



# Technical Circular

No.: 039/2023

Date: 5<sup>th</sup> December 2023

**Subject: Provisions on the Supervision and Administration of Vessels under Special Follow-up by Maritime Safety Administration of the People's Republic of China.**

1. The Maritime Safety Administration of the People's Republic of China has recently formulated and issued "The Provisions on the Supervision and Administration of Vessels under Special Follow-up" which is effective from December 1, 2023.
2. These Provisions are applicable to Chinese vessels and foreign vessels navigating, berthing or operating in the waters under the jurisdiction of the People's Republic of China and are not applicable to military vessels, fishery vessels, and sports vessels.
3. The following vessels will be listed under "special follow-up vessels":
  - a. Chinese vessels that have been detained twice following vessel safety inspections (including the overseas Port State Control inspections) in a consecutive 12-month period.
  - b. **Foreign vessels that have been detained twice following Port State Control inspections in a consecutive 12-month period.**  
*(PSC detention mentioned is not only limited to the detention by the Maritime Safety Administration of the People's Republic of China, but also included detention in any other Port State Control inspections)*
  - c. Vessels that have been imposed twice administrative penalties by the Maritime Safety Administration in a consecutive 12-month period, due to their serious illegal acts such as: inadequate manning, malicious shutdown of AIS, willful and illegal discharge of pollutants, overloading, inland river vessels engaging in sea transportation, etc.
  - d. Vessels that refuse to accept or escape from handling after the occurrence of maritime administrative violations.
  - e. Vessels that have forged, altered, transferred, traded, or leased vessel certificates or vessels that carry out major conversion without inspection and authorization of the relevant Organizations.
  - f. Vessels that have caused relatively large or higher level water traffic accidents and bear equal or higher level responsibilities.
  - g. Vessels that are managed by shipping companies under Special Follow-Up.
  - h. Vessels listed under Special Follow-Up pursuant to the "Provisions on the Administration of Maritime Law Enforcement Assistance in Investigation".



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- i. Vessels that require Special Follow-Up as designated by the Maritime Safety Administration of the People's Republic of China.
4. As provided in the Circular, the inspection conducted by the Maritime Safety Administration on vessels under special follow-up shall not be affected by such factors as sailing schedule, cargo loading and unloading and where conditions permit, such inspection will be conducted at each port and will be more detailed in nature.
5. **Removing from the List of Vessels under Special Follow-up:**
  - a. As for a Chinese vessel listed under Special Follow-Up, the shipping company may, after three months from the date of listing, file an application for removing the vessel from the list of vessels under Special Follow-Up with the Maritime Safety Administration at the place where the vessel's port of registry is located, together with the shipping company's report on corrective actions along with relevant evidence. Where the Maritime Safety Administration is assured, following assessment of the submission, that the technical safety of the vessel is adequate, Special Follow-Up may be removed.
  - b. Where a foreign vessel under Special Follow-Up has zero deficiencies in a Port State Control inspection conducted by the Maritime Safety Administration of the People's Republic of China after three months from the date of listing, the Maritime Safety Administration of the inspection port, shall file an application to remove the vessel from the list of vessels under Special Follow-Up along with other relevant material. The vessel shall be removed from the list following review and approval.
6. During the period when the vessel is listed under Special Follow-Up, for each recurrence of the above reasons for listing, the date for application for removal from the list will be extended by 3 months, counted from the previous date of permitted application for removing from the list.
7. Owners/ operators and masters of vessels to take note of above and accordingly in order to avoid the vessel getting listed under 'special follow-up vessels' as per the new provisions of the Maritime Safety Administration of the People's Republic of China, are advised to ensure strict compliance to applicable International Conventions and local regulations.
8. Further, before entering a port, vessels under the guidance of their management company are advised to conduct comprehensive self-examination on the following aspects including but not limited to vessel certificates, vessel structure, firefighting and lifesaving equipment, pollution prevention equipment and operation records, emergency equipment, emergency drills, crew member's working environment, catering and accommodation facilities etc. and make full preparations for Port State Control inspection.

Enclosure:

1. Circular from Huatai Marine, dated 17-Nov-2023.

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## **Maritime Safety Administration of the People's Republic of China Issued "the Provisions on the Supervision and Administration of Vessels under Special Follow-up"**

The Maritime Safety Administration of the People's Republic of China has recently formulated and issued " the *Provisions on the Supervision and Administration of Vessels under Special Follow-up*" (hereinafter referred to as the "Provisions"). The *Provisions shall come into force on December 1, 2023 and " the Provisions on the Supervision and Administration of Vessels under Special Follow-up" issued in 2013 shall be repealed simultaneously .*

The management approach to under special follow-up vessels adopted by the Maritime Safety Administration is to some extent similar to the "Blacklist" management mechanism established by the PSC MOUs in evaluating the performance of the Flag States. We hereby issue this Circular to introduce the main contents of the Provisions and provide suggestions for the reference of the Club and their Members.

