Mineral Resources Law Implementation Regulations of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — These Regulations are formulated in accordance with the Mineral Resources Law of the People's Republic of China (hereinafter referred to as the "Mineral Resources Law").

Article 2 — The State shall promote the rational development and utilization of mineral resources, strengthen the protection of mineral resources and the ecological environment, advance the high-quality development of the mining industry, and safeguard the security of mineral resources.

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Article 3 — The determination and adjustment of the catalogue of mineral resources shall be proposed by the competent natural resources department of the State Council together with the development and reform department of the State Council, and shall be published after approval by the State Council.

The catalogue of mineral resources shall include the types and classification of mineral resources.

Article 4 — The State shall increase investment in basic geological survey work, strengthen the building of basic geological survey teams, encourage social forces to participate in basic geological survey work in an orderly manner in accordance with the law, and improve the quality and efficiency of basic geological survey work.

Article 5 — The State shall improve policy measures in respect of finance, taxation, land, the ecological environment, industry, import and export and other aspects, improve the whole-chain coordination and connection system for the exploration, production, supply, storage and sale of strategic mineral resources, increase support for the exploration, exploitation, processing, trade and reserve of strategic mineral resources, promote the optimization and upgrading of the strategic mineral resources industry, and enhance the level of security of strategic mineral resources.

The determination and adjustment of the catalogue of strategic mineral resources shall be researched and proposed by the competent natural resources department of the State Council together with the relevant departments of the State Council, and shall be implemented after approval by the State Council. In determining and adjusting the catalogue of strategic mineral resources, the following factors shall be comprehensively considered and the relevant mineral resources shall be assessed:

(1) the importance to national economic and social development and national security;

(2) the domestic resource endowment, the degree of scarcity, and the degree of external dependence;

(3) the resilience and security level of the relevant industrial chains and supply chains;

(4) other factors that need to be considered.

For specific strategic mineral resources determined by the State Council, protective exploitation measures such as planning control, aggregate volume regulation and restriction of the exploiting entities shall be implemented in accordance with laws, administrative regulations and the relevant provisions of the State.

Article 6 — Mineral resource-related plans formulated and approved in accordance with Article 9 of the Mineral Resources Law shall be published in accordance with the law. Activities such as geological survey, and the exploration, exploitation and protection of mineral resources, and ecological restoration of mining areas shall comply with the mineral resource-related plans.

The competent natural resources departments of the people's governments at or above the county level may, according to actual needs, formulate relevant plans for the exploration, exploitation, protection and ecological restoration of mining areas of mineral resources in specific fields or specific regions, or of specific mineral types, together with the relevant departments, and the relevant information shall be incorporated into the supervision information system for the implementation of territorial spatial planning.

Article 7 — The State shall adhere to the principles of equality, mutual benefit and win-win cooperation, actively promote international cooperation in investment, trade, technology and other aspects in the field of mineral resources through multiple channels and methods, and maintain the security and stability of industrial chains and supply chains.

In carrying out the development and utilization of overseas mineral resources, the national interests and public interests of society shall be safeguarded, the laws and regulations of China and the relevant laws of the host country or region shall be observed, contracts shall be honored, local customs and cultural traditions shall be respected, attention shall be paid to ecological environmental protection and safe production, safety risk prevention shall be strengthened, relevant procedures shall be handled in accordance with provisions,

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and the administration and supervision of the relevant departments of China and the overseas diplomatic missions shall be accepted in accordance with the law.

Chapter II — Mining Rights

Article 8 — Mining rights shall be granted through competitive methods such as tender, auction and listing; for strategic mineral resources that are highly scarce and whose resource reserve scale is medium-sized or above, or for exploration blocks with special requirements for exploration and exploitation technology or ecological environmental protection, exploration rights shall be granted preferentially through tender.

Under any of the following circumstances, mining rights may be granted through agreement:

(1) in accordance with laws, administrative regulations or provisions of the State Council, the relevant mineral resources are required to be explored or exploited by a specific entity;

(2) for the purpose of ensuring the safe production of mines or the reasonable setting of mining rights, it is necessary to continue exploiting mineral resources in the deep or upper parts of the registered exploitation area, or to further exploit scattered mineral resources in its periphery;

(3) the same mining right holder explores or exploits mineral resources in the interstice area between its registered adjacent exploration and exploitation areas where a mining right cannot be separately established;

(4) other circumstances prescribed by laws, administrative regulations or the State Council.

Where strategic mineral resources urgently need to be exploited in order to safeguard the security of the State's mineral resources, with the consent of the State Council, mining rights may be directly granted by the competent natural resources departments of the people's governments at or above the provincial level.

Article 9 — The competent natural resources departments of the people's governments at or above the county level shall organize the granting of mining rights in accordance with the prescribed authority.

The granting of mining rights for the following mineral resources shall be organized by the competent natural resources department of the State Council or the competent natural resources department of the people's government of a province, autonomous region or municipality directly under the Central Government authorized by it:

(1) strategic mineral resources;

(2) mineral resources spanning provinces, autonomous regions or municipalities directly under the Central Government;

(3) mineral resources in China's territorial sea and other sea areas under China's jurisdiction.

