

Notices to Members

No. 5 2015/2016 - Regulations of the People's Republic of China on the Prevention and Control of Marine Pollution from Ships

June 2015

Dear Sirs,

Regulations of the People's Republic of China on the Prevention and Control of Marine Pollution from Ships

We refer to previous Notices to Members 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 Maritime Safety Agency (MSA) -approved ship pollution response organisation (SPRO) 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 became effective on 12th May 2015.

The revised Regulations have the effect of removing the requirement on SPROs to be approved by the China MSA, and introduce instead a new supervision and examination procedure 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, and not the shipowner, to ensure that the SPRO continues to meet their 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 this information will be published as well as the extent of any examination and supervision by the local MSAs. Members will be kept updated in this regard. Until then Members are recommended to continue to refer to the MSA list of previously approved SPROs that is maintained on the Club's website (<http://www.westpandi.com/Special/China-Pollution-Regulations/>) for the purposes of identifying SPROs in individual Chinese ports.

Other than the approval process 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. If Members are in any doubt, then it is recommended that they contact the Club before contracting with any SPRO.

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

Yours faithfully

For: **West of England Insurance Services (Luxembourg) S.A.**

(As Managers)

A Paulson

Director