



中华人民共和国船舶污染海洋环境应急防备和应急处置管理规定 (2015 修订版)

**The Regulations of the PRC on Emergency Preparedness and Response to Marine Pollution from Ships (As amended on 5 May 2015)**

第一章 总 则

**Chapter 1 General Provisions**

第一条 为提高船舶污染事故应急处置能力，控制、减轻、消除船舶污染事故造成的海洋环境污染损害，依据《中华人民共和国防治船舶污染海洋环境管理条例》等有关法律、行政法规和中华人民共和国缔结或者加入的有关国际条约，制定本规定。

**Article 1** The Regulations are hereby formulated in accordance with the Regulations of the People's Republic of China on Prevention and Control of Marine Pollution from Ships, other relevant laws and regulations and relevant international conventions concluded or acceded to by the PRC government to enhance the emergency response capability to ship related pollution, to control, minimize and eliminate damages to the marine environment caused by ship related pollution accident.

第二条 在中华人民共和国管辖海域内，防治船舶及其有关作业活动污染海洋环境的应急防备和应急处置，适用本规定。

船舶在中华人民共和国管辖海域外发生污染事故，造成或者可能造成中华人民共和国管辖海域污染的，其应急防备和应急处置，也适用本规定。

本规定所称“应急处置”是指在发生或者可能发生船舶污染事故时，为控制、减轻、消除船舶造成海洋环境污染损害而采取的响应行动；“应急防备”是指为应急处置的有效开展而预先采取的相关准备工作。

**Article 2** The Regulations shall apply to emergency preparedness and emergency response required by prevention and control of marine pollution from ships and ship-related operations in the sea waters under the jurisdiction of the PRC.

The Regulations shall also apply to emergency preparedness and response to any ship-source marine pollution accidents, which occur outside the sea areas under the jurisdiction of the PRC and cause or may cause pollution to these sea areas under the jurisdiction of the PRC.

“Emergency response” as mentioned in the Regulations means response activities taken to control, minimize and eliminate marine pollution damages where ship related marine

pollution accident happens or may be about to happen; “emergency preparedness” means the relevant preparations made beforehand for effectively carry out the emergency response activities.

第三条 交通运输部主管全国防治船舶及其有关作业活动污染海洋环境的应急防备和应急处置工作。

国家海事管理机构负责统一实施船舶及其有关作业活动污染海洋环境应急防备和应急处置工作。

沿海各级海事管理机构依照各自职责负责具体实施防治船舶及其有关作业活动污染海洋环境的应急防备和应急处置工作。

**Article 3** The Ministry of Transport takes charge of the state-wide emergency preparedness and response for prevention and control of the marine pollution from ship and caused by ship-related operations.

The state maritime safety administrative institution (“State MSA”) is responsible for unified implementation of emergency preparedness and response activities to ship-sourced and ship-related marine pollution.

Each coastal maritime safety administrative institution of various levels is responsible for concretely taking emergency preparedness and response activities for prevention and control of ship-sourced and ship-related marine pollution in accordance with its own respective functions and duties.

第四条 船舶及其有关作业活动污染海洋环境应急防备和应急处置工作应当遵循统一领导、综合协调、分级负责、属地管理、责任共担的原则。

**Article 4** Emergency preparedness and response activities to ship-sourced and ship-related marine pollution shall comply with principles of centralization of command, integrated coordination, hierarchical responsibility, localized administration and of shared liability.

## 第二章 应急能力建设和应急预案

### Chapter 2 Construction of Emergency Reaction Capacity and Emergency Preplan

第五条 国家防治船舶及其有关作业活动污染海洋环境应急能力建设规划，应当根据全国防治船舶及其有关作业活动污染海洋环境的需要，由国务院交通运输主管部门组织编制，报国务院批准后公布实施。

沿海省级防治船舶及其有关作业活动污染海洋环境应急能力建设规划，应当根据国家防治船舶及其有关作业活动污染海洋环境应急能力建设规划和本地实际情况，由沿海省、自治区、直辖市人民政府组织编制并公布实施。

沿海市级防治船舶及其有关作业活动污染海洋环境应急能力建设规划，应当根据所在地省级人民政府防治船舶及其有关作业活动污染海洋环境应急能力建设规划和本地实际情况，由沿海设区的市级人民政府组织编制并公布实施。

编制防治船舶及其有关作业活动污染海洋环境应急能力建设规划，应当对污染风险和应急防备需求进行评估，合理规划应急力量建设布局。

沿海各级海事管理机构应当积极协助、配合相关地方人民政府完成应急能力建设规划的编制工作。

**Article 5** The plan for construction of the state emergency reaction capability for prevention and control of ship-sourced and ship-related marine pollution shall be made by the administrative department of transport under the State Council in accordance with needs required by the state-wide prevention and control of ship-sourced and ship related marine pollution and then submitted to the State Council for approval and promulgation before implementation.

The plan for construction of coastal province-level emergency reaction capability for prevention and control of ship-sourced and ship-related marine pollution shall be made by the government of relevant coastal provinces, autonomous regions and municipalities in accordance with the state-wide plan for the same and the prevailing local circumstance and then promulgated for implementation.