The authority to grant mining rights for mineral resources other than those specified in the preceding paragraph shall be prescribed by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

The granting of exploration rights and mining rights for the same mineral type shall be administered at the same level. Where the granting of a mining right involves multiple mineral types, the granting authority shall be determined according to the primary mineral type; where the primary mineral type is difficult to determine, it shall be determined according to the mineral type with the highest granting authority.

Article 10 — The competent natural resources departments of the people's governments at or above the county level shall, in accordance with mineral resource-related plans and the supply and demand situation of mineral resources, strengthen the overall arrangement of the granting of mining rights and promptly arrange the granting of mining rights that meet the conditions for granting.

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Before granting a mining right, the natural resources department granting the mining right (hereinafter referred to as the "mining right granting department") shall conduct verification to ensure that the exploration and exploitation areas to be granted comply with the control requirements of territorial spatial planning.

The block divided by longitude and latitude shall be the basic unit for granting exploration rights.

Except in the circumstances prescribed by provisions, the scope of a newly established mining right shall not overlap with the vertical projection scope of an existing mining right, and no more than two mining rights shall be established for the same ore body that can be exploited in a centralized manner.

Article 11 — Entities and individuals who provide the sources of blocks in which exploration rights can be established to the competent natural resources departments of the people's governments at or above the county level shall be given appropriate rewards or compensation in accordance with the relevant provisions of the State; where they participate in the competitive granting of exploration rights in the block, they shall have priority in obtaining the exploration right under equal conditions.

Article 12 — Where mining rights are granted through competitive methods, the mining right granting department shall, in advance, announce on its portal website, public resource trading platform and other channels the basic information of the mining rights to be granted, the granting method, competition rules, collection of security deposits, risk warnings, the technical capacity of the transferee and other conditions, as well as the rights and obligations thereof. The announcement period shall be no less than 30 working days.

The competent natural resources department of the State Council and the people's governments at or above the county level and their competent natural resources departments shall create and maintain a fair and orderly market competition environment and safeguard the equal participation of all types of entities in the competitive granting of mining rights in accordance with the law.

Article 13 — Where a mining right is granted, the mining right granting department shall sign a mining right granting contract in writing with the transferee determined in accordance with the law.

After the mining right granting contract is signed, where the mining right fails to comply with the control requirements of territorial spatial planning due to errors in the verification by the mining right granting department or other reasons, making exploration or exploitation impossible, the transferee shall have the right to rescind the contract. After the contract is rescinded, the mining right granting department shall return the mining right grant proceeds; where property losses are caused to the transferee, compensation shall be made in accordance with the law.

Article 14 — The mining right transferee shall pay in full and on time the mining right grant proceeds, mining right occupation fees and other relevant fees in accordance with the relevant provisions of the State and the granting contract. The specific measures for the collection of mining right-related fees shall be formulated by the finance department of the State Council together with the competent natural resources department of the State Council and the competent taxation department of the State Council, and shall be implemented after approval by the State Council.

Under any of the following circumstances, the mining right grant proceeds may be reduced or exempted:

(1) exploration or exploitation of low-grade or difficult-to-process mineral resources;

(2) remarkable results in the comprehensive development and utilization of mineral resources;

(3) emergency exploitation of mineral resources organized in accordance with the law;

(4) other circumstances prescribed by the State Council.

Where the mining right grant proceeds are not paid in full and on time, liquidated damages shall be paid in accordance with the relevant provisions of the State and the granting contract.

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Article 15 — The term of an exploration right shall be five years, and may be renewed upon expiry; renewal shall be for no more than three times, with each term being five years. For petroleum, natural gas and other strategic mineral resources determined by the competent natural resources department of the State Council, with the consent of the competent natural resources department of the State Council, the number of renewals may be increased according to the actual situation.

The term of a mining right shall be determined in light of the mineral resource reserves and the construction scale of the mine, and shall not exceed 30 years. The specific measures for determining the term of a mining right shall be formulated by the competent natural resources department of the State Council. Upon expiry of the term of a mining right, where there remain mineral resources available for exploitation in the registered exploitation area, the term may be renewed.

Before the expiry of the term of a mining right, where the mining right needs to be recovered in accordance with the law for public interest needs such as safeguarding the security of the State's mineral resources, the original mining right granting department may recover the mining right in accordance with the law; where a mining right is recovered, fair and reasonable compensation shall be given in accordance with the law.

Article 16 — To apply for renewal of a mining right, the mining right holder shall submit an application to the original mining right granting department within six months to three months before the expiry of the term of the mining right. The original mining right granting department shall make a decision on whether to approve the renewal before the expiry of the term of the mining right.

Article 17 — When handling the renewal of an exploration right, the area of the exploration region shall be reduced in accordance with the proportion prescribed by the competent natural resources department of the State Council. However, exploration regions in which mineral resources have been identified, or that meet the circumstances prescribed by the competent natural resources department of the State Council, shall not be included in the calculation base of the area to be reduced.

Where part of the exploration region of an established exploration right cannot continue to be explored due to public interest needs such as ecological environmental protection and infrastructure construction, or due to force majeure such as natural disasters, the area required to be reduced may be offset in accordance with provisions against the relevant supporting documents.

