

【Title】 Regulation on the Prevention and Control of Vessel-induced Pollution to the Marine Environment**[现行有效]**

【法规标题】 防治船舶污染海洋环境管理条例 **[Effective]**

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Order of the State Council
(No.561)

The Regulation on the Prevention and Control of Vessel-induced Pollution to the Marine Environment, which was adopted at the 79th executive meeting of the State Council on September 2, 2009, is hereby promulgated and shall come into force on March 1, 2010.

Premier Wen Jiabao
September 9, 2009

Regulation on the Prevention and Control of Vessel-induced Pollution to the Marine Environment

国务院令
(第 561 号)

《防治船舶污染海洋环境管理条例》已经 2009 年 9 月 2 日国务院第 79 次常务会议通过，现予公布，自 2010 年 3 月 1 日起施行。

总理 温家宝
二〇〇九年九月九日

防治船舶污染海洋环境管理条例

Chapter I General Provisions

Article 1 This Regulation is formulated in accordance with the [Marine Environmental Protection Law of the People's Republic of China](#) for the purpose of preventing and controlling the pollution caused by vessels and the relevant operations to the marine environment.

Article 2 This Regulation shall apply to the prevention and control of pollution caused by vessels and the relevant operations to the sea areas of the People's Republic of China.

Article 3 The prevention and control of the pollution caused by vessels and the relevant operations to the marine environment shall observe the principle of giving priority to prevention and combining prevention with control.

Article 4 The transport administrative department under the State Council shall take charge of the prevention and control of the pollution to the marine environment caused by non-military vessels inside the harbor

第一章 总则

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。

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。

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。

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

waters under its jurisdiction and by non-fishing vessels and non-military vessels outside the harbor waters under its jurisdiction.

The maritime administrative institutions shall, in accordance with this Regulation, be responsible for the specific supervision and administration of the prevention and control of the pollution caused by vessels and the relevant operations to the marine environment.

Article 5 The transport administrative department under the State Council shall, under the requirements for prevention and control of the pollution caused by vessels and the relevant operations to the marine environment, organize the preparation of the planning for the construction of the emergency response capacity of preventing and controlling the pollution caused by vessels and the relevant operations to the marine environment, which shall be promulgated and implemented upon approval by the State Council.

The coastal local people's governments at and above the level of cities divided into districts shall, according to the planning for the construction of the emergency response capacity of preventing and controlling the pollution caused by vessels and the relevant operations to the marine environment which is approved by the State Council and in light of the local actualities, organize the preparation of the corresponding planning for the construction of the emergency response capacity of preventing and controlling the pollution caused by vessels and the relevant operations to the marine environment.

Article 6 The transport administrative department under the State Council and the coastal local people's governments at and above the level of cities divided into districts shall establish and improve emergency response mechanisms for preventing and controlling the pollution caused to the marine environment by vessels and relevant operations, and formulate contingency plans for preventing and controlling the pollution caused to the marine environment by vessels and relevant operations.

Article 7 The maritime administrative institutions shall, jointly with the oceanic administrative departments, establish and improve the monitoring and surveillance mechanisms for the pollution caused to the marine environment by vessels and relevant operations according to the requirements for preventing and controlling the pollution caused by vessels and relevant operations to the marine environment so as to strengthen the monitoring and surveillance on the aforesaid pollution.

Article 8 The transport administrative department under the State Council and the coastal local people's governments at and above the level of cities divided into districts shall, in accordance with the planning for the construction of the emergency response capacity of preventing and controlling the pollution caused to the marine environment by vessels and

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。

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。

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。

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。

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

relevant operations, set up professional emergency response contingents and emergency equipment bases, which shall be equipped with special facilities, equipment and instruments.

Article 9 Any entity or individual who finds that any vessel or relevant operations thereof have caused or are likely to cause pollution to the marine environment shall make a prompt report to the closest maritime administrative institution.

Chapter II General Provisions on the Prevention and Control of the Pollution Caused by Vessels and the Relevant Operations to the Marine Environment

Article 10 The structure, equipment and instruments of a vessel shall conform to the relevant technical requirements of the state for preventing and controlling the vessel-induced pollution to the marine environment and the requirements of the international treaties concluded or acceded to by the People's Republic of China.

The vessels shall, in accordance with the laws, administrative regulations, provisions of the transport administrative department under the State Council and the requirements of the international treaties concluded or acceded to by the People's Republic of China, obtain and carry on board corresponding certificates and documents relating to the prevention and control of vessel-induced pollution to the marine environment.

Article 11 The owners, operators or managers of the vessels of Chinese registry shall, in accordance with the requirements of the transport administrative department under the State Council, establish and improve their management systems for safe operation and for the prevention and control of vessel-induced pollution.