The plan for coastal city(with districts there-under)-level emergency reaction capacity for prevention and control of ship-sourced and ship-related marine pollution shall be made by the government of coastal cities(with districts there-under) in accordance with the local province-level plan and the prevailing local circumstances and then promulgated for implementation.

When making plan for construction of emergency reaction capacity for prevention and control of ship-sourced and ship related marine pollution, evaluation on risks of marine pollution and potential needs of emergency preparedness shall be made and layout of emergency reaction resources shall be appropriately planned.

Coastal maritime safety administrative institution of each level shall positively assist and coordinate with the local government to work out the plan for construction of emergency reaction capacity.

第六条 交通运输部、沿海设区的市级以上地方人民政府应当根据相应的防治船舶及其有关作业活动污染海洋环境应急能力建设规划，建立健全船舶污染事故应急防备和应急反应机制，建立专业应急队伍，建设船舶污染应急专用设施、设备和器材储备库。

**Article 6** The Ministry of Transport the coastal local people's governments of or above city (with districts there-under) level shall establish sound mechanism of emergency preparedness and response to ship-sourced and ship related marine pollution accidents, build up professional emergency response team, set up facilities, equipments and warehouse specifically for emergency response to ship-sourced and ship related marine pollution.

第七条 沿海各级海事管理机构应当根据防治船舶及其有关作业活动污染海洋环境的需要，会同海洋主管部门建立健全船舶及其有关作业活动污染海洋环境的监测、监视机制，加强对船舶及其有关作业活动污染海洋环境的监测、监视。

港口、码头、装卸站以及从事船舶修造的单位应当配备与其装卸货物种类和吞吐能力或者修造船舶能力相适应的污染监视设施和污染物接收设施，并使其处于良好状态。

**Article 7** The coastal maritime safety administrative institution of each level shall, together with ocean administration departments, appropriate to the needs of prevention and control of ship-sourced and ship operation related marine pollution, establish sound monitoring and surveillance mechanisms for prevention and control of ship-sourced and ship operations related marine pollution and strengthen monitoring and surveillance of ship sourced and ship operations related marine pollution.

Port, terminal, cargo handling station and unit engaged in ship building and repairing shall have the pollution monitoring devices and facilities for receiving and disposing pollutants appropriate to the type of and turnout of goods loaded/unloaded and capability of ship building and repairing, and keep them in good operating conditions.

第八条 港口、码头、装卸站以及从事船舶修造、打捞、拆解等作业活动的单位应当按照交通运输部的要求制定有关安全营运和防治污染的管理制度，按照国家有关防治船舶及其有关作业活动污染海洋环境的规范和标准，配备必须的防治污染设备和器材，确保防治污染设备和器材符合防治船舶及其有关作业活动污染海洋环境的要求

**Article 8** The ports, docks, loading and unloading stations, and the entities engaging in the building, repair, salvaging, dismantling and other operations of vessels shall develop management rules for safe operation and pollution prevention and control according to the requirements of the Ministry of Transport, and shall, in accordance with the relevant specifications and standards of the state for preventing and controlling the pollution to the marine environment caused by vessels and their relevant operations, be equipped with required equipment and instruments for pollution prevention and control, so as to ensure that the equipment and instruments for pollution prevention and control satisfy the requirements for the prevention and control of pollution to the marine environment caused by vessels and their relevant operations.

第九条 港口、码头、装卸站以及从事船舶修造、打捞、拆解等作业活动的单位应当编写报告，评价其具备的船舶污染防治能力是否与其装卸货物种类、吞吐能力或者船舶修造、打捞、拆解活动所必需的污染监视监测能力、船舶污染物接收处理能力以及船舶污染事故应急处置能力相适应。

交通运输主管部门依法开展港口、码头、装卸站的验收工作时应当对评价报告进行审查，确认其具备与其所从事的作业相应的船舶污染防治能力。

**Article 9** The ports, docks, loading and unloading stations, and the entities engaging in the building, repair, salvaging, dismantling and other operations of vessels shall prepare

reports to evaluate whether their ability of preventing and controlling vessel-induced pollution is commensurate with the pollution monitoring capability, vessel pollutant receiving and processing capability and capability of emergency response to vessel-induced pollution accidents required for the categories of goods loaded or unloaded by them, their throughput capacities, or the building, salvaging and dismantling of vessels.

When the transport administrative departments conduct the check for acceptance of ports, docks, and loading and unloading stations in accordance with law, they shall examine the evaluation reports to confirm that they have the ability to prevent and control vessel-induced pollution required for their operations.

第十条 交通运输部应当根据国家突发公共事件总体应急预案，制定国家防治船舶及其有关作业活动污染海洋环境的专项应急预案。

沿海省、自治区、直辖市人民政府应当根据国家防治船舶及其有关作业活动污染海洋环境的专项应急预案，制定省级防治船舶及其有关作业活动污染海洋环境应急预案。

沿海设区的市级人民政府应当根据所在地省级防治船舶及其有关作业活动污染海洋环境的应急预案，制定市级防治船舶及其有关作业活动污染海洋环境应急预案。

交通运输部、沿海设区的市级以上地方人民政府应当定期组织防治船舶及其有关作业活动污染海洋环境应急预案的演练。

**Article 10** The Ministry of Transport shall work out special state-wide emergency response preplan for prevention and control of ship-sourced and ship operations related marine pollution in accordance with state-wide public emergency response preplan.