Article 18 — Where an exploration right holder applies to convert its exploration right into a mining right in accordance with Article 25 of the Mineral Resources Law, it shall submit an application to the original mining right granting department within the term of the exploration right, together with materials such as the mineral resource reserve report (hereinafter referred to as the "reserve report"). The original mining right granting department shall sign a mining right granting contract with the exploration right holder and establish the mining right, except under any of the following circumstances:

(1) the identified mineral resources are required by the relevant provisions of the State to be exploited by a specific entity other than the exploration right holder;

(2) the identified mineral resources fail to meet the reserve scale or production capacity requirements prescribed by the relevant industrial policies;

(3) the identified mineral resources cannot be converted into a mining right due to public interest needs, or the conditions for exploitation no longer exist due to special circumstances such as force majeure;

(4) other circumstances prescribed by laws and administrative regulations.

Article 19 — Mining rights may be transferred in accordance with the law. However, under any of the following circumstances, a mining right may not be transferred:

(1) the mining right was obtained through agreement-based granting and has been held for less than five years;

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(2) the mining right has been sealed up in accordance with the law;

(3) the ownership of the mining right is unclear or in dispute;

(4) the mining right granting contract stipulates that the mining right may not be transferred;

(5) other circumstances under which transfer is not permitted as prescribed by the State.

Mining rights directly granted by the competent natural resources departments of the people's governments at or above the provincial level in accordance with the third paragraph of Article 8 of these Regulations may not be transferred without the consent of the natural resources department that originally granted the mining right.

Where the actual controller changes as a result of equity transfer or otherwise, the mining right holder shall report to the original mining right granting department.

Article 20 — Where a mining right is transferred, the transferee shall satisfy the conditions such as the technical capacity required of the transferee at the time the mining right was granted.

Article 21 — Where a mining right is transferred, the transferor and the transferee shall sign a mining right transfer contract in writing, clearly defining the rights and obligations of both parties. The mining right transfer contract shall make clear stipulations on matters relating to the performance of the obligation of ecological restoration of the mining area.

The term after the transfer of a mining right shall be the remaining term of the mining right.

Article 22 — The establishment, change, transfer, mortgage and extinction of a mining right shall be registered in accordance with the law.

Article 23 — The phrase "exploration of mineral resources funded by the State" in item (1) of Article 28 of the Mineral Resources Law refers to mineral resource exploration carried out with funding from the central government or local governments in order to safeguard the security of the State's mineral resources. Where mineral resources are explored with State funding, geological exploration work shall be carried out on the basis of the project assignment document, without the need to obtain an exploration right.

Where a mining right holder needs to conduct exploration for exploitation activities within the registered exploitation area, or conducts exploration in the deep or upper parts of the registered exploitation area, no exploration right is required.

Article 24 — Where a construction project construction unit excavates sand, stone or clay that can only be used as ordinary building materials within the approved operation area and construction period, no mining right is required. The disposal of the excavated sand, stone and clay shall comply with the relevant provisions of the province, autonomous region or municipality directly under the Central Government where it is located, and shall not be disposed of on its own (except for self-use in the construction of the construction project).

The "approved operation area" mentioned in the preceding paragraph does not include the area of temporary land use for the construction of the construction project.

Chapter III — Exploration and Exploitation of Mineral Resources

Article 25 — The competent natural resources department of the State Council shall, together with the relevant departments of the State Council, establish and improve the technical standards and specifications system for basic geological survey.

Entities engaged in basic geological survey work shall strictly implement the relevant technical standards and specifications and be responsible for the quality of the survey results. The competent natural resources departments of the people's governments at or above the county level shall strengthen supervision over the

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quality of basic geological survey results.

No entity or individual may obstruct or hinder basic geological survey work carried out in accordance with the law.

Article 26 — The competent natural resources departments of the people's governments at or above the provincial level shall strengthen the administration of the release of basic geological survey results and uniformly release basic geological survey result information in accordance with the prescribed authority; before the release of information, a confidentiality review shall be conducted in accordance with the law, and result data involving State secrets, work secrets or trade secrets shall not be released.

Article 27 — The competent natural resources departments of the people's governments at or above the provincial level shall provide construction units with inquiry services regarding the distribution of mineral resources and the establishment of mining rights within the area occupied by the construction project.

Where a construction project truly needs to overlie mineral resources for which mining rights have been established, and this directly affects the normal exploration and exploitation activities of the mining right holder, the construction unit shall negotiate with the mining right holder before the overlying and give the mining right holder fair and reasonable compensation in accordance with the law. Where, as a result of the overlying of mineral resources, the registration of the mining right needs to be changed or cancelled in accordance with the law, the mining right holder shall handle it in accordance with the law.

Where a construction project truly needs to overlie strategic mineral resources, approval shall be obtained from the competent natural resources department of the State Council or the competent natural resources department of the people's government of a province, autonomous region or municipality directly under the Central Government authorized by it. Where a construction project within the urban development boundary determined by a territorial spatial plan approved in accordance with the law truly needs to overlie strategic mineral resources, the relevant approval shall be simplified according to the actual situation.

Where, upon scientific assessment, a construction project overlies mineral resources but does not directly affect normal exploration and exploitation activities, it may not be treated as overlying mineral resources.

