



CỤC ĐĂNG KIỂM VIỆT NAM - VIETNAM REGISTER PHÒNG TÀU BIỂN

SEA-GOING SHIP CLASSIFICATION AND REGISTRY DEPARTMENT

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THÔNG BÁO KỸ THUẬT- TECHNICAL INFORMATION

Ngày 01 tháng 04 năm 2010
Số thông báo: 007KT/10TB

Nội dung: Quy định của Trung Quốc về ngăn ngừa và kiểm soát ô nhiễm biển do tàu gây ra.

**Kính gửi: Các Chủ tàu/ Công ty quản lý tàu
Các Chi cục Đăng kiểm tàu biển**

Quy định của nước Cộng hòa nhân dân Trung Hoa về ngăn ngừa và kiểm soát ô nhiễm biển do tàu gây ra (sau đây gọi là “Quy định”) đã có hiệu lực áp dụng từ ngày 01 tháng 03 năm 2010. Mặc dù Quy định áp dụng cho tàu bất kỳ và hoạt động của tàu có thể gây ra ô nhiễm trong vùng nước thuộc Trung Quốc, nhưng đưa ra quy định cụ thể là tất cả các tàu chở xô các loại chất lỏng gây ô nhiễm và nguy hiểm, và các tàu khác có tổng dung tích từ 10.000 trở lên phải có hợp đồng làm sạch với công ty cung cấp dịch vụ làm sạch được phê duyệt.

Cơ quan An toàn hàng hải trung ương Trung Quốc (MSA) chưa công bố các quy tắc về thực hiện Quy định. Có nhiều khả năng các quy tắc này chưa thể công bố trước tháng 06 năm 2010. Các cơ quan MSA tại địa phương cũng chưa công bố các quy tắc bổ sung về thực hiện Quy định cho các cảng thuộc địa phương. MSA cũng chưa đưa ra bản dịch tiếng Anh chính thức của Quy định, bản tiếng Hoa của Quy định có trên trang tin điện tử của MSA tại địa chỉ <http://www.msa.gov.cn>.

Để giúp cho các chủ tàu nắm bắt và triển khai thực hiện Quy định, Hiệp hội chủ tàu Hồng Kông đã có văn bản thông báo về vấn đề này. Chúng tôi xin gửi kèm theo Thông báo kỹ thuật này thông báo liên quan của Hiệp hội chủ tàu Hồng Kông, và đề nghị các chủ tàu/ công ty quản lý tàu lưu ý thực hiện.

Thông báo kỹ thuật này được nêu trong mục: *Thông báo/ Thông báo kỹ thuật TB* của trang tin điện tử của Cục Đăng kiểm Việt Nam: <http://www.vr.org.vn>

Nếu Quý cơ quan cần thêm thông tin về vấn đề nêu trên, đề nghị vui lòng liên hệ:

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Xin gửi đến các Quý Cơ quan lời chào trân trọng./.

TRƯỞNG PHÒNG TÀU BIỂN

Nơi nhận:

-Như trên

-Phòng QP, CTB, CN, VRQC, MT

-Lưu TB./.

Nguyễn Vũ Hải



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

China recently promulgated the Regulation of the People's Republic of China on the Prevention and Control of Marine Pollution from Ships (hereinafter the Regulation) which took effect on March 1, 2010.

MSA will announce relevant codes for the implementation of the Regulation but it is expected that this will not be available until June 2010 the earliest. Each local MSA will also announce codes for the practical implementation of the Regulations in local ports in addition to the Codes to be announced by MSA Beijing.

There are a few important developments with the Regulation which can be described as under:

Cleanup operation contracts required

As per Article 33 of the Regulation, the operators of all ships carrying polluting and hazardous liquid in bulk, and other ships of above 10,000 GT, must conclude a pollution cleanup operation contract with approved pollution cleanup companies before operation or entry of the port in order to specify the rights and responsibilities of all concerned parties in case of a pollution accident. These cleanup companies must be filed and approved by the China MSA and it is expected that local MSA offices in major ports will announce a list of approved cleanup companies after the announcement of the implementation codes. However, in the absence of the codes and an up-to-date list, we are affirmed by MSA Beijing that implementation of the Regulation will be flexible and the conclusion of cleanup contractors with approved cleanup companies is not mandatory before the announcement of the codes and lists of approved cleanup companies. Members who still wish to conclude a cleanup contract with MSA approved cleanup companies in Chinese ports are advised to acquire a list of approved cleanup operation contractors from local MSA offices and to seek the assistance of their local agents in the conclusion of the contracts.

