

**Regulations of the People's Republic of China on the Prevention and Control of
Marine Pollution from Ships 防治船舶污染海洋环境管理条例**

Chapter one: General Principles 第一章 总 则

Article 1: For the purpose of preventing and curing pollution to marine environment from ships and relevant ship operation activities, pursuant to the Marine Environment Protection Law of the PRC, this Regulations is thereby constituted.

第一条 为了防治船舶及其有关作业活动污染海洋环境，根据《中华人民共和国海洋环境保护法》制定本条例。

Article 2: This Regulations shall apply to the prevention and control of the marine pollution to the sea under China's jurisdiction from ships and relevant ship operation activities.

第二条 防治船舶及其有关作业活动污染中华人民共和国管辖海域适用本条例。

Article 3: The principle of taking precaution first, combination of prevention and remediation second shall apply to the prevention and control of the marine pollution from the ships and relevant ship operation activities.

第三条 防治船舶及其有关作业活动污染海洋环境，实行预防为主、防治结合的原则。

Article 4: The state transportation administration under the State Council is the competent authority for the prevention and control of the marine pollution caused by the non-military ships within the port area of its jurisdiction and the marine pollution caused by the non-fishery ships and non-military ships beyond the port area of its jurisdiction.

The state maritime administration is responsible for the specific supervision and administration of prevention and control of the marine pollution by the ships and relevant ship operation activities.

第四条 国务院交通运输主管部门主管所辖港区水域内非军事船舶和港区水域

外非渔业、非军事船舶污染海洋环境的防治工作。

海事管理机构依照本条例规定具体负责防治船舶及其有关作业活动污染海洋环境的监督管理。

Article 5: The state transportation administration under the State Council shall, according to the needs of the protection of the marine environment, organize to constitute a construction plan for the capacity construction of emergency response for the prevention and control of the marine pollution by ships and relevant ship operation activities. The construction plan shall come into force after approval by the State Council.

The local coastal governments above the city level shall, according to the above construction plan and in combination of the local situation, organize to constitute relevant plan for the prevention and control of the marine pollution by ships and relevant ship operation activities.

第五条 国务院交通运输主管部门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，组织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，报国务院批准后公布实施。

沿海设区的市级以上地方人民政府应当按照国务院批准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，并根据本地区的实际情况，组织编制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。

Article 6: The state transportation administration under the State Council, as well as the local coastal governments above the city level shall establish appropriate relevant emergency response system for the prevention and control of the marine pollution by ships and relevant ship operation activities and establish relevant emergency response plans.

第六条 国务院交通运输主管部门、沿海设区的市级以上地方人民政府应当建立健全防治船舶及其有关作业活动污染海洋环境应急反应机制，并制定防治船舶及其有关作业活动污染海洋环境应急预案。

Article 7: The maritime administration shall, according to the needs of the protection and control of the marine environment, establish a surveillance and scout system and enhance surveillance and scout of the marine environment by ships and relevant ship operation activities together with the state oceanic administrations.

第七条 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。

Article 8: The state transportation administration under the State Council and the local coastal governments above the city level shall, according to the emergency response capacity Construction Plan for the prevention and control of the marine pollution by ships and relevant ship operation activities, establish professional emergency response team and emergency response equipment storage and shall be equipped with special equipments and facilities.

第八条 国务院交通运输主管部门、沿海设区的市级以上地方人民政府应当按照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，建立专业应急队伍和应急设备库，配备专用的设施、设备和器材。

Article 9: Any unit and person who find a ship and relevant ship operation activity that has caused or is likely to cause pollution to the marine environment shall immediately report to the maritime administration in the vicinity.

第九条 任何单位和个人发现船舶及其有关作业活动造成或者可能造成海洋环境污染的，应当立即就近向海事管理机构报告。

Chapter Two: General Regulations for the Prevention and Control of the Marine

Pollution From Relevant Ship Operations Activities **第二章 防治船舶及其有关作业活动污染海洋环境的一般规定**

Article 10: Ships' construction, equipments and facilities shall comply with the

relevant standards and regulations on ship inspection for the prevention and control of the marine pollution by ships and meet with the requirements as provided by the international conventions ratified or acceded by China.

The ships shall, pursuant to relevant requirements of the laws, administrative regulations, rules made by the state transport administration under the State Council and the international conventions ratified or acceded by China, obtain and carry with her the certificates, documents relating to the prevention and control of marine pollution.

第十条 船舶的结构、设备、器材应当符合国家有关防治船舶污染海洋环境的技术规范以及中华人民共和国缔结或者参加的国际条约的要求。

船舶应当依照法律、行政法规、国务院交通运输主管部门的规定以及中华人民共和国缔结或者参加的国际条约的要求，取得并随船携带相应的防治船舶污染海洋环境的证书、文书。

Article 11: The owners, operators or managers of the ships flying Chinese flag shall, pursuant to relevant regulations promulgated by the state transport administration under the State Council, establish appropriate relevant safety management system for the prevention and control of the marine pollution.

The maritime administration shall check and examine the safety management system and will issue document of compliance and safety management certificates if the system passes the examination.

第十一条 中国籍船舶的所有人、经营人或者管理人应当按照国务院交通运输主管部门的规定，建立健全安全营运和防治船舶污染管理体系。

海事管理机构应当对安全营运和防治船舶污染管理体系进行审核，审核合格的，发给符合证明和相应的船舶安全管理证书。

Article 12: Ports, wharfs, loading terminals and the units that engage in ship building and repairing shall be equipped with relevant pollutant scout and reception equipments that are commensurate with the type, turnover of the cargo

loaded/unloaded and the capacity of the ships being built or repaired and these equipments should be maintained to a satisfactory condition.

第十二条 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 13: Ports, wharfs, loading terminals and the units that engage in ship building and repairing, dragging and scrapping shall constitute relevant safety operation and pollution prevention management system and pursuant to relevant regulations and standards for the preventing and curing of the marine pollution by ships and relevant ship operation activities equip relevant pollution response equipments and facilities, which shall be check by the maritime administration's special examination.

Ports, wharfs, loading terminals and the units that engage in ship building and repairing, dragging and scrapping shall periodically inspect and maintain the condition of the above response equipments and facilities to ensure that these equipments and facilities comply with the requirements of the prevention and control of marine pollution by ships and relevant ship operation activities.

第十三条 港口、码头、装卸站以及从事船舶修造、打榜、拆解等作业活动的单位应当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，配备相应的防治污染设备和器材，并通过海事管理机构的专项验收。

港口、码头、装卸站以及从事船舶修造、打榜、拆解等作业活动的单位，应当定期检查、维护配备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 14: The owners, operators and managers of the ships and relevant operation units shall establish relevant emergency response plan for the prevention and control of marine pollution by the ship and relevant ship operation

activities and such response plan shall be check-and-approved by the maritime administration.

