



JAPAN P&I NEWS

外航組合員各位

中国—海洋環境保護法の改正による主な変更点

中国のコレスポンデント Oasis P&I Services Company Limited から海洋環境保護法の改正に関する情報を入手しましたので、ご参考に供します。

改正法は2024年1月1日付で施行されました。これは、船舶から海へ放出される汚染物質の防止と管理におけるすべての側面を制度的に強化するものです。船主に関係する主な変更点を以下のとおりです。

1. 「船舶のバラスト水及び沈殿物の規制及び管理のための国際条約」の要件の一部を、外来生物の侵入防止のための法律に転換した
2. 汚染危険貨物の荷送人、貨物所有者、代理人に対する義務が強化された
3. 船舶による汚染の管理に関する要件が強化された
4. 船舶の危険物管理に関する条項が追加された
5. 船舶はクリーンエネルギーと陸上の電力を使用することが奨励された
6. 汚染物質排出規制区域が設定された
7. 規定に違反した場合に科される罰則が強化された

詳細は添付資料をご参照ください。

以上

添付資料 : Oasis Circular No. 2402



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Oasis Circular No.: 2402

Subject: Major changes brought by the amended Marine Environmental Protection Law of PRC effective from 1 January 2024

The amended Marine Environment Protection Law of China (hereinafter referred to as “the Law”) has come into effect on 1 January 2024. It provides an institutional upgrading and strengthening of all aspects of the prevention and control of pollution from vessels into the sea.

The major changes relate to Owners could be summarized as follows:

I. Some requirements of the *International Convention for the Control and Management of Ships' Ballast Water and Sediments* are converted into the law for prevention of invasion of exotic organisms

Vessels are not allowed to illegally discharge garbage, domestic sewage, oily sewage, sewage containing toxic and hazardous substances, pollutants, waste, ballast water and sediments, and other harmful substance into the sea areas under the jurisdiction of P.R.C.

Vessels shall take effective measures to treat and dispose of ballast water and sediments in accordance with relevant regulations.

When carrying out operations involving the discharge of pollutants, ballast water and sediments from vessels, it shall be monitored, recorded, and records are well-kept.

II. Enhanced duties and obligations are imposed to shippers, cargo owners and agent of pollution-hazardous cargo

Before delivering the pollution-hazardous cargo on board a vessel, the shipper shall

truthfully inform the carrier of the official name of the cargo to be carried, its hazard and protective measures to be taken. The documentation, packaging, marking and quantity restriction of the pollution-hazardous cargo shall be in accordance with the regulations applicable to the delivered cargo.

III. Enhanced requirements regarding the management of pollution from vessels

The structure of vessels and anti-pollution equipment and devices equipped by the vessel shall comply with the relevant provisions for preventing marine environment pollution from vessels and shall be examined for qualification.

When carrying out lightening operations of bulk liquid hazardous cargo, an operational plan shall be prepared and submitted to local maritime administration for approval in advance and take effective measures to ensure safety and prevent pollution.

IV. The management of hazardous materials of vessels are added

Owners, operator, and manager of the vessel shall ensure a list of hazardous materials is being kept on board and have it updated continuously during the process of construction, operation, and maintenance. Before a vessel is dismantled, the list shall be supplied to companies engaged in ship dismantling service in advance.

V. Vessels are encouraged to use clean energy and shore power

Vessels are encouraged to use new or clean energy sources to reduce emissions of air pollutants.

Vessels shall take effective measures to improve energy efficiency and use shore power in accordance with relevant provisions if they are to use shore power.

VI. Establishment of Pollutant Emission Control Areas

Ministry of Transport (MOT) of P.R.C. could set out pollution emission control areas, vessels that enter into these areas shall comply with the pollution discharge control measures.

VII. The law imposes higher penalty for breaches of the provisions

Please refer to attachment of the detailed breaches and penalties.

We hope the above is of assistance. If there is any query, please feel free to contact us at oasis@oasispandi.com anytime.

Best regards,

Oasis P&I Services Company Limited

Attachment:

- 1. The detailed requirements regarding the control of ballast water and sediments of vessels.*
- 2. Vessels that shall be equipped with shore power system.*
- 3. Breaches and penalties of the law.*

1. The detailed requirements regarding the control of ballast water and sediments of vessels

According to the *Supervision and Management of Ships' Ballast Water and Sediment Management (for Trial Implementation)* published by China MSA in 2019, which is applicable to vessels navigating, berthing and operating in waters under Chinese jurisdiction, the following requirements shall be met:

1) Compliance with ballast water replacement requirements

According to the Ballast Water Convention, vessels are required to replace ballast water in accordance with the "D-1 standard".

Vessels shall carry out ballast water exchange in waters at least 200 NM from the nearest land and with water depth of at least 200 meters; if the voyage is less than 200 NM, the exchange may be carried out in waters at least 50 NM from the nearest land and with water depth of at least 200 meters.

The discharge of ballast water from vessels shall be reported to the local maritime administration authorities 12 hours in advance prior to discharging.

2) Ballast water treatment standards

According to Ballast Water Convention, vessels are required to treat ballast water in accordance with the Ballast Water Treatment Performance Standard, also known as the "D-2 Standard".

