevention documents:

(1) Oil tankers of over 150 deadweight tons, non-oil tankers of under 400 deadweight tons and bulk oil vessels of over 2,000 deadweight tons must be equipped with the vessel pollution prevention documents as stipulated in Article 28 of "the Law of the People's Republic of China on Marine Environmental Protection".

(2) Vessels should also be equipped with all other pollution prevention documents as required by the Harbor Superintendency.

[Article 15] For oil tankers of over 150 deadweight tons and non-oil tankers of under 400 deadweight tons, the anti-oil pollution equipment shall meet the following requirements;

- (1) Different pipe systems must be used for engine room waste water and the ballasting water;
- (2) There must be a waste oil storage hold;

(3) Standard charge joints must be fitted;

(4) Equipment for separating oil from water or filtering system must be installed so as to satisfy the requirements that the oil contents of the treated greasy water would be no more than 15 mg/litre when discharged within 12 nautical miles from the nearest shore and no more than 100 mg/litre when discharged beyond 12 nautical miles from the nearest shores;

(5) Vessels of more than 10,000 tons in deadweight should be equipped with devices for monitoring oil discharge, in addition to meeting the aforementioned requirements;

(6) Other anti-pollution equipment installed in vessels should conform to related stipulation of the state conventions for anti-pollution structures and equipment.

For Vessels whose anti-pollution equipment fails to meet the above-mentioned requirements, they shall have met the prescribed requirements within three years after the present regulations are put into effect.

[Article 16] Oil tankers of less than 150 deadweight tons and non-oil tankers of less than 400 deadweight tons must have special containers which can recover oil residues or waste oil and be able to discharge them into the receiving facilities in harbors and must have the equipment specified in (3), (6) of Article 15 of the present regulation.

CHAPTER IV SHIP OIL OPERATIONS AND OIL AND WASTE OIL WATER DISCHARGE

[Article 17] Vessels that carry out oil operations must observe the following rules:

(1) Check, before operation, the pipe systems and valves, stop the deck water discharge holes and shut the sea valves to get everything ready;

(2) Check oil operation equipment to see it is in normal working order;

(3) Put containers in places where overflowing or a leakage is possible to collect the overflow or leaks.

(4) Liaison signals agreed upon by the oil supplier and the oil recipient must be earnestly observed with the latter shouldering greater responsibility;

(5) In operation, there must be enough working staff on duty. Persons on duty must strictly observe operation procedures and control the progress of the operation and prevent oil from overflowing or leaking;

(6) All related valves must be shut at the end of the operations;

(7) In collection the hose, the hose opening must be sealed up first by a blind ram or by other effective means to prevent the oil left in the hose from flowing into the sea;

(8) Oil operation by oil tankers should be accurately recorded in the "Book of Oils"; non-oil tankers should record the oil operations in the "Engine Room Logbook" or record books for personnel on duty.

[Article 18] When there is an outflow or a leak during the oil operations, prompt cleaning measure must be adopted to prevent oil pollution from spreading while reporting the accidents to the Harbor Superintendency. After the cause is found, a written report must be filed while awaiting investigation.

[Article 19] Pollutants discharged by vessels must conform to "the Vessel Pollutant Discharge Standards" of the People's Republic of China.

Vessels at port are not allowed to discharge oil-containing waste water from ballast tank, cleaning holds or engine rooms. Such waste water must be received and treated by harbor waste water disposal facilities. In cases where such facilities are non-existent and the vessels are truly in need of discharging its oil-containing

waste water, the vessels must file a written report with the Harbor superintendency and discharge such water under specified conditions and at appointed places after the approval is obtained.

