



JAPAN P&I NEWS

To the Members

Regulations on Disposal of Food Wastes in Chinese Coasts and Loss Prevention Suggestions

We have obtained information on regulations of food wastes in Chinese coasts by Huatai Insurance Agency and Consultant Service Ltd. For details, please find attached their safety alert.

Yours faithfully,

The Japan Ship Owners' Mutual Protection & Indemnity Association

Attachment:

Huatai Marine Circular Ref. No.PNI(2022)08 English

Huatai Marine Circular Ref. No.PNI(2022)08 Chinese



**HUATAI
MARINE**

CIRCULAR

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Circular Ref. No.: PNI [2022] 08

Date: 22 September 2022



Regulations on Disposal of Food Wastes in Chinese Coasts and Loss Prevention Suggestions

Dear Sir/Madam,

Huatai Marine recently received Clubs' inquiries about administrative fines faced by their entered ships for dumping food wastes in Chinese waters and we are requested to provide relevant

regulations and interpretations on disposal of food wastes from ships. We hereby publish this circular to introduce regulations with regards to disposal of food wastes in Chinese waters and provide relevant loss prevention suggestions for Clubs/Members' kind reference.

Chinese Regulations on Disposing Food Wastes

The current effective national standard in China is *Discharge Standards for Water Pollutants from Ships* (GB3552-2018), came into effective on 1 June, 2018 and replaced the *Effluent Standard for Pollutants from Ship* (GB 3552-83). GB3552-2018 includes requirements on Noxious Liquid Substances, sewage and food wastes, etc. For more details, please refer to Huatai PNI[2018]11.

Discharging Requirements

As China is a signatory state to MARPOL Convention, Chinese regulations on food wastes disposal are basically consistent with MARPOL Convention. The specific requirements are as follows:

If the ship is less than 3 nautical miles from the nearest land, food wastes shall be discharged into reception facilities. If the ship is 3 to 12 nautical miles from the nearest land, food wastes can be discharged only if they have been passed through a comminuter or grinder and such comminuted or ground food wastes shall be capable of passing through a screen which openings no greater than 25mm. Food wastes can be discharged if the ship is over 12 nautical miles away from the nearest land.

“The nearest land” refers to the nearest territorial sea baselines.