The government of the coastal provinces, autonomous regions and municipalities shall work out province-level-wide emergency response preplan for prevention and control of ship-sourced and ship operations related marine pollution in accordance with state-wide special emergency response preplan for prevention and control of ship-sourced and ship operations related marine pollution.

The governments of the coastal cities (with districts there-under) shall work out city-level emergency response preplan for prevention and control of ship-sourced and ship operations related marine pollution in accordance with the local province-level emergency response preplan for prevention and control of ship-sourced and ship operations related marine pollution.

The Ministry of Transport, the coastal governments of or above city (with districts there-under) level shall regularly organize and carry out emergency response drilling for prevention and control of ship-sourced and ship operations related marine pollution.

第十一条 中国籍船舶所有人、经营人、管理人应当按照国家海事管理机构制定的应急预案编制指南，制定或者修订防治船舶及其有关作业活动污染海洋环境的应急预案，并报海事管理机构批准。

港口、码头、装卸站的经营人以及有关作业单位应当制定防治船舶及其有关作业活动污染海洋环境的应急预案，并报海事管理机构和环境保护主管部门备案。



船舶及有关作业单位应当按照制定的应急预案定期组织应急演练，根据演练情况对应急预案进行评估，按照实际需要和情势变化，适时修订应急预案，并对应急预案的演练情况、评估结果和修订情况如实记录。”

**Article 11** The owner, operator or manager of a vessel of Chinese nationality shall, according to the guide to the preparation of emergency response plan developed by the national maritime safety administration, develop or revise the emergency response plan for preventing and controlling pollution to the marine environment caused by vessels and their relevant operations, and report it to the maritime safety administration for approval.

The operator of a port, dock or loading and unloading station and the relevant operation entity shall prepare an emergency response plan for preventing and controlling pollution to the marine environment caused by vessels and their relevant operations, and report it to the maritime safety administration and the administrative department for environmental protection for recordation.

A vessel and the relevant operation entity shall, according to the prepared emergency response plan, organize drills on a regular basis, assess the emergency response plan based on drills, revise the emergency response plan at appropriate times based on actual requirements and changes in situation, and faithfully record the drills on the emergency response plan, assessment results and revisions.”

第十二条 中国籍船舶防治污染设施、设备和器材应当符合国家有关标准，并按照国家有关要求通过型式和使用性能检验，其生产、供应单位应当将其所生产、销售的设施、设备和器材的种类及其检验证书向国家海事管理机构备案。

国家海事管理机构应当及时将符合国家有关标准的船舶防治污染设施、设备和器材及其生产单位向社会公布。

**Article 12** The facilities, equipments and appliances equipped by the ships flying Chinese state flag for prevention and control of pollution shall be comply with relevant state standards and pass relevant type tests and performing tests in accordance with state-published requirements. Manufacturers and suppliers of the same shall file the types of the facilities, equipments and appliances that they produce or sell and the test certificates to the State MSA for record.

The State MSA shall timely make to public the lists of facilities, equipments and appliances, which are in compliance with relevant state standards, and their manufacturers.

### 第三章 船舶污染清除单位

#### Chapter 3 Ship-Sourced Pollution Cleaning-up Entities

第十三条 船舶污染清除单位是指具备相应污染清除能力，为船舶提供污染事故应急防备和应急处置服务的单位。

根据服务区域和污染清除能力的不同，船舶污染清除单位的能力等级由高到低分为四级，其中：

- (一) 一级单位能够在我国管辖海域为船舶提供溢油和其它散装液体污染危害性货物泄漏污染事故应急服务；
- (二) 二级单位能够在距岸 20 海里以内的我国管辖海域为船舶提供溢油和其它散装液体污染危害性货物泄漏污染事故应急服务；
- (三) 三级单位能够在港区水域为船舶提供溢油应急服务；
- (四) 四级单位能够在港区水域内的一个作业区、独立码头附近水域为船舶提供溢油应急服务。

**Article 13** Ship-sourced Pollution Cleaning-up Entity means such an entity, which has corresponding capability of cleaning up and is able to provide ship with emergency preparedness and response services.

On basis of their service range and pollution cleaning-up capability, ship-sourced pollution cleaning-up entities are classified with four levels with their capability of cleaning-up pollution from ships from high to low:-

- (1) Entities in level one can provide ships with emergency response services to pollution accident caused by spill of oil or other hazardous and polluting liquids in bulk all over the sea water under the jurisdiction of the PRC;
- (2) Entities in level two can provide ships with emergency response services to pollution accident caused by spill of oil or other hazardous and polluting liquids in bulk at sea water within 20 miles from shoreline under the jurisdiction of the PRC;
- (3) Entities in level three can provide ships with emergency response services to pollution accident caused by oil spill within the local port limit;
- (4) Entities in level four can provide ships with emergency response services to pollution accident caused by oil spill within one operating area in the port limit, in the vicinity of an independent terminal.

