

Reporting Requirements for Foreign-flagged Ships Entering the Internal Waters of the People's Republic of China in Emergency Situations

Ingosstrakh's P&I Correspondent in China Messrs. Huatai Insurance Agency & Consultant Service Ltd., keeps us in loop of update reporting requirements for foreign-flagged ships entering the internal waters of the people's republic of china in emergency situations.

The China Maritime Safety Administration (China MSA) has recently issued the "Announcement on the Reporting Requirements for Foreign-flagged Ships Entering the Internal Waters of the People's Republic of China in Emergency Situations" (hereinafter referred to as the "Announcement"). The Announcement aims to regulate the reporting procedures for foreign-flagged ships entering China's internal waters in emergency situations.

Background and Main Contents of the Announcement

In order to effectively safeguard national sovereignty and comprehensively ensure the safety and order of waters, China has established a rigorous and comprehensive regulatory system for foreign-flagged ships entering its internal waters. Under normal circumstances, if a foreign-flagged ship plans to enter China's internal waters, she is obligated to submit an application to the Chinese MSA in advance and truthfully provide relevant materials as required. Only after obtaining approval and ensuring that the ship meets all safety and regulatory standards, can she enter China's internal waters within the specified time and along designated route.

However, ships are constantly exposed to various maritime risks. In the event of sudden emergencies or serious threats to navigation safety, the ship may need to seek temporary refuge or rescue by urgently entering a country's internal waters to ensure the safety of lives and the ship herself. To address such special circumstances, the China MSA has issued this Announcement, aiming to provide systematic, comprehensive, and practical reporting guidance for foreign-flagged ships entering China's internal waters in emergencies. This ensures that such special navigation activities are conducted in a safe and orderly manner pursuant to relevant applicable laws and regulations.

This Announcement applies to foreign-flagged ships which need to urgently enter the internal waters of China due to emergency situations, such as urgent illness, mechanical failure, distress, and adverse weather conditions, when a permit to enter port areas has not yet been obtained. The Announcement clearly stipulates the reporting methods, reporting requirements and legal responsibilities. For detailed information, please refer to the original Announcement attached to this Circular.

Huatai's Suggestions

Foreign-flagged ships navigating or operating in China's internal waters that violate relevant Chinese laws, regulations or rules will inevitably face administrative penalties from the competent Authorities, such as warnings, fines, or even detention. In severe cases, criminal liability may also be pursued according to the law. In light of this, we suggest that foreign-flagged ships entering China's internal waters due to emergencies strictly adhere to the relevant requirements of the Announcement, actively comply with the instructions and supervision of China MSA, and ensure full compliance with all Chinese laws and regulations, such as pollution prevention regulations, safety management rules, navigation rules, and other applicable local regulations. This will create favorable conditions for the ships to receive refuge or rescue, ensuring the full protection of the legitimate rights and interests of all parties and the maintenance of safety and order of the water area involved.

Attachment

Subject: Announcement by the Maritime Safety Administration of the People's Republic of China on Reporting Requirements for Foreign-flagged Ships Entering the Internal Waters of the People's Republic of China in Emergency Situations

According to the Maritime Traffic Safety Law of the People's Republic of China, foreign-flagged ships shall make an urgent report to the maritime administrations when entering the internal waters of the People's Republic of China in emergency situations. The relevant reporting requirements are hereby announced as follows:

PART 1 APPLICATION

The reporting requirements apply to foreign-flagged ships which need to urgently enter the internal waters of the People's Republic of China due to emergency situations, such as urgent illness, mechanical failure, distress, and adverse weather conditions, when a permit to enter port areas has not yet been obtained.

PART 2 REPORTING CHANNELS

The reporting shall be done through, inter alia, marine radiotelephony, DSC on VHF, MF and HF, marine satellite telephone, wired telephone, fax, the national hotline "12395" for maritime search and rescue when in distress, or other effective means.

PART 3 REPORTING REQUIREMENTS

1. In the case of an emergency, a foreign-flagged ship shall, while entering the internal waters of the People's Republic of China, make an urgent report to the local maritime administration with the following contents:

- (1) Name of ship, IMO number, call sign, flag, type of ship, and contact information;
- (2) Ship owner, operator and manager;
- (3) Ship position, course, speed and planned navigation routes;
- (4) Estimated entry and departure time;
- (5) Main dimensions and draft of the ship;
- (6) Number of the crew and passengers onboard and their health conditions, and the number of persons in distress, illness or casualties;
- (7) Cargo information, and the official names, UN numbers, pollution classes and quantities of the dangerous goods;
- (8) Direct cause of the emergency entry, measures taken and assistance requested; and
- (9) The Emergency Report Form (see appendix), which shall be submitted as supplement as soon as the ship has entered the internal waters of the People's Republic of China.

2. If the Automatic Identification System (AIS) of a foreign-flagged ship does not work properly after emergency entry into the internal waters of the People's Republic of China, in addition to the above-mentioned reporting requirements, the following information shall be reported every hour until the ship leaves the internal waters of the People's Republic of China or obtains a permit to enter port areas:

- (1) Name of ship, call sign and IMO number; and
- (2) Current ship position, intended course and speed.

PART 4 MISCELLANEOUS ITEMS

- 1. The foreign-flagged ship entering the internal waters of the People's Republic of China in emergency situations shall be subject to instructions and supervision of the competent maritime administrations.
- 2. The competent maritime administration is entitled to take actions according to relevant laws, regulations and rules in the case that a foreign-flagged ship fails to report as required, or refuses to follow its instructions or supervision.

This announcement shall enter into force as of March 1st, 2025.

Full text of the Circular is available via the [link](#).