The operator of the ports, wharfs, loading terminals shall establish relevant emergency response plan for the prevention and control of marine pollution by the ship and relevant ship operation activities and such response plan shall be filed with the maritime administration.

Ports, wharfs, loading terminals and ships shall, according to the emergency response plan, periodically conduct relevant drills and the drills shall be appropriately recorded.

第十四条 船舶所有人、经营人或者管理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，并报海事管理机构批准。

港口、码头、装卸站的经营人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，并报海事管理机构备案。

船舶、港口、码头、装卸站以及其他有关作业单位应当按照应急预案，定期组织演练，并做好相应记录。

Chapter Three: The Discharge of Ship Pollutants and Reception of the Pollutants

第三章 船舶污染物的排放和接收

Article 15: The ships that discharge ship garbage, daily sewage, oily sewage, sewage that contains poisonous substance, exhaust gas and other pollutants and ballast shall comply with laws, regulations and relevant standards and the relevant international conventions ratified or acceded by China.

The pollutant that is not in conformity with the provisions of the preceding paragraph shall be discharged into the port's pollutant reception equipments or to be collected by the ship pollutant reception units.

No ship is permitted to discharge pollutants into the protected marine reservation area, coastal scenic spots, important fishery water and other areas that need special protection.

第十五条 船舶在中华人民共和国管辖海域向海洋排放的船舶垃圾、生活污水、

含油污水、含有毒有害物质污水、废气等污染物以及压载水，应当符合法律、行政法规、中华人民共和国缔结或者参加的国际条约以及相关标准的要求。

船舶应当将不符合前款规定的排放要求的污染物排入港口接收设施或者由船舶污染物接收单位接收。

船舶不得向依法划定的海洋自然保护区、海滨风景名胜区、重要渔业水域以及其他需要特别保护的海域排放船舶污染物。

Article 16: The disposal of the pollutants by the ships shall be truly recorded in the relevant record documents.

The ship garbage record shall be reserved on board for 2 years after being used; the sewage record of oily sewage and sewage that contains poisonous substance shall be reserved on board for 3 years after being used.

第十六条 船舶处置污染物，应当在相应的记录簿内如实记录。

船舶应当将使用完毕的船舶垃圾记录簿在船舶上保留 2 年；将使用完毕的含油污水、含有毒有害物质污水记录簿在船舶上保留 3 年。

Article 17: The units that engage in the reception of the ship pollutants shall apply for the permission from the maritime administration.

第十七条 船舶污染物接收单位从事船舶垃圾、残油、含油污水、含有毒有害物质污水接收作业，应当依法经海事管理机构批准。

Article 18: The units that engage in the reception of the ship pollutants shall, after receiving the pollutants, issue a document to prove the said reception and such document shall be signed by the captain of the ship.

The ships shall apply for the pollutant reception proof from the maritime administration by submitting the above reception documents issued by the units that engage in the reception of the ship pollutants and such reception documents shall be kept in relevant records.

第十八条 船舶污染物接收单位接收船舶污染物，应当向船舶出具污染物接收单证，并由船长签字确认。

船舶凭污染物接收单证向海事管理机构办理污染物接收证明，并将污染物接收证明保存在相应的记录簿中。

Article 19: The ship pollutant reception units shall dispose the pollutants according to relevant laws and regulations concerning the pollutant reception and the disposal record shall be filed with the maritime administration monthly.

第十九条 船舶污染物接收单位应当按照国家有关污染物处理的规定处理接收的船舶污染物，并每月将船舶污染物的接收和处理情况报海事管理机构备案。

Chapter Four: The Prevention and Control of the Marine pollution by Ships' Relevant Operation 第四章 船舶有关作业活动的污染防治

Article 20: The engagement of ship stripping, washing, oil transferring, loading and unloading, lightering, building and repairing, dragging, scrapping, packing and filling of pollution hazardous cargo, pollution cleanup, and using a ship to carry out aquatic submarine construction etc, shall comply with relevant operation regulations and adopt necessary safety and oil pollution prevention measures.

The staff engaging in the operation activities as mentioned above shall possessed with relevant professional knowledge and skill about safety and pollution prevention.

第二十条 从事船舶清舱、洗舱、油料供受、装卸、过驳、修造、打榜、拆解，污染危害性货物装箱、充耀，污染清除作业以及利用船舶进行水上水下施工等作业活动的，应当遵守相关操作规程，并采取必要的安全和防治污染的措施。

从事前款规定的作业活动的人员，应当具备相关安全和防治污染的专业知识和技能。

Article 21: The ships that are not cargo worthy for the carriage of the cargo that may constitute a pollutant hazard are not permitted to carry these kinds of cargo and the ports, wharfs and loading/unloading terminals shall not conduct relevant cargo operation for such ships.

The list of the pollution hazardous cargo shall be published/ declared by the state

maritime administration.

第二十一条 船舶不符合污染危害性货物适载要求的，不得载运污染危害性货物，码头、装卸站不得为其进行装载作业。

污染危害性货物的名录由国家海事管理机构公布。

Arielle 22: The carrier, owner of the pollution hazardous cargo or their agent shall apply to the maritime administration for the entering or departure of a port for the ship carrying pollution hazardous cargo. Only after getting the permission form the maritime administration can the ships enter, depart the port, stay for transit or loading/unloading of cargo.

第二十二条 载运污染危害性货物进出港口的船舶，其承运人、货物所有人或者代理人，应当向海事管理机构提出申请，经批准方可进出港口、过境停留或者进行装卸作业。

Article 23: The ships carrying the pollution hazardous cargo shall conduct loading and unloading operation in the wharfs and terminals that are publicly notified by the maritime administration as competent to conduct safe loading/unloading of the cargo and disposal of the pollutants.

第二十三条 载运污染危害性货物的船舶，应当在海事管理机构公布的具有相应安全装卸和污染物处理能力的码头、装卸站进行装卸作业。

Article 24: The owner or his agent that deliver the pollution hazardous cargo shall ensure that the cargo's package and mark, etc conform to relevant safety and pollution prevention regulations, and shall put clearly in the transportation documents the precise technical name, No., type (characteristics), quantity, cautions and the emergency prevention measures.

The cargo delivered by the owner or his agent with which the pollution hazardous nature unknown shall be appraised by the relevant institutes that are qualified to conduct relevant appraisal. Only after the pollution hazardous nature and the relevant safety and pollution prevention measures are ascertained can the cargo

be delivered to

transport.