Article 28 — Before carrying out exploration and exploitation operations of mineral resources, a mining right holder shall separately prepare an exploration plan and an exploitation plan, submit them to the original mining right granting department for approval, and obtain an exploration permit and a mining permit; without obtaining the corresponding permit, no exploration or exploitation operations may be carried out.

In preparing an exploration plan, the exploration region shall be clearly defined, exploration work methods shall be reasonably selected, and arrangements shall be made for the cleanup and restoration after the completion of exploration activities, in accordance with the mineral type and scope of exploration, the relevant standards and technical specifications for exploration, and the requirements of exploration work such as green exploration.

In preparing an exploitation plan, the exploitation method, sequence and approach shall be reasonably selected, and arrangements shall be made for the use of space and the safeguard measures for comprehensive extraction and comprehensive utilization of resources, in accordance with the mineral type and scope of exploitation, resource occurrence conditions, technical specifications for exploitation, and the requirements of exploitation work such as the rational development and utilization of mineral resources and green mine construction.

Where mineral resources are exploited comprehensively, the exploited mineral types shall be reasonably determined and registered in light of the reserve report and the exploitation plan, based on the actual exploitation.

Article 29 — To apply for an exploration permit or a mining permit, an application, a mining right certificate, and the corresponding exploration plan or exploitation plan and other materials shall be submitted to the

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original mining right granting department. The original mining right granting department shall make a decision on whether to approve within 15 working days from the date of acceptance of the application. Where approval is granted, the exploration permit or mining permit shall be issued; where approval is not granted, the applicant shall be notified in writing with reasons stated.

After accepting an application, the original mining right granting department may organize experts to review the exploration plan or exploitation plan and issue review opinions within 10 working days. The time required for the review shall not be counted within the permit review period, and the costs shall not be borne by the mining right holder.

The expiry date of an exploration permit or mining permit shall be consistent with the expiry date of the term of the exploration right or mining right.

After issuing a mining permit, the original mining right granting department shall promptly notify the relevant local people's government of the exploitation area to organize and implement the boundary demarcation work for the mining right.

Article 30 — A mining right holder may apply for an exploration permit or mining permit simultaneously when handling the registration of the mining right.

Where a mining right is transferred, the transferee shall apply anew for the exploration permit or mining permit.

Article 31 — The specific measures for the administration of exploration permits and mining permits shall be formulated by the competent natural resources department of the State Council.

Article 32 — A mining right holder shall carry out exploration and exploitation operations in accordance with the approved exploration plan and exploitation plan.

Where the main methods of exploration work change, the exploration right holder shall adjust the exploration plan and submit it to the original mining right granting department for approval.

Where the exploitation method changes significantly or the primary exploited mineral type changes, the mining right holder shall adjust the exploitation plan, submit it to the original mining right granting department for approval, and have the mining permit reissued.

Article 33 — Before carrying out exploration and exploitation operations of mineral resources, a mining right holder shall, in accordance with the law, handle the relevant procedures for the approval (filing) of construction projects, land and sea use, the ecological environment, safe production and other aspects; where military land is involved, approval shall also be obtained from a military unit at or above the regiment level in accordance with the relevant provisions of the Central Military Commission.

Where a mining right holder prepares a feasibility study report for a mine development project, a preliminary design of the mine (oil or gas field development plan) or the like, these shall be consistent with the exploitation plan.

Article 34 — Within the scope of nature reserves, basic geological surveys, long-range surveys of strategic mineral resources, and exploration and exploitation of strategic mineral resources within the prescribed scope that comply with control requirements may be carried out in accordance with the law. The specific measures for administration shall be formulated by the competent natural resources department of the State Council and the forestry and grassland department.

Article 35 — The phrase "mining land" in the first paragraph of Article 34 of the Mineral Resources Law includes land for mineral resource exploration and land for mineral resource exploitation.

Land for mineral resource exploration includes the land used for exploration operations and the land used for erecting or constructing living houses, work sheds, transport access roads and the like to meet the needs of

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exploration operations.

Land for mineral resource exploitation includes the land used for mining operations such as the extraction of mineral resources, and the land used for stockpiling extracted ore, waste rock and waste slag, and for constructing industrial buildings, shaft and tunnel works, tailings ponds, supporting beneficiation plants, living service facilities, transport facilities and the like to meet the needs of mining operations.

The people's governments at or above the county level shall, in accordance with the law, safeguard the reasonable demand for land for mineral resource exploration and exploitation.

Article 36 — A mining right holder may use State-owned land through allocation, grant, lease, capital contribution at a price and other methods in accordance with the law, and may also obtain the right to use collective commercial construction land through grant, lease and other methods in accordance with the law.

Where mineral resources are exploited using State-owned land and collective commercial construction land, the land may be granted through agreement.

Article 37 — For the exploration of mineral resources, land may be used temporarily in accordance with the provisions of land administration laws and administrative regulations.

For land occupied by open-pit exploitation of strategic mineral resources, where, upon scientific demonstration, the conditions for simultaneous exploitation and reclamation are met, the mining right holder may use the land temporarily after approval by the competent natural resources department of the people's government at or above the provincial level; where the use of forest land or grassland is involved, the relevant natural resources department shall solicit the opinions of the forestry and grassland department at the same level. Temporary land use shall be subject to zone-by-zone and phase-by-phase approval, and in principle each phase shall not exceed five years. Where a mining right holder fails to perform the obligation of ecological restoration of the mining area, such as land reclamation, in accordance with provisions, the relevant natural resources department shall not approve its new temporary land use.