The maritime administrative institutions shall examine the management systems for safe operation and for the prevention and control of vessel-induced pollution, and issue a certificate of compliance and a corresponding vessel safety management certificates to the vessels which have passed the examination.

Article 12 The ports, docks, loading and unloading stations and the entities engaged in building or repair of vessels shall be equipped with the pollution monitoring facilities and pollutant receiving facilities commensurate with the categories of the cargoes loaded or unloaded by them, their throughput capacities or their abilities of building or repairing vessels, and shall keep these facilities in good conditions.

Article 13 The ports, docks, loading and unloading stations, and the entities engaged in the building, repair, salvaging, dismantling and other operations of vessels shall formulate management systems for safe

备和器材。

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。

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

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。

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。

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。

第十三条 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制定有关安全营运和防治污染的

operation and pollution prevention and control, and shall, in accordance with the relevant specifications and standards of the state for preventing and controlling the pollution caused to the marine environment by vessels and the relevant operations, be equipped with corresponding equipment and instruments for pollution prevention and control, and shall pass the special check and acceptance by the maritime administrative institutions. The ports, docks, loading and unloading stations, and the entities engaged in the building, repair, salvaging, dismantling and other operations of vessels shall, on a regular basis, check and maintain the equipment and instruments equipped for pollution prevention and control so as to ensure that the equipment and instruments for pollution prevention and control meet the requirements for the prevention and control of the pollution caused to the marine environment by vessels and the relevant operations.

Article 14 The owners, operators or managers of vessels and the relevant operation entities shall formulate contingency plans for preventing and controlling the pollution caused by vessels and the relevant operations to the marine environment, and report them to the maritime administrative institutions for approval.

The operators of ports, docks and loading and unloading stations shall formulate contingency plans for preventing and controlling the pollution caused by vessels and the relevant operations to the marine environment, and report them to the maritime administrative institutions for approval. The vessels, ports, docks, loading and unloading stations and other relevant operation entities shall, in accordance with the contingency plans, organize drillings on a regular basis and make corresponding records.

Chapter III Discharge and Reception of Vessel Pollutants

Article 15 The vessel garbage, sewage, oily waste water, waste water containing toxic and hazardous substances, waste gas and other pollutants and ballast water discharged by vessels to the ocean within the sea areas of the People's Republic of China shall meet the requirements of the laws, administrative regulations, the international treaties concluded or acceded to by the People's Republic of China, and other relevant standards.

The pollutants which fail to meet the requirements for discharge as prescribed in the preceding paragraph shall be discharged by vessels into the receiving facilities in the ports or be received by the receiving entities of vessel pollutants.

No vessel may discharge vessel pollutants to the marine natural reserves, seashore scenic spots and historic sites, important fishing waters which are delimited pursuant to law and other sea areas which need special protection.

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、打捞、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。

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。

第三章 船舶污染物的排放和接收

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、海滨风景名胜區、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 vessels shall make truthful records of the disposal of pollutants in corresponding record books.

The vessels shall keep on board the record books of vessel garbage which have been used up for two years; and shall keep on board for three years the record books of the oily waste water and waste water containing toxic and hazardous substances which have been used up.

Article 17 The receiving entities of vessel pollutants shall be subject to the approval of the maritime administrative institutions according to law for receiving vessel garbage, residual oil, oily waste water and waste water containing toxic and hazardous substances.

Article 18 When receiving vessel pollutants, the receiving entities of vessel pollutants shall issue pollutant reception documents to the vessels, which shall be signed by the captains for confirmation.

The vessels shall, upon the strength of the pollutant reception documents, handle the pollutant reception certificates at the maritime administrative institutions, and shall keep the pollutant reception certificates in the corresponding record books.

Article 19 The receiving entities of vessel pollutants shall dispose of the received vessel pollutants in accordance with the relevant provisions of the state on the disposal of pollutants, and file the information on reception and disposal of vessel pollutants with the maritime administrative institutions monthly for archival purposes.

Chapter IV Prevention and Control of the Pollution Caused by Vessels and the Relevant Operations

Article 20 Those engaged in the clearing and washing of vessel cabins, oil supply and acceptance, loading and unloading, barging, building and repair, salvage, dismantling, packing or filling of cargos with hazardous pollutants, pollution clean-up operations, above-water and underwater construction by using vessels and other operations shall comply with the relevant operating rules, and take necessary measures for safety and pollution prevention and control.

The personnel engaged in the operations as prescribed in the preceding paragraph shall possess relevant professional knowledge and skills of safety and pollution prevention and control.

Article 21 If a vessel fail to meet the requirements for worthiness of cargos with hazardous pollutants, it shall not carry any cargo with hazardous pollutants, and the ports and loading and unloading stations shall not carry out loading operations for the said vessel.

The directory of the cargos with hazardous pollutants shall be announced by the maritime administrative institution of the state.