第二十四条 货物所有人或者代理人交付船舶载运污染危害性货物，应当确保货物的包装与标志等符合有关安全和防治污染的规定，并在运输单证上准确注明货物的技术名称、编号、类别（性质）、数量、注意事项和应急措施等内容。

货物所有人或者代理人交付船舶载运污染危害性不明的货物，应当由国家海事管理机构认定的评估机构进行危害性评估，明确货物的危害性质以及有关安全和防治污染要求，方可交付船舶载运。

Article 25: If the maritime administration views that the pollutant hazardous cargo delivered should have been declared or the declared content does not comply with the actual condition, the maritime administration may, according to the relevant regulations promulgated by the state transport administration under the State Council, checks the content of the cargo by opening the package.

Where the maritime administration checks the pollutant hazardous cargo, the shippers or the agents shall be present and liable to cargo removal, unpacking and resealing of the packaging of the cargo. If necessary, the maritime administration may directly check, recheck or sample the cargo and the relevant units and people shall cooperate with the inspection.

第二十五条 海事管理机构认为交付船舶载运的污染危害性货物应当申报而未申报，或者申报的内容不符合实际情况的，可以按照国务院交通运输主管部门的规定采取开箱等方式查验。

海事管理机构查验污染危害性货物，货物所有人或者代理人应当到场，并负责搬移货物，开拆和重封货物的包装。海事管理机构认为必要的，可以径行查验、复验或者提取货样，有关单位和个人应当配合。

Article 26: The carriers, shippers or agents of the ships that conduct the lighterage of the bulk liquid pollution hazardous cargo shall apply for permission from the maritime administration and notify the maritime administration of the place of the

lighterage together with the lighterage plan, procedure and the safety and response measures.

The maritime administration will decide whether or not to approve the lighterage operation within 2 working days from the date of receiving the application. If the maritime administration can not decide whether or not to approve it within that 2 working days, after getting permission from the official in charge of the maritime administration, the time period for the approval can be extended to 5 working days.

第二十六条 进行散装液体污染危害性货物过驳作业的船舶，其承运人、货物所有人或者代理人应当向海事管理机构提出申请，告知作业地点，并附送过驳作业方案、作业程序、防治污染措施等材料。

海事管理机构应当自受理申请之日起 2 个工作日内作出许可或者不予许可的决定。2 个工作日内无法作出决定的，经海事管理机构负责人批准，可以延长 5 个工作日。

Article 27: The units that are qualified to conduct oil transferring operation shall file with the maritime administration. The maritime administration shall conduct supervision of the oil transferring and it shall prohibit the operation when inconsistencies with the safety and pollution prevention regulations arise.

第二十七条 依法获得船舶油料供受作业资质的单位，应当向海事管理机构备案。海事管理机构应当对船舶油料供受作业进行监督检查，发现不符合安全和防治污染要求的，应当予以制止。

Article 28: The units that provide oil to ship shall, according to the oil actually delivered, fill in the deliver /receive documents and provide such documents and sample of the oil to the ship.

The above deliver/receive documents shall be reserved for 3 years and the oil sample shall be appropriately reserved for 1 year.

第二十八条 船舶燃油供给单位应当如实填写燃油供受单证，并向船舶提供船舶

燃油供受单证和燃油样品。

船舶和船舶燃油供给单位应当将燃油供受单证保存 3 年，并将燃油样品妥善 保存 1 年。

Article 29: The places for the scrapping, repairing of the ships shall conform to the function separation plan of the environment and the ocean. The place for scrapping, repairing of the ships shall be ascertained and publicly declared by the maritime administration after consulting the local environment protection administration and ocean administration.

第二十九条 船舶修造、水上拆解的地点应当符合环境功能区划和海洋功能区 划，并由海事管理机构征求当地环境保护主管部门和海洋主管部门意见后确定并 公布。

Article 30: Before the scrapping of the ships, the units that engage in the scrapping shall dispose the relics of the ship and pump out the remaining oil from the bunker oil hold and the cargo oil hold. Only after the ships have been stripped and cleaned and the explosive gas has been inspected can the units conduct relevant scrapping.

The units that engage in the scrapping shall tidy up the scrapping area and dispose the pollutants pursuant to applicable laws and regulations during the scrapping.

It is forbidden to scarp the vessel by the way of deliberate grounding.

第三十条 从事船舶拆解的单位在船舶拆解作业前，应当对船舶上的残余物和废弃物进行处置，将油舱（柜）中的存油驳出，进行船舶清舱、洗舱、测爆等工作，并经海事管理机构检查合格，方可进行船舶拆解作业。

从事船舶拆解的单位应当及时清理船舶拆解现场，并按照国家有关规定处理船舶拆解产生的污染物。

禁止采取冲滩方式进行船舶拆解作业。

Article 31: It is forbidden to transfer the hazardous wastes from Chin's inland water and Territory Sea.

Transferring hazardous wastes from other territory waters under China's jurisdiction shall firstly apply for the written permission from the state environment protection administration and the ship carrying such hazardous wastes shall navigate in the route designated by the maritime administration and the position of the ship shall be periodically reported.

第三十一条 禁止船舶经过中华人民共和国内水、领海转移危险废物。

经过中华人民共和国管辖的其他海域转移危险废物的，应当事先取得国务院环境保护主管部门的书面同意，并按照海事管理机构指定的航线航行，定时报告船舶所处的位置。

Article 32: To use the vessel to dump wastes into the ocean, written permission issued by the local ocean administration shall be submitted to the maritime administration where the ship intends to depart and only after the written permission has been checked by the maritime administration as valid can the registration formalities for leaving the port be endorsed.

The ships shall record the actual situation of the dumping of the wastes. After return, the ship shall submit written report to the maritime administration where the ship sails out.

第三十二条 使用船舶向海洋倾倒废弃物的，应当向驶出港所在地的海事管理机构提交海洋主管部门的批准文件，经核实方可办理船舶出港签证。

船舶向海洋倾倒废弃物，应当如实记录倾倒情况。返港后，应当向驶出港所在地的海事管理机构提交书面报告。

Article 33: The operators of the ships carrying bulk poisonous hazardous dangerous liquid and other ships of above 10,000 GT shall, before the cargo operation or entry/departure of the port, conclude pollution cleanup operation contract with the pollution cleanup units to clarify the mutual rights and obligation in case of happening of the pollution accident.

The pollution cleanup units that concludes pollution cleanup operation contract

with the operators of the ships, shall according to the said contract conduct pollution cleanup operation in time after the pollution accident takes place.