Given the concerns that some operators will enter into contracts without consulting their Club, we would recommend that operators entered with International Group Clubs consult with their Clubs before signing any contract (after the final list of approved contractors is published), in order that they can ascertain whether a contract conforms with the International Group guidelines for non-US OSROs.

Conclusion of cleanup operation contracts

The regulation does not specify the actual types of cleanup contracts to be concluded. However, as per the draft implementation codes in Shanghai and Shenzhen, it is understood that there will be two categories of cleanup contracts - single voyage and non-single voyage contract. The latter should valid for no longer than 1 year. The requirements of conclusion of cleanup contracts with corresponding cleanup companies can be described as under:

- a. Operators of ships below 500 GT carrying polluting and hazardous liquid in bulk engaged operation only in port waters should conclude cleanup contracts with Port II cleanup companies.
- b. Operators of ships above 500 GT carrying polluting and hazardous liquid in bulk and other ships above 10,000 GT operating only in port areas, should conclude cleanup contracts with Port I cleanup companies.
- c. Operators of all ships engaging in loading, discharging and lightening operation of polluting and hazardous liquid in bulk in coastal waters, all ships carrying polluting and hazardous liquid in bulk entering or leaving ports and other ships above 10,000 GT, should conclude cleanup contracts with Coastal IT cleanup companies.
- d. Operators of all ships carrying polluting and hazardous liquid in bulk which engaged in loading and discharging or lightening operations in offshore waters should conclude cleanup contracts with Coastal I cleanup companies before operation.
- e. Operators of all ships carrying polluting and hazardous liquid in bulk and other ships above 10,000 GT that experiencing pollution accidents during the voyage outside the specified area in the cleanup agreement should immediately conclude temporary cleanup contracts with nearest Coastal II or above cleanup companies.

Recovery of cleanup costs

There is another significant development which is the provisions on the claim for clean-up costs. Article 55 reads “After the pollution accident, the necessary expenses spent in the emergency response and cleanup operation by those units as organized by the government shall be compensated in priority from oil pollution compensation.”

Article 42 reads “In case of a pollution accident by ship, marine administrative departments should take necessary steps such as cleanup, salvage, towage, pilotage and lightening to reduce pollution damage. The necessary expenses incurred should be paid by the pollutant ship and concerned cleanup operation companies and all these expenses should be paid or secured by financial security before the ship sails.”

Article 53 requires all ships (except ships below 1000GT carrying non-oil cargo) trading within China territorial waters to have compulsory insurance or financial security satisfying the requirements of the Chinese Maritime Code or the applicable international liability Conventions. As per recent MSA decrees (No. 2010-43 and 2010-187), the following companies are approved by the MSA as qualified oil pollution liability providers for PRC registered ships:

1. China P&I
2. PAC
3. China Ping An Insurance Group
4. China Pacific Insurance Group
5. China Reinsurance (Group) Corporation
6. Sunshine Insurance Group Corporation
7. The Ming An Insurance Co. (China) Ltd
8. China Life Insurance Group
9. Taiping General Insurance Co. Ltd
10. Generali China Insurance Co. Ltd
11. Assuranceforeningen Gard Gjensidig/Gard P.&I. (Bermuda) Ltd
12. The Steamship Mutual Underwriting Association
13. The United Kingdom Mutual Steamship Assurance Association
14. The Britannia Steam Ship Insurance Association Ltd
15. The London Steamship Owners Mutual Insurance Association Ltd
16. Assuranceforeningen SKULD (Gjensidig)
17. West of England Insurance Services (Luxembourg) S.A.
18. The Swedish Club
19. North of England P & I Association Ltd
20. The Shipowners Mutual Protection and Indemnity Association (Luxembourg)
21. American Steamship Owners Mutual Protection and Indemnity Association
22. The Japan Shipowners Mutual Protection & Indemnity Association

Article 56 provides that the cargo owner or his agent who receive the persistent oil shall contribute to the Ship Oil Compensation Fund. The collection and management of the Ship Oil Compensation Fund will be developed by the Ministry of Transport and finance authorities of the State Council. An Administration Commission, established by the State, and comprising relevant government officials and representatives of major cargo owner contributors, will be responsible for the administration of the Fund.

The official English version of the whole Regulation is still not available yet. In order to avoid misunderstanding by different translations in circulation, the Association has written to the Ministry of Transport requesting for the early release of the official translation which will be circulated to members as soon as it is available. The Association will keep you updated of development of the Regulation including the announcement of the implementation codes. Members are also advised to contact the Ship Supervision Department of MSA Beijing for more information or clarification at Tel: +86 10 65292872 or contact hksoa@hksoa.org.hk for assistance.