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。

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。

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。

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。

第四章 船舶有关作业活动的污染防治

第二十条 从事船舶清舱、洗舱、油料供应、装卸、过驳、修造、打捞、拆解，污染危害性货物装箱、充罐，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。

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。

Article 22 Where any vessel entering or exiting ports with any cargo with hazardous pollutants, the carrier, owner of the cargo or the agent thereof shall make an application to the maritime administrative institution, and the vessel can not enter or exit the ports, make a transit stop, or conduct loading and unloading operations until approval has been obtained .

Article 23 The vessels carrying cargos with hazardous pollutants shall conduct loading and unloading operations at the docks or loading and unloading stations which possess corresponding capabilities of safe loading and unloading and pollutant disposal as announced by the maritime administrative institutions.

Article 24 When delivering any cargo with hazardous pollutants to vessels for carriage, the owner of the cargo or the agent thereof shall ensure that the packaging, signs, etc. of the cargo conform to the relevant provisions on safety and pollution prevention and control, and shall accurately indicate the technical names, serial numbers, categories (nature) and quantities of the cargo, precautions, emergency response measures, etc. in the transport documents.

The cargo with hazardous pollutants of uncertain nature to be delivered by the owner or the agent thereof to vessel for carriage shall, before being delivered to vessel, be subject to hazardous assessment by the assessment institutions recognized by the maritime administrative institution of the state, which shall specify the nature of hazard of the cargo and the relevant requirements for safety and pollution prevention and control.

Article 25 Where any maritime administrative institution deems that any cargo with hazardous pollutants delivered to a vessel for carriage has not been declared while they should be, or what is declared is inconsistent with the actual situation, it may, in accordance with the provisions of the transport administrative department under the State Council, open the container and inspect the cargo, etc.

When the maritime administrative institution inspects any cargo with hazardous pollutants, the owner of the cargo or the agent thereof shall be present and be responsible for moving the cargo, and removing and resealing the package of the cargo. Where the maritime administrative institution deems it necessary, it may directly inspect, re-inspect or extract samples of the cargo, and the relevant entities and individuals shall be cooperative.

Article 26 For any vessel barging bulk liquid cargo with hazardous pollutants, the carrier, the owner of the cargo or the agent thereof shall make an application to the maritime administrative institution, notify the site of operation, and submit the barging operation plan, operation procedures, measures for pollution prevention and control and other

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。

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。

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。

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。

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

materials.

The maritime administrative institution shall, within two workdays upon acceptance of the application, make a decision on approval or disapproval. If it fails to make a decision within two workdays, the time limit may be extended for five more workdays upon approval of the person in charge of the maritime administrative institution.

Article 27 The entities that have legally obtained the qualifications for conducting vessel oil supply and acceptance operations shall file with the maritime administrative institutions. The maritime administrative institutions shall conduct supervision and inspection on the vessel oil supply and acceptance operations, and shall stop the operations of the entities which are found to fail the requirements for safety and pollution prevention and control.

Article 28 The vessel fuel supply entities shall truthfully fill in the fuel supply and acceptance documents, and provide the vessel fuel supply and acceptance documents and samples of fuel to the vessels. The vessels and the vessel fuel supply entities shall keep the fuel supply and acceptance documents for three years and properly keep the samples of fuel for one year.

Article 29 The sites for vessel building or repair or dismantling of vessels on water shall comply with the environmental function divisions and marine function divisions, and be determined and announced by the maritime administrative institutions after soliciting the opinions of the local environmental protection departments and oceanic administrative departments.

Article 30 The entities engaged in dismantling vessels shall, before dismantling a vessel, dispose of the residues and wastes on the vessels, barge out the oil in the oil holds (tanks) and then clear and wash the vessel cabins, conduct an explosion test, etc., and shall pass the inspection made by the maritime administrative institutions before dismantling the vessel.

The entities engaged in dismantling vessels shall timely clean up the sites of vessel dismantling and dispose of the pollutants generated from vessel dismantling in accordance with relevant provisions of the state.

It shall be prohibited from dismantling vessels on the beach.

Article 31 Vessels shall be prohibited from transferring hazardous wastes through the internal waters or territorial sea of the People's Republic of China.

If a vessel transfers hazardous wastes through other sea areas of the People's Republic of China, it shall obtain a written approval from the environmental protection administrative department under the State

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。

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。

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。

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。

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。

第三十一条 禁止船舶经过中华人民共和国国内水、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

Council beforehand, navigate according to the route designated by the maritime administrative institution, and report the location of the vessel on a regular basis.

Article 32 Where anyone dumps any waste into the sea from a vessel, it shall provide the approval documents issued by the oceanic administrative department to the maritime administrative institution of the place where the port of departure is located and shall not handle the departure visa for vessels until the approval documents are verified. If a vessel dumps wastes into the sea, it shall make truthful records of the dumping, and shall, after returning to the port, submit a written report to the maritime administrative institution of the place where the port of departure is located.