3) Ballast water management measures

Vessels engaged in international navigation shall hold the *International Ballast Water Management Certificate*, *Ballast Water Management Plan* and *Ballast Water Record Book* and other relevant certification. Vessels equipped with a ballast water management system should also have a copy of the *Ballast Water Management System Type Approval Certificate*.

2. Vessels that shall be equipped with shore power system

The following vessels shall be equipped with shore power system shipboard installation in line with *Technical Rules for Statutory Inspection of Seagoing Ships for Domestic Navigation* (2020) published by China MSA:

- 1) Container vessels for domestic voyages, cruise vessel, passenger ro-ro vessels, passenger vessels of 3,000 GT and above, and dry bulk carriers of 50,000 GT and above that built on or after 1 January 2020.
- 2) From 1 January 2022, container vessels for domestic voyages, passenger ro-ro vessels, passenger vessels of 3,000 GT and above, and dry bulk carriers of 50,000 GT and above that use single marine diesel engine with an output power of more than 130 KW and do not meet the requirements of the NOx emission limits under 7.2.3.1(4) of above rules.

3. Breaches and penalties of the law

- **Violating the provisions of the law regarding the discharge of ballast water and sediments.**

Penalty:

Subject to a fine of between CNY10,000 and CNY200,000.

- **Failure in holding valid ship pollution prevention certificate or failure in properly recording or preserving the discharge and operation record of vessel's pollutants, ballast water, and sediments.**

Penalty:

Subject to a fine of not exceeding CNY100,000.

- **Failure or refusing to report or making falsified report on the matters of carriage of harmful polluting goods by vessels.**

Penalty:

Subject to a fine of not exceeding CNY50,000.

- **The shipper fails to truthfully inform the carrier of the official name of the pollution hazardous cargo, its hazard and protective measures that should be taken.**

Penalty:

Subject to a fine of between CNY50,000 and CNY100,000.

- **The documentation, packaging, marking and quantitative restrictions delivered by the shipper do not comply with the relevant provisions for the cargo delivered.**

- **An assessment is not made beforehand for vessels engaged in transporting cargo with uncertainty as to whether it is apt to cause pollution damage.**

Penalty:

Subject to a fine of between CNY20,000 and CNY100,000.

- **The shipper delivers polluting and hazardous cargo mixed in a consignment of general cargo or misrepresents polluting and hazardous cargo as general cargo.**

Penalty:

Subject to a fine of between CNY100,000 and CNY200,000.

- **Failure to report after an accident or other unexpected event happened that causes or may cause marine environmental pollution or ecological damage.**

Penalty:

Subject to a fine of between CNY50,000 and CNY500,000.

Relevant liable person: Subject to a fine of between CNY10,000 and CNY100,000 and may subject to suspension or revocation of the certificates of competency as well.

- **Failure to make emergency plan and have it filed for record or fail to prepare emergency equipment in accordance with relevant regulations.**

Penalty:

Subject to a fine of between CNY20,000 and CNY200,000.

- **Failure to take immediate and effective measures or to escape from an accident that causes or may cause marine environmental pollution or ecological damage.**
- **Failure to take necessary response measures, resulting in the expansion of marine ecological disasters.**

Penalty:

Subject to a fine of between CNY200,000 and CNY2,000,000.

- **Violating provisions of this law, refusing or obstructing investigations and on-site inspections, or making false statements when being investigated.**

Penalty:

Subject to a fine of between CNY50,000 and CNY200,000.

Relevant liable person: Subject to a fine of between CNY20,000 and CNY100,000

- **Violating provisions of this law, vessel transfers hazardous wastes through sea**

areas under the jurisdiction of the P.R.C.

Penalty:

Subject to a fine of between CNY500,000 and CNY5,000,000 and the vessel will be ordered to leave the sea area by maritime administrative authorities.

- **Vessels carrying pollution-hazardous cargo do not obtain the necessary prior approval before entering or leaving a port, or perform loading or unloading operations.**
- **When conducting loading and unloading operations of oil, toxic and hazardous cargo, the vessel and shore sides fail to comply with the safety and anti-pollution operations.**
- **When carrying out lightening operations of bulk liquid hazardous cargo, vessels fail to have the operational plan prepared or fail to obtain the necessary prior approval.**

Penalty:

Subject to a fine of between CNY10,000 and CNY50,000.

- **Failure to maintain a list of hazardous materials on board the vessel, or fail to update the list during the construction, operation, and maintenance of the vessel, or fail to provide the list before the vessel is dismantled.**

Penalty:

Subject to a fine of not exceeding CNY20,000.

- **Measures taken by vessels to improve energy efficiency that do not meet the relevant requirements.**

Penalty:

Subject to a fine of between CNY10,000 and CNY100,000.

- **Vessels that are equipped with shipboard installation of Ship-to-Shore power system do not use shore power.**

Penalty:

Subject to a fine of between CNY10,000 and RMB100,000.

Serious circumstances: Subject to a fine of between CNY100,000 and RMB500,000.

- **Vessels entering the Emission Control Area do not comply with the requirements relating to the discharge of pollutants from vessels.**

Penalty:

Subject to a fine of between CNY30,000 and CNY300,000.