第三十三条 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，其经营人应当在作业前或者进出港口前与取得污染清除作业资质的单位签订污染清除作业协议，明确双方在发生船舶污染事故后污染清除的权利和义务。

与船舶经营人签订污染清除作业协议的污染清除作业单位应当在发生船舶污染事故后，按照污染清除作业协议及时进行污染清除作业。

Article 34: The units that apply for the qualification of pollution cleanup operation shall submit written application to the maritime administration and provide the following materials to prove that the following conditions are satisfied:

- (1) The facilities, equipment and instruments equipped for pollution cleanup and the manpower comply with the regulations of the transport administration under the State Council;
- (2) The pollution cleanup operation plan complies with the requirements of prevention of marine pollution by ships and relevant ship operation activities;
- (3) The pollutant disposal plan complies with the state's relevant regulations on pollution prevention.

The maritime administration shall complete inspection within 30 working days from the date of receiving the application. For those units who conform to the requirements, issue the qualification certificate; for those units who do not conform to the requirements, inform the units in written and explain the reasons.

第三十四条 申请取得污染清除作业资质的单位应当向海事管理机构提出书面申请，并提交其符合下列条件的材料：

- (一) 配备的污染清除设施、设备、器材和作业人员符合国务院交通运输主管部门的规定；
- (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的规定。

海事管理机构应当自受理申请之日起 30 个工作日内完成审查，并对符合条件的单位颁发资质证书；对不符合条件的，书面通知申请单位并说明理由。

Chapter Five: The Emergency Handling of the Ship Pollution Accident

第五章 船舶污染事故应急处置

Article 35: Ship pollution accident refers to the spill of oil, oily mixture and other poisonous hazardous substance that arise from the ship and the relevant operation activities of the ship.

第三十五条 本条例所称船舶污染事故，是指船舶及其有关作业活动发生油类、油性混合物和其他有毒有害物质泄漏造成的海洋环境污染事故。

Article 36: The ship pollution accidents divide into the following classes:

- (1) Ultra severe pollution accident, means oil spill over 1000 MT or direct economic loss over RMB 200 million;
- (2) Very sever pollution accident, means oil spill above 500 MT, below 1000 MT or direct economic loss above RMB 100 million, below RMB 200 million;
- (3) Sever pollution accident, means oil spill above 100 MT, below 500 MT or direct economic loss above RMB 50 million, below RMB 100 million;
- (4) Ordinary pollution accident means oil spill below 100 MT or direct economic loss below RMB 50 million.

第三十六条 船舶污染事故分为以下等级：

(一) 特别重大船舶污染事故，是指船舶溢油 1000 吨以上，或者造成直接经济损失 2 亿元以上的船舶污染事故；

(二) 重大船舶污染事故，是指船舶溢油 500 吨以上不足 1000 吨，或者造成直接经济损失 1 亿元以上不足 2 亿元的船舶污染事故；

(三) 较大船舶污染事故，是指船舶溢油 100 吨以上不足 500 吨，或者造成直接经济损失 5000 万元以上不足 1 亿元的船舶污染事故；

(四) 一般船舶污染事故，是指船舶溢油不足 100 吨，或者造成直接经济损失不足 5000 万元的船舶污染事故。

Article 37: When ship pollution accidents happen within the territory waters under China's jurisdiction or ship pollution accidents happen beyond the territory waters under China's jurisdiction that are possibly to cause pollution to China, the relevant response plan should be initiated immediately and relevant control and pollutant

disposal measures shall be adopted and the accident shall be reported to the maritime administration in the vicinity.

If a ship and relevant ship operation activity is found to be likely to cause pollution to the marine environment, the ship, wharfs and loading terminals shall immediately take corresponding emergency handling measures and report to the maritime administration in the vicinity.

The maritime administration that receives the report shall check the actual situation immediately and report to its higher maritime administration or report to the state transport administration under the State Council. Meanwhile, the local governments above the city level shall also be reported to.

第三十七条 船舶在中华人民共和国管辖海域发生污染事故，或者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，应当立即启动相应的应急预案，采取措施控制和消除污染，并就近向有关海事管理机构报告。

发现船舶及其有关作业活动可能对海洋环境造成污染的，船舶、码头、装卸站应当立即采取相应的应急处置措施，并就近向有关海事管理机构报告。

接到报告的海事管理机构应当立即核实有关情况，并向上级海事管理机构或者国务院交通运输主管部门报告，同时报告有关沿海设区的市级以上地方人民政府。

Article 38: The ship pollution accident report shall contain the following contents:

- (1) The ship's name, nationality, call sign or number;
- (2) The name, address of the owners, operators or managers of the ship;
- (3) The time, place, weather and sea condition of the accident;

- (4) Preliminary determination of the cause of the accident;
- (5) The type, quantity, stowage, location of the pollutant substance of the ship;
- (6) The degree of the pollution;
- (7) The pollution control, disposal measures adopted and to be adopted and the situation of the control of the pollution and the salvage requirements;
- (8) Other items that shall be reported provided by the transport administration under the State Council.

The ship should provide supplementary report when new situation arises after the initial report.

第三十八条 船舶污染事故报告应当包括下列内容：

- (一)船舶的名称、国籍、呼号或者编号；
 - (二)船舶所有人、经营人或者管理人的名称、地址；
 - (三)发生事故的时间、地点以及相关气象和水文情况；
 - (四)事故原因或者事故原因的初步判断；
 - (五)船舶上污染物的种类、数量、装载位置等概况；
 - (六)污染程度；
 - (七)已经采取或者准备采取的污染控制、清除措施和污染控制情况以及救助要求；
 - (八)国务院交通运输主管部门规定应当报告的其他事项。
- 作出船舶污染事故报告后出现新情况的，船舶、有关单位应当及时补报。

Article 39: When the ultra severe pollution accident happens, the State Council or its authorized state transport administration under the State Council shall establish emergency command institute.

When the very severe pollution accident happens, the relevant provincial people's governments, autonomous regions and municipalities directly under the Central Government together with the maritime administration shall jointly establish emergency command institute.

When severe pollution accident and ordinary pollution accident happens, the

relevant people's government of the city divided into districts and the maritime administration shall jointly establish emergency command institute.

Relevant departments and units shall, under the unified organization and command of the emergency command institute, according to the division of work of the emergency plan, conduct corresponding response work.

