

**【Title】 Regulations of the People's Republic of China Concerning Environmental Protection in Offshore Oil Exploration and Exploitation**[现行有效]

**【法规标题】 中华人民共和国海洋石油勘探开发环境保护管理条例** [Effective]

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Regulations of the People's Republic of China Concerning Environmental Protection in Offshore Oil Exploration and Exploitation  
(Promulgated by the State Council of the People's Republic of China on December 29, 1983)

中华人民共和国  
海洋石油勘探开发环境保护管理条例  
(一九八三年十二月二十九日国务院发布)

(相关资料: [行政法规 1 篇](#) [部门规章 13 篇](#) [地方法规 3 篇](#) [相关论文 3 篇](#))

Article 1. These Regulations are formulated for the purpose of implementing [the Marine Environmental Protection Law of the People's Republic of China](#) so as to prevent pollution damage to the marine environment by offshore oil exploration and exploitation.

第一条 为实施《[中华人民共和国海洋环境保护法](#)》，防止海洋石油勘探开发对海洋环境的污染损害，特制定本条例。

Article 2. These Regulations shall apply to all enterprises, institutions, operators and individuals engaged in offshore oil exploration and exploitation in the sea areas under the jurisdiction of the People's Republic of China, as well as the fixed and mobile platforms and other related installations they use.

第二条 本条例适用于在中华人民共和国管辖海域从事石油勘探开发的企业、事业单位、作业者和个人，以及他们所使用的固定式和移动式平台及其他有关设施。

Article 3. The competent authority in charge of the environmental protection in offshore oil exploration and exploitation shall be the National Bureau of Oceanography of the People's Republic of China, including its agencies, which is hereinafter referred to as "the Competent Authority".

第三条 海洋石油勘探开发环境保护管理主管部门是中华人民共和国国家海洋局及其派出机构，以下称“主管部门”。

Article 4. While drawing up an overall development program for an oil (gas) field, an enterprise or operator shall draw up a Marine Environmental Impact Statement and submit it to the Ministry of Urban and Rural Construction and Environmental Protection of the People's Republic of China. The said Ministry shall, in conjunction with the National Bureau of Oceanography and the Ministry of Petroleum Industry, organize an examination of the Statement and take a decision on it in accordance with the provisions concerning environmental protection in state capital construction projects.

第四条 企业或作业者在编制油（气）田总体开发方案的同时，必须编制海洋环境影响报告书，报中华人民共和国城乡建设环境保护部。城乡建设环境保护部会同国家海洋局和石油工业部，按照国家基本建设项目环境保护管理的规定组织审批。

(相关资料: [部门规章 1 篇](#))

Article 5. A Marine Environmental Impact Statement shall consist of the following items:

- (1) The name, geographical location and size of the oil field;
- (2) The natural environment and condition of marine resources in the sea area where the oil field is located;
- (3) The types, composition, quantities and methods of disposal of the wastes that need to be discharged in the course of exploiting the oil field;
- (4) An assessment of marine environmental impacts: the possible effects of offshore oil exploitation on the natural environment and marine resources in the surrounding sea area; their possible effects on marine fisheries, shipping and other offshore activities; and the environmental protection measures proposed to be taken to avoid and mitigate various adverse effects;
- (5) The ultimately unavoidable effects and the extent and causes thereof; and
- (6) Measures to prevent major oil-pollution accidents, including, among others, the preventative organization, personnel, technical equipment, and communication and liaison.

Article 6. An enterprise, institution or operator shall have the ability to meet emergencies with regard to the prevention and control of oil pollution accidents, work out emergency plans, and be provided with oil-recovery facilities as well as oil enclosure and elimination equipment and materials commensurate with the scale of offshore oil exploration and exploitation in which it is engaged.

When chemical dispersant is provided, its trademark and composition shall be reported to Competent Authority for approval.

Article 7. The antipollution equipment for fixed and mobile platforms shall conform to the following requirements:

- (1) There shall be oil-water separators;
- (2) The production platforms shall have equipment for treatment of oily water, and the oil content of the discharged water after treatment through such equipment shall conform to the national discharge standards;
- (3) There shall be monitoring devices for oil discharge;
- (4) There shall be recovery facilities for residual and waste oils;
- (5) There shall be garbage-smashing equipment; and
- (6) The above-mentioned equipment & facilities shall be inspected by the vessels inspection agency of the People's Republic of China, proved to be up to standard, and then granted a certificate of their effectiveness.