Article 38 — Where mineral resources such as petroleum and natural gas that are available for exploitation are discovered during the exploration of mineral resources such as petroleum and natural gas, the exploration right holder may conduct exploitation after completing the oil (gas) testing operation and submitting the integrated exploration-extraction plan to the original mining right granting department, and shall perform the filing procedures with the relevant energy department in accordance with provisions.

Where an exploration right holder exploits mineral resources such as petroleum and natural gas in accordance with the preceding paragraph, it shall, within the period prescribed by the competent natural resources department of the State Council, apply to the original mining right granting department to convert its exploration right into a mining right, handle the registration of the mining right in accordance with the law, and obtain a mining permit.

Article 39 — The competent natural resources department of the State Council shall, together with the relevant departments of the State Council, improve green mine policies, standards and specifications, improve the green mine catalogue and implement dynamic management. Mining right holders shall strengthen the planning, construction, operation and management of green mines and promote the green development of mining enterprises.

Article 40 — The competent natural resources department of the State Council shall, together with the relevant departments of the State Council, organize the formulation of the relevant national standards for the extraction recovery rate, mineral processing recovery rate and comprehensive utilization rate of mineral resources.

Mining right holders shall take effective measures in terms of technology, equipment, management and other aspects to ensure that the extraction recovery rate, mineral processing recovery rate and comprehensive utilization rate of mineral resources meet the requirements of the relevant national standards.

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The State shall formulate and improve relevant incentive policy measures to promote the improvement of the extraction recovery rate, mineral processing recovery rate and comprehensive utilization rate of mineral resources.

Article 41 — The competent natural resources departments of the people's governments at or above the county level shall, together with the relevant departments, strengthen the promotion and application of advanced and applicable technologies, processes and equipment for the comprehensive extraction and comprehensive utilization of mineral resources, encourage and guide mining right holders to carry out technology and process upgrading and equipment renewal, and promote the industrialized development of the comprehensive utilization of mineral resources.

Article 42 — The State shall establish a mineral resource reserve management system, strengthen the investigation, verification, statistics and assessment of mineral resource reserves and their changes, and provide a basis for the formulation of mineral resource-related plans, the promotion of the rational development and utilization of mineral resources, and the strengthening of mineral resource protection.

The State shall regularly organize the evaluation of mineral resource potential and the investigation of the current status of development and utilization, and strengthen the assessment management of mineral resource reserves and the value of mining rights and related rights and interests.

Article 43 — Where a mining right holder identifies mineral resources available for exploitation through exploration work, or discovers a major change in mineral resource reserves during the exploitation period, it shall prepare a reserve report and submit it to the original mining right granting department. The reserve report shall include the spatial distribution, types, quantity and quality of the mineral resources and the demonstration of the industrial indicators of the deposit, and shall explain the technical performance of ore processing and smelting, the technical conditions for exploitation, and the economic significance of development.

The original mining right granting department shall review the reserve report submitted by the mining right holder, and may, according to the needs of the review work, organize relevant entities to conduct a technical assessment of the reserve report. The reviewed reserve report may serve as the basis for the statistics and supervision of mineral resource reserves.

The mining right holder shall be responsible for the authenticity of the reserve report it submits and shall not commit fraud.

Article 44 — A mining right holder shall, in accordance with provisions, carry out monitoring of mineral resource reserves, establish and improve the ledger of mineral resource reserves, and periodically report to the original mining right granting department the changes in mineral resource reserves and the situation of development and utilization.

Article 45 — Upon the closure of a mine, the mining right holder shall, in accordance with the relevant provisions of the State, submit the mine closure geological report to the competent natural resources department of the local people's government at or above the county level, and submit the relevant geological data.

Chapter IV — Ecological Restoration of Mining Areas

Article 46 — The competent natural resources departments of the local people's governments at or above the county level shall, together with the relevant departments, investigate and assess the ecological damage such as geological environment destruction, land damage and vegetation degradation caused by the exploitation of mineral resources within their respective administrative areas, and clearly identify the key areas, objectives and tasks of the ecological restoration of mining areas.

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Article 47 — The mining right holder is the person responsible for the ecological restoration of the mining area. The mining right holder shall carry out the ecological restoration of the mining area and pollution prevention and control in a coordinated manner.

Where a mining right is transferred, except where the State provides otherwise or the mining right granting or transfer contract stipulates otherwise, the transferee shall perform the obligation of ecological restoration of the mining area. Where the transferor commits fraud in relation to matters of the ecological restoration of the mining area during the transfer of the mining right, its obligation of ecological restoration shall not be exempted by the transfer of the mining right.

Article 48 — For historically abandoned mining areas, the competent natural resources department of the local people's government at or above the county level where the mining area is located shall confirm the person responsible for the ecological restoration of the mining area; where the responsible person has ceased to exist or cannot be confirmed, the local people's government at or above the county level where the mining area is located shall organize the ecological restoration of the mining area and coordinate the pollution control work.