第三十九条 发生特别重大船舶污染事故，国务院或者国务院授权国务院交通运输主管部门成立事故应急指挥机构。

发生重大船舶污染事故，有关省、自治区、直辖市人民政府应当会同海事管理机构成立事故应急指挥机构。

发生较大船舶污染事故和一般船舶污染事故，有关设区的市级人民政府应当会同海事管理机构成立事故应急指挥机构。

有关部门、单位应当在事故应急指挥机构统一组织和指挥下，按照应急预案的分工，开展相应的应急处置工作。

Article 40: In case that the ship is likely to sink because of the accident, before the abandonment of the ship, crewmembers shall try to close all the pipe lines of the cargo/oil hold and stuff the vent hole of the cargo/oil hold.

In case that the ship sinks because of the accident, the owners, operators or managers of the ship shall immediately report to the maritime administration about the nature, quantity, type and the location of the bunker, pollution hazardous cargo and other pollutants, and shall immediately take measures to cleanup the aforesaid pollutants.

第四十条 船舶发生事故有沉没危险，船员离船前，应当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，船舶所有人、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、装载位置等情况，并及时采取措施予以清除。

Article 41: When it may cause pollution to the sea under China's jurisdiction after

the ship pollution accident or when the ship sinks, the coastal local government above the city level, the maritime administration can, according to the needs of the emergency response, requisite the ship, pollution prevention facilities, equipment and instruments and other materials owned by the relevant units and people. The relevant units and people shall cooperate with such order.

The above facilities, equipment and instruments shall be returned to the relevant units and people in time after being used or the emergency response work is finished. The relevant units and people are entitled to compensation in case the facilities, equipment

and instruments are damaged or lost.

第四十一条 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，可以征用有关单位或者个人的船舶和防治污染设施、设备、器材以及其他物资，有关单位和个人应当予以配合。

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 42: After the ship pollution accident, the maritime administration can adopt clearing, salvage and wreck removal, towage, pilotage, lightening and other necessary measures to reduce the pollution damage and the cost thereby incurred shall be born by the ship and the operation unit that cause the pollution.

As to the vessel that shall bear the relevant cost as provided by the above paragraph, it shall, before commencing her next voyage, pay the cost or provide relevant financial guarantee.

第四十二条 发生船舶污染事故，海事管理机构可以采取清除、打捞、拖航、引航、过驳等必要措施，减轻污染损害。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，应当在开航前缴清相关费用或者提供相应的

财务担保。

Article 43: The oil dispersant used for the disposal of the ship pollution shall comply with the state's relevant standards.

The maritime administration shall publicize timely the list of the oil dispersant that conforms with the state's relevant standards.

The ships and relevant units shall, pursuant to the relevant provisions of the Marine Environment Protection Law of the PRC, use the oil dispersant to handle the ship pollution accidents.

第四十三条 处置船舶污染事故使用的消油剂，应当符合国家有关标准。

海事管理机构应当及时将符合国家有关标准的消油剂名录向社会公布。

船舶、有关单位使用消油剂处置船舶污染事故的，应当依照《中华人民共和国海洋环境保护法》有关规定执行。

Chapter Six: The Investigation of the Ship Pollution Accidents 第六章

船舶污染事故调查处理

Article 44: The investigation and handling of the ship pollution accidents shall be conducted pursuant to the following regulations:

- (1) Ultra sever accident, to be investigated by the State Council or the State Council delegate the state transport administration under State Council to investigate;
- (2) Very sever accident, to be investigated by the state maritime administration;
- (3) Sever accident and other accidents, to be investigated by the local maritime administration where the accident happens.

If the ship pollution accident caused fishery damage, the fishery administration shall be included in the investigation panel; if the accident caused damage to the military port waters, the relevant military authorities shall be included in the investigation panel.

第四十四条 船舶污染事故的调查处理依照下列规定进行：

（一）特别重大船舶污染事故由国务院或者国务院授权国务院交通运输主管部门等部门组织事故调查处理；

（二）重大船舶污染事故由国家海事管理机构组织事故调查处理；

（三）较大船舶污染事故和一般船舶污染事故由事故发生地的海事管理机构组织事故调查处理。

船舶污染事故给渔业造成损害的，应当吸收渔业主管部门参与调查处理；给军事港口水域造成损害的，应当吸收军队有关主管部门参与调查处理。

Article 45: After the ship pollution accident, the investigation institute that organizes the investigation or the maritime administration shall conduct a timely, impartial and fair investigation, inspect the accident spot, inspect relevant ships, inquire relevant people, collect evidences and find out the cause of the accident.

第四十五条 发生船舶污染事故，组织事故调查处理的机关或者海事管理机构应当及时、客观、公正地开展事故调查，勘验事故现场，检查相关船舶，询问相关人员，收集证据，查明事故原因。

Article 46: The investigation institute that organizes the investigation or the maritime administration, according to the actual situation of the needs of the investigation, can temporarily detain relevant certificates, documents; when necessary, they can also forbid the ship from leaving the port or order the ship to stop navigation, change its route or temporarily detain the ship.

第四十六条 组织事故调查处理的机关或者海事管理机构根据事故调查处理的需要，可以暂扣相应的证书、文书、资料；必要时，可以禁止船舶驶离港口或者责令停航、改航、停止作业直至暂扣船舶。

Article 47: When technical appraisal, inspection or survey is needed for the accident investigation, the entrusted institute to conduct such survey shall be one that has been approved by the transport administration under the State Council.

第四十七条 事故调查处理需要委托有关机构进行技术鉴定或者检验、检测的，

应当委托国务院交通运输主管部门认定的机构进行。

Article 48: During the investigation by the investigation institute that organizes the investigation or by the maritime administration, the person causing the pollution accident and other relevant person shall provide the true statement and documents and shall not conceal or forge evidences or destroy evidences and obstruct the investigation.

第四十八条 组织事故调查处理的机关或者海事管理机构开展事故调查时，船舶污染事故的当事人和其他有关人员应当如实反映情况和提供资料，不得伪造、隐匿、毁灭证据或者以其他方式妨碍调查取证。

Article 49: The investigation institute that organizes the investigation or the maritime administration shall make an “Investigation Report” within 20 working days after the investigation is closed and deliver the Investigation Report to relevant persons.

The Investigation Report shall contain the basic information of the accident, the cause of the accident and the liabilities of the parties.

第四十九条 组织事故调查处理的机关或者海事管理机构应当自事故调查结束之日起20个工作日内制作事故认定书，并送达当事人。

事故认定书应当载明事故基本情况、事故原因和事故责任。

Chapter Seven: Compensation for Ship Pollution Accidents 第七章

船舶污染事故损害赔偿

Article 50: The person liable for the marine pollution shall dispose of the pollution and be liable for the loss. When the pollution is totally attributed to the third party's intentionally act or negligence, the third party shall be held responsible for the disposal of the pollution and compensation for the loss.