Administrative Penalties

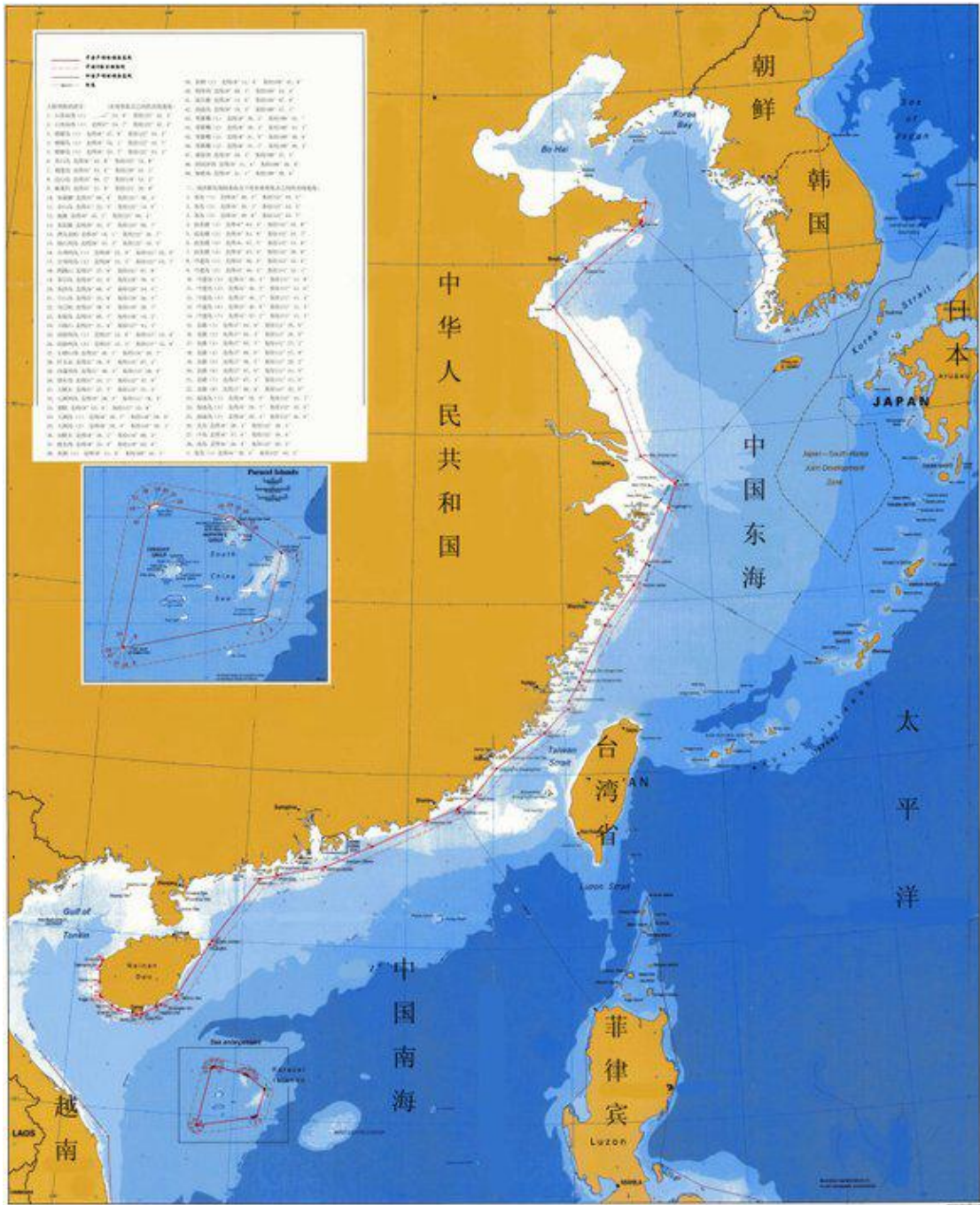
According to Article 73(1) and (2) of *Marine Environment Protection Law of the People's Republic of China*, discharging into sea any sea pollutants or any other substances the discharge of which is prohibited by this law, fine of not less than RMB 30,000 yuan but not more than 200,000 yuan shall be imposed. If failing to discharge pollutants into the sea in accordance with the provisions of this Law, or discharging pollutants in excess of standards or total discharge volume control indicators, a fine not less than 20,000 yuan but not more than 100,000 yuan shall be imposed.

According to Article 38 (1) and (2) of *Provisions of the People's Republic of China on Marine and Maritime Administrative Penalties*, discharging to the coastal waters pollutants or other materials whose discharge is prohibited by the Marine Environment Protection Law, a fine of not less than RMB 30,000 yuan but not more than 200,000 yuan shall be imposed. Not complying with the Marine Environment Protection Law when discharging pollutants to the sea, or discharging pollutants beyond standards, a fine of not less than 20,000 yuan but not more than 100,000 yuan shall be imposed.

No Discharge Area that are Easily Overlooked

Territorial Sea Baselines Announced by Chinese Government

The nearest distance permitted for discharge shall be calculated from the baselines of the territorial sea published by the Chinese Government, not from the distance of the ship to land. For the coordinates of the baselines of the territorial sea published by the Chinese Government, please refer to the annex. The sketch map is as below for illustration.



The Bohai Sea

Baselines for the Bohai Sea waters have not been announced. However, based on Huatai's experience in handling such cases, China MSA, when enforcing the regulations, considers that west to the connecting line between west corner of Lao Tie Shan and Penglai Jiao (the red dotted line in the figure below) is China's internal water, where all wastes from ships are forbidden to discharge.