The competent natural resources department of the State Council and other relevant departments may formulate special policies to support local people's governments in carrying out the ecological restoration of historically abandoned mining areas. The local people's governments at or above the county level may broaden the funding channels for the ecological restoration of mining areas through multiple methods in accordance with the law.

Article 49 — The State shall improve policy measures, encourage social capital to participate in the ecological restoration of mining areas in accordance with the law, and safeguard the legitimate rights and interests of social capital participating in the ecological restoration of mining areas.

The State shall give full play to the role of market mechanisms in the ecological restoration of mining areas and promote the market-oriented development of the ecological restoration of mining areas.

Article 50 — Before exploiting mineral resources, a mining right holder shall prepare a plan for the ecological restoration of the mining area in accordance with laws, regulations, the provisions of the competent natural resources department of the State Council and the mining right granting contract, and submit it to the original mining right granting department for approval together with the exploitation plan. The mining area ecological restoration plan shall clearly specify the objectives and tasks, engineering layout, technical measures, timing arrangements, budget estimates, safeguard measures and other contents of the ecological restoration; where a tailings pond is involved, the special measures for the restoration of the tailings pond shall also be clearly specified.

In preparing the mining area ecological restoration plan, it shall, in accordance with the second paragraph of Article 46 of the Mineral Resources Law, be publicized within the relevant scope of the mining area for the solicitation of opinions, and the opinions of relevant entities and individuals shall be specially heard. The mining right holder shall explain the situation of the publicity for the solicitation of opinions and the special hearing of opinions when submitting the mining area ecological restoration plan for approval.

Where a mining right holder adjusts the mining area ecological restoration plan, it shall report to the original mining right granting department for filing in accordance with the provisions of the competent natural resources department of the State Council; where the exploitation plan is adjusted in accordance with the third paragraph of Article 32 of these Regulations, the mining area ecological restoration plan shall be re-prepared and submitted to the original mining right granting department for approval together with the exploitation plan.

Where a mining area ecological restoration plan has been prepared in accordance with provisions, no land reclamation plan shall be prepared separately.

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Article 51 — Where the ecological restoration of a mining area can be carried out simultaneously with exploitation or by zone or phase, the mining right holder shall reasonably divide restoration units and arrange the restoration sequence, and carry out ecological restoration in a timely manner, in light of the mine exploitation design and process flow, the exploitation progress, the scope and type of mining land, safe production conditions, and the situation of land damage and ecological destruction; where the ecological restoration cannot be carried out simultaneously with exploitation or by zone or phase, it shall be completed before the closure of the mine or within two years after the closure of the mine, except that the time limit for the ecological restoration of mining areas exploiting radioactive mineral resources may be determined according to actual needs.

Article 52 — After completing the ecological restoration in accordance with the mining area ecological restoration plan, a mining right holder shall promptly apply to the competent natural resources department of the local people's government at or above the county level where the mining area is located for acceptance; where the ecological restoration is completed by zone or phase, acceptance shall be applied for by zone or phase.

The competent natural resources department of the local people's government at or above the county level shall, together with the competent ecological environment department and other relevant departments, organize the acceptance of the ecological restoration of the mining area. Where the acceptance is passed, an acceptance confirmation document shall be issued to the mining right holder; where the acceptance is not passed, a written rectification opinion shall be issued to the mining right holder, and the mining right holder shall re-apply for acceptance after completing the rectification.

Article 53 — The expenses for the ecological restoration of a mining area shall be withdrawn by the mining right holder on an annual basis, and, except where the law provides otherwise, shall not be sealed up, frozen or transferred.

Chapter V — Mineral Resource Reserves and Emergency Response

Article 54 — The State shall, in accordance with the principles of government leadership, social co-construction, diversified complementarity and efficient coordination, build a strategic mineral resource reserve system that combines product reserves, production capacity reserves and production-site reserves, scientifically and reasonably determine the reserve structure, scale and layout and dynamically adjust them, and give play to the functions of reserves in strategic support, macro-control and responding to urgent needs.

The State shall improve the supervision system for strategic mineral resource reserves, accelerate the construction of reserve facilities, improve the professional level of reserve operators, strengthen the informatization construction of reserves, and continuously improve the comprehensive effectiveness of strategic mineral resource reserves. The people's governments at or above the county level shall, as needed, incorporate strategic mineral resource reserves into the relevant plans for national economic and social development and territorial spatial planning, and provide support in arranging major project construction.

Article 55 — The development and reform department of the State Council shall coordinate the State's mineral product reserve work, periodically formulate reserve plans and aggregate volume plans, and dynamically adjust the reserve varieties and scale; the grain and material reserve department of the State Council shall organize and implement the collection, rotation and daily management of the central government's mineral product reserves; the energy department of the State Council shall be responsible for energy reserve-related work in accordance with its duties. The local people's governments at or above the county level shall, in accordance with the relevant provisions of the State and in light of local realities, carry out mineral product reserves.

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Relevant enterprises shall do a good job of mineral product reserve work in accordance with the relevant provisions of the State. The State shall improve policy measures to support enterprises in carrying out mineral product reserves.