Article 8. If the antipollution equipment of a fixed or mobile platform already employed in offshore oil exploration and exploitation in the sea areas under the jurisdiction of the People's Republic of China before

第五条 海洋环境影响报告书应包括以下内容:

- (一) 油田名称、地理位置、规模;
- (二) 油田所处海域的自然环境和海洋资源状况;
- (三) 油田开发中需要排放的废弃物种类、成分、数量、处理方式;
- (四) 对海洋环境影响评价: 海洋石油开发对周围海域自然环境、海洋资源可能产生的影响; 对海洋渔业、航运、其他海上活动可能产生的影响; 为避免、减轻各种有害影响, 拟采取的环境保护措施;
- (五) 最终不可避免的影响、影响程度及原因;
- (六) 防范重大油污污染事故的措施: 防范组织, 人员配备, 技术装备, 通信联络等。

(相关资料: [部门规章 1 篇](#))

第六条 企业、事业单位、作业者应具备防治油污事故的应急能力, 制定应急计划, 配备与其所从事的海洋石油勘探开发规模相适应的油回收设施和围油、消油器材。

配备化学消油剂, 应将其牌号、成分报告主管部门核准。

第七条 固定式和移动式平台的防污设备的要求:

- (一) 应设置油水分离设备;
- (二) 采油平台应设置含油污水处理设备, 该设备处理后的污水含油量应达到国家排放标准;
- (三) 应设置排油监控装置;
- (四) 应设置残油、废油回收设施;
- (五) 应设置垃圾粉碎设备;
- (六) 上述设备应经中华人民共和国船舶检验机关检验合格, 并获得有效证书。

(相关资料: [部门规章 1 篇](#))

第八条 一九八三年三月一日以前, 已经在中华人民共和国管辖海域从事石油勘探开发的固定式和移动式平台, 防污设

March 1, 1983 fails to meet the prescribed requirements, effective measures shall be taken to prevent pollution and to ensure that such equipment meets the prescribed requirements within three years after the promulgation of these Regulations.

Article 9. Each enterprise, institution or operator shall carry insurance or other financial guaranties in respect of civil liabilities for pollution damage.

Article 10. A fixed or mobile platform shall have an Antipollution Record Book printed in a form approved by the Competent Authority.

Article 11. Oily water shall not be discharged, either directly or in diluted form, from any fixed or mobile platform. When the water is discharged after treatment, its oil content must comply with the state standards concerning oily water discharge.

Article 12. Requirements for the control of other wastes are as follows:  
(1) Residual oil, waste oil, oil-based mud, oily garbage, and other noxious liquid or residues shall be recovered and forbidden to be discharged or dumped into the sea;  
(2) The disposal of industrial garbage in large quantities shall be controlled according to provisions concerning marine dumping, and scattered industrial garbage may not be dumped into fishing areas and navigation channels; and  
(3) When it is necessary to dump domestic refuse within 12 nautical miles from the nearest land, it must be smashed into grains with diameters less than 25 mm.

Article 13. When offshore oil exploration and exploitation necessitates dynamite explosion or other operations harmful to fishery resources in important fishing grounds, effective measures shall be taken to keep away from the spawning, breeding and fishing seasons for those fishes and shrimps of major economic value. Such operations shall be reported in advance to the Competent Authority and distinct signs and signals shall be given while operations are carried out.  
Upon receiving such a report, the Competent Authority shall promptly inform the relevant units of the location and time of the operations.

Article 14. Offshore oil-storage installations and oil pipelines shall meet the requirements against seepage, leakage and corrosion and be kept in good conditions through regular inspection so as to prevent oil leakage accidents.