第十四条 从事船舶污染清除的单位应当具备以下条件，并接受海事管理机构的监督检查：

- (一) 应急清污能力符合《船舶污染清除单位应急清污能力要求》（附件）的规定；
- (二) 制定的污染清除作业方案符合防治船舶及其有关作业活动污染海洋环境的要求；
- (三) 污染物处理方案符合国家有关防治污染规定。

**Article 14** Entities engaged in ship-sourced pollution cleaning-up shall meet the following requirements and be supervised and inspected by maritime safety administrative institution:-

- (1) The capability of emergency pollution cleaning-up should comply with the provisions as stipulated in the Requirements for Capability of Emergency Pollution Cleaning-up Entities Engaged in Cleaning-up Pollution from Ships (attachment);

(2) The working plan formulated for cleaning-up pollution shall comply with the requirements for prevention and control of ship-sourced and ship operation related marine pollution;

(3) The working plan for pollutant disposal shall comply with relative regulations on state prevention and control of pollutions.

第十五条 船舶污染清除单位应当将下列情况向社会公布，并报送服务区域所在地的海事管理机构：

（一）本单位的污染清除能力符合《船舶污染清除单位应急清污能力要求》相应能力等级和服务区域的报告；

（二）污染清除作业方案；

（三）污染物处理方案；

（四）船舶污染清除设施、设备、器材和应急人员情况；

（五）船舶污染清除协议的签订和履行情况以及参与船舶污染事故应急处置工作情况。

船舶污染清除单位的污染清除能力和服务区域发生变更的，应当及时将变更情况向社会公布，并报送作业所在地的海事管理机构。”

**Article 15** Ship-sourced Pollution Cleaning-up Entity shall announce to public any of the following information and submit to the local maritime safety administrative institution of the service area for reference:

(1) The written report that capability of pollution cleaning-up of the Entity is in compliance with the requirements as stipulated the Requirements for Capability of Emergency Pollution Cleaning-up Entities Engaged in Cleaning-up Pollution from Ships corresponding to its level and area of service;

(2) The working plan of pollution cleaning-up;

(3) The working plan for pollutant disposal;

(4) Information about pollution cleaning-up facilities, equipments, appliances and emergency response personnel;

(5) Information about ship-sourced pollution cleanup agreements entered and theirs fulfillment, and performance report of emergency response to ship-sourced pollution accident that they are engaged;

If the capability of pollution cleaning-up and the service areas have been changed, it shall promptly announce to the public the condition of the change and submit the same to the local maritime safety administrative institution for reference.

#### 第四章 船舶污染清除协议的签订

#### Chapter 4 Signing Clean-up Agreement for Pollution from Ships



第十六条 载运散装油类货物的船舶，其经营人应当在船舶进港前或者港外装卸、过驳作业前，按照以下要求与相应的船舶污染清除单位签订船舶污染清除协议：

（一）600 总吨以下仅在港区水域航行或作业的船舶，应当与四级以上等级的船舶污染清除单位签订船舶污染清除协议；

（二）600 总吨以上 2000 总吨以下仅在港区水域航行或作业的船舶，应当与三级以上等级的船舶污染清除单位签订船舶污染清除协议；

（三）2000 总吨以上仅在港区水域航行或作业的船舶以及所有进出港口和从事过驳作业的船舶应当与二级以上等级的船舶污染清除单位签订船舶污染清除协议。

**Article 16** For any oil tanker carrying oil in bulk as cargo, its operator shall, prior to the oil tanker entry into a port, loading/discharging or ship to ship transferring outside the port, conclude clean-up contract for pollution from ships with corresponding ship-sourced pollution cleaning-up entity/entities in accordance with the following requirements:-

(1) For those under 600 gross tonnages navigating or conducting operation merely within the harbor water area, clean-up agreement(s) for pollution from ship shall be contracted with ship-sourced pollution cleaning-up entity/entities of level 4 or above;

(2) For those of 600 gross tonnages or above but under 2,000 gross tonnages navigating or conducting operation merely within the harbor water area, clean-up agreement(s) for pollution from ship shall be contracted with ship-sourced pollution cleaning-up entity/entities of level 3 or above;

(3) For those of 2,000 gross tonnages or above navigating or operating merely within the harbor water area and any oil tanker entering/leaving the port or engaged in ship to ship transferring, clean-up agreement(s) for pollution from ship shall be contracted with ship-sourced pollution cleaning-up entity/entities of level 2 or above.

第十七条 载运油类之外的其他散装液体污染危害性货物的船舶，其经营人应当在船舶进港前或者港外装卸、过驳作业前，按照以下要求与相应的船舶污染清除单位签订船舶污染清除协议：

（一）进出港口的船舶以及在距岸 20 海里之内的我国管辖水域从事过驳作业的船舶应当与二级以上等级的船舶污染清除单位签订船舶污染清除协议；

（二）在距岸 20 海里以外的我国管辖水域从事过驳作业的载运其他散装液体污染危害性货物的船舶应当与一级船舶污染清除单位签订船舶污染清除协议。

**Article 17** For any tanker carrying other liquid hazardous polluting cargo than oil in bulk, the operator shall, prior to the tanker's entry into the port, loading/discharging or ship to ship transferring outside the port, conclude clean-up agreement(s) for pollution from ship with corresponding ship-sourced pollution cleaning-up entity/entities in accordance with the following requirements:-

(1) For any tanker entering/leaving the port limit or tanker engaged in ship to ship transferring at sea water not more than 20 miles away from shoreline under the jurisdiction of the PRC, clean-up agreement(s) for pollution from ship shall be contracted with ship-sourced pollution cleaning-up entity/entities of level 2 or above;

(2) For any tanker carrying other liquid hazardous polluting cargo than oil in bulk and engaged in ship to ship transferring at sea waters more than 20 miles away from shoreline under the jurisdiction of PRC, clean-up agreement(s) for pollution from ship shall be contracted with ship-sourced pollution cleaning-up entity/entities of level 1.

