

H CJ [2016] No.48

**Notice of the Maritime Safety Administration of the People's
Republic of China on Strengthening the Supervision and
Administration on Emission Control Areas for Vessels**

All relevant units,

Pursuant to requirements in laws, regulations and rules such as the Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution, the Marine Environment Protection Law of the People's Republic of China, the Regulations on Administration of the Prevention and Control of Marine Environment Pollution Caused by Vessels and the Rules on Administration of the Prevention and Control of Inland Waters Environment Pollution Caused by Vessels, in order to implement the Implementation Plan of Ship Emission Control Area in Waters of Pearl River Delta, Yangtze River Delta and Bohai Sea Region (Beijing Tianjin and Hebei Province) (JHF [2015] No.177, hereinafter referred to as "Plan") published by the MOT, facilitate vessels in sailing, berthing and operating in ship emission control areas (hereinafter referred to as "control areas"), strengthen the supervision and administration on prevention and control of atmospheric pollution caused by vessels as well as improving the atmospheric environment quality, it is hereby notified relevant requirements as follows:

- I. Vessels subject to the Plan's control requirements of switching to low-sulphur bunker fuels in control areas shall record information such as the commencement and ending dates and time of fuel switch, her longitude and latitude, sulphur

content of fuels, quantity of low-sulphur used as well as operating personnel of fuel switch, etc in her engine logbook. Vessels that need to switch fuel shall equip with a written bunker fuel switch procedure, to serve as a component part of safety management system.

Units supplying ship bunker fuels shall test every batch of bunker fuel, and keep such test report as required for check. Where bunker fuels having been tested are blended or mixed with other bunker fuels, the same after blending or mixing shall be re-tested. A unit supplying ship bunker fuels shall provide the vessel with document for supplying and receiving of ship bunker fuel and samples of such bunker fuel. The vessel shall keep the document for supplying and receiving of ship bunker for 3 years, the samples of bunker fuel for at least 1 year and till the time when such bunkered fuels are used up.

- II. Where the vessel and the wharf are qualified for supplying and receiving shore-based powers, and proper arrangements have been made for the procedures of supplying and receiving powers, under the precondition of not affecting the safety of the ship and the wharf, the vessel shall give priority to using shore-based powers. The vessel shall record information such as the commencement and ending dates and time of using shore-based powers as well as operating personnel for such power supply, etc in her engine logbook.

Where the vessel uses shore-based powers, both the vessel and the wharf shall operate in accordance with prescribed procedures, and the party supplying shore-based powers shall provide the vessel with written application procedures manual and safe operation guidelines.

- III. Where a vessel uses clean energies such as liquefied natural gases or other low emission ship bunker fuels as substituted measure, it shall make remarks of the type of clean energies used in the note box on the Air Pollutions Prevention

Certificate for Ship issued by ship survey institute. A vessel of dual fuel engine shall record the quantity of various fuels used, the date and time of switching a certain type of fuels, her longitude and latitude as well as the operating personnel of fuel switch into her engine logbook.

IV. Where a vessel adopts exhausts post-processing equipment as substituted measure, such vessel shall hold an exhaust post-processing equipment product certificate issued by ship survey institute, and shall make remark on the Air Pollutions Prevention Certificate for Ship. The vessel shall record information such as the commencement and ending date and time of using exhaust post-processing equipment, her longitude and latitude as well as the operating personnel into her engine logbook.

V. Where, for the purpose of ensuring safety of the vessel or salvaging life at sea, or where, due to malfunction or breakdown of the vessel and her equipments, the vessel have issue(s) not meeting the emission control requirements of the Plan, it shall record relevant information in her logbook.

VI. MSAs of all levels shall enhance on supervision and administration on prevention and control of atmospheric pollution by vessels in control areas. This Administration has formulated the Guidelines for Supervision and Administration in Emission Control Areas for Vessels (see attachment) for reference during enforcement of law. All units shall timely report issued encountered during enforcement to this Administration.

Attachment:

Guidelines for Supervision and Administration in Emission Control Areas for Vessels

Maritime Safety Administration of the People's Republic of China (seal)

January 29, 2016

Attachments:

Guidelines for Supervision and Administration in Emission Control Areas for Vessels

1. General Principles

1.1 Purpose

Aims of these Guidelines are to ensure the implementation of the Implementation Plan of Ship Emission Control Area in Waters of Pearl River Delta, Yangtze River Delta and Bohai Sea Region (Beijing Tianjin and Hebei Province) published by the MOT, and this Guidelines is a guiding document provided for various levels of MSAs to conduct supervision and administration on prevention and control of atmospheric pollution by vessels in control areas.

1.2 Basis

This Guidelines is compiled in accordance with laws, regulations and rules such as the Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution, the Marine Environment Protection Law of the People's Republic of China, the Regulations on Administration of the Prevention and Control of Marine Environment Pollution Caused by Vessels and the Rules on Administration of the Prevention and Control of Inland Waters Environment Pollution Caused by Vessels, etc.

1.3 Applicable objects

This Guidelines is applicable to vessel sailing, berthing and operating within control areas, excluding military vessels, boats for sports purpose and fishing boats.