Article 15. In the event of offshore-well testing, the oil and gas shall be

备达不到规定要求的，应采取有效措施，防止污染，并在本条例颁布后三年内使防污设备达到规定的要求。

第九条 企业、事业单位和作业者应具有有关污染损害民事责任保险或其他财务保证。

（相关资料: [相关论文 1 篇](#)）

第十条 固定式和移动式平台应有由主管部门批准格式的防污记录簿。

第十一条 固定式和移动式平台的含油污水，不得直接或稀释排放。经过处理后排放的污水，含油量必须符合国家有关含油污水排放标准。

（相关资料: [部门规章 1 篇](#)）

第十二条 对其他废弃物的管理要求：

（一）残油、废油、油基泥浆、含油垃圾和其他有毒残液残渣，必须回收，不得排放或弃置入海；

（二）大量工业垃圾的弃置，按照海洋倾废的规定管理；零星工业垃圾，不得投弃于渔业水域和航道；

（三）生活垃圾，需要在距最近陆地十二海里以内投弃的，应经粉碎处理，粒径应小于二十五毫米。

第十三条 海洋石油勘探开发需要在重要渔业水域进行炸药爆破或其他对渔业资源有损害的作业时，应采取有效措施，避开主要经济鱼虾类的产卵、繁殖和捕捞季节，作业前报告主管部门，作业时并应有明显的标志、信号。  
主管部门接到报告后，应及时将作业地点、时间等通告有关单位。

第十四条 海上储油设施、输油管线应符合防渗、防漏、防腐蚀的要求，并应经常检查，保持良好状态，防止发生漏油事故。

第十五条 海上试油应使油气通过燃烧器

thoroughly burned through a burner. Effective measures shall be taken to dispose of the oils and oily mixtures fallen into the sea during the testing and a truthful record be made of such a disposal.

Article 16. In case pollution accidents such as oil spill or leakage occur during operations, the enterprise, institution or operator involved shall take prompt measures to enclose and recover the oil so as to control, mitigate, and eliminate the pollution.

Major oil-pollution accidents involving massive oil spill, oil leakage and/ or blowout shall immediately be reported to the Competent Authority while effective measures are taken to control and eliminate the oil pollution, and the accidents shall be subject to investigation and disposition by the Competent Authority.

Article 17. The use of chemical dispersant shall be controlled in such manners as follows:

- (1) When an oil-pollution accident occurs, a small amount of chemical dispersant may be applied to a limited amount of oil which is indeed unrecoverable, provided that recovery measures have been taken;
- (2) The amount of chemical dispersant (including its solvent) used once for all shall be separately prescribed by the Competent Authority in accordance with different sea areas and other conditions. The operator shall submit a report to the Competent Authority in pursuance of relevant provisions and may use the chemical dispersant only after permission is granted;
- (3) In such an emergency in which the oil spills unlikely to be recovered may cause a fire or present serious threat to the safety of human life and properties whereas, by using chemical dispersant, pollution can be mitigated and the consequences of the accident prevented from expanding, the amount of such dispersant to be used and the relevant procedures for report may be exempt from the restrictions under paragraph (2) of this Article. However, the facts of such an accident and the use of chemical dispersant shall be reported in detail to the Competent Authority after the accident has been dealt with; and
- (4) Only the chemical dispersant approved by the Competent Authority may be used.

Article 18. The operator shall make a truthful and detailed account of the following circumstances in the platform's Antipollution Record Book:

- (1) The operation of the antipollution equipment and installations;
- (2) The treatment and discharge of oily water;
- (3) The disposal, discharge and dumping of other wastes;
- (4) Oil-pollution accidents involving oil spill, oil leakage, blowout, etc. and their disposition;
- (5) The conducting of explosive operations;
- (6) The use of chemical dispersant; and

充分燃烧。对试油中落海的油类和油性混合物,应采取有效措施处理,并如实记录。

第十六条 企业、事业单位及作业者在作业中发生溢油、漏油等污染事故,应迅速采取围油、回收油的措施,控制、减轻和消除污染。

发生大量溢油、漏油和井喷等重大油污污染事故,应立即报告主管部门,并采取有效措施,控制和消除油污染,接受主管部门的调查处理。

第十七条 化学消油剂要控制使用:

(一) 在发生油污污染事故时,应采取回收措施,对少量确实无法回收的油,准许使用少量的化学消油剂。

(二) 一次性使用化学消油剂的数量(包括溶剂在内),应根据不同海域等情况,由主管部门另做具体规定。作业者应按规定向主管部门报告,经准许后方可使用。

(三) 在海洋浮油可能发生火灾或者严重危及人命和财产安全,又无法使用回收方法处理,而使用化学消油剂可以减轻污染和避免扩大事故后果的紧急情况下,使用化学消油剂的数量和报告程序可不受本条(二)项规定限制。但事后,应将事故情况和使用化学消油剂情况详细报告主管部门。

(四) 必须使用经主管部门核准的化学消油剂。

第十八条 作业者应将下列情况详细地、如实地记载于平台防污记录簿:

- (一) 防污设备、设施的运行情况;
- (二) 含油污水处理和排放情况;
- (三) 其他废弃物的处理、排放和投弃情况;
- (四) 发生溢油、漏油、井喷等油污污染事故及处理情况;
- (五) 进行爆破作业情况;

(7) Other matters as may be stipulated by the Competent Authority.

Article 19. Enterprises and operators shall, within the 15 days after each quarter of the calendar year, submit a comprehensive report to the Competent Authority on the antipollution situation and pollution accident of that quarter in a form approved by the latter.

The location of the fixed or mobile platforms shall be notified to the Competent Authority without delay.

Article 20. Functionaries of, and persons designated by, the Competent Authority have the right to board any fixed or mobile platform and any other relevant installation for the purposes of monitoring and inspection, including:

- (1) Collecting various kinds of samples;
- (2) Inspecting the provision, operation and use of the antipollution equipment, installations and materials;
- (3) Checking relevant documents and certificates;
- (4) Inspecting the Antipollution Record Book and relevant operation records and, when necessary, making duplications and extractions thereof and asking the person in charge of the platform to certify that these duplications and extractions are authenticated copies of the originals;
- (5) Inquiring of the concerned persons about pollution accidents; and
- (6) Handling other relevant matters.

Article 21. The public-duty ships of the Competent Authority shall be distinctly marked. In exercising their duties, the functionaries and designated persons shall be dressed in official uniforms and carry identity cards.

The inspected party shall furnish convenience to such public-duty ships, functionaries and designated persons, provide accurate information and state the facts.

Article 22. Entities and individuals claiming compensation on account of pollution damage resulting from offshore oil exploration and exploitation may, pursuant to the provisions of Article 32 of [the Environmental Protection Law of the People's Republic of China](#) and [Article 42](#) of the Marine Environmental Protection Law of the People's Republic of China, apply to the Competent Authority to deal with the claim for compensation from the party causing the pollution damage. The injured party shall submit a statement claiming compensation for pollution damages, which shall consist of the following items:

- (1) The time, place and area of and objects affected by, the pollution damage caused by oil exploration and exploitation;
- (2) A list of losses attributable to the pollution damage, including articles,

(六) 使用化学消油剂的情况;

(七) 主管部门规定的其他事项。

第十九条 企业和作业者在每季度末后十五日内, 应按主管部门批准的格式, 向主管部门综合报告该季度防污染情况及污染事故的情况。

固定式平台和移动式平台的位置, 应及时通知主管部门。

第二十条 主管部门的公务人员或指派的人员, 有权登临固定式和移动式平台以及其他有关设施, 进行监测和检查。包括:

(一) 采集各类样品;

(二) 检查各项防污设备、设施和器材的装备、运行或使用情况;

(三) 检查有关的文书、证件;

(四) 检查防污记录簿及有关的操作记录, 必要时可进行复制和摘录, 并要求平台负责人签证该复制和摘录件为正确无误的副本;

(五) 向有关人员调查污染事故;

(六) 其他有关的事项。

第二十一条 主管部门的公务船舶应有明显标志。公务人员或指派的人员执行公务时, 必须穿着公务制服, 携带证件。被检查者应为上述公务船舶、公务人员和指派人员提供方便, 并如实提供材料, 陈述情况。

第二十二条 受到海洋石油勘探开发污染损害, 要求赔偿的单位和个人, 应依照《中华人民共和国环境保护法》第三十二条的规定及《[中华人民共和国海洋环境保护法](#)》[第四十二条](#)的规定, 申请主管部门处理, 要求造成污染损害的一方赔偿损失。受损害一方应提交污染损害索赔报告书, 报告书应包括以下内容:

(一) 受石油勘探开发污染损害的时间、地点、范围、对象;

(二) 受污染损害的损失清单, 包括品名、数量、单位、计算方法, 以及养殖



their quantities, unit prices, and the methods of calculation as well as information concerning aquicultural and natural conditions;

(3) The document of appraisal by relevant scientific institutions or certification by a notary body with regard to the damage; and

(4) The original document and evidence of the pollution damage, relevant photographs, and other documentary evidence and materials relative to the claim for compensation, which shall be provided as far as possible.