第十八条 1 万总吨以上的载运非散装液体污染危害性货物的船舶，其经营人应当在船舶进港前或者港外装卸、过驳作业前，按照以下要求与相应的船舶污染清除单位签订船舶污染清除协议：

（一）进出港口的 2 万总吨以下的船舶应当与四级以上等级的船舶污染清除单位签订船舶污染清除协议；

（二）进出港口的 2 万总吨以上 3 万总吨以下的船舶应当与三级以上等级的船舶污染清除单位签订船舶污染清除协议；

（三）进出港口的 3 万总吨以上的船舶以及在我国管辖水域从事过驳作业的船舶应当与二级以上等级的船舶污染清除单位签订船舶污染清除协议。

**Article 18** For any ship of 10,000 gross tonnages or above carrying other cargoes than bulk liquid hazardous polluting substances, the operator shall, prior to the ship arrival at the port or loading/discharge or lightering outside the port, shall conclude clean-up agreement(s) for pollution from ships with corresponding ship-sourced pollution cleaning-up entity/entities in accordance with the following requirements:-

(1) For those under 20,000 gross tonnages entering and leaving the port, clean-up agreement(s) for pollution from ships shall be contracted with ship-sourced pollution cleaning-up entity/entities of level 4 or above;

(2) For those above 20,000 gross tonnages but under 30,000 gross tonnages entering and leaving the port, clean-up agreement(s) for pollution from ships shall be contracted with ship-sourced pollution cleaning-up entity/entities of level 3 or above;

(3) For those above 30,000 gross tonnages entering and leaving the port or those engaged in ship to ship transferring at seawater under the jurisdiction of the PRC, clean-up agreement(s) for pollution from ships shall be contracted with ship-sourced pollution cleaning-up entity/entities of level 2 or above;

第十九条 与一级、二级船舶污染清除单位签订污染清除协议的船舶划分标准由国家海事管理机构确定。

**Article 19** The criterion of classifying ships, whose operator shall contract clean-up agreement(s) for pollution from ships with ship-sourced pollution cleaning-up entity/entities of level 1 or level 2 shall be determined by the State Maritime Safety Administrative Institution.

第二十条 国家海事管理机构应当制定并公布船舶污染清除协议样本，明确协议双方的权利和义务。

船舶和污染清除单位应当按照国家海事管理机构公布的协议样本签订船舶污染清除协议。

**Article 20** The State MSA shall draft and publish sample of clean-up agreement for pollution from ships prescribing rights and obligations of both parties thereto.

Ships and ship-sourced pollution clean-up entities shall conclude clean-up agreement for pollution from ships in accordance with the sample of clean-up agreement for pollution from ships published by the State MSA.

第二十一条 船舶应当将所签订的船舶污染清除协议留船备查，并在办理船舶进出港口手续或者作业申请时向海事管理机构出示。

船舶发现船舶污染清除单位存在违反本规定的行为，或者未履行船舶污染清除协议的，应当向船舶污染清除单位所在地的直属海事管理机构报告。

**Article 21** Ships shall keep on board the signed clean-up agreement for pollution from ships for inspection and present the same to the maritime safety administrative institution in the course of ship clearance and applying for relevant operations.

If ship-sourced pollution cleaning-up unit is found having violated the Regulations or fails to fulfill clean-up agreement for pollution from ships, the ship shall report the local maritime safety administrative institution of the same.

## 第五章 应急处置

### Chapter 5 Emergency Response

第二十二条 船舶发生污染事故或者可能造成海洋环境污染的，船舶及有关作业单位应当立即启动相应的应急预案，按照有关规定的要求就近向海事管理机构报告，通知签订船舶污染清除协议的船舶污染清除单位，并根据应急预案采取污染控制和清除措施。

船舶在终止清污行动前应当向海事管理机构报告，经海事管理机构同意后方可停止应急处置措施。

**Article 22** Where pollution accident happens to a ship or a ship may cause pollution to marine environment, the ship and relevant operating entity/entities shall immediately activate their emergency response preplan respectively, report the local maritime safety administrative institution of the same as required by relevant regulations, notify the ship-sourced pollution cleaning-up entity/entities, with whom the ship operator has signed a clean-up agreement for pollution from ship, of the accident, and take measures to control and clean-up pollution in accordance with the emergency response preplan.

A ship shall not terminate or cease clean-up operation before reporting the maritime safety administrative institution of its intention of termination and having sought approval for

termination of emergency response measures taken from the maritime safety administrative institution.

第二十三条 船舶污染清除单位接到船舶污染事故通知后，应当根据船舶污染清除协议及时开展污染控制和清除作业，并及时向海事管理机构报告污染控制和清除工作的进展情况。

**Article 23** Ship-sourced pollution cleaning-up entity/entities shall timely take measures to control and clean-up pollution in accordance with the clean-up agreement for pollution from ships upon having notification of the ship related pollution accident, and report the maritime safety administrative institution of the progress of the pollution control and of clean-up operation timely.