Article 33 For the vessels carrying bulk liquid cargos with hazardous pollutants and other vessels with a gross tonnage of 10,000 tons or more, the operators thereof shall, before conducting operations or entering or exiting ports, conclude an agreement on pollution clean-up operations with the entities having obtained the qualifications for pollution clean-up operations, which shall specify the rights and obligations of pollution clean-up of both parties in case of any vessel-induced pollution accident occurs.

The entities engaged in pollution clean-up operations which have concluded an agreement on pollution clean-up operations with the vessel operators shall, after occurrence of a vessel-induced pollution accident, timely conduct pollution clean-up operations under the agreement on pollution clean-up operations.

Article 34 An entity applying for the qualification for carrying pollution clean-up operations shall make a written application to the maritime administrative institution, and submit the materials showing that it meets the following conditions:

1. the equipped facilities, equipment, and instruments for pollution clean-up and the operating personnel comply with the provisions of the transport administrative department under the State Council;
2. the formulated plan for pollution clean-up operations meets the requirements for prevention and control of pollution caused by vessels and the relevant operations to the marine environment; and
3. the plan for the disposal of pollutants conforms to the relevant provisions of the state on pollution prevention and control.

The maritime administrative institution shall, within 30 workdays upon acceptance of an application, complete examination and issue a qualification certificate to the eligible entities; and shall notify the ineligible applying entities and give a written explanation.

Chapter V Emergency Response of Vessel-Induced Pollution Accidents

船舶所处的位置。

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。

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。

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。

第五章 船舶污染事故应急处置

Article 35 The term “vessel-induced pollution accidents” as mentioned in this Regulation shall refer to the pollution accidents to the marine environment caused by vessels and the relevant operations due to the leakage of oil, oily mixtures, and other toxic and hazardous substances.

Article 36 The vessel-induced pollution accidents shall be classified into the following levels:

1. extraordinarily serious vessel-induced pollution accidents, which shall refer to the vessel pollution accidents wherein the oil spilled is 1,000 tons or more, or the direct economic loss is 200 million yuan or more;
2. serious vessel-induced pollution accidents, which shall refer to the vessel pollution accidents wherein the oil spilled is more than 500 tons but less than 1,000 tons, or the direct economic loss is more than 100 million yuan but less than 200 million yuan;
3. relatively serious vessel-induced pollution accidents, which shall refer to the vessel pollution accidents wherein the oil spilled is more than 100 tons but less than 500 tons, or the direct economic loss is more than 50 million yuan but less than 100 million yuan; and
4. general vessel-induced pollution accidents, which shall refer to the vessel pollution accidents wherein the oil spilled is less than 100 tons, or the direct economic loss is less than 50 million yuan.

Article 37 Where any vessel-induced pollution accident occurs within the sea area under the jurisdiction of the People's Republic of China, or any vessel-induced pollution accident which occurs outside the sea areas of the People's Republic of China has caused or may cause pollution to the sea areas of the People's Republic of China, the vessel shall immediately start the corresponding contingency plan, take measures to control and eliminate the pollution, and report to the nearby maritime administrative institution.

Where a vessel or the relevant operation thereof is found to be likely to cause pollution to the marine environment, the vessel, dock or loading and unloading station shall immediately take corresponding emergency response measures and report to the relevant maritime administrative institution nearby.

The maritime administrative institution that receives a report shall immediately verify the relevant circumstances, and report to the maritime administrative institution at the next higher level or the transport administrative department under the State Council, and report to the relevant coastal local people's government at and above the level of cities divided into districts at the same time.

Article 38 A report of vessel-induced pollution accident shall include the following:

1. the name, nationality, call sign or serial number of the vessel;
2. the name and address of the owner, operator or manager of the vessel;

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。

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。

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。

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；

3. the time and place of the accident and the relevant meteorological and hydrological conditions;

4. the causes of the accident or the preliminary judgment of the causes of the accident;

5. the type, quantity, loading position and other general situation of the pollutants on the vessel;

6. the degree of pollution;

7. the measures which have been taken or are to be taken for controlling and eliminating the pollution, the information on the control of the pollution and the demand for rescue; and

8. other issues that should be reported as prescribed by the transport administrative department under the State Council.

If any new circumstance occurs after the reporting of a vessel-induced pollution accident, the vessel and relevant entity shall make a supplementary report in a timely manner.

Article 39 In case any extraordinarily serious vessel-induced pollution accident occurs, the State Council shall set up or authorize the transport administrative department under the State Council to set up an accident emergency command institution.

In case any serious vessel-induced pollution accident occurs, the people's government of the relevant province, autonomous region or municipality directly under the Central Government shall, jointly with the maritime administrative institution, set up an accident emergency command institution.