Cases Related to Administrative Fines on Discharging Wastes Since 2020

General Situation

According to Huatai's database, about 23% of the fines for garbage disposal handled in 2020-2022 were for illegally dumping food wastes. Most of them occurred in the Bohai Sea, accounting for 70%, and the Yellow, East and South China Seas each accounted for 10%. The maximum fine was CNY

70,000, while the lowest fine was CNY 30,000. The average fine per case was CNY 43,000.

Characteristics of Cases Related to Administrative Fines on Discharging Wastes

Through analysis of the above cases, it was noted that such fines were mostly occurred when MSA officers conducted inspections and found that the location of garbage discharge contained in the ship's Garbage Record Book failed to meet the minimum distance requirements from the nearest land to the garbage disposal location. Since 2020, China MSA has adopted remote PSC inspection instead of on-board inspection due to the restriction of epidemic prevention. More attention has therefore been paid to the validity of relevant certificates and the correctness of official records of ships, as well as to the inspection of ships for non-compliance through these records. The main reason for the illegal discharge of garbage is that some crew members are not clear about the position of the ship, or do not know the baseline coordinates of China's territorial sea, or lack of understanding that the Bohai Sea is inland water where dumping of food wastes is prohibited.

Loss Prevention Suggestions

1. Crew members scheduled to call at a Chinese port or sailing off the Chinese coasts are advised to pay attention to the above-mentioned no discharge area.
2. Vessel shall keep accurate record with regards to discharging or processing garbage in accordance with the requirements stipulated in paragraph 3.1-3.4, regulation 10, Annex V of the MARPOL Convention 1973, as modified by the Protocol of 1978. Garbage Record Book shall be retained onboard for a period at least of 2 years from the date of the last entry was made in it, and be readily available for verification, inspection by the competent authority.
3. When vessels are scheduled to call at Chinese ports or are sailing off the coast of China, navigation officers are suggested to plot the China baseline geographic coordinates according to the *Declaration of the Government of the People's Republic of China on the Baselines of the Territorial Sea of the People's Republic of China* (attached hereunder) directly on their

operational ECDIS in order to visually display the area prohibited from discharge on the ECDIS and to avoid violations due to the distance between vessel's position and the nearest territorial sea baselines fail to comply with discharge requirements.

Please feel free to contact Huatai Beijing (pni.bj@huatai-serv.com) or our local branch offices if you have any query.

Best regards,

A handwritten signature in black ink, appearing to be the name 'Cui Jiyu' in Chinese characters, written in a cursive style.

CUI Jiyu

Head of Marine Team

Attachment:

(May 15, 1996 State Council)

In accordance with the Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone adopted and promulgated on February 25, 1992, the Government of the People's Republic of China hereby announces some of the baselines of its territorial sea adjacent to the mainland and those of the territorial sea adjacent to its Xisha Islands as follows:

I Some of the baselines of the territorial sea adjacent to the mainland are composed of all the straight lines linking up the adjacent base points listed below:

1. Gaojiao, Shandong (1) 37°24.0'N 122°42.3'E
2. Gaojiao, Shandong (2) 37°23.7'N 122°42.3'E
3. Moye Island (1) 36°57.8'N 122°34.2'E
4. Moye Island (2) 36°55.1'N 122°32.7'E
5. Moye Island (3) 36°53.7'N 122°31.1'E
6. Sushan Island 36°44.8'N 122°15.8'E
7. Chaolian Island 35°53.6'N 120°53.1'E
8. Dashan Island 35°00.2'N 119°54.2'E
9. Macaiheng 33°21.8'N 121°20.8'E
10. Waikejiao 33°00.9'N 121°38.4'E
11. Sheshan Island 31°25.3'N 122°14.6'E
12. Haijiao Reef 30°44.1'N 123°09.4'E