第二十四条 接到船舶造成或者可能造成海洋环境污染的报告后，海事管理机构应当立即核实有关情况，并加强监测、监视。

发生船舶污染事故的，海事管理机构应当立即组织对船舶污染事故的等级进行评估，并按照应急预案的要求进行报告和通报。

**Article 24** Upon receiving notification of any ship related marine pollution or any potential pollution to marine environment caused by a ship, the maritime safety administrative institution shall immediately check and verify the concerned situation, and strengthen surveillance and monitoring accordingly.

In the event of any pollution accident caused by ships, the local maritime safety administrative institution shall immediately organize to evaluate the level of the said pollution accident, get the same reported and notified in accordance with the emergency response preplan.

第二十五条 发生船舶污染事故后，应当根据《中华人民共和国防治船舶污染海洋环境管理条例》的规定，成立事故应急指挥机构。事故应急指挥机构应当根据船舶污染事故的等级和特点，启动相应的应急预案，有关部门、单位应当在事故应急指挥机构的统一组织和指挥下，按照应急预案的分工，开展相应的应急处置工作。

**Article 25** After a ship related pollution accident happened, an emergency response command institution shall be formed in accordance with the Regulations of the People's Republic of China on Prevention and Control of Marine Pollution from Ships. The emergency response command institution shall activate corresponding emergency response preplan in accordance with the level or size and its characteristics of the pollution accident caused by ship(s). With unified entity and command given by the emergency response command institution, relevant departments and entities shall carry out corresponding emergency response activities in accordance with the function allocated to entities or department by the emergency response preplan.

第二十六条 发生船舶污染事故或者船舶沉没，可能造成中华人民共和国管辖海域污染的，有关沿海设区的市级以上地方人民政府、海事管理机构根据应急处置的需

要，可以征用有关单位和个人的船舶、防治污染设施、设备、器材以及其他物资。有关单位和个人应当予以配合。

有关单位和个人所提供的船舶和防治污染设施、设备、器材应当处于良好可用状态，有关物资质量符合国家有关技术标准、规范的要求。

被征用的船舶和防治污染设施、设备、器材以及其他物资使用完毕或者应急处置工作结束，应当及时返还。船舶和防治污染设施、设备、器材以及其他物资被征用或者征用后毁损、灭失的，应当给予补偿。

**Article 26** Should a ship related pollution accident occur or a ship sink, which is likely to cause pollution to the sea waters under the jurisdiction of the People's Republic of China, the people's governments above municipal level with districts in the relevant coastal regions and the maritime safety administrative institution shall, as required by the emergency response operations, may requisition ships, facilities, equipment, appliances and other materials owned by relevant entities or individuals. The relevant entities or individual shall comply and assist the requisition.

Ships and facilities, equipments, appliances and other supplies provided by relevant entity/entities or individual(s) for the prevention and control of pollution shall be in good working condition. Further, the quality of the relevant supplies shall be in conformity with relevant technical standard and specification prescribed by the State.

The requisitioned ships, facilities, equipment, appliances and other materials owned by relevant entities or individuals shall be returned after emergency response operations terminate. Compensations shall be made for the requisitioned ships, facilities, equipment, appliances and other materials or those damaged or destroyed after requisition.

第二十七条 发生船舶污染事故，海事管理机构可以组织并采取海上交通管制、清除、打捞、拖航、引航、护航、过驳、水下抽油、爆破等必要措施。采取上述措施的相关费用由造成海洋环境污染的船舶、有关作业单位承担。

需要承担前款规定费用的船舶，应当在开航前缴清有关费用或者提供相应的财务担保。

本条规定的财务担保应由境内银行或者境内保险机构出具。

**Article 27** In case of any ship-related pollution accident, the maritime administrative institution may organize and take necessary measures such as marine traffic control, clean-up, refloating/salvage, towage, piloting, escorting, ship to ship transferring/lightering, pumping out oil underwater, blasting underwater and so on, and all the expenses arising therefrom shall be borne by the ship or relevant operating unit which causes the pollution accident.

The ship, which is responsible for the expenses as prescribed in the foregoing paragraph, shall make payment or provide corresponding financial security prior to her departure.

The financial security prescribed in this article shall be issued by a bank or an insurance institution, which is incorporated within the territory of the PRC.



第二十八条 船舶发生事故有沉没危险时，船员离船前，应当按照规定采取防止溢油措施，尽可能关闭所有货舱（柜）、油舱（柜）管系的阀门，堵塞货舱（柜）、油舱（柜）通气孔。

船舶沉没的，其所有人、经营人或者管理人应当及时向海事管理机构报告船舶燃油、污染危害性货物以及其他污染物的性质、数量、种类及装载位置等情况，委托具有资质的船舶污染清除单位采取污染监视和控制措施，并在必要的时候采取抽出、打捞等措施。

**Article 28** Should a ship is likely to sink due to an accident, the crew shall take measures to prevent oil from spilling as required by law or regulations before abandoning the ship and use their endeavors to close all valves of the piping system of the cargo holds (tanks) and oil tanks, and seal up all vent pipes of the cargo holds (tanks) and oil tanks.