Article 23. When an entity or individual (except those with commercial contracts) considers it necessary to put up a claim for clean-up expenses incurred in the elimination of pollutants resulting from offshore oil exploration and exploitation and applies to the Competent Authority to deal with the claim, it shall submit to the Authority a statement of claims for such clean-up expenses. The statement shall consist of the following items:

- (1) The time and place of, and objects involved in, each clean-up operation;
- (2) The manpower, machines, tools, vessels and materials used in each clean-up operation, and the quantities, unit prices and their methods of calculation;
- (3) The administrative expenses, transportation expenses, and other expenses involved in organizing such a clean-up operation;
- (4) The effects of, and related information about, the clean-up operation; and
- (5) Other relevant evidences and documents.

Article 24. When an enterprise, institution or operator involved in a pollution damage accident due to force majeure asks to be exempt from compensation liabilities, it shall submit a report to the Competent Authority. Such a report shall verify that the pollution damage has really resulted from one of the causes specified in Article 42 of [the Marine Environmental Protection Law of the People's Republic of China](#) and thus failed to be avoided in spite of the prompt and reasonable measures taken.

Article 25. When dealing with a dispute over the compensation liabilities or the sum to be paid for pollution damage from offshore oil exploration and exploitation, the Competent Authority may settle the case through conciliation on the basis of investigation.

In case a party rejects conciliation or contests the conciliation proposals by the Competent Authority, the matter may be dealt with in pursuance of [Article 42 of the Marine Environmental Protection Law of the People's Republic of China](#).

Article 26. An enterprise, institution or operator who has violated [the Marine Environmental Protection Law of the People's Republic of China](#)

或自然等情况;

(三) 有关科研部门鉴定或公证机关对损害情况的签证;

(四) 尽可能提供受污染损害的原始单证, 有关情况的照片, 其他有关索赔的证明单据、材料。

(相关资料: [部门规章 1 篇](#))

第二十三条 因清除海洋石油勘探开发污染物, 需要索取清除污染物费用的单位和个人 (有商业合同者除外), 在申请主管部门处理时, 应向主管部门提交索取清除费用报告书。该报告书应包括以下内容:

- (一) 清除污染物的时间、地点、对象;
- (二) 投入的人力、机具、船只、清除材料的数量、单价、计算方法;
- (三) 组织清除的管理费、交通费及其他有关费用;
- (四) 清除效果及情况;
- (五) 其他有关的证据和证明材料。

(相关资料: [部门规章 1 篇](#))

第二十四条 由于不可抗力发生污染损害事故的企业、事业单位、作业者, 要求免于承担赔偿责任的, 应向主管部门提交报告。该报告应能证实污染损害确实属于《[中华人民共和国海洋环境保护法](#)》第四十三条所列的情况之一, 并经过及时采取合理措施仍不能避免的。

(相关资料: [部门规章 1 篇](#))

第二十五条 主管部门受理的海洋石油勘探开发污染损害赔偿责任和赔偿金额纠纷, 在调查了解的基础上, 可以进行调解处理。

当事人不愿调解或对主管部门的调解处理不服的, 可以按《[中华人民共和国海洋环境保护法](#)》第四十二条的规定办理。

第二十六条 主管部门对违反《[中华人民共和国海洋环境保护法](#)》和本条例的企

[China](#) and the present Regulations shall be ordered by the Competent Authority to remedy the pollution damage within a definite time, pay the clean-up expenses incurred in eliminating the pollution, and compensate for the losses sustained by the state, and those who have discharged pollutants in excess of the set standards may be ordered to pay discharge fees.

