



## People's Republic of China – Ships under Special Follow-Up

MCN-23-01 | 12 December 2023

Notice to: Ship Owners / Managers / Operators / Surveyors / Auditors

This circular is issued to advise that the Maritime Safety Administration of the People's Republic of China has advised that there are revised "Provisions on the Supervision and Administration of Vessels under Special Follow-Up".

These provisions apply to Chinese and foreign ships navigating, berthing, or operating within waters under the jurisdiction of the People's Republic of China. They entered into force on December 01, 2023, and repealed the previous "Provisions on the Supervision and Administration of Vessels under Special Follow-Up".

### Key revisions are:

- The scope of detention of foreign ships has been revised to include detention under any PSC MoU.
- The scope of situations under which ships become listed as "Special Follow-Up vessels" has been adjusted to include:
  - Ships that have had administrative penalties imposed by the Maritime Safety Administration twice within twelve months, due to serious illegal acts.
  - Ships listed as under Special Follow-Up according to the "Provisions on the Administration of Maritime Law Enforcement Assistance in Investigation" will also be listed as Special Follow-Up vessels under these provisions.
- The time limit for the removal of foreign vessels from the list of vessels under special follow-up is three months after the date of listing.

### **Ships will be listed as under Special Follow-Up under the following circumstances:**

- Chinese ships that have been detained twice within 12 months resulting from vessel safety inspections (including overseas Port State Control inspections).
- Foreign ships that have been detained twice within 12 months resulting from Port State Control inspections.
- Ships that have received two administrative penalties from the Maritime Safety Administration of the People's Republic of China within 12 months, due to serious illegal acts such as inadequate manning, malicious shutdown of the AIS, wilful and illegal discharge of pollutants, overload, inland river vessels engaging in sea transportation, etc.
- Ships that depart after maritime administrative violations, or refuse to accept administrative penalties.
- Ships that have forged, altered, transferred, traded, or leased ship's certificates, or carried out major conversion without inspection and authorization of the relevant organization.
- Ships that have caused significant navigational accidents and bear equal or higher responsibility.
- Ships managed by shipping companies under Special Follow-Up.
- Ships listed as Special Follow-up under the "Provisions on the Administration of Maritime Law Enforcement Assistance in Investigation.
- Ships that require Special Follow-Up as designated by the Maritime Safety Administration of the People's Republic of China.

### **Inspection of Ships under Special Follow-up**

Inspections of ships under Special Follow-Up are not affected by factors such as sailing schedule, or cargo loading/unloading. Such inspections will be conducted at each port, where possible, and shall be more detailed.

### **Removal from the list of Vessels under Special Follow-Up**

The managers of Chinese ships listed under Special Follow-Up may, after three months, apply to the Maritime Safety Administration at the ship's port of registry, for removal of the ship from the list. The shipping company's report on corrections along with relevant evidentiary materials is to be submitted with the application. If the Maritime Safety Administration, following assessment of the application, decides that the technical safety condition of the vessel is adequate, the Special Follow-Up listing may be removed.

A foreign ship under Special Follow-Up may be removed from the list once it has undergone a Port State Control Inspection conducted by the Maritime Safety Administration of the People's Republic of China provided:

- Three months have passed since the date of listing,
- Zero deficiencies have been recorded.

While a ship is listed as under Special Follow-Up, each recurrence of the reason for listing extends the permissible date of application for removal from the list by 3 months, counting from the previous date of the permitted application for removal from the list.

### Act now

All Ship Owners / Managers / Operators / Surveyors / Auditors should be guided by the above and ensure compliance with the requirements.

Before entering a Chinese port, ships should conduct a comprehensive self-examination and be fully prepared for a Port State Control inspection, to avoid detention and being listed under Special Follow-Up by the Maritime Safety Administration.