Where the ship sank due to an accident, the ship owner, operator or manager thereof shall make timely report to the maritime safety administrative institution of the nature, quantity, types, stowage and other information of the fuel oil, hazardous polluting cargo and other pollutants, retain a qualified ship-sourced pollution clean-up unit to monitor and control the pollution, pump out oil and refloat the sunken ship when necessary.

第二十九条 船舶应当在污染事故清除作业结束后，对污染清除行动进行评估，并将评估报告报送当地直属海事管理机构，评估报告至少应包括下列内容：

- (一) 事故概况和应急处置情况；
- (二) 设施、设备、器材以及人员的使用情况；
- (三) 回收污染物的种类、数量以及处置情况；
- (四) 污染损害情况；
- (五) 船舶污染应急预案存在的问题和修改情况。

事故应急指挥机构应当在污染事故清除作业结束后，组织对污染清除作业的总体效果和污染损害情况进行评估，并根据评估结果和实际需要修订相应的应急预案。

**Article 29** After completing the clean-up operations for pollution accident, the ship shall evaluate the pollution clean-up activities, and submit the evaluation report to local maritime safety administrative institution. The evaluation report shall at least include the followings:-

- (1) Brief of the accident and general information about emergency response activities;
- (2) Information of facilities, equipment, appliances used and emergency response personnel invested;
- (3) Type, quantity of the collected pollutant and general information about of disposal of collected pollutant;
- (4) Information about pollution damage;
- (5) Any existing problems in the conducting emergency response preplan and its improvements. .

After ending the pollution clean-up operations, the emergency response command institution shall organize to evaluate the overall effect of the clean-up operation and marine pollution damages, and adjust the corresponding emergency preplan in accordance with the evaluation and the prevailing needs.

## 第六章 法律责任

### Chapter 6 Legal Liabilities

第三十条 海事管理机构应当建立、健全防治船舶污染应急防备和处置的监督检查制度，对船舶以及相关作业单位的防治船舶污染能力以及污染清除作业实施监督检查，并对监督检查情况予以记录。

海事管理机构实施监督检查时，有关单位和个人应当予以协助和配合，不得拒绝、妨碍或者阻挠。

**Article 30** The maritime safety administrative institution shall establish and perfect supervision and inspection mechanism for emergency preparedness and response in preventing and controlling pollution from ships, put into practice the supervision and inspection on ships and related operation entities' capability in preventing and controlling pollution from ships as well as on pollution cleaning-up operations, and record the findings of supervision and inspection.

Relevant entities and individuals shall render assistances and coordination in the course of supervision and inspection carried out by the maritime safety administrative institution, and shall make no rejection, obstruction or frustration.

第三十一条 海事管理机构发现船舶及其有关作业单位和个人存在违反本规定行为的，应当责令改正；拒不改正的，海事管理机构可以责令停止作业、强制卸载，禁止船舶进出港口、靠泊、过境停留，或者责令停航、改航、离境、驶向指定地点。

**Article 31** Maritime safety administrative institution may order ships, relevant operating entities and individuals, whose behavior is found violating the Regulations, to make corrections upon spotting. They may order those, who refuse to make corrections, to stop operations, forcibly discharge cargo, prohibit ships from entering or leaving the port, berthing, stay by way of transiting, or order to discontinue their navigation, alter their course/destination, expel from PRC governing territory or proceed for a designated place.

第三十二条 违反本规定的规定，船舶未制定防治船舶及其有关作业活动污染海洋环境应急预案，或者应急预案未报海事管理机构批准的，由海事管理机构处 2 万元以下的罚款；港口、码头、装卸站的经营人未制定防治船舶及其有关作业活动污染海洋环境应急预案的，由海事管理机构予以警告，或者责令限期改正。

**Article 32** Maritime safety administrative institution may impose a fine of no more than RMB20,000 on the ships, which violate provisions of the Regulations by failing to make emergency response preplan for prevention and control of marine pollution from ships or

caused by ship related operations, or by failing to submit the emergency response preplan to the maritime safety administrative institution for approval. Maritime safety administrative institution may give a warning or order to make correction within a specific time limit where operators of port, terminal, cargo handling station fails to make emergency response preplan for prevention and control of marine pollution from ships or caused by relevant ship related operations.

第三十三条 违反本规定的规定，船舶和有关作业单位未配备防污设施、设备、器材的，或者配备的防污设施、设备、器材不符合国家有关规定和标准的，由海事管理机构予以警告，或者处 2 万元以上 10 万元以下的罚款。

**Article 33** Where ships and relevant ship related operation entities violate provisions of the Regulations by failing to equip with facilities, equipments, appliances for pollution prevention, or the facilities, equipments and appliance equipped are not compliance with relevant state regulations and standards, the maritime safety administrative institution may give a warning or impose a fine of not less than RMB20,000 but no more than RMB100,000.

