



Gard Alert: Bohai Sea, China – fines for discharge of pollutants

An increasing number of vessels have been fined for violating Chinese pollution regulations relating to discharges of garbage/sewage in the Bohai Sea, China.

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In August 2015, Chinese media reported that “ *More than 2.8 billion tons of waste water and 700,000 tons of other pollutants are being discharged into northeastern China’s Bohai Sea every year and are threatening the local ecosystem.* ” The growth of industrial plants in Tianjin, Hebei, Liaoning and Shandong, along with extensive shipping to ports in the Bohai Sea, were blamed for the worsening marine pollution and China’s Director of the Institute of Public and Environmental Affairs in Beijing said that “ *Local authorities need to strengthen supervision and increase penalties on enterprises’ pollution discharge.* ”

On 5 November 2015, Gard’s correspondent in China, Huatai Insurance Agency & Consultant Service Ltd. reported a notable increase in the number of vessels fined by China’s Maritime Safety Administration (MSA) for violating the Chinese pollution regulations pertaining to discharges of garbage and sewage in the Bohai Sea. The local MSA appears to have increased their efforts to monitor potential violators and, depending on the extent of the violations, penalties ranging from RMB 20,000 to RMB 200,000 have been imposed. According to the correspondent, some vessels have been fined for illegal dumping of garbage and sewage; others for failure to maintain proper records.

The correspondent’s circular no. PNI1509 “ [Administrative penalties on Vessels for Discharging Waste and Sewage in Bohai Bay, China](#) ” clarifies the current situation and provides information on the Chinese pollution regulations applicable to vessels. To summarise:

- The Chinese Government has declared the Bohai Sea to be Chinese inland waters. The baseline for China’s territorial sea is marked by a line extending across the Bohai Strait, from south of the Liaodong Peninsula to Penglai to the north of the Shandong Peninsula, via the Miaodao Archipelago, see [Declaration by the Government of the People’s Republic on China’s Territorial Sea of 1958](#) .
- The Chinese pollution regulations are broadly in line with MARPOL when it comes to acceptance criteria for discharges of garbage (Annex V) and sewage (Annex IV). This means that any discharges which are acceptable a certain distance from the territorial sea baseline, e.g. MARPOL Annex V provides for food waste to be discharged at least 3 nm from the territorial sea baseline, must be undertaken in accordance with the declared territorial sea limits.
- All discharges of garbage within the Bohai Sea are prohibited and sewage can only be discharged when the ship uses an approved (IMO) sewage treatment plant. However, based on the worsening sea pollution in the area, and local authorities’ increased focus on identifying potential polluters, discharges of treated sewage should, as far as practicably possible, be avoided while operating in the Bohai Sea. According to Gard’s correspondent, all major ports in the Bohai Sea provide adequate reception facilities for garbage and sewage and this should, therefore, not cause any delay to vessels.

Gard's Members and clients operating in China should ensure that vessels calling ports in the Bohai Sea are familiar with the declared Chinese territorial sea limits and have proper procedures onboard for discharging garbage and sewage in accordance with MARPOL and the Chinese pollution regulations in force. It is also important that the crew accurately record all disposals of pollutants in the relevant record book(s).

Other information concerning Chinese pollution regulations:

- Gard general news, 2 June 2015:[China - Prevention and control of marine pollution from ships - Qianhe](#)
- Gard Member Circular 04/2015, 1 June 2015:[Regulations of the People's Republic of China on the prevention and control of marine pollution from ships](#)
- Gard Insight, 9 November 2011:[New Pollution Regulations in China - FAQs II](#)
- Gard Insight, 1 February 2010:[New Pollution Regulations in China - FAQs](#)

We are grateful to Huatai Insurance Agency & Consultant Service Ltd. for providing this information.

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