In case any relatively serious vessel-induced pollution accident or general vessel pollution accident, the relevant people's government at the level of city divided into districts shall, jointly with the maritime administrative institution, set up an accident emergency command institution.

The relevant departments and entities shall, under the unified organization and command of the accident emergency command institution, conduct corresponding emergency response work in accordance with the division of work as set down in the contingency plan.

Article 40 Where a vessel is in danger of sinking due to an accident, the crew shall, before leaving the vessel, try their best to close all piping valves of the cargo holds (containers) and oil holds (tanks), and plug the vent holes of the cargo holds (containers) and oil holds (tanks).

If a vessel has sunk, the owner, operator or manager of the vessel shall timely report to the maritime administrative institution the nature, quantity, type, loading position and other information of the vessel fuel, cargoes with hazardous pollutants and other pollutants, and timely take measures to eliminate the pollution.

Article 41 In the case of any vessel-induced pollution accident or the

(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。

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。

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。

第四十一条 发生船舶污染事故或者船舶

sinking of a vessel which is likely to cause pollution to the sea areas of the People's Republic of China, the coastal local people's government at or above the level of a city divided into districts and the maritime administrative institution may, in accordance with the needs of emergency response, expropriate the vessel and facilities, equipment and instruments for pollution prevention and control and other materials of the relevant entities or individuals who shall provide assistance.

The expropriated vessels and facilities, equipment and instruments for pollution prevention and control and other materials shall be returned in a timely manner after use or after the emergency response work is finished. If the vessels and facilities, equipment and instruments for pollution prevention and control and other materials are expropriated or damaged or lost in expropriation, compensation shall be made.

Article 42 In the case of any vessel-induced pollution accident, the maritime administrative institution may take necessary measures, such as clean-up, salvage, towage, pilotage and barging to reduce the pollution damage. The relevant expenses shall be paid by the vessel in question and the relevant operation entities which have caused the pollution to the marine environment.

The vessel which shall pay the expenses as prescribed in the preceding paragraph shall pay off the relevant expenses or provide corresponding financial guarantee before departure.

Article 43 The oil dispersants used for disposing vessel-induced pollution accidents shall conform to the relevant standards of the state.

The maritime administrative institutions shall timely announce to the public the directory of the oil dispersants in conformity to the relevant standards of the state.

The vessels and the relevant entities using oil dispersants to handle the vessel-induced pollution accidents shall be governed by the relevant provisions of the [Marine Environmental Protection Law of the People's Republic of China](#).

Chapter VI Investigation and Handling of Vessel-Induced Pollution Accidents

Article 44 The investigation and handling of vessel-induced pollution accidents shall be conducted according to the following provisions:

1. The State Council shall organize or authorize the transport administrative department under the State Council or other departments to organize the investigation and handling of extraordinarily serious vessel-induced pollution accidents;
2. The maritime administrative institution of the state shall organize the investigation and handling of serious vessel-induced pollution accidents; and

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。

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。

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。

第六章 船舶污染事故调查处理

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

3. The maritime administrative institutions of the places where the accidents occur shall organize the investigation and handling of relatively serious vessel-induced pollution accidents and general vessel-induced pollution accidents.

If a vessel-induced pollution accident causes any damage to the fishery, the fishery administrative departments shall participate in the investigation and handling of the accident; and if any damage is caused to the military port waters, the relevant administrative departments of the armed forces shall participate in the investigation and handling of the accidents.

Article 45 In the case of any vessel-induced pollution accident, the department organizing the investigation and handling of the accident or the maritime administrative institution shall timely, objectively and impartially conduct an investigation of the accident, inspect the scene of the accident, examine the vessel in question, inquire the relevant persons, collect evidences, and find out the causes of the accident.

Article 46 The department organizing the investigation and handling of accidents or the maritime administrative institutions may, in accordance with the needs of investigation and handling of accidents, temporarily withhold the corresponding certificates, documents and materials; and where necessary, it may prohibit the vessel from leaving the port or order the vessel to suspend navigation, reroute or stop operations, or even temporarily withhold the vessel in question.

Article 47 Where it is necessary to entrust the relevant institutions with technical appraisal or inspection and testing for the investigation and handling of an accident, an institution recognized by the transport administrative department under the State Council shall be entrusted.

Article 48 When a department organizing the investigation and handling of an accident or a maritime administrative institution makes investigation of an accident, the parties involved in the vessel-induced pollution accident and other relevant personnel shall truthfully report the circumstances and provide relevant materials, and shall not forge, conceal or destroy evidences or hinder the investigation and evidence collection by other means.