13. Dongnanjiao Reef 30°43.5'N 123°09.7'E
14. Liangxiongdiyu Isle 30°10.1'N 122°56.7'E
15. Yushan Islands 28°53.3'N 122°16.5'E
16. Taizhou Islands (1) 28°23.9'N 121°55.0'E
17. Taizhou Islands (2) 28°23.5'N 121°54.7'E
18. Daotiaoshan 27°27.9'N 121°07.8'E
19. Dongyin Island 26°22.6'N 120°30.4'E
20. Dongsha Island 26°09.4'N 120°24.3'E
21. Niushan Island 25°25.8'N 119°56.3'E
22. Wuqiuyu Isle 24°58.6'N 119°28.7'E
23. Dongding Island 24°09.7'N 118°14.2'E
24. Dagan Shan 23°31.9'N 117°41.3'E
25. Nanpeng Islands (1) 23°12.9'N 117°14.9'E
26. Nanpeng Islands (2) 23°12.3'N 117°13.9'E
27. Shibeishanjiao 22°56.1'N 116°29.7'E
28. Zhentouyan 22°18.9'N 115°07.5'E
29. Jiapeng Islands 21°48.5'N 113°58.0'E
30. Weijia Island 21°34.1'N 112°47.9'E

31. Dafanshi 21°27.7'N 112°21.5'E
32. Qizhou Islands 19°58.5'N 111°16.4'E
33. Shuangfan 19°53.0'N 111°12.8'E
34. Dazhou Island (1) 18°39.7'N 110°29.6'E
35. Dazhou Island (2) 18°39.4'N 110°29.1'E
36. Shuangfanshi 18°26.1'N 110°08.4'E
37. Lingshuijiao 18°23.0'N 110°03.0'E
38. Dongzhou (1) 18°11.0'N 109°42.1'E
39. Dongzhou (2) 18°11.0'N 109°41.8'E
40. Jinmujiao 18°09.5'N 109°34.4'E
41. Shenshijiao Reef 18°14.6'N 109°07.6'E
42. Xigu Island 18°19.3'N 108°57.1'E
43. Yinggezui (1) 18°30.2'N 108°41.3'E
44. Yinggezui (2) 18°30.4'N 108°41.1'E
45. Yinggezui (3) 18°31.0'N 108°40.6'E
46. Yinggezui (4) 18°31.1'N 108°40.5'E
47. Gan'enjiao 18°50.5'N 108°37.3'E
48. Sigengshajiao 19°11.6'N 108°36.0'E

49. Junbijiao 19°21.1'N 108°38.6'E

II The baselines of the territorial sea adjacent to the Xisha Islands of the People's Republic of China are composed of all the straight lines linking up the adjacent base points listed below:

1. Dong Island (1) 16°40.5'N 112°44.2'E
2. Dong Island (2) 16°40.1'N 112°44.5'E
3. Dong Island (3) 16°39.8'N 112°44.7'E
4. Langhuajiao Reef (1) 16°04.4'N 112°35.8'E
5. Langhuajiao Reef (2) 16°01.9'N 112°32.7'E
6. Langhuajiao Reef (3) 16°01.5'N 112°44.7'E
7. Langhuajiao Reef (4) 16°01.0'N 112°29.8'E
8. Zhongjian Island (1) 15°46.5'N 111°12.6'E
9. Zhongjian Island (2) 15°46.4'N 111°12.1'E
10. Zhongjian Island (3) 15°46.4'N 111°11.8'E
11. Zhongjian Island (4) 15°46.5'N 111°11.6'E
12. Zhongjian Island (5) 15°46.7'N 111°11.4'E
13. Zhongjian Island (6) 15°46.9'N 111°11.3'E
14. Zhongjian Island (7) 15°47.2'N 111°11.4'E

15. Beijiao Reef (1) 17°04.9'N 111°26.9'E
16. Beijiao Reef (2) 17°05.4'N 111°26.9'E
17. Beijiao Reef (3) 17°05.7'N 111°27.2'E
18. Beijiao Reef (4) 17°06.0'N 111°27.8'E
19. Beijiao Reef(5) 17°06.5'N 111°29.2'E
20. Beijiao Reef (6) 17°07.0'N 111°31.0'E
21. Beijiao Reef (7) 17°07.1'N 111°31.6'E
22. Beijiao Reef (8) 17°06.9'N 111°32.0'E
23. Zhaoshu Island (1) 16°59.9'N 112°14.7'E
24. Zhaoshu Island (2) 16°59.7'N 112°15.6'E
25. Zhaoshu Island (3) 16°59.4'N 112°16.6'E
26. Bei Island 16°58.4'N 112°18.3'E
27. Zhong Island 16°57.6'N 112°19.6'E
28. Nan Island 16°56.9'N 112°20.5'E
1. Dong Island (1) 16°40.5'N 112°44.2'E

The Government of the People's Republic of China will further announce the remaining baselines of the territorial sea of the People's Republic of China.



