Korean Oil Pollution Regulations

Under the latest amendments to the Korean Marine Pollution Act, various requirements apply to vessels visiting Korean waters, as follows:

As from 4th November 1997

All tankers of 100GT and over and all non-tankers of 10,000GT and over, whilst in Korean territorial waters, must stockpile a specified amount of clean-up chemicals (dispersants, absorbents and coagulants) and clean-up equipment (booms) either on board or at an on-shore facility, the amount depending upon vessel type, age and size (details in table 1). However, at least 10% of the materials must be stored on board.

The Korean authorities have established the Korean Marine Pollution Response Corporation (KMPRC) to provide such spill response measures. It would seem that shipowners can nominate the clean-up chemical and equipment owned by KMPRC to satisfy their obligations (including the obligation that 10% must be stored on board) upon payment of a “Stockpiling of Materials” fee to KMPRC, in exchange for which KMPRC will issue the vessel with a “stockpiling of materials” certificate valid for 10 days.

Any vessel failing to meet the above requirements can be subject to a fine of up to Won2,000,000

As from 30th December 1997

All tankers of 500GT and over and all non-tankers of 10,000GT and over must have specified spill response measures in place when visiting Daesang, Inchon, Pusan, Ulsan, Pohang, Yeosu, Kwangyang and Onsan.

So far as tankers from 500GT to 10,000GT and non-tankers of 10,000GT and over are concerned, this means that the owners/bareboat charterers must have in place a clean-up vessel or clean-up equipment with a specified oil recovery capacity depending upon vessel size (details in table 2).

So far as tankers larger than 10,000GT are concerned, this means that the owners/bareboat charterers must have in place a clean-up vessel and clean-up equipment with a specified oil recovery capacity depending upon vessel size (details in table 3).

Vessels can satisfy these requirements by nominating KMPRC’s clean-up service resources upon payment of a “Clean-up Service” fee to KMPRC, in exchange for which KMPRC will issue the vessel with a “clean-up services” certificate.

Any tankers failing to conform can be subject to a fine of up to Won20,000,000 or 2 years in prison and any non-tankers failing to conform can be subject to a fine of up to Won5,000,000.

These requirements, which apply to shipowners and bareboat charterers, are more burdensome than those introduced on 4th November 1997, which only apply to shipowners. Moreover, any vessels which have satisfied the 30th December 1997 requirements are exempted from the 4th November 1997 requirements.

KMPRC tariff charges have been published for stockpiling of materials (details in table 4) and for the provision of clean-up services (details in table 5).

Separate fee-scales exist in each case- one for tankers and one for non-tankers - and the fee is dependent upon vessel size and age per port entry (or multiple entries within a 10 day period). There is a 5% discount available for double bottom construction and a 10% discount for double hull construction.

The KMPRC have issued their Oil Spill Clean-Up Agreement but it is considered to be problematical by the International Group so far as the provisions relating to waste disposal, indemnity and fee payments are concerned. Discussions are currently taking place between KMPRC and the Group with a view to resolving these problems.

It should be noted that the regulations, as published, are confusing in that the “Stockpiling of Materials” fee schedule refers to non-tankers. However, non-tankers of less than 10,000GT are not subject to these regulations whereas non-tankers of more than 10,000GT must satisfy the clean-up services requirements which exempt them from the stockpiling of materials requirements.

Accordingly, to summarise, the practical positions is that:

- all tankers of less than 100GT and all non-tankers of less than 10,000GT need do nothing to conform with the latest Korean pollution regulations;
- tankers between 100GT and 500GT must stockpile materials, which obligation can be satisfied by contracting appropriately with KMPRC at a cost (without the need to maintain any materials on board) as outlined in table 4 (see footnote 36);
- all tankers of 500GT and over and all non-tankers of 10,000GT and over must have response measures in place, which obligation can be satisfied by contracting for KMPRC’s response services at a cost (thereby exempting them from the stockpiling requirements) as outlined in table 5 (see footnote 37).