

# CIRCULAR

29 May 2015

## **Regulations of the People's Republic of China on the prevention and control of marine pollution from ships**

### SPRO contracts – revised regulations

We refer Members to the Club's circular dated November 2012 on the Regulations of the People's Republic of China (PRC) on the Prevention and Control of Marine Pollution from Ships and the requirement that owners/operators of:

- (a) any ship carrying polluting and hazardous cargoes in bulk or
- (b) any other ship above 10,000 gt

enter into a pollution clean-up contract with a ship pollution response organisation (SPRO) approved by the Maritime Safety Agency (MSA) before the ship enters a PRC port.

Members are informed that the PRC Ministry of Transport recently published revised Regulations of the People's Republic of China on Emergency Prevention and Handling of Marine Pollution Caused by Vessels (the "revised regulations") which came into force on 12 May 2015.

The revised regulations have the effect of removing the requirement for SPROs to be approved by the China MSA and introduce a new procedure for supervision and examination by the local MSAs. Under the revised regulations, SPROs are also required to publish their capabilities, resources and service area for access by the public.

The responsibility is on the SPRO, rather than the owner/operator, to ensure that the SPRO continues to meet its legal requirements and also publishes information for access to the public regarding their capabilities, resources and service area.

At present, it is unclear where and how the required information will be published by SPROs. It is also unclear to what extent there will be examination and supervision of the SPROs by the local MSAs. Members will be kept updated in this regard. Until further information is received, Members are recommended to continue to refer to the MSA list of previously approved SPROs for the purposes of identifying capable SPROs in individual Chinese ports. A link to the MSA website, as well as a recent translation of the MSA list of SPROs, can be found on the focus page of the Britannia website (Chinese Ship Pollution Response Organisation Contracts) at the following link:

<https://britanniapandi.com/focus/chinese-ship-pollution-response-organisation-contracts-spro/>

Other than the removal of the MSA approval requirement for SPROs, as outlined above, there are no substantive changes to the procedures that Members need to follow when contracting with a SPRO that arise from the revised regulations.

It is recommended that Members contact the Club in advance should they require any assistance when contracting with a SPRO.

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