

# CIRCULAR

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To the Members

## **Regulations of the People's Republic of China on the Prevention and Control of Marine Pollution from Ships (No.19)**

We refer Members to the recent circular [No.19-019](#) dated 21 February 2020 on the Regulations of the People's Republic of China (PRC) on the Prevention and Control of Marine Pollution from Ships and the requirement that Owners/Operators of (a) any ship carrying polluting and hazardous cargoes in bulk or (b) any other ship above 10,000 GT enter into a pollution clean-up contract with a Ship Pollution Response Organisation (SPRO) before the ship enters a PRC port or engages in loading, discharge or ship-to-ship transfers outside of the port but within 20 nautical miles off shore.

As previously advised, the Maritime Safety Agency (MSA) recently published new Measures of Administration on Agreement for Ship Pollution Response Regime, which became effective on 1<sup>st</sup> March 2020.

Further clarifications and feedback on the new Measures have since been received from the International Group's (IG) advisers in the PRC and the China MSA.

It has been clarified that no SPRO Agreement is now needed for any of the following:

- 1) Any ship under 10,000 GT either in ballast or carrying a liquid cargo in bulk not listed in the Directory; or
- 2) Any ship of any size that is driven by clean fuels and either (i) carrying a liquid cargo not in bulk (even if that liquid is listed in the Directory) or (ii) carrying a liquid in bulk that is not listed in the Directory or (iii) carrying a non-liquid (i.e. solid) cargo.

Oil booming is still only required, inter alia, for ships loading, discharging, transferring over 300mt of cargoes listed in the Directory.

A copy of the Directory is also now available (in Chinese) on the China MSA website as follows:

<https://www.msa.gov.cn/html/xxgk/tzgg/wgfw/20190611/5B82B390-ADCD-4A6C-A480-3DA130B560DA.html>

For the avoidance of doubt, it should also be noted that, save for those ships falling within (1) or (2) above, all ships over 10,000 GT regardless of what cargo is being carried are required to enter into a SPRO agreement in accordance with the Article 11 requirements as set out in the amended SPRO table (attached).

If Members are in any doubt, then it is recommended that they contact the Club before contracting with any SPRO.

All Clubs in the International Group of P&I Clubs have issued similar circulars.

Yours faithfully,

**The Japan Ship Owners' Mutual Protection & Indemnity Association**

Attachment: Table of SPRO levels for pollution response

**Corresponding Table of Levels of Agreements for Ship Pollution Response That Vessels Enter into with Ship Pollution Response Organizations**

Type of Ship	Article 9 refers			Article 10 refers		Article 11 refers	
	Vessels carrying oil cargo in bulk			Vessels carrying bulk liquid cargo, other than oil, apt to cause pollution		Any other vessel of GT 10,000 and above irrespective of cargo type	
Service Area	Within port area	Enter into and leave from the port	Loading, discharging and ship-to-ship transfer outside the port	Enter into and leave from the port	Loading, discharging and ship-to-ship transfer outside the port	Enter into and leave from the port	Loading, discharging and ship-to-ship transfer outside the port
Level of organization							
<b>Level 1</b>	Any such vessel that does not fall within Levels 2, 3 and 4 below.	Any vessel not listed in the category below	Sea areas beyond 20nm offshore but within the jurisdiction waters of China (ships of any tonnage)	Vessels with GT10,000 and above	Sea areas beyond 20nm offshore but within the jurisdiction waters of China (ships of any tonnage)	Vessels with GT50,000 and above	Sea areas beyond 20nm offshore but within the jurisdiction waters of China (ships of any tonnage)
<b>Level 2</b>	Vessels with GT2,000 and above but below GT10,000	Vessels with GT below 10,000	Sea areas within 20nm offshore (vessels below GT10,000)	Vessels with GT below 10,000	Sea areas within 20nm offshore (ships of any tonnage)	Vessels with GT30,000 and above but below GT50,000	Sea areas within 20nm offshore (ships of any tonnage)
<b>Level 3</b>	Vessels with GT600 and above but below GT2,000	x	x	x	x	Vessels with GT20,000 and above but below GT30,000	x
<b>Level 4</b>	Vessels with GT below 600	x	x	x	x	Vessels with GT10,000 and above but below GT20,000	x