2. Requirements of check for vessel switching to low-sulphur bunker

fuels

2.1 Documents check

MSAs shall, in combination with on-site supervision and safety inspection work, check on the vessel's engine logbook and document for supplying and receiving of bunker fuel, etc. Specific contents to be checked are as follows:

- (1) Engine logbook: check and verify on whether or not records of information such as the commencement and ending dates and time of fuel switching as well as the longitude and latitude of the vessel is completed and normative; check and verify on the starting and ending locations of the vessel at the time of fuel switching, whether or not the sulphur content of fuel and quantity of low-sulphur fuels used meet requirements of the control areas; check and verify on whether or not records for quantity of fuels remained in each fuel tank are completed and normative.
- (2) Document for supplying and receiving of bunker fuel: check and verify on whether or not the vessel holds document for supplying and receiving of bunker fuel, and whether or not the fuels recorded on such document for supplying and receiving of bunker fuel meet corresponding requirements.
- (3) Fuel switch procedures: check and verify on whether or not the vessel holds written fuel switch procedures, whether or not such procedures meet requirements of safety management system. Whether or not the fuel switch operating records are normative and completed.

2.2 Bunker fuel check

- (1) For a vessel that is unqualified in document check, has violation record or is suspected of violation upon monitoring, the MSA shall check on the fuel test of such vessel.

- (2) For a vessel that is qualified in document check, has no violation record and is free from suspicion of violation, the MSA may conduct random check for her bunker fuels.
- (3) For a vessel the bunker fuel samples of which need to be checked, the MSA shall arrange enforcement officials to attend onboard the vessel and conduct sampling, and send the samples to a testing unit, having qualification stipulated by the State, for test. The testing unit shall issue test result.
- a) Sampling: enforcement officials may, taking reference from the guidelines for fuel sampling in the Annex VI (MEPC.94(47) Resolution) of the MARPOL Convention, and in combination with actual situation, draw samples from pipelines of the vessel, or use the fuel samples of the vessel. If the officials draw samples from pipelines, at least 3 samples shall be drawn, with each sample no less than 400ml.
 - b) Send samples for test: maritime enforcement officials shall, within 2 working days after sampling, send the samples to fuel testing unit, and the fuel testing unit shall, in accordance with the procedures provided for in Schedule VI of Annex VI of the MARPOL Convention as well as testing method defined in currently effective national standard, test the samples. Where it is unable to send samples to fuel testing unit immediately, the same shall be kept in a safe place of low temperature, free from light.
 - c) Test report: the test report shall indicate the sulphur content of the fuel samples, meanwhile, it may also give values of other indexes affecting safety and environment protection, and compare with values as set out in national standards such as the standard for ship bunker fuels.
 - d) Check and verification: maritime enforcement officials shall, upon receipt of test report, confirm on whether or not the ship bunker fuels meet requirements of the Plan.

2.3 Handling

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- (1) A vessel using bunker fuels not meeting corresponding standard or requirements shall be handled as per the following one or more ways based on the severity of violation and in accordance with relevant provisions in laws, regulations or international conventions:
- a) Warning education;
 - b) Rectify the violation;
 - c) Retain the vessel;
 - d) Impose punishment in accordance with Art.106 of the Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution. If the vessel has left the port, the local MSA may notify the MSAs at the next port of such vessel to assist in investigation.
- (2) Where the unit supplying ship bunker fuels did not truthfully fill up the document for supplying and receiving of bunker fuel, or did not provide the vessel with document for supplying and receiving of ship bunker fuel and samples of such bunker fuel, as it is required to do so, punishment shall be imposed in accordance with Art.63 of the Regulations on Administration of the Prevention and Control of Marine Environment Pollution Caused by Vessels;
- (3) Where the vessel and the unit supplying ship bunker fuels did not keep the document for supplying and receiving of ship bunker fuel and samples of such bunker fuel, as they are required to do so, punishment shall be imposed in accordance with Art.63 of the Regulations on Administration of the Prevention and Control of Marine Environment Pollution Caused by Vessels.

3. Requirements of check for substituted measures

3.1 Documents check

MSAs shall, in combination with on-site supervision and safety inspection work, check on the vessel's documents. Specific contents to be checked are as follows:

- (1) For a vessel using shore-based powers, check and verify on whether or not the records in her engine logbook concerning the starting and ending time of use of shore-based powers are completed and normative; confirm on whether or not the starting and ending time of use of shore-based powers meet requirements of the control areas; confirm on whether or not the vessel is qualified for use for use of shore-based powers, etc.
- (2) For a vessel using clean energies, check and verify on whether or not remarks that such vessel uses clean energies are made in her Air Pollutions Prevention Certificate for Ship. Amongst which, for a vessel of dual fuel engine, check and verify on whether or not the records for the time of fuel switch are completed and normative, check and verify on whether or not records of the vessel's longitude and latitude at the time of fuel switch are completed and normative; confirm on whether or not the vessel's positions at the time of fuel switch meet requirements of control areas; check and verify on whether or not record for quantity of clean energies and fuels are completed and normative.
- (3) For a vessel installed with exhausts post-processing equipment, check and verify on whether or not the records in her engine logbook concerning the starting and ending time of use of exhausts post-processing equipment are completed and normative; whether or not records of the vessel's longitude and latitude at the starting and ending time use of such equipment are completed and normative; confirm on whether or not the vessel positions at the starting and ending time use of such equipment meet the requirements of the control areas; check and verify on whether or not the vessel holds relevant certificate for exhausts post-processing equipment product and whether or not corresponding remarks are made in her Air

Pollutions Prevention Certificate for Ship.

3.2 On-site check

For vessels that are unqualified in document check, have violation record or are suspected of violation, the MSA shall conduct on-site tour check on their uses of shore-based powers and clean energies as well as on their installations of exhausts post-processing equipments.

3.3 Results and handling

- (1) A vessel using bunker fuels not meeting corresponding standard or requirements shall be handled as per the following one or more ways based on the severity of violation and in accordance with relevant provisions in laws, regulations or international conventions:
- a) Warning education;
 - b) Rectify the violation;
 - c) Retain the vessel;