Article 49 A department organizing the investigation and handling of an accident or the maritime administrative institution shall, within 20 workdays from the day on which the investigation is completed, produce a Letter of Accident Determination and serve it on the parties concerned. The Letter of Accident Determination shall bear the basic information of the accident, the cause of the accident, and the responsibilities for the accident.

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。

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。

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。

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。

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。

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 VII Compensation for Damages Caused by Vessel-Induced Pollution Accidents

Article 50 The liable persons who cause pollution damage to the marine environment shall eliminate the hazard and compensate for the losses. In case the pollution damage to the marine environment is caused completely by the intentional act or negligence of a third party, the third party shall eliminate the hazard and compensate for the losses.

Article 51 Where pollution damage to the marine environment which is entirely attributable to any of the following circumstances can not be avoided despite prompt adoption of reasonable measures, the relevant parties shall be exempt from liability:

1. war;
2. irresistible natural disaster; or
3. the negligence or other wrongful act of the competent department responsible for the beacons or other navigation aids in performing their duties.

Article 52 The compensation limit for a vessel-induced pollution accident shall be governed by the provisions on the limitation of liability for maritime claims in the [Maritime Code of the People's Republic of China](#). However, if the persistent oil substances in bulk carried by a vessel cause pollution to the sea areas of the People's Republic of China, the compensation limit shall be governed by the provisions of the relevant international treaties concluded or acceded to by the People's Republic of China.

The term "persistent oil substances" as mentioned in the preceding paragraph shall refer to all persistent hydrocarbon mineral oil.

Article 53 The owner of a vessel navigating within the sea areas of the People's Republic of China shall, in accordance with the provisions of the transport administrative department under the State Council, buy civil liability insurance for vessel-induced oil pollution damages or obtain corresponding financial guarantee, unless it is one carrying non-oil substances with a gross tonnage of less than 1,000 tons.

The amount of civil liability insurance for the vessel-induced oil pollution damages bought or the amount of the financial guarantee obtained by the owner of a vessel shall not be less than the limit of compensation for oil pollution as prescribed in the [Maritime Code of the People's Republic of China](#) and the relevant international treaties concluded or acceded to by the People's Republic of China.

The commercial insurance institutions and the mutual-aid insurance institutions undertaking civil liability insurance for vessel-induced oil pollution damages shall be determined and announced by the maritime administrative institution of the state after the opinions of the insurance

第七章 船舶污染事故损害赔偿

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。

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。

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。

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。

regulatory institution under the State Council are solicited.

Article 54 For any vessel of Chinese registry which has bought civil liability insurance for vessel-induced oil pollution damages or has obtained financial guarantee in accordance with Article 53 of this Regulation, its owner shall apply to the maritime administrative institution of the place where the port of registry is located for a certificate of civil liability insurance for vessel-induced oil pollution damages or a certificate of financial guarantee upon strength of the certificate of registry of the vessel, the insurance contract on civil liability for vessel-induced oil pollution damages or the financial guarantee testimonials.

Article 55 In the case of a vessel-induced oil pollution accident, the necessary expenses incurred in the emergency response or pollution clean-up conducted by the relevant entities under the organization by the state shall first be compensated from the compensation for vessel-induced oil pollution damages.

Article 56 The cargo owner who receives the cargo of seaborne persistent oil substances within the waters of the People's Republic of China or the agent thereof shall pay compensation funds for vessel-induced oil pollution damages.

The specific measures for the collection, use and management of compensation funds for vessel-induced oil pollution damages shall be formulated by the financial department under the State Council jointly with the transport administrative department under the State Council.

The state shall set up a management committee of the compensation funds for vessel-induced oil pollution damages to be responsible for handling compensation from the compensation funds for vessel-induced oil pollution damages and other matters. The management committee of the compensation funds for vessel-induced oil pollution damages shall be composed of the relevant administrative organs and the major owners of cargos who pay the compensation funds for vessel-induced oil pollution damages.

Article 57 For the disputes over compensation for vessel-induced pollution accidents, the parties concerned may request the maritime administrative institutions to make mediation, or apply to the arbitration institutions for arbitration, or bring a civil action to the people's court.

Chapter VIII Legal Liabilities

Article 58 Where any vessel or the relevant operation entity violates the provisions of this Regulation, the maritime administrative institution shall order it to make rectifications; if it refuses to make rectifications, the maritime administrative institution may order it to stop operations or

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。

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。

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。

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。

第八章 法律责任

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

compel it to unload the cargos, prohibit the vessel from entering or exiting the port, berthing or making a transit stop, or order the vessel to suspend navigation, reroute, leave the country, or navigate to the designated place.

Article 59 Where, in violation of this Regulation, the structure of a vessel fails to meet the relevant technical requirements of the state for prevention and control of vessel-induced pollution to the marine environment or the requirements of the relevant international treaties, the maritime administrative institution shall impose a fine of 100,000 yuan up to 300,000 yuan upon it.