Article 27. The Competent Authority may, in light of circumstances, give a warning to or impose a fine on any enterprise, institution, operator or individual who have violated [the Marine Environmental Protection Law of the People's Republic of China](#) or the present Regulations.

Fines shall divided into the following categories:

(1) A fine of no more than Renminbi one-hundred thousand yuan imposed on an enterprise, institution or operator for causing marine environmental pollution.

(2) A fine of no more than Renminbi five thousand yuan imposed on an enterprise, institution or operator for one of the following unlawful acts:

(a) failure to report to the Competent authority on a major oil pollution accident in accordance with relevant rules; and

(b) failure to observe the relevant rules in employing chemical dispersant.

(3) A fine of no more than Renminbi one-thousand yuan imposed on an enterprise, institution or operator for one of the following wrongful acts:

(a) failure to provide an Antipollution Record Book as required;

(b) making irregular or counterfeit entries in the Antipollution Record Book;

(c) failure to report or provide information on relevant matters as required; and

(d) obstructing the above-mentioned functionaries or designated persons in the exercise of their duties.

(4) An appropriate fine imposed on an individual directly liable according to the seriousness of his case.

Article 28. In case a party refuses to accept the sanction decided by the Competent Authority, the matter shall be dealt with in accordance with the provisions of [Article 41](#) of [the Marine Environmental Protection Law of the People's Republic of China](#).

Article 29. The Competent Authority shall commend and reward entities and individuals who, on their own initiative, have reported on, or accused the concealment of pollution damage accidents occurring in oil exploration and exploitation by an enterprise, institution or operator, or have provided evidence in that respect, or have taken measures to mitigate such pollution damage.

Article 30. For the purposes of these Regulations:

(1) "Fixed and mobile platforms" refers to the drilling vessels, drilling

业、事业单位、作业者，可以责令其限期治理，支付消除污染费用，赔偿国家损失；超过标准排放污染物的，可以责令其交纳排污费。

第二十七条 主管部门对违反《[中华人民共和国海洋环境保护法](#)》和本条例的企业、事业单位、作业者和个人，可视其情节轻重，予以警告或罚款处分。

罚款分为以下几种：

（一）对造成海洋环境污染的企业、事业单位、作业者的罚款，最高额为人民币十万元。

（二）对企业、事业单位、作业者的下列违法行为，罚款最高额为人民币五千元：1. 不按规定向主管部门报告重大油污污染事故；

2. 不按规定使用化学消油剂。

（三）对企业、事业单位、作业者的下列违法行为，罚款最高额为人民币一千元：1. 不按规定配备防污记录簿；

2. 防污记录簿的记载非正规化或者伪造；

3. 不按规定报告或通知有关情况；

4. 阻挠公务人员或指派人员执行公务。

（四）对有直接责任的个人，可根据情节轻重，酌情处以罚款。

（相关资料：[部门规章 1 篇](#)）

第二十八条 当事人对主管部门的处罚决定不服的，按《[中华人民共和国海洋环境保护法](#)》[第四十一条](#)的规定处理。

（相关资料：[部门规章 1 篇](#)）

第二十九条 主管部门对主动检举、揭发企业、事业单位、作业者匿报石油勘探开发污染损害事故，或者提供证据，或者采取措施减轻污染损害的单位和个人，给予表扬和奖励。

第三十条 本条例中下列用语的含义是：

（一）“固定式和移动式平台”，即《[中](#)

platforms and production platforms, as well as other platforms mentioned in [the Marine Environmental Protection Law of the People's Republic of China](#);

(2) "Offshore oil exploration and exploitation" refers to such operations as offshore oil exploration, exploitation, production, storage and transportation through pipelines; and

(3) "Operator" refers to an entity engaged in operations of offshore oil exploration and exploitation.

Article 31. These Regulations shall come into force from the day of promulgation.

[华人民共和国海洋环境保护法》](#)中所称的钻井船、钻井平台和采油平台，并包括其他平台。

（二）“海洋石油勘探开发”，是指海洋石油勘探、开发、生产储存和管线输送等作业活动。

（三）“作业者”，是指实施海洋石油勘探开发作业的实体。

第三十一条 本条例自发布之日起施行。

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