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Oasis Circular No.:2312

Subject: China MSA amended rules of intensified monitoring and inspection on the listed vessels

China MSA published new rules of intensified monitoring and inspection on the listed vessels on 23 Oct 2023, which will come into effect as of 01 Dec 2023, replacing the previous rules published in 2013.

Compared with the previous rules, the new rules have the following major changes:

- The authority of publishing and renewing the list of ships subject to the intensified monitoring and inspection now expand to include MSA offices that are directly affiliated to China MSA as well as provincial level MSA offices, apart from China MSA.
- Range of vessels that should be put into the list expands to include more situations.
- The monitoring and inspection of the listed vessels no longer differentiate between Chinese vessels and foreign vessels.
- A new chapter is introduced to set the rules on the conditions that should be met to get a vessel out of the list.

Main points of the new rules

I. The following vessels shall put into the list by China MSA

1. Chinese vessels that have been detained twice in 12 consecutive months during ship safety inspections (including PSC inspections carried out by a foreign country); and foreign vessels that have been detained twice in 12 consecutive months during PSC inspections.
2. Vessels that have been penalized by the maritime administration authorities twice within 12 consecutive months due to the following illegal acts: insufficient manning, malicious shutdown of vessel's AIS, illegally discharging sewage, overloading, and inland river vessels engaging in sea transportation, etc..
3. Vessels that refuse to accept or escape from penalties imposed by maritime

administration authorities after violating maritime administrative regulations.

4. Vessels that hold forged, altered, transferred, traded, or leased ship certificates; and/or carry out major alteration without the approval of ship inspection organizations.
5. Vessels that are involved into “large and/or higher levels water traffic incidents” and for which bear equal or greater responsibility (*remarks: In line with Maritime Traffic Safety Law of the People's Republic of China, “large and/or higher levels water traffic incidents” refers to incidents that caused direct economic loss of CNY100 million or above*).
6. Vessels that are managed by shipping companies that are subject to intensified monitoring.
7. Vessels that shall be listed according to the “Provisions on the Maritime Law Enforcement of Co-investigation Management”.
8. Vessels that are designated by China MSA.

II. The following measures would be carried out by local maritime administration authorities to the listed vessels and their management companies

1. Mandatory detailed safety inspection to the vessels by maritime administration authorities upon vessel’s arrival at the port if condition permits, which will not be affected by vessel’s schedule or the loading and discharging operations etc..
2. Strengthened and increased regular supervision to the listed vessels’ management companies. Besides, when conducting safety management system audit to the vessels and their management companies, relevant rectification measures undertaken by the vessels and management companies will also be taken into consideration by local maritime administration authorities.
3. Local maritime administration authorities at the port of registry would strengthen the supervision of the vessels under its management, track and assess vessels’ safety and technical conditions.

III. Time and conditions for removing the vessels from the list

For Chinese vessels

1. Application could be submitted by vessels’ management company to local maritime administration authorities for removal from the list 3 months later counting from the date when such vessel is being listed; and
2. Rectification report shall be submitted together with supportive proof.

3. If any vessel is listed because of the listing of her management company, such application could only be submitted after the management company has been removed from the list.
4. After receiving the application, local maritime administration authorities will assess the safety and technical conditions of the vessel within one month. If the assessment result indicates the vessel can be unlisted, the local MSA at the port of registry will apply for the provincial level MSA to remove the vessel from the list.
5. The vessel shall be removed from the list if such application is approved by the provincial level MSA within 7 working days upon its receipt.

For foreign vessels

1. If zero defect is found during PSC inspection conducted by local MSA 3 months after the vessel was listed, application together with supporting materials shall be submitted by local MSA to provincial level MSA within 5 working days after the inspection for removal of the vessel from the list.
2. The vessel shall be removed from the list if such application is approved by the provincial level MSA within 7 working days upon its receipt.

In case any of the conditions from item 1 to item 5 under section I occurs during the period when the vessel is listed, the time allowed for submitting the removal application would be postponed for another three months for each occurrence.

Change of a vessel's name, owners, management companies or port of registry will not naturally cause her to be delisted.

Current list of vessels as published by China MSA

Upon checking the list of vessels published by China MSA on its official website, it is noted that currently much more Chinese vessels are listed than foreign vessels.

Till the issuance of this circular, totally 38 foreign vessels are on the list, among which, 17 were newly added in the year of 2023 and the other 21 vessels were listed from the year of 2014 to 2022.

Suggestions

Vessels are suggested to make full preparation in advance before PSC inspection in both Chinese ports and foreign ports, especially to avoid being detained during such inspection for the avoidance of mandatory detailed safety inspection upon each

arrival at Chinese ports.

We hope the above is of assistance. If there is any query, please feel free to contact us at oasis@oasispandi.com anytime.

Best regards,

Oasis P&I Services Company Limited