第三十四条 违反本规定，有下列情形之一的，由海事管理机构处 1 万元以上 5 万元以下的罚款：

（一）载运散装液体污染危害性货物的船舶和 1 万总吨以上的其他船舶，其经营人未按照规定签订污染清除作业协议的；

（二）船舶污染清除单位超出能力等级或者服务区域签订污染清除作业协议并从事污染清除作业的；

（三）船舶污染清除单位未按规定履行应急值守义务的

**Article 34** Maritime safety administrative institution may impose whoever violates provisions of the Regulations a fine of not less than RMB10,000 but no more than RMB50,000 in case of any of the following circumstances:-

(1) Operators of tankers carrying liquid hazardous polluting cargo in bulk and other ships of 10,000 gross tonnages or above carrying other cargo than liquid hazardous polluting cargo in bulk fail to conclude clean-up agreement for pollution from ships as prescribed in the Regulations;

(2) Entity signs ship-sourced pollution clean-up agreement with ship operator and carries out pollution clean-up operations beyond their level of capacity or area of service;

(3) Ship-sourced Pollution Cleaning-up Entity fails to fulfill its obligation of standby for emergency response.

第三十五条 违反本规定的规定，有下列情形之一的，由海事管理机构处 2 万元以上 10 万元以下的罚款：

(一) 船舶沉没后, 其所有人、经营人未及时向海事管理机构报告船舶燃油、污染危害性货物以及其他污染物的性质、数量、种类及装载位置等情况的;

(二) 船舶沉没后, 其所有人、经营人未及时采取措施清除船舶燃油、污染危害性货物以及其他污染物的。

**Article 35** Maritime safety administrative institution may impose whoever violates provisions of the Regulations a fine of not less than RMB20,000 but no more than RMB100,000 in case of any of the following circumstances:-

(1) After sinking of a ship, her owners or operators fail to promptly report the maritime safety administrative institution of the nature, quantity, type and stowage location of bunker oil, hazardous polluting cargos and other pollutants on board;

(2) After sinking of a ship, her owners or operators fail to take prompt actions to remove bunker, hazardous polluting cargo and other pollutants.

第三十六条 违反本规定的规定, 发生船舶污染事故, 船舶、有关作业单位迟报、漏报事故的, 对船舶、有关作业单位, 由海事管理机构处 5 万元以上 25 万元以下的罚款; 对直接负责的主管人员和其他直接责任人员, 由海事管理机构处 1 万元以上 5 万元以下的罚款; 直接负责的主管人员和其他直接责任人员属于船员的, 给予暂扣适任证书或者其他有关证件 3 个月至 6 个月的处罚。瞒报、谎报事故的, 对船舶、有关作业单位, 由海事管理机构处 25 万元以上 50 万元以下的罚款; 对直接负责的主管人员和其他直接责任人员, 由海事管理机构处 5 万元以上 10 万元以下的罚款; 直接负责的主管人员和其他直接责任人员属于船员的, 并处给予吊销适任证书或者其他有关证件的处罚。

**Article 36** Where a ship related pollution accident happens, maritime safety administrative institution may impose a fine more than RMB50,000 but less than RMB250,000 on a ship or relevant operation unit, who violates the provisions of the Regulations by delay in reporting or failing to report the accident, and may impose a fine more than RMB10,000 but less than RMB50,000 on the officer(s) directly in charge and other directly responsible persons. If the officer(s) directly in charge and other directly responsible persons are seamen, maritime safety administrative institution may also impose the punishment of temporarily detention of their competency certificates or other relevant certificates for three (3) to six (6) months. If any ship and relevant operation entities fail to report the accident or give a false report, maritime safety administrative institution may impose a fine more than RMB250,000 but less than RMB500,000; maritime safety administrative institution may impose a fine more than RMB50,000 but less than RMB100,000 on the officer(s) directly in charge and other directly responsible persons. If the officer(s) directly in charge and other directly responsible persons are seamen, the maritime safety administrative institution may also impose punishment of revocation of their competency certificates or other relevant certificates.

第三十七条 违反本规定的规定, 发生船舶污染事故, 船舶、有关作业单位未立即启动应急预案的, 对船舶、有关作业单位, 由海事管理机构处 2 万元以上 10 万元以下的罚款; 对直接负责的主管人员和其他直接责任人员, 由海事管理机构处 1 万元

以上 2 万元以下的罚款；直接负责的主管人员和其他直接责任人员属于船员的，并处给予暂扣适任证书或者其他适任证件 1 个月至 3 个月的处罚。

**Article 37** Where a ship related pollution accident happens, the maritime safety administrative institution may impose a fine more than RMB20,000 but less than RMB100,000 on the ship or relevant ship operation unit, who violates the Regulations by failing to immediately activate emergency response preplan; and may impose a fine more than RMB10,000 but less than RMB20,000 on the officer(s) directly in charge and other directly responsible persons. If the officer(s) directly in charge and other directly responsible persons are seamen, the maritime safety administrative institution may also impose punishment of temporarily detention of their competency certificates or other relevant certificates for one (1) to three (3) months.

## 第七章 附 则

### Chapter 7 Supplementary Provisions

第三十八条 本规定所称“以上”、“以内”包括本数，“以下”、“以外”不包括本数。

**Article 38** “Under”, “not less than” and “within” as used in these Regulations include the given figure, “not more than”, “above” and “without” does not include the given figure.

第三十九条 本规定自 2011 年 6 月 1 日起施行。

**Article 39** These Regulations shall come into force as of 1 June 2011.

上海航泰律师事务所

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