第五十条 造成海洋环境污染损害的责任者，应当排除危害，并赔偿损失；完全由于第三者的故意或者过失，造成海洋环境污染损害的，由第三者排除危害，并

承担赔偿责任。

Article 51: If the cause of the pollution can be totally attributed to the following and despite reasonable measures having been taken timely, the pollution to marine environment is still unavoidable, the liability can be exempted:

- (1) War, or
- (2) The insurmountable natural catastrophe, or
- (3) Was wholly caused by the negligence or other wrongful act of any authority responsible for the maintenance of lights or other navigational aids in the exercise of its responsibility.

第五十一条 完全属于下列情形之一，经过及时采取合理措施，仍然不能避免对海洋环境造成污染损害的，免于承担责任：

(一)战争；

(二)不可抗拒的自然灾害；

(三) 负责灯塔或者其他助航设备的主管部门，在执行职责时的疏忽，或者其他过失行为。

Article 52: The liability limitation of the ship pollution accident shall be calculated as per the relevant liability limitation regulations as provided by the Chinese Maritime Code. However, as to the marine pollution within Chinese territory waters caused by the ships carrying persistent oil in bulk, the limitation of liability shall be calculated pursuant to the relevant international conventions ratified or acceded by China.

The so called persistent oil referred to in last paragraph means any kind of persistent hydrocarbon mineral oil.

第五十二条 船舶污染事故的赔偿限额依照《中华人民共和国海商法》关于海事赔偿责任限制的规定执行。但是，船舶载运的散装持久性油类物质造成中华人民共和国管辖海域污染的，赔偿限额依照中华人民共和国缔结或者参加的有关国际条约的规定执行。

前款所称持久性油类物质，是指任何持久性烃类矿物油。

Article 53: The Owners of the ship that sails within China territory waters shall, pursuant to the regulations of the state transportation administration under the State Council, subscribe for oil pollution civil liability insurance or obtain other financial security. However, the ships of a tonnage below 1000 GT carrying non-oil cargo are not required to have such insurance cover or other financial security.

The amount of insurance cover or other financial security shall at least not be lower than the liability limitation as regulated by Chinese Maritime Code or relevant international conventions ratified or acceded by China;

The list of the commercial insurance institutes or other mutual insurance institutes which can provide insurance for the oil pollution civil liability shall, after consulting with the state insurance supervisory body, be decided by the state maritime administration and declared by public notice.

第五十三条 在中华人民共和国管辖海域内航行的船舶，其所有人应当按照国务院交通运输主管部门的规定，投保船舶油污损害民事责任保险或者取得相应的财务担保。但是，1000 总吨以下载运非油类物质的船舶除外。

船舶所有人投保船舶油污损害民事责任保险或者取得的财务担保的额度应当不低于《中华人民共和国海商法》、中华人民共和国缔结或者参加的有关国际条约规定的油污赔偿限额。

承担船舶油污损害民事责任保险的商业性保险机构和互助性保险机构，由国家海事管理机构征求国务院保险监督管理机构意见后确定并公布。

Article 54: The Owners of the ships flying Chinese flag who have already obtained the insurance cover or other financial security as provided by Article 53 shall apply for certificate for the pollution civil liability insurance or other financial security from the maritime administration where the ships are registered by presenting the ships' nationality certificate, the insurance contract or other financial security document.

第五十四条 已依照本条例第五十三条的规定投保船舶油污损害民事责任保险

或者取得财务担保的中国籍船舶，其所有人应当持船舶国籍证书、船舶油污损害民事责任保险合同或者财务担保证明，向船籍港的海事管理机构申请办理船舶油污损害民事责任保险证书或者财务保证证书。

Article 55: After the pollution accident happens, the necessary expense spent in the emergency response and cleanup operation by those units organized by the government shall be compensated in priority from oil pollution compensation.

第五十五条 发生船舶油污事故，国家组织有关单位进行应急处置、清除污染所发生的必要费用，应当在船舶油污损害赔偿中优先受偿。

Article 56: The cargo owner or his agent who receive the persistent oil from the water under China's jurisdiction shall pay the Ship Oil Compensation Fund.

The regulations for the collection, usage of the Ship Oil Compensation Fund shall be promulgated otherwise by the state transport administration and the finance administration under the State Council jointly.

The Administration Commission for the Ship Oil Compensation Fund established by the State shall be responsible for the administration of the Fund. The Commission shall be made up of the relevant government officials and the main cargo owners who contribute to the Fund.

第五十六条 在中华人民共和国管辖水域接收海上运输的持久性油类物质货物的货物所有人或者代理人应当缴纳船舶油污损害赔偿基金。

船舶油污损害赔偿基金征收、使用和管理的具体办法由国务院财政部门会同国务院交通运输主管部门制定。

国家设立船舶油污损害赔偿基金管理委员会，负责处理船舶油污损害赔偿基金的赔偿等事务。船舶油污损害赔偿基金管理委员会由有关行政机关和缴纳船舶油污损害赔偿基金的主要货主组成。

Article 57: In case a dispute arising for the compensation of the ship pollution accident, the relevant parties can request the maritime administration for an

amicable settlement or file a suit before the court.

第五十七条 对船舶污染事故损害赔偿的争议，当事人可以请求海事管理机构调解，也可以向仲裁机构申请仲裁或者向人民法院提起民事诉讼。

Chapter Eight: Legal liabilities 第八章 法律责任

Article 58: If the ships or relevant units violate this Regulations, the maritime administration shall order to rectify; if rectification is resisted, the maritime administration can order the ship to stop the ships' operation, to order to compel the ship to discharge, to forbid the ship from entry/departure of the port, or forbid the ship to stay for transit, or order the ship to stop navigating, to change the route, to navigate to the designated place.

第五十八条 船舶、有关作业单位违反本条例规定的，海事管理机构应当责令改正；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 59: For the violation of this Regulations that the construction of the ships do not comply with the requirements of relevant national technical provisions of prevention of marine pollution by ships or other international conventions, the maritime administration can impose a fine of no less than RMB 100,000 and no more than RMB 300,000.

第五十九条 违反本条例的规定，船舶的结构不符合国家有关防治船舶污染海洋环境的技术规范或者有关国际条约要求的，由海事管理机构处 10 万元以上 30 万元以下的罚款。

Article 60: For the violations of this Regulations which has the characteristic of the following situations, the maritime administration can impose a punishment as per the Marine Environment Protection Law of the PRC as follows:

- (1) The ship has not obtained relevant pollution prevention certificates or proofs and does not have these documents on board;
- (2) The ships, ports, wharfs and loading terminals do not equip with the pollution prevention equipment and facilities;

- (3) The ships discharge the pollutants to the sea which are in violation of this Regulations;
- (4) The ships fail to truly record the pollutant disposals;
- (5) The ships discharge pollutant to the sea exceeding the standard;
- (6) The ships engage in scrapping which causing damage to the marine environment.