The administration departments and storage entities for strategic mineral resource product reserves shall strengthen the asset management of strategic mineral products and report the management situation of mineral product reserves in accordance with provisions.

Article 56 — The specific measures for production capacity reserves of strategic energy mineral resources shall be formulated by the energy department of the State Council together with the relevant departments of the State Council; the specific measures for production capacity reserves of other strategic mineral resources shall be formulated by the industry and information technology department of the State Council together with the relevant departments of the State Council.

Mining right holders exploiting strategic mineral resources shall, in accordance with the relevant provisions of the State and in light of the mine production capacity, external transport conditions, safe production conditions and other circumstances, prepare production capacity reserve construction plans, fulfill the responsibility for production capacity reserves, reasonably plan production capacity, and ensure the needs of emergency production increase.

Article 57 — Production-site reserves of strategic mineral resources shall follow the principles of scientific assessment, reasonable layout, hierarchical management and dynamic adjustment, and, in light of the relevant national plans for mineral resource development and utilization and security support, comprehensively consider factors such as resource endowment, technical conditions for development and utilization, domestic and international supply and demand, and ecological location, reasonably determine the reserve scale and layout, and carry out necessary supplementary exploration of reserve sites to improve emergency exploitation capacity, organically connecting with product reserves and production capacity reserves to form a tiered supply capability.

The competent natural resources department of the State Council shall take the lead in organizing the national production-site reserve work of strategic mineral resources, research and propose opinions on the mineral types, scale and layout of production-site reserves, organize the baseline investigation, assessment and demonstration and reserve exploration of production-site reserves, delineate strategic mineral resource reserve sites, and strengthen the monitoring and protection supervision of production-site reserves. The competent natural resources departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall assist in the relevant work of production-site reserves and organize protection and supervision work in accordance with their territorial management duties. Enterprises shall be encouraged to actively participate in production-site reserve work.

The term of production-site reserves of strategic mineral resources shall be consistent with mineral resource-related plans, and in principle shall not be less than five years. Upon expiry of the reserve term, the competent natural resources department of the State Council shall, together with the relevant departments of the State Council, organize assessment and demonstration to determine whether to extend the reserve term, and carry out the adjustment and utilization of production-site reserves in a timely manner as needed.

Strategic mineral resources included in production-site reserves may not be exploited or overlied without the approval of the competent natural resources department of the State Council.

Article 58 — The development and reform, industry and information technology, natural resources, grain and material reserve, mine safety supervision and other relevant departments of the State Council shall establish and improve the prediction and early-warning system for the security of mineral resource supply, strengthen the sharing and application of data and information related to mineral resource supply security, carry out comprehensive monitoring, analysis and assessment of changes in mineral product supply and demand, price fluctuations and security risks, and promptly conduct prediction and early warning.

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Article 59 — The phrase "other necessary measures" in item (6) of the first paragraph of Article 55 of the Mineral Resources Law includes, but is not limited to, directly organizing the exploitation, processing, transport and supply of mineral resources, requisitioning relevant mineral products, mineral product reserve facilities and transport vehicles, and organizing the supply of mineral resources or mineral products in accordance with the supply support sequence.

Chapter VI — Supervision and Administration

Article 60 — The competent natural resources departments of the people's governments at or above the county level and other relevant departments shall, in accordance with the division of duties, strengthen supervision and inspection of activities such as the exploration and exploitation of mineral resources and the ecological restoration of mining areas, and promptly investigate and punish illegal acts in accordance with the law.

The competent natural resources departments of the people's governments at or above the county level and other relevant departments shall strengthen coordination and cooperation in supervision and inspection; where joint inspection can be carried out, joint inspection shall be implemented, and supervision and inspection through off-site inspection and the use of non-contact technical means shall be encouraged.

Article 61 — The natural resources departments and other relevant departments and their staff shall, in accordance with the law, bear the obligation of confidentiality with respect to State secrets, work secrets, trade secrets, personal privacy and personal information that they become aware of in the course of supervision and administration.

The trade secrets mentioned in the preceding paragraph include, but are not limited to, mineral resource reserves and the exploration results, major discoveries and core technical solutions of mining right holders. Trade secrets shall not be disclosed to third parties, except where the law provides otherwise or the mining right holder consents in writing.

Article 62 — The competent natural resources department of the State Council shall, in accordance with the principles of being scientific and reasonable, reflecting differences, and being simple and easy to implement, establish an evaluation indicator system for the level of development and utilization of mineral resources, and strengthen guidance on the application of evaluation indicators.

The competent natural resources departments of the people's governments at or above the county level shall, in accordance with the evaluation indicators for the level of development and utilization of mineral resources, strengthen the aggregation and analysis of the exploration and exploitation of mineral resources within their respective administrative areas and conduct periodic assessments, and propose improvement measures for the economical and intensive development and utilization of mineral resources. Mining right holders and relevant mining enterprises shall cooperate with the assessment work of the natural resources departments and implement the relevant improvement measures.

Article 63 — The competent natural resources department of the State Council shall promote the improvement of the informatization level of mineral resource supervision and administration, carry out supervision and services through the national mineral resource supervision and administration information system, and strengthen information sharing with the relevant departments of the State Council.