## **Applicable Vessels**

The Provisions shall be applicable to Chinese vessels and foreign vessels navigating, berthing or operating in the waters under the jurisdiction of the People's Republic of China. The Provisions shall not be applicable to military vessels, fishery vessels, and sports vessels.

## **Vessels being Listed as under Special Follow-up Vessels**

The following vessels shall be listed as under special follow-up vessels:

(1) Chinese vessels that have been detained twice in the vessel safety inspections (including the oversea Port State Control inspections) in a consecutive 12-month period. Foreign vessels that have been detained twice in the Port State Control inspections in a consecutive 12-month period.

(2) Vessels that have been imposed twice administrative penalties by the Maritime Safety Administration in a consecutive 12-month period due to their serious illegal acts such as inadequate manning, malicious shutdown of the AIS, willful and illegal discharge of pollutants, overload, inland river vessels engaging in sea transportation, etc.

(3) Vessels that refuse to accept or escape from handling after the occurrence of maritime administrative violations.

(4) Vessels that have forged, altered, transferred, traded, or leased vessel certificates or carry out major conversion of vessels without inspection and authorization of the vessel inspection organizations.

(5) Vessels that have caused relatively large or higher level water traffic accidents and bear equal or higher level responsibilities.

(6) Vessels that managed by shipping companies under special follow-up.

(7) Vessels that shall listed under special follow-up pursuant to the “Provisions on the Administration of Maritime Law Enforcement Assistance in Investigation”.

(8) Vessels that require special follow-up as designated by the Maritime Safety Administration of the People's Republic of China.

## **Supervision and Administration of Vessels under Special Follow-up**

The inspection conducted by the Maritime Safety Administration on vessels under special follow-up shall not be affected by such factors as sailing schedule, cargo loading and unloading and where conditions permit, such inspection shall be conducted at each port and shall be more detailed in nature.

## **Removing from the List of Vessels under Special Follow-up**

As for a Chinese vessel listed under special follow-up, the shipping company may, after three months from the date of listing, file an application for removing the vessel from the list of vessels under special follow-up with the prefectural-level Maritime Safety Administration at the place where the vessel's port of registry is located, and submit the shipping company's report on corrections along with relevant evidentiary materials. Where the Maritime Safety Administration believed upon inspection and assessment that the technical safety condition of the vessel is qualified, special follow-up may be removed thereafter.

Where a foreign vessel under special follow-up has zero deficiency in the Port State Control inspection conducted by the Maritime Safety Administration of the People's Republic of China after three months from the date of listing, the Maritime Safety Administration of the inspection port shall file an application for removing the vessel from the list of vessels under special follow-up along with other relevant materials to its provincial Maritime Safety Administration, the vessel shall be removed from the list upon approval.

During the period when the vessel is listed under special follow-up, for each recurrence of the abovementioned situations that shall be listed as vessels under special follow-up, the time of her application for removing from the list shall be extended by 3 months counting from the previous date of permitted application for removing from the list.

## **Huatai Comments**

In addition to optimizing the structure of the previous version of the Provisions, the revision of the specific content mainly reflects the following three aspects:

First, the scope of detention of foreign vessels twice in the Port State Control inspection in a consecutive 12-month period has been revised, not only limited to the detention by the Maritime Safety Administration of the People's Republic of China, but also included detention in any Port State Control inspections.

Second, under Article 4 of the Provisions, the scope of situations in which vessels being listed as under special follow-up vessels has been adjusted, Paragraph (2) and (7) are newly incorporated into the Provisions. In accordance with Paragraph (2), vessels that have been imposed administrative penalties by Maritime Safety Administration twice within twelve months due to serious illegal acts shall also be listed as under special follow-up vessels. The aforesaid serious illegal acts include the violation of relevant international conventions or local rules, as well as the malicious acts of the vessel, etc. In addition, in accordance with Paragraph (7), vessels that shall be listed as under special follow-up vessels according to the "Provisions on the Administration of Maritime Law Enforcement Assistance in Investigation" will also be listed as under special follow-up vessels.

Third, the Provisions added that the time limit for removing of foreign vessels from the list of vessels under special follow-ups must be "three months after the date of listing".

## Our Suggestions

We suggest vessels to strictly comply with applicable international conventions and local regulations. Before entering the port, under the guidance of her management company, the vessel shall conduct comprehensive self-examination on the following aspects including but not limited to vessel certificates, vessel structure, fire fighting and life saving equipment, pollution prevention equipment and operation records, emergency equipment, emergency drills, crew member's working environment, catering and accommodation facilities etc., and make full preparations for Port State Control inspection, avoid being detained in Port State Control inspection and being listed as under special follow-up vessel by the Maritime Safety Administration of the People's Republic of China.

Should you have any inquiries, please feel free to contact Huatai Beijing (pni.bj@huatai-serv.com) or our local branch offices.

Best regards,





**CUI Jiyu**

Head of Marine Team