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中国对船舶在沿海排放食物垃圾的规定简介及防损建议

华泰海事近期收到协会问询，关于其入会船舶在中国海域倾倒食物垃圾面临罚款，希望提供有关船舶食物垃圾排放的相关规定及解读。我们特此发布通函，介绍中国对船舶在沿海排放食物垃圾的相关规定及防损建议，供协会及其会员参考。

中国对船舶排放食物垃圾的规定

目前国内现行的行业标准是《船舶水污染物排放控制标准》（GB3552-2018），于2018年7月1日实施，取代了《船舶污染物排放标准》（GB 3552-83）。该标准包括对船舶排放有毒液体物质、生活污水及食物垃圾等方面的规定。详情请参考华泰通函 PNI[2018]11。

排放要求

中国是 MARPOL 公约缔约国，因此，中国的食物垃圾排放相关规定基本与 MARPOL 公约一致。具体排放要求如下：

对于食品废弃物，在距离最近陆地 3 海里以内（含）的海域，应收集并排入接收设施；在距最近陆地 3 海里至 12 海里（含）的海域，粉碎或研磨至直径不大于 25 毫米后方可排放；在距离最近陆地 12 海里以外的海域可以排放。

“最近陆地”指：与所在位置最近的领海基线。

处罚措施

根据《中华人民共和国海洋环境保护法》第七十三条第一款及第二款的规定，向海域排放本法禁止排放的污染物或者其他物质的，处三万元以上二十万元以下的罚款；不按照本法规定向海洋排放污染物，或者超过标准、总量控制指标排放污染物的，处二万元以上十万元以下的罚款。

