

CIRCULAR REF: 2012/044

**CIRCULATED TO ALL MEMBERS, BROKERS AND DIRECTORS
ATTENTION INSURANCE DEPARTMENT**

**21 DECEMBER 2012
CGT/PO**

REGULATIONS OF THE PEOPLE'S REPUBLIC OF CHINA ON THE PREVENTION AND CONTROL OF MARINE POLLUTION FROM SHIPS

We refer Members to Circular 2011/041 on the Regulations of the People's Republic of China (PRC) on the Prevention and Control of Marine Pollution from Ships ("the Regulations") and the requirement that owners/operators of (a) any ship carrying polluting and hazardous cargoes in bulk or (b) any other ship above 10,000 gt enter into a pollution clean-up contract with a Maritime Safety Agency (MSA) approved ship pollution response company (SPRO) before the ship enters a PRC port.

Circular 2012/037 informed Members that the China MSA issued revised Detailed Rules on 14 September on the Implementation of the Administration Regime of Agreement for Ship Pollution Response amending the Detailed Rules previously issued by the China MSA which came into effect on 1 January 2012. Members were informed that a further MSA Notice was expected shortly and that a revised set of FAQs on the revised Detailed Rules would be published once this Notice had been issued.

However, the further MSA Notice has yet to be issued and it is uncertain whether it will be before the end of this month. Since many owners will be signing new spill response contracts with SPROs in the near future, the revised set of FAQs taking account of the revised Detailed Rules have been issued as contained in Annex I to this Circular in advance of any further MSA Notice. In the event that a new MSA Notice is issued shortly and it is necessary to amend the attached revised FAQs as a result, a new set of FAQs will be issued.

The China MSA also issued an amended model spill response contract as an annex to the revised Detailed Rules issued on 14 September. As a result, a revised, IG recommended spill response contract was attached to Circular 2012/037, the content of which did not differ substantially from the previous IG recommended contract and which was consistent with the MSA's revised Detailed Rules. However, it has since been necessary to amend the IG recommended contract in order to take account of some editorial amendments. The amended IG recommended contract with these changes is contained

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NORTH OF ENGLAND P&I ASSOCIATION LIMITED 100 The Quayside, Newcastle upon Tyne, UK, NE1 3DU
Telephone: +44 (0) 191 2325221 Fax: +44 (0) 191 2610540 www.nepia.com

The North of England Protecting and Indemnity Association Limited. Registered in England No. 505456. Registered Office above
Hong Kong: Room 2503, COSCO Tower, 183 Queen's Road, Central, Hong Kong Telephone: +852 25446813 Fax: +852 25424424
Greece: 5-7 Aghiou Nikolaou, GR 185 37 Piraeus, Greece Telephone: +30 210 4283038 Fax: +30 210 4280920.
Singapore: 80 Anson Road, #26-04 Fuji Xerox Towers, Singapore 079907 Telephone: +65 64110160 Fax: +65 62240160.
Tokyo: Akiyoshi Kyobashi Building, 8th Floor, 1-17-2 Kyobashi, Chuo-ku, Tokyo, Japan 104-0031 Tel: +81 (3) 5159 5373 Fax: +81 (3) 5250 0003
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in Annex II to this Circular. The content of the amended IG model contract does not differ substantially from the previous IG recommended contract attached to Circular 2012/037.

Any Member requested to agree to a variation of the attached recommended contract is advised to check with the Club to ensure that such variations do not cause the contract to fall outside the scope of the IG Guidelines.

If Members are in any doubt about the contract then it is recommended that they contact their Club before contracting with any SPRO.

All clubs in the International Group of P&I Clubs have issued similar circulars.

COLIN TRAPPE
DIRECTOR - North Insurance Management Limited
As Managers on behalf of the North of England P&I Association Limited