Article 64 — The competent natural resources department of the State Council shall implement filing and tiered and categorized supervision of entities engaged in mineral resource exploration in light of their scale, technical capacity, talent and equipment, credit status and other factors, guide the large-scale development of the mineral resource exploration market, and improve its professional level.

Article 65 — Where a dispute arises between mining right holders over exploration and exploitation areas, the parties shall resolve it through negotiation. Where the parties fail to reach agreement through

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negotiation, it shall be handled by the local people's government at or above the county level where the mineral resources are located in accordance with the exploration and exploitation areas verified in accordance with the law; disputes over exploration and exploitation areas spanning administrative areas shall be handled by the people's government at the next higher level that is common to them.

Article 66 — The national natural resources supervision institution shall, upon authorization by the State Council, supervise the development and utilization of mineral resources and the supervision and administration thereof by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

When conducting supervision, the national natural resources supervision institution shall have the right to learn about the circumstances of the supervision matters from entities and individuals related to the supervision matters, and the relevant entities and individuals shall support and assist the work of the supervision institution.

Chapter VII — Legal Liability

Article 67 — Where any entity or individual obstructs or hinders basic geological survey work carried out in accordance with the law, the competent natural resources department of the people's government at or above the county level shall order correction and give a warning or circulate a notice of criticism; where correction is refused, a fine of not less than 20,000 yuan but not more than 100,000 yuan shall be imposed on the entity, and a fine of not less than 10,000 yuan but not more than 50,000 yuan shall be imposed on the individual.

Article 68 — Where a mining right holder fails to periodically report the changes in mineral resource reserves and the situation of development and utilization, or fails to submit the mine closure geological report after the closure of the mine, the competent natural resources department of the people's government at or above the county level shall order correction and impose a fine of not less than 20,000 yuan but not more than 100,000 yuan; where the circumstances are serious, a fine of not less than 100,000 yuan but not more than 500,000 yuan shall be imposed.

Article 69 — Where the mineral resources involved in the illegal acts prescribed in Articles 63, 64, 66, 67 and 68 of the Mineral Resources Law are strategic mineral resources, a heavier punishment shall be imposed.

Article 70 — Where a mining right holder fails to pay the mining right occupation fee in accordance with provisions, the collection authority may order it to pay within a time limit; where it fails to pay within the time limit, a fine of not more than three times the mining right occupation fee payable may be imposed.

Article 71 — Where a construction project construction unit disposes of, on its own, sand, stone or clay excavated for construction needs, the competent natural resources department of the people's government at or above the county level shall order correction and impose a fine of not less than three times but not more than five times the market value of the mineral products disposed of on its own; where the market value of the mineral products disposed of on its own is less than 100,000 yuan, a fine of not less than 100,000 yuan but not more than 300,000 yuan shall be imposed.

Article 72 — Where strategic mineral resources included in production-site reserves are exploited without approval, a heavier punishment shall be imposed in accordance with Article 64 of the Mineral Resources Law.

Article 73 — Where a violation of these Regulations causes personal or property damage to others or damage to the ecological environment, civil liability shall be borne in accordance with the law; where it constitutes a violation of public security administration, public security administration punishment shall be imposed in accordance with the law; where it constitutes a crime, criminal liability shall be pursued in accordance with the law.

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Chapter VIII — Supplementary Provisions

Article 74 — Foreign investment in the exploration and exploitation of mineral resources shall comply with the provisions of the negative list for foreign investment access.

Where foreign investment in the exploration and exploitation of mineral resources affects or may affect national security, a security review shall be conducted in accordance with the relevant provisions of the State.

Article 75 — The import and export of mineral resources and related goods, technologies and services shall comply with the provisions of the relevant laws and administrative regulations on foreign trade and import and export administration; where they are items subject to export control, the provisions of the laws and administrative regulations on export control shall also be complied with.

Article 76 — Where any country, region or international organization adopts, assists in, or supports discriminatory prohibitions, restrictions or other similar measures that endanger the security of the mineral resources and related industrial chains and supply chains of the People's Republic of China, the relevant departments of the State Council may take necessary countermeasures in accordance with the actual situation.

Article 77 — Where the State provides otherwise for the exploration, exploitation and protection of radioactive mineral resources such as uranium (thorium) ore, such provisions shall prevail.

Article 78 — Exploration permits and mining permits lawfully issued before July 1, 2025 shall continue to be valid within their validity period.

Article 79 — These Regulations shall come into force on June 15, 2026. The Interim Measures for the Supervision and Administration of Mineral Resources, the Provisions on the Administration of the Collection of Mineral Resource Compensation Fees, the Implementation Rules of the Mineral Resources Law of the People's Republic of China, the Measures for the Administration of Registration of Mineral Resource Exploration Blocks, the Measures for the Administration of Registration of Mineral Resource Exploitation, and the Measures for the Administration of the Transfer of Exploration Rights and Mining Rights shall be repealed simultaneously.

Disclaimer: This is an unofficial English translation of the Implementation Regulations for the Mineral Resources Law of the People's Republic of China (2026), provided by Dan Young Business Consultancy for reference purposes only. While every care has been taken to ensure accuracy, the official Chinese text as published by the State Council shall prevail in all matters of interpretation and legal effect. This translation does not constitute legal advice.

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