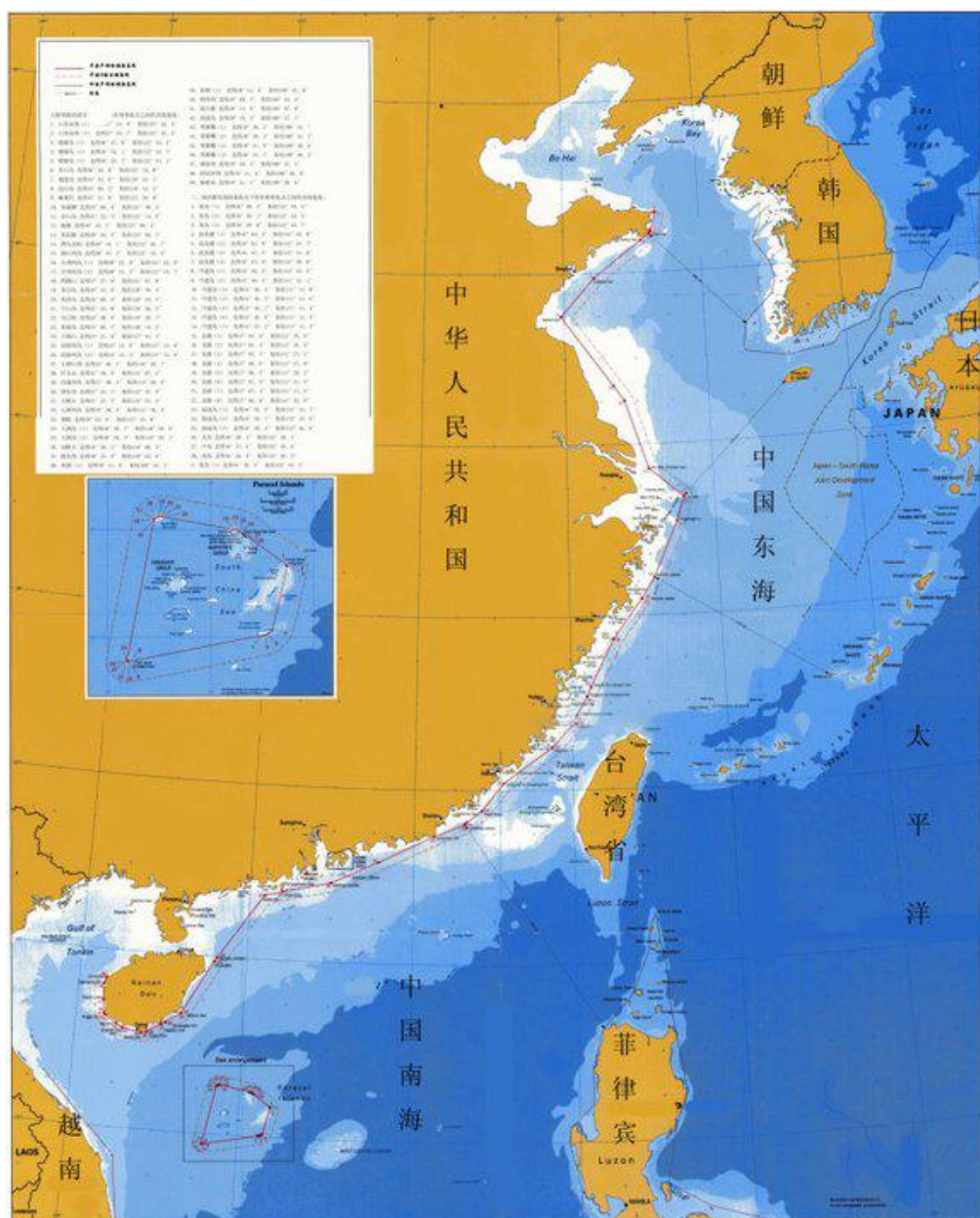
根据《中华人民共和国海上海事行政处罚规定》，第三十八条第一款及第二款的规定，向海域排放《海洋环境保护法》禁止排放的污染物或者其他物质的，处 3 万元以上 20 万元以下的罚款；不按照《海洋环境保护法》规定向海洋排放污染物，或者超过标准排放污染物的，处

2 万元以上 10 万元以下的罚款。

容易被忽视的禁排区域

中国政府公布的领海基线

允许排放的最近距离应以船舶距离中国政府公布的领海基线计算，而不是船舶距离陆地的距离计算。中国政府公布的领海基线坐标请参附件。示意图如下：



渤海湾

渤海湾地区尚无已对外公布的领海基线，但根据华泰对此类案件的处理经验，海事局执法时认为老铁山西角与蓬莱角的连接线（下图中的红色虚线）以西为中国内水，禁止排放一切船舶垃圾。



2020 年以来发生的相关的行政处罚案件情况

概况

根据华泰的数据，在 2020-2022 年处理的因倾倒垃圾而产生罚款的案件中，违规倾倒食物垃圾的约占 23%，其中多发生在渤海，占比 70%，黄海、东海和南海各占 10%。最高的罚款金额为 CNY 70,000 元，最低的罚款金额为 CNY 30,000 元，单案平均罚款金额为 CNY 43,000 元。

相关行政罚款案件的规律和特点

通过对上述案件的分析发现, 此类罚款多由于海事局检查发现船舶垃圾排放记录簿记载的垃圾排放位置未满足所规定的距离最近陆地的最小距离。自 2020 年以来, 因防疫限制, 中国海事局多采取远程检查代替登轮检查的方式, 因此更加关注相关证书的有效性和各种船舶正式记录的正确性, 以及通过这些记录检查船舶是否存在违规情况。发生违规排放垃圾的主要原因是部分船员对于船舶所处船位不清, 或对中国领海基线坐标不了解, 或对于渤海湾属于中国内海不允许排放食物垃圾缺乏了解。