[Article 20] Vessels that have got the approval to discharge oil-containing water according to Article 19 of the regulations must do so in compliance with the following stipulations:

- (1) Usual Circumstances
- (2) In zones as approved;
 - (b) While in motion, the discharge rate must not be bigger than 60 litres/nautical mile;
 - (c) The Oil content of the waste water must not be bigger than 15 mg/litre;
 - (d) The oil and water separation equipment, the filtering system and the oil discharge monitoring devices are in normal working order;
 - (e) When the tide is on the ebb.
- (2) For oil tankders of more than 150 deadweight tons and non-oil tankdes of over 400 deadweight tons, the following requirements shall be met, apart from a, b, d and e of the preceding (1):
 - (a) Beyond 12 nautical miles from the nearest land;
 - (b) The oil content of the waste water must not be bigger than 100 mg/litre.
- (3) In discharging the ballasting and bilge water by oil tankers of more than 150 deadweight tons, the following requirements shall be met, apart from b and d of (1) in this article:
 - (a) Outside 50 nautical miles from the nearest land;
 - (b) The total amount of oil discharge on such ballast mision must not exceed one 15,000th of the total oil load for existing oil tankers or one 30,000th of the total oil load for oil tankers of new designs.

CHAPTER V DANGEROUS GOODS LOADED AND SHIPPED BY VESSELS

[Article 21] In carrying inflammables, explosives, corrosives, poison, radioactive substance and other dangerous goods, necessary safety and antipollution measures shall be adopted and required signals be hung. The "Rules for the Supervision and Control over Ships Loaded with Dangerous Goods" and the "Rules for Transporting Dangerous Goods by Waterway" issued by the Ministry of Transport and Communications of the People's Republic of China and "International Rules for the Transport of Dangerous Goods on the Seas" issued by the International Maritime Organization must be observed so as to prevent accidents that will cause spilling, overflowing or leaking of dangerous goods and pollute the sea.

[Article 22] In loading harmful and dangerous bulk liquids in harbors, the provisions of Article 17 of these regulations shall be observed.

[Article 23] In loading or unloading harmful and poisonous, corrosive or radioactive goods in harbors, the ship and the operational units must take precautions against spilling into the sea of such goods. If accidents occur, urgent measures must be taken for salvation or removal while making prompt report to Harbor Superintendency and notifying units concerned to take measures to prevent from major damages.

CHAPTER VI OTHER WASTE WATER FROM VESSELS

[Article 24] Nuclear-powered vessels and vessels loaded with radioactive substance must abide by the provisions of Articles 31 of "the Law of the People's Republic of China on Marine Environmental Protection".

[Article 25] Vessels from epidemic plagued ports must apply with local sanitation and quarantine departments for conducting hygienical treatment of their ballasting water.

[Article 26] Vessels loaded with harmful poisonous and corrosive goods must meet the following requirements in discharging hold-cleaning water containing such substance:

- (1) In approved areas;
- (2) In waters over 25 meters deep and outside 12 nautical miles from the nearest land;
- (3) While under way, the speed must not be less than seven knots for self-navigating vessels and must not be less than four knots for the non-self-navigating vessels.
- (4) While the tide is on the ebb;
- (5) Solid remnants must be recovered and treated instead of being discharged into the sea.
- (6) The discharge operation must be recorded in the "Log Book".

CHAPTER VII Garbage from Vessels

[Article 27] Vessel garbage is not allowed to discard into the waters at harbors. Vessels loaded with harmful and poisonous goods and bulk goods with flying dust are not allowed to wash the decks and holds or discharge wastes by any other means into the waters of harbors. If washing is necessary, they must apply for prior approval with the Harbor Superintendent.

[Article 28] Vessels at port needing to discard garbage must display the signal prescribed by the port to attract garbage vessels for collection and disposal, and must see to it that:

- (1) The daily life garbage containers have covers and are seep- and leak-proof and emptied and cleaned regularly;
- (2) Dunnage, sweepings and various solid refuse of vessels should be cleared by harbor ship service departments. The ships concerned must apply in advance with the harbor ship service departments, with a listing of variety and quantity of the substance to be disposed of;
- (3) If the vessel refuse contains harmful, poisonous and other elements of dangerous goods, the ships must, in their application for clearing, specify the names, nature and quantity of such matters and strictly separated them from other garbage.

[Article 29] The refuse of vessels from epidemic plagued ports must be treated hygienically by quarantine departments upon application.

[Article 30] In disposing of refuse on the seas, vessels must abide by the following provisions:

- (1) Plastic products are not permitted to be abandoned into the sea;
- (2) Daily life garbage and food rejects from vessels may be discarded beyond three nautical miles from the nearest land after being crushed into granules less than 25 millimeters in diameter and outside 12 nautical miles from the land if not crushed.

