

H CJ [2016] No.48

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

All relevant units,

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

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

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

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

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

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

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

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

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

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

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

Attachment:

Guidelines for Supervision and Administration in Emission Control Areas for Vessels

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

January 29, 2016

Attachments:

Guidelines for Supervision and Administration in Emission Control Areas for Vessels

1. General Principles

1.1 Purpose

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

1.2 Basis

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

1.3 Applicable objects

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

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

fuels

2.1 Documents check

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

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

2.2 Bunker fuel check

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

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

2.3 Handling

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

3. Requirements of check for substituted measures

3.1 Documents check

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

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

Pollutions Prevention Certificate for Ship.

3.2 On-site check

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

3.3 Results and handling

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

中华人民共和国海事局文件

海船检〔2016〕48号

中华人民共和国海事局关于加强船舶排放控制区监督管理工作的通知

各有关单位：

根据《中华人民共和国大气污染防治法》、《中华人民共和国海洋环境保护法》、《防治船舶污染海洋环境管理条例》、《防治船舶污染内河水域环境管理规定》等法律法规规章的要求，为落实交通运输部发布的《珠三角、长三角、环渤海（京津冀）水域船舶排放控制区实施方案》（交海发〔2015〕177号，以下简称《方案》），便利船舶在船舶排放

控制区（以下简称“控制区”）航行、停泊和作业，加强船舶大气污染防治监督管理，改善大气环境质量，现将有关要求通知如下：

一、按照《方案》控制要求在控制区内需要转换低硫燃油的船舶，应将换油的起止日期、时间、船舶经纬度和燃油含硫量，以及低硫燃油的使用量、换油操作人员等信息记录在轮机日志中。需要换油的船舶应配备一份书面的燃油转换程序，作为船舶安全管理体系的组成部分。

船舶燃油供给单位应对每批次燃油进行检测，并按规定将检测报告留存备查，已经检测的燃油又经调和或者与其它燃油混装的，应当重新检测。船舶燃油供给单位应当依法向船舶提供船舶燃油供受单证和燃油样品。船舶应将燃油供受单证保存 3 年，将燃油样品保存至少 1 年并直至所加燃油用完为止。

二、船舶和码头具备岸基供受电条件，且已就供受电程序做出了适当安排，在不影响船岸安全的前提下，船舶应优先使用岸电。船舶应将岸电使用起止日期及时间、操作人员等信息记录在轮机日志中。

船舶使用岸电的，船岸双方应当按照规定的程序操作，岸电提供方应为船舶提供书面的使用程序手册和安全作业指南。

三、使用液化天然气或其他低排放船舶燃料等清洁能源作为替代措施的船舶，应在船舶检验机构签发的船舶防止空气污染证书的记事栏中备注使用清洁能源的种类。双燃料动力船舶应将各种燃料的使用量、换用燃料的日期、时间和船舶经纬度、操作人员等信息记录在轮机日志中。

四、使用尾气后处理装置作为替代措施的船舶，应持有船舶检验机构签发的尾气后处理装置产品证书，并在船舶防止空气污染证书中签注。船舶应将使用尾气后处理装置的起止日期、时间和船舶经纬度、操作人员等信息记录在轮机日志中。

五、为保障船舶安全或实施海上人命救助，或因船舶及其设备损坏、故障而产生不符合《方案》排放控制要求的，船舶应及时向就近的海事管理机构报告，并将相关信息记录在航海日志中。

六、各级海事管理机构应当加强对控制区内船舶大气污染防治的监督管理工作，我局制定了《船舶排放控制区监督管理指南》（详见附件）供执法时参考使用，各单位在执行中发现的问题应及时报告我局。

附件：船舶排放控制区监督管理指南

中华人民共和国海事局

2016年1月29日

附件

船舶排放控制区监督管理指南

1 总则

1.1 目的

本指南的目的是为保障交通运输部发布的《珠三角、长三角、环渤海（京津冀）水域船舶排放控制区实施方案》（以下简称“《方案》”）的实施，为各级海事管理机构开展控制区内船舶大气污染防治监督管理而提供的指导性文件。

1.2 依据

本指南依据《中华人民共和国大气污染防治法》、《中华人民共和国海洋环境保护法》、《防治船舶污染海洋环境管理条例》、《防治船舶污染内河水域环境管理规定》等法律法规规章进行编制。