防损建议

1. 提醒有计划或者正在航行于中国沿海水域的船舶注意上文提到的容易被忽视的禁排区域。
2. 应根据经 1978 年议定书修订的 1973 年 MARPOL 附则 5 第 10 条 3.1-3.4 段的规定在垃圾记录簿中准确记录船舶垃圾的处理和排放。垃圾记录簿应当在进行最后一项记录后在船上保留至少 2 年, 以备主管机关的检查确认。
3. 船舶有计划或者正在航行于中国沿海水域时, 建议船员在其作业的电子海图上根据《关于中华人民共和国领海基线的声明》标注出领海基线的坐标, 在电子海图上直观展示基线位置, 避免因船舶所在位置与最近领海基线的距离不满足排放标准而违规。

如有任何相关问题, 欢迎咨询华泰海事总部 (pni.bj@huatai-serv.com) 或当地机构。

华泰保险经纪有限公司



附件：部分已公布的中国领海基线坐标

中国政府关于领海基线的声明 (一九九六年五月十五日 国务院)

中华人民共和国政府今天就中华人民共和国大陆领海的部分基线和西沙群岛的领海基线发表声明。声明全文如下：

中华人民共和国政府关于中华人民共和国领海基线的声明

1996年5月15日

中华人民共和国政府根据1992年2月25日《中华人民共和国领海及毗连区法》，宣布中华人民共和国大陆领海的部分基线和西沙群岛的领海基线。

一、大陆领海的部分基线为下列各相邻基点之间的直线连线：

1. 山东高角 (1) 北纬 $37^{\circ}24.0'$ 东经 $122^{\circ}42.3'$
2. 山东高角 (1) 北纬 $37^{\circ}23.7'$ 东经 $122^{\circ}42.3'$
3. 镆耶岛 (1) 北纬 $36^{\circ}57.8'$ 东经 $122^{\circ}34.2'$
4. 镆耶岛 (2) 北纬 $36^{\circ}55.1'$ 东经 $122^{\circ}32.7'$
5. 镆耶岛 (3) 北纬 $36^{\circ}53.7'$ 东经 $122^{\circ}31.1'$
6. 苏山岛 北纬 $36^{\circ}44.8'$ 东经 $122^{\circ}15.8'$
7. 朝连岛 北纬 $35^{\circ}53.6'$ 东经 $120^{\circ}53.1'$

8. 达山岛 北纬 35°00.2' 东经 119°54.2'
9. 麻菜珩 北纬 33°21.8' 东经 121°20.8'
10. 外磕脚 北纬 33°00.9' 东经 121°38.4'
11. 佘山岛 北纬 31°25.3' 东经 122°14.6'
12. 海礁 北纬 30°44.1' 东经 123°09.4'
13. 东南礁 北纬 30°43.5' 东经 123°09.7'
14. 两兄弟屿 北纬 30°10.1' 东经 122°56.7'
15. 渔山列岛 北纬 28°53.3' 东经 122°16.5'
16. 台州列岛 (1) 北纬 28°23.9' 东经 121°55.0'
17. 台州列岛 (2) 北纬 28°23.5' 东经 121°54.7'
18. 稻挑山 北纬 27°27.9' 东经 121°07.8'
19. 东引岛 北纬 26°22.6' 东经 120°30.4'
20. 东沙岛 北纬 26°09.4' 东经 120°24.3'
21. 牛山岛 北纬 25°25.8' 东经 119°56.3'
22. 乌丘屿 北纬 24°58.6' 东经 119°28.7'
23. 东碇岛 北纬 24°09.7' 东经 118°14.2'
24. 大柑山 北纬 23°31.9' 东经 117°41.3'
25. 南澎列岛 (1) 北纬 23°12.9' 东经 117°14.9'
26. 南澎列岛 (2) 北纬 23°12.3' 东经 117°13.9'
27. 石碑山角 北纬 22°56.1' 东经 116°29.7'
28. 针头岩 北纬 22°18.9' 东经 115°07.5'
29. 佳蓬列岛 北纬 21°48.5' 东经 113°58.0'