第六十条 违反本条例的规定，有下列情形之一的，由海事管理机构依照《中华人民共和国海洋环境保护法》有关规定予以处罚：

- (一)船舶未取得并随船携带防治船舶污染海洋环境的证书、文书的；
- (二)船舶、港口、码头、装卸站未配备防治污染设备、器材的；
- (三)船舶向海域排放本条例禁止排放的污染物的；
- (四)船舶未如实记录污染物处置情况的；
- (五)船舶超过标准向海域排放污染物的；
- (六)从事船舶水上拆解作业，造成海洋环境污染损害的。

Article 61: For the violation of this Regulations committed by the ship's failure to reserve the pollutant disposal record onboard, or the pollutant disposal record isn't in conformity with the pollutant quantity incurred during the ships' operation, the maritime administration can impose a fine of no less than RMB 20,000 and no more than RMB 100,000.

第六十一条 违反本条例的规定，船舶未按照规定在船舶上留存船舶污染物处置记录，或者船舶污染物处置记录与船舶运行过程中产生的污染物数量不符合的，由海事管理机构处 2 万元以上 10 万元以下的罚款。

Article 62: For the violation of this Regulations that without the permission of the maritime administration, the ship pollutant reception unities engage in such reception operations as ship garbage, residual oil, oily sewage, sewage that contains poisonous substance, the maritime administration can impose a fine of no less than RMB 10,000 and no more than RMB 50,000; if the above operations have cause the marine pollution, a fine of no less than RMB 50,000 and no more than

RMB 250,000.

第六十二条 违反本条例的规定，船舶污染物接收单位未经海事管理机构批准，擅自从事船舶垃圾、残油、含油污水、含有毒有害物质污水接收作业的，由海事管理机构处 1 万元以上 5 万元以下的罚款；造成海洋环境污染的，处 5 万元以上 25 万元以下的罚款。

Article 63: For the violation of this Regulations committed by the ship's failure to complete the formalities for the ship pollutant reception proof pursuant to relevant regulations, or the ship pollutant reception units do not file the pollutant reception and disposal record with the maritime administration as per relevant regulations, the maritime administration can impose a fine of no more than RMB 20,000.

第六十三条 违反本条例的规定，船舶未按照规定办理污染物接收证明，或者船舶污染物接收单位未按照规定将船舶污染物的接收和处理情况报海事管理机构备案的，由海事管理机构处 2 万元以下的罚款。

Article 64: For the violations of this Regulations which has the characteristic of the following situations, the maritime administration can impose a fine of no less than RMB 2,000 and no more than RMB 10,000:

- (1) The ship's failure to reserve the pollutant reception proof as per relevant regulations;
- (2) The units that deliver/ receive oil do not truly fill in the deliver /receive documents;
- (3) The units that deliver/ receive oil do not provide the ships with the deliver /receive documents and the sample of the oil as per relevant regulations;
- (4) The ships and the units that deliver/ receive oil do not reserve the deliver /receive documents and the sample of the oil as per relevant regulations.

第六十四条 违反本条例的规定，有下列情形之一的，由海事管理机构处 2000 元以上 1 万元以下的罚款：

- (一) 船舶未按照规定保存污染物接收证明的；

- (二) 船舶燃油供给单位未如实填写燃油供受单证的;
- (三) 船舶燃油供给单位未按照规定向船舶提供燃油供受单证和燃油样品的;
- (四) 船舶和船舶燃油供给单位未按照规定保存燃油供受单证和燃油样品的。

Article 65: For the violation of this Regulations which has the characteristic of the following situations, the maritime administration can impose a fine of no less than RMB 20,000 and no more than RMB 100,000:

- (1) The ship's technical condition is not commensurate with the cargo worthy requirements for the safety carriage of the pollution dangerous cargo;
- (2) The ship carrying pollution hazardous cargo fails to conduct the loading and unloading operations in the wharfs and loading terminals that are not competent to conduct safe loading/unloading of the cargo and disposal of the pollutants;
- (3) The shippers or the agents fail to apply for appraisal of the cargo whose dangerous nature is unclear pursuant to relevant regulations.

第六十五条 违反本条例的规定，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) 载运污染危害性货物的船舶不符合污染危害性货物适载要求的;
- (二) 载运污染危害性货物的船舶未在具有相应安全装卸和污染物处理能力的码头、装卸站进行装卸作业的;
- (三) 货物所有人或者代理人未按照规定对污染危害性不明的货物进行危害性评估的。

Article 66: For the violation of this Regulations, without the permission of the maritime administration, the ship engages in the operations as carrying pollution hazardous cargo to enter/ depart the wharfs, stay for transit, loading/ unloading the cargo, or lightering, the maritime administration can impose a fine of no less than RMB 10,000 and no more than RMB 50,000.

第六十六条 违反本条例的规定，未经海事管理机构批准，船舶载运污染危害性货物进出港口、过境停留、进行装卸或者过驳作业的，由海事管理机构处 1 万元以上 5 万元以下的罚款。

Articles 67: As to the violation of this Regulations which has the characteristic of the following situations, the maritime administration can impose a fine of no less than RMB 20,000 and no more than RMB 100,000:

(1) after the ship's sunken, the ship's owners or operator fail to timely report to the maritime administration the nature, quantity, type and location and other situation of the oil, pollution hazardous substance and other pollutants;

(2) after the ship's sunken, the ship's owners or operator of fail to clean up the oil, pollution hazardous substance and other pollutants.

第六十七条 违反本条例的规定，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) 船舶发生事故沉没，船舶所有人或者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、装载位置等情况的；

(二) 船舶发生事故沉没，船舶所有人或者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 68: As to the violation of this Regulations which has the characteristic of the following situations, the maritime administration can impose a fine of no less than RMB 10,000 and no more than RMB 50,000:

(1) The operators of the ships carrying bulk poisonous hazardous liquid and other ships of above 10,000 GT fail to conclude pollution cleanup operation contract as per relevant regulations;

(2) The units conclude pollution cleanup operation contract and engage in pollution cleanup operation without qualification of pollution cleanup operation;

第六十八条 违反本条例的规定，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) 未取得污染清除作业资质的单位擅自签订污染清除作业协议并从事污

染清除作业的。

Article 69: As to the violation of this Regulations committed by the ship and relevant units' failure to timely start the emergency plan after the ship's sunken, the maritime administration can impose a fine of no less than RMB 20,000 and no more than RMB 100,000; for the person in charge directly responsible and other persons directly responsible, the maritime administration can impose a fine of no less than RMB

10,000 and no more than RMB 20,000. If the person in charge directly responsible and other persons directly responsible are crewmembers, the maritime administration can together impose a punishment of temporarily withholding competency certificates or other relevant certificates for no less than 1 month and no more than 3 months.