Article 60 Under any of the following circumstances in violation of this Regulation, the maritime administrative institution shall impose punishment upon the violator in accordance with the relevant provisions of the [Marine Environmental Protection Law of the People's Republic of China](#):

1. the vessel fails to obtain or fails to carry on board the certificates or documents of prevention and control of vessel-induced pollution to the marine environment;
2. the vessel, port, dock, or loading or unloading station fails to be equipped with the equipment and instruments for pollution prevention and control;
3. the vessel discharges to the sea areas any pollutant prohibited from being discharged by this Regulation;
4. the vessel fails to truthfully record the information on the disposal of pollutants;
5. the vessel discharges pollutants to the sea areas beyond the standards; or
6. the dismantling of vessels on water causes pollution damage to the marine environment.

Article 61 Where, in violation of this Regulation, any vessel fails to keep on board the records of disposal of vessel pollutants as required or the records of disposal of vessel pollutants are inconsistent with the quantity of the pollutants generated in the process of operating the vessel, the maritime administrative institution shall impose a fine of 20,000 yuan up to 100,000 yuan upon it.

Article 62 Where, in violation of this Regulation, any vessel pollutant receiving entity receives any vessel garbage, residual oil, oily waste water or waste water containing toxic or hazardous substances without approval of the maritime administrative institution, the maritime administrative institution shall impose a fine of 10,000 yuan up to 50,000 yuan upon it; if it causes pollution to the marine environment, the maritime administrative institution shall impose a fine of 50,000 yuan up to 250,000 yuan upon it.

港口、靠泊、过境停留，或者责令停航、改航、离境、驶向指定地点。

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。

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。

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。

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 Where, in violation of this Regulation, any vessel fails to obtain a pollutant reception certificate as required, or the receiving entity of vessel pollutants fails to file the information on reception and disposal of vessel pollutants with the maritime administrative institution as required, the maritime administrative institution shall impose a fine of not more than 20,000 yuan upon it.

Article 64 Under any of the following circumstances in violation of this Regulation, the maritime administrative institution shall impose a fine of 2,000 yuan up to 10,000 yuan upon the violator:

1. the vessel fails to keep the pollutant reception certificate as required;
 2. the vessel fuel supply entity fails to truthfully fill out the documents of fuel supply and acceptance;
 3. the vessel fuel supply entity fails to provide the documents of fuel supply and acceptance and the samples of fuel to the vessels as required;
- or
4. the vessel or the vessel fuel supply entity fails to keep the documents of fuel supply and acceptance and the samples of fuel as required.

Article 65 Under any of the following circumstances in violation of this Regulation, the maritime administrative institution shall impose a fine of 20,000 yuan up to 100,000 yuan upon the violator:

1. the vessel carrying any cargo with hazardous pollutants fails to meet the requirements for worthiness of cargo with hazardous pollutants;
2. the vessel carrying any cargo with hazardous pollutants fails to conduct loading and unloading operations at the docks or loading and unloading stations which possess the corresponding capabilities of safe loading and unloading and disposal of pollutants; or
3. the owner of cargo or the agent thereof fails to conduct hazard assessment on the cargo with uncertain hazardous pollutants as required.

Article 66 Where, in violation of this Regulation, any vessel, without approval of the maritime administrative institution, carries any cargo with hazardous pollutants to enter or exit any port, makes a transit stop, or conducts loading and unloading or barging operations, the maritime administrative institution shall impose a fine of 10,000 yuan up to 50,000 yuan upon it.

Article 67 Under any of the following circumstances in violation of this Regulation, the maritime administrative institution shall impose a fine of 20,000 yuan up to 100,000 yuan upon the violator:

1. in case a vessel sinks due to an accident, the owner or operator of the vessel fails to timely report the nature, quantity, type, loading position and other information of the vessel fuel, the cargos with hazardous pollutants and other pollutants to the maritime administrative institution; or
2. in case a vessel sinks due to an accident, the owner or operator of the

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。

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。

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。

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。

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；

vessel fails to timely take measures to clean up the vessel fuel, the cargos with hazardous pollutants and other pollutants.

Article 68 Under any of the following circumstances in violation of this Regulation, the maritime administrative institution shall impose a fine of 10,000 yuan up to 50,000 yuan upon the violator:

1. the operator of a vessel carrying any bulk liquid cargo with hazardous pollutants or any other vessel with a gross tonnage of 10,000 tons or more fails to conclude an agreement on pollution clean-up operations as required; or
2. the entity which fails to obtain the qualification for pollution clean-up operations concludes any agreement on pollution clean-up operations or conducts any pollution clean-up operations without authorization.