30. 围夹岛 北纬 21°34.1' 东经 112°47.9'
31. 大帆石 北纬 21°27.7' 东经 112°21.5'
32. 七洲列岛 北纬 19°58.5' 东经 111°16.4'
33. 观帆 北纬 19°53.0' 东经 111°12.8'
34. 大洲岛 (1) 北纬 18°39.7' 东经 110°29.6'
35. 大洲岛 (2) 北纬 18°39.4' 东经 110°29.1'
36. 双帆石 北纬 18°26.1' 东经 110°08.4'
37. 陵水角 北纬 18°23.0' 东经 110°03.0'
38. 东洲 (1) 北纬 18°11.0' 东经 109°42.1'
39. 东洲 (2) 北纬 18°11.0' 东经 109°41.8'
40. 锦母角 北纬 18°09.5' 东经 109°34.4'
41. 深石礁 北纬 18°14.6' 东经 109°07.6'
42. 西鼓岛 北纬 18°19.3' 东经 108°57.1'
43. 莺歌嘴 (1) 北纬 18°30.2' 东经 108°41.3'
44. 莺歌嘴 (2) 北纬 18°30.4' 东经 108°41.1'
45. 莺歌嘴 (3) 北纬 18°31.0' 东经 108°40.6'
46. 莺歌嘴 (4) 北纬 18°31.1' 东经 108°40.5'
47. 感恩角 北纬 18°50.5' 东经 108°37.3'
48. 四更沙角 北纬 19°11.6' 东经 108°36.0'
49. 峻壁角 北纬 19°21.1' 东经 108°38.6'

二、西沙群岛领海基线为下列各相邻基点之间的直线连线：

1. 东岛 (1) 北纬 16°40.5' 东经 112°44.2'
2. 东岛 (2) 北纬 16°40.1' 东经 112°44.5'
3. 东岛 (3) 北纬 16°39.8' 东经 112°44.7'
4. 浪花礁 (1) 北纬 16°04.4' 东经 112°35.8'
5. 浪花礁 (2) 北纬 16°01.9' 东经 112°32.7'
6. 浪花礁 (3) 北纬 16。01.5' 东经 112°31.8'
7. 浪花礁 (4) 北纬 16°01.0' 东经 112°29.8'
8. 中建岛 (1) 北纬 15°46.5' 东经 111°12.6'
9. 中建岛 (2) 北纬 15°46.4' 东经 111°12.1'
10. 中建岛 (3) 北纬 15°46.4' 东经 111°11.8'
11. 中建岛 (4) 北纬 15°46.5' 东经 111°11.6'
12. 中建岛 (5) 北纬 15°46.7' 东经 111°11.4'
13. 中建岛 (6) 北纬 15°46.9' 东经 111°11.3'
14. 中建岛 (7) 北纬 15°47.2' 东经 111°11.4'
15. 北礁 (1) 北纬 17°04.9' 东经 111°26.9'
16. 北礁 (2) 北纬 17°05.4' 东经 111°26.9'
17. 北礁 (3) 北纬 17°05.7' 东经 111°27.2'
18. 北礁 (4) 北纬 17°06.0' 东经 111°27.8'
19. 北礁 (5) 北纬 17°06.5' 东经 111°29.2'
20. 北礁 (6) 北纬 17°07.0' 东经 111°31.0'
21. 北礁 (7) 北纬 17°07.1' 东经 111°31.6'

22. 北礁 (8) 北纬 17°06.9' 东经 111°32.0'
23. 赵述岛 (1) 北纬 16°59.9' 东经 112°14.7'
24. 赵述岛 (3) 北纬 16°59.7' 东经 112°15.6'
25. 赵述岛 (3) 北纬 16°59.4' 东经 112°16.6'
26. 北岛 北纬 16°58.4' 东经 112°18.3'
27. 中岛 北纬 16°57.6' 东经 112°19.6'
28. 南岛 北纬 16°56.9' 东经 112°20.5'
1. 东岛 (1) 北纬 16°40.5' 东经 112°44.2'

中华人民共和国政府将再行宣布中华人民共和国其余领海基线。