第六十九条 违反本条例的规定，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有关证件 1 个月至 3 个月的处罚。

Article 70: As to the violation of this Regulations, in case of happening of the pollution accident, the ship and relevant units delay or fail to report the accident, the maritime administration can impose a fine of no less than RMB 50,000 and no more than RMB 250,000 on the ship and relevant units; for the person in charge directly responsible and other persons directly responsible, the maritime administration can impose a fine of no less than RMB 10,000 and no more than RMB 50,000. If the person in charge directly responsible and other persons directly responsible are crewmembers, the maritime administration can together impose a punishment of temporarily withholding competency certificates or other relevant certificates for no less than 3 month and no more than 6 months. In case

the ship or relevant units conceal or make false report about the accident, the maritime administration can impose a fine of no less than RMB 250,000 and no more than RMB 500,000 on the ship and relevant units; for the person in charge directly responsible and other persons directly responsible, the maritime administration can impose a fine of no less than RMB 50,000 and no more than RMB 100,000. If the person in charge directly responsible and other persons directly responsible are crewmembers, the maritime administration can together impose a punishment of revoking competency certificates or other relevant certificates.

第七十条 违反本条例的规定，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，并处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 71: As to the violation of this Regulations to use oil dispersant without authorization, the maritime administration can impose a fine of no less than RMB 10,000 and no more than RMB 50,000.

第七十一条 违反本条例的规定，未经海事管理机构批准使用消油剂的，由海事管理机构对船舶或者使用单位处 1 万元以上 5 万元以下的罚款。

Article 72: As to the violation of this Regulations committed by the responsible people and other people of failure to provide true statement of the accident and relevant documents to the investigation panel or to the maritime administration or forging, concealing, destroying evidences or by other means to obstruct the

investigation, the maritime administration can impose a fine of no less than RMB 10,000 but no more than RMB 50,000.

第七十二条 违反本条例的规定，船舶污染事故的当事人和其他有关人员，未如实向组织事故调查处理的机关或者海事管理机构反映情况和提供资料，伪造、隐匿、毁灭证据或者以其他方式妨碍调查取证的，由海事管理机构处 1 万元以上 5 万元以下的罚款。

Article 73: For the violations of this Regulations which has the characteristic of the following situations, the maritime administration can order to rectify such violation and impose a fine of no more than RMB 50,000; if rectification is resisted, the fine can be of no less than RMB 20,000 and no more than RMB 100,000:

(1) The Owners of the ship that sails in the territory waters under China's jurisdiction does not subscribe for the oil civil liability insurance or obtain other financial security pursuant to relevant regulations;

(2) The insurance liability under the oil civil liability insurance or other financial security is lower than the oil compensation liability as regulated by Chinese Maritime Code or the relevant international conventions ratified or acceded by China.

第七十三条 违反本条例的规定，船舶所有人有下列情形之一的，由海事管理机构责令改正，可以处 5 万元以下的罚款；拒不改正的，处 5 万元以上 25 万元以下的罚款：

(一) 在中华人民共和国管辖海域内航行的船舶，其所有人未按照规定投保船舶油污损害民事责任保险或者取得相应的财务担保的；

(二) 船舶所有人投保船舶油污损害民事责任保险或者取得的财务担保的额度低于《中华人民共和国海商法》、中华人民共和国缔结或者参加的有关国际条约规定的油污赔偿限额的。

Article 74: As to the violation of this Regulations committed by the cargo owners or his agent who receive persistent oil from the sea under China's jurisdiction of

failure to contribute to the Oil Compensation Fund, the maritime administration can order to rectify such failure in a given time period and if such failure is not rectified in the given time period, the maritime administration can order to terminate the loading/unloading for the oil cargo reception of the cargo owners or his agent.

The cargo owners or his agent who fails to contribute to the Oil Compensation Fund within the grace period shall pay the overdue fine for the amount of money which is not contributed from the day when the contribution is due at the rate of 0.05% per day. 第七十四条

违反本条例的规定，在中华人民共和国管辖水域接收海上运输的持久性油类物质货物的货物所有人或者代理人，未按照规定缴纳船舶油污损害赔偿基金的，由海事管理机构责令改正；拒不改正的，可以停止其接收的持久性油类物质货物在中华人民共和国管辖水域进行装卸、过驳作业。

货物所有人或者代理人逾期未缴纳船舶油污损害赔偿基金的，应当自应缴之日起按日加缴未缴额的万分之五的滞纳金。

Chapter Nine: Supplementary Provisions 第九章 附 则

Article 75: In case there is provision about the prevention of marine pollution by ships and relevant ship operation activities in the international conventions ratified or acceded by China, the provisions of the international conventions shall be applied. But the clauses which are declared to be reserved by China cannot be applied.

第七十五条 中华人民共和国缔结或者参加的国际条约对防治船舶及其有关作业活动污染海洋环境有规定的，适用国际条约的规定。但是，中华人民共和国声明保留的条款除外。

Article 76: The fishery administration of the people's government above county level shall be responsible for the supervision and administration of marine environment pollution caused by non-military vessels inside the fishing port

waters and the fishing vessels outside the fishing port waters, and be responsible for the protection of the fishery ecological environment in the fishing zones and be responsible to investigate and handle fishery pollution cases as regulated in article 5.4 of the Marine Environment Protection Law of the PRC.

第七十六条 县级以上人民政府渔业主管部门负责渔港水域内非军事船舶和渔港水域外渔业船舶污染海洋环境的监督管理，负责保护渔业水域生态环境工作，负责调查处理《中华人民共和国海洋环境保护法》第五条第四款规定的渔业污染事故。

Article 77: The environmental protection department of the army shall be responsible for the supervision and administration of the marine pollution by the military vessels as well as the investigation and handling of the pollution accident.

第七十七条 军队环境保护部门负责军事船舶污染海洋环境的监督管理及污染事故的调查处理。

Article 78: This Regulations shall come into force as of March 1st, 2010. The Regulations of the People's Republic of China on the Prevention and Control of Marine Pollution from the Ships promulgated by the State Council on December 29, 1983 shall be repealed simultaneously.

第七十八条 本条例自 2010 年 3 月 1 日起施行。1983 年 12 月 29 日国务院发布的《中华人民共和国防止船舶污染海域管理条例》同时废止。