Article 69 Where, in the case of any vessel-induced pollution accident which occurs as in violation of this Regulation, the vessel or the relevant operation entity fails to immediately start a contingency plan, the maritime administrative institution shall impose a fine of 20,000 yuan up to 100,000 yuan upon it and a fine of 10,000 yuan up to 20,000 yuan on the directly liable person in charge and other directly liable persons. If the directly liable person in charge or other directly liable persons is a member of the crew, a punishment of temporarily withholding the certificate of competency or other relevant certificates for one month to three months shall be imposed upon him concurrently.

Article 70 Where, in the case of any vessel-induced pollution accident which occurs as in violation of this Regulation, the vessel or the relevant operation entity delays or fails to report the accident, the maritime administrative institution shall impose a fine of 50,000 yuan up to 250,000 yuan upon it and a fine of 10,000 yuan up to 50,000 yuan on the directly liable person in charge and other directly liable persons. If the directly liable person in charge or other directly liable persons is a member of the crew, a punishment of temporarily withholding the certificate of competency or other relevant certificates for three months to six months shall be imposed upon him concurrently. If the vessel or the relevant operation entity conceals any truth in its report or makes a false report, the maritime administrative institution shall impose a fine of 250,000 yuan up to 500,000 yuan upon it and a fine of 50,000 yuan up to 100,000 yuan on the directly liable person in charge and other directly liable persons. If the directly liable person in charge or other directly liable persons is a member of the crew, a punishment of revoking the certificate of competency or other relevant certificates shall be imposed upon him concurrently.

(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。

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。

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。

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 Where, in violation of this Regulation, any vessel or entity uses any oil dispersant without approval of the maritime administrative institution, the maritime administrative institution shall impose a fine of 10,000 yuan up to 50,000 yuan upon the vessel or the entity that uses the dispersant.

Article 72 Where, in violation of this Regulation, any party to a vessel-induced pollution accident or any other relevant person fails to truthfully report the situation and provide materials to the department organizing the investigation and handling of the accident or the maritime administrative institution, or forges, conceals or destroys evidences or stands in the way of the investigation and evidence collection by any other means, the maritime administrative institution shall impose a fine of 10,000 yuan up to 50,000 yuan upon him or it.

Article 73 Where, in violation of this Regulation, the owner of a vessel falls under any of the following circumstances, the maritime administrative institution shall order the owner to make rectifications, and may impose a fine of not more than 50,000 yuan; if the owner refuses to make rectifications, the maritime administrative institution shall impose a fine of 50,000 yuan up to 250,000 yuan:

1. the owner of the vessel navigating within the sea areas of the People's Republic of China fails to buy civil liability insurance for vessel-induced oil pollution damages or fails to obtain corresponding financial guarantee as required; or
2. the amount of civil liability insurance for the vessel-induced oil pollution damages bought or the amount of financial guarantee obtained by the owner of the vessel is less than the compensation limit for oil pollution as prescribed in the [Maritime Code of the People's Republic of China](#) and the relevant international treaties concluded or acceded to by the People's Republic of China.

Article 74 Where, as in violation of this Regulation, the cargo owner who receives the cargo of seaborne persistent oil substances within the waters of the People's Republic of China or the agent thereof fails to pay compensation funds for the vessel-induced oil pollution damages as required, the maritime administrative institution shall order it to make rectifications; if it refuses to make rectifications, the maritime administrative institution may stop the loading, unloading or barging operations of the cargo of persistent oil substances it receives within the waters of the People's Republic of China.

If the cargo owner or the agent thereof fails to pay compensation funds for vessel-induced oil pollution damages within the prescribed time limit, it shall pay a late fee of 0.05% of the outstanding amount each day from the due date of payment.

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。

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。

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。

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 IX Supplementary Provisions

Article 75 If the international treaties concluded or acceded to by the People's Republic of China have provided for the prevention and control of the pollution caused by vessels and the relevant operations to the marine environment, such provisions shall prevail, except the provisions on which the People's Republic of China has made reservation.

Article 76 The fishery administrative departments of the people's governments at and above the county level shall be responsible for the supervision and administration of the pollution to the marine environment caused by non-military vessels inside the fishing port waters and by the fishing vessels outside the fishing port waters, be responsible for the protection of the ecological environment in the fishing waters, and be responsible for the investigation and handling of the fishery pollution accidents as prescribed in Paragraph 4 of [Article 5](#) of the [Marine Environmental Protection Law of the People's Republic of China](#).

Article 77 The environmental protection departments of the armed forces shall be responsible for the supervision and administration of the pollution caused by military vessels to the marine environment and the investigation and handling of the pollution accidents caused by military vessels.

Article 78 This Regulation shall come into force on March 1, 2010. The [Regulation of the People's Republic of China on the Administration of Prevention of Vessel-induced Pollution to the Sea Areas](#) promulgated by the State Council on December 29, 1983 shall be abolished simultaneously.

第九章 附则

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。

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。

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。

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。

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