CHAPTER VIII THE USE OF VESSELS FOR DISPOSING OF REFUSE

[Article 31] Any unit that needs to use vessels to dispose of waste must submit for examination to the Harbor Superintendent of the port of shipping documents of approval issued by the State Bureau of Oceanography or its agencies before going through the procedures for entry and exit visas for vessels. Visas shall not be issued if what is loaded is found to be inconsistent with what has been approved

[Article 32] In disposing of garbage by vessels, the vessels must faithfully record the disposal operation and submit a written report to the Harbor Superintendency after returning.

[Article 33] Foreign vessels are not allowed to carry out garbage disposal operations including abandoning vessels and other floating tools in the waters within the jurisdiction of the People's Republic of China.

CHAPTER IX VESSELS BUILDING, REPAIR, SALVAGING AND DISASSEMBLING OPERATION ON AND UNDER WATER

[Article 34] Units engaged in vessel building, repair, salvation and disassembly must have enough supplies and equipment to prevent pollution. Vessels operating on or under water must adopt precautionary measures to oils, oil mixtures and other refuse from polluting the waters. The oil-stained water from vessel operations on the water shall be treated according to provisions of Articles 19 and 20 of the present regulations.

[Article 35] In areas where ship building and repair are concentrated, oil fenders should be erected to prevent oil and paint spilt on the water from spreading and the oil and paint spilt should be collected in time. Industrial garbage and other wastes from ship building and repairing operations should be recovered and disposed of by the engineering units and are not allowed to be dumped into the sea.

[Article 36] In disassembling vessels, the disassembled parts must not be discarded into the sea. Vessel bottoms and oil tanks are not allowed to be removed on the water. They must be towed on to the shore to be disassembled and the remaining oil must be recovered and disposed of.

[Article 37] Should an accident of average occurs or a vessel is likely to sink, the seamen should, before leaving the vessel, try their best to stop all valves of the piping on the oil hold (tank) and seal up the air holes of the oil hold (tank) to prevent oil from flowing out. Meanwhile the quantity of the remaining oil and the locations of air holes should be specified in the sea protest.

[Article 38] In a salvaging operation under the water, measures must be taken to control oil pollution and prevent secondary pollution.

CHAPTER X COMPENSATION FOR DAMAGES FROM POLLUTION BY VESSELS

[Article 39] The Harbor Superintendency may demand payments for pollution clearance expenses and compensation for the losses on the part of the state from vessels that have caused pollution of the marine environment in violation against "the Law of the People's Republic of China on Marine Environmental Protection" and the present regulations. If the party involved refuse to accept the decision, he may bring the case before the People's Court according to the provisions of Article 41 of the "Law of the People's Republic of China on Marine Environmental Protection."

[Article 40] If claims are made for civil liabilities by units or individuals affected by sea pollution from vessels, the cases shall be dealt with according to the procedures stipulated in Article 42 of the "Law of the People's Republic of China on Marine Environmental Protection". Disputes arising from responsibilities from compensation and the amount of compensation may be mediated by the Harbor Superintendency. If

disputing parties refuse to accept the decision, they may bring the case before the People's Court. They may also bring the case before the People's Court directly without mediation. Case involving foreign nationals or vessels may be settled according to arbitration procedures.

[Article 41] The units or individuals demanding compensation for damages from pollution by vessels, if they apply for settlement by the Harbor Superintendence, should submit as soon as possible a claim report to the nearest Harbor Superintendency. The Claim report should include the following contents:

- (1) Time, location, scope and victims of pollution by vessels and the meteorological and hydrological conditions at the time when the pollution occurs;
- (2) A list of things (including aquatic resources and various equipment and tools) damaged by the pollution covering names, quantity, unit prices and method of calculation as well as information about the aquacultural or natural conditions;
- (3) Authorization for appraisal of damages by science research institutes or notary public;
- (4) To provide as far as possible the original documents, photos of the objects damaged and other certificates and materials about claims.

[Article 42] Units or individuals involved in pollution clearing operations which demand for pollution clearing charges should submit as soon as possible a report to the Harbor Superintendency at the end of the operations. The contents of the report should cover:

- (1) Time, location, program records or log book excerpts of the cleaning operations;
- (2) The number, price & method of calculation of the labor, machines and tools, vessels and cleaning materials used;
- (3) Expenses for management, traffic and other purposes in such operations;
- (4) Report on cleaning operations and results; and
- (5) Other evidences and certifying documents.