1.3 适用对象

本指南适用于在排放控制区内航行、停泊、作业的船舶，军用船舶、体育运动船艇和渔业船舶除外。

2 船舶换用低硫燃油的检查要求

2.1 文书检查

海事管理机构应结合现场监督和安全检查工作，对船舶的轮机日志、燃油供受单证等材料进行检查。具体检查内容如下：

（1）轮机日志：核查船舶换油起止日期、时间和船舶经纬度等信息记录是否完整规范；核查换油起止船舶位置、燃油含硫量及低硫燃油使用量是否满足控制区要求；核查每一燃油舱中燃油的存量记录是否完整规范。

（2）燃油供受单证：核查是否持有燃油供受单证，单证记录的燃油是否符合要求。

（3）燃油转换程序：核查是否持有书面燃油转换程序，该程序是否符合船舶安全管理体系要求，燃油转换操作记录是否规范完整。

2.2 燃油检查

（1）对于文书检查不合格、有违规记录，或者经监测存在违规嫌疑的船舶，海事管理机构应进行船舶燃油检测。

（2）对于文书检查合格、无违规记录且无违规嫌疑的船舶，海事管理机构可进行船舶燃油抽检。

（3）对于需要进行燃油样品检查的船舶，海事管理机构应安排执法人员上船进行燃油样品取样，并送至具备国家规定资质的检测单位进行检测，由检测单位出具检测结果。

- a) 取样：执法人员可参照《MARPOL 公约》附则 VI 中规定的燃油取样指南（MEPC.96(47)号决议），结合实际情况，从被检测船舶管路中取样，或使用船舶燃油样品。如从管路中进行取样，样品份数为至少 3 份，每份样品量不少于 400ml。
- b) 送检：海事执法人员应在取样后 2 个工作日内将样品送至燃油检测单位，燃油检测单位按照《MARPOL 公约》附则 VI 中的附录 VI 规定的验证程序，以及现行有效的国家标准明确的检测方法进行样品检测。如果不能立即送往燃油检测单位，应将样品封存在低温、遮光和安全的地方。
- c) 检测报告：检测报告应当给出油品的含硫量，也可同时给出其它影响安全和环境保护的油品指标值，并与《船用燃料油》等国家标准中列明的数值进行比较。
- d) 核查：海事执法人员应在接到检测报告后，确认船舶燃油是否满足《方案》要求。

2.3 处理

(1) 使用不符合标准或者要求燃油的船舶，应当根据违法情节，依据法律法规或国际公约相关规定，按照下列一种或者几种方式进行处理：

- a) 警示教育；

b) 纠正违规行为；

c) 滞留；

d) 依据《中华人民共和国大气污染防治法》第一百零六条进行处罚。若船舶已离港，当地海事管理机构可通报下一港海事管理机构协助调查。

(2) 船舶燃油供给单位未如实填写燃油供受单证的，或未按照规定向船舶提供燃油供受单证和燃油样品的，按照《防治船舶污染海洋环境管理条例》第六十三条进行处罚；

(3) 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，按照《防治船舶污染海洋环境管理条例》第六十三条进行处罚。

3 替代措施的检查要求

3.1 文书检查

海事管理机构应结合现场监督和安全检查工作，对船舶文书进行检查，具体检查内容如下：

1. 对于使用岸电的船舶，应核查船舶轮机日志中的岸电使用起止时间记录是否完整规范；确定岸电使用起止时间是否满足控制区要求；确认船舶是否具备使用岸电的条件等。

2. 对于使用清洁能源的船舶，应核查船舶防止空气污染证书是否备注该船舶使用清洁能源。其中，对于双燃料动力船舶，应核查换用燃料时间记录是否完整规范；核查换用燃料时的船舶经纬度记录是否完整规范；确定换用燃料时的船舶位置是否满足控制区要求；核查清洁能源和燃油的使用量记录是否完整规范等。

(3) 对于加装尾气后处理装置的船舶，应对核查船舶轮机日志中尾气后处理装置使用起止时间记录是否完整规范；装置使用起止时的船舶经纬度记录是否完整规范；确认装置使用起止时船舶位置是否满足控制区要求；核查是否持有尾气后处理装置产品相关证书以及是否在船舶防止空气污染证书有相应的签注等。

3.2 现场检查

对于文书检查不合格、有违规记录或存在违规嫌疑的船舶，海事管理机构应对船舶使用岸电、清洁能源和加装尾气后处理装置进行现场巡查。

3.3 结果处理

船舶采取替代措施未满足与使用低硫燃油等效排放要求的，应当根据违法情节，依据法律法规或国际公约相关规定，按照下列一种或者几种方式进行处理：

- (1) 警示教育；
- (2) 纠正违规行为；

(3) 滞留。