[Article 43] If a vessel has polluted the territorial waters of the People's Republic of China, it must notify the nearest Harbor Superintendency as soon as possible and submit a written report immediately after it calls at the first port, while awaiting for investigation. The written report should cover: time, location and scope of the pollution and meteorological and hydrological conditions, the whole course of the accident, rescuing and cleaning measures adopted, causes and damages caused. Related materials and documents should also be attached.

[Article 44] The owner of a vessel requesting for exemption from compensatory liability for pollution accidents should submit to the Harbor Superintendency a report which should be valid enough to substantiate the fact that the pollution caused belongs to one of the cases listed in Article 43 of "the Law of the People's Republic of China on Marine Environmental Protection", and that despite timely and proper measures taken, it could not be avoided.

[Article 45] In handling disputes over compensatory liability and compensatory damages for the pollution by vessels, the Harbor Superintendency may conduct mediation on the basis of the findings of the investigation or take decisions according to the findings of the investigation.

Chapter XI Punishment and Awards

[Article 46] Vessels that have violated "the Law of the People's Republic of China on Marine Environmental Protection" and the present regulation and caused or is likely to cause pollution of the sea or harbor areas under the jurisdiction of the People's Republic of China, the Harbor Superintendency may issue warnings or impose fines on their owners according to the seriousness of the cases.

[Article 47] The maximum fine on a shipowner is 100,000 yuan RMB. A maximum fine of 1,000 yuan RMB shall be imposed on one of the following cases:

- (1) Using oil-cleaning agents without approval;
- (2) Having no "Book of Oils" as required;
- (3) The records of the "Book of Oils" is not standardized or forged;
- (4) Obstructing examination by the Harbor Superintendency.

Education should be made of the seamen or other individuals who are directly responsible for the accident. For serious cases, fines may be imposed but the maximum amount of fine shall not exceed 20 percent of the monthly wage of the person in question.

[Article 48] If a vessel is proven after being investigated to have caused pollution or discharged wastes in violation of set rules, it shall be dealt with according to rules all the same whether it admits it or not.

[Article 49] If the party concerned refuses to accept the decision of administrative punishment, it shall be dealt with according to Article 41 of "the Law of the People's Republic of China on Marine Environmental Protection".

[Article 50] Those individuals who inform against and expose pollution accidents by vessels on their own initiative and actively provide evidences, or excel themselves in taking effective measures to mitigate damages shall be commended or awarded.

[Article 51] All fines collected from culpable vessels or persons directly responsible shall be listed a special funds and turned over to the state treasury. The monetary awards to persons specified in Article 50 of the present regulations shall come from state appropriation.

Chapter XII Supplementary Articles

[Article 52] The definitions of following terms used in the present regulations are:

- (1) "Harbor" refers to coastal harbors and areas near river mouths, mainly devoted to the docking of seagoing vessels, including their water areas and channels leading to sea lanes.
- (2) "Vessels" refers to all types of not orized or nonmotorized vessels, excluding stationary and movable platforms for offshore oil operations.
- (3) "Oils" refers to any kind of oil and products refined from it.
- (4) "Vessel Garbage" refer to refuse produced by seamen in the normal course of vessel operations, cinder, dunnage, chafting and sweepings as well as worn-out tools and riggings and machine parts.
- (5) "Existing vessels" refers to vessels launched before March 1, 1983.

[Article 53] In controlling vessels of foreign registry, the methods of control of the countries to which the vessels belong may be applied on a reciprocal basis, in addition to the implementation of the present regulations.

[Article 54] The state fishery and fishing port supervisory and administrative organs exercise the power of the competent authorities stipulated in the present regulations within the waters of fishing ports.

[Article 55] Separate regulations governing the prevention of pollution in harbor areas under the jurisdiction of military departments and by military vessels shall be drawn up by the army environment protection departments in reference to "the Law of the People's Republic of China on Marine Environmental Protection" and the present regulation.

[Article 56] The regulations shall become effective of the date of promulgation.