

Regulations on the Administration of Foreign-Related Marine Scientific Research of the PRC

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

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Article 1 — These Regulations are formulated in accordance with the Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone and other relevant laws for the purpose of strengthening the administration of foreign-related marine scientific research activities conducted within the sea areas under the jurisdiction of the People's Republic of China, safeguarding state sovereignty and marine rights and interests, and promoting international exchange and cooperation in marine scientific research.

Article 2 — These Regulations apply to marine scientific research activities conducted within the sea areas under the jurisdiction of the People's Republic of China, independently or in cooperation with the Chinese side, by foreign organizations, international organizations, or foreign individuals (hereinafter collectively referred to as "foreign parties"). Marine scientific research activities conducted beyond the sea areas under the jurisdiction of the People's Republic of China but related to such sea areas shall be handled by reference to these Regulations.

Article 3 — Foreign parties conducting marine scientific research within the sea areas under the jurisdiction of the People's Republic of China shall comply with the laws and regulations of China, and shall not prejudice the sovereignty, security, or marine rights and interests of the People's Republic of China.

Article 4 — Foreign parties intending to conduct marine scientific research within the sea areas under the jurisdiction of the People's Republic of China shall submit an application to the competent department of oceanic administration of the State Council and may conduct the research only after obtaining approval. No foreign party may conduct marine scientific research within the sea areas under the jurisdiction of the People's Republic of China without approval.

Article 5 — An application submitted by a foreign party under these Regulations shall contain the following particulars: (1) the name, nationality and address of the foreign party, and the name and address of the Chinese side participating in the cooperation; (2) the purpose, content and methods of the research; (3) the specific sea areas, scope and period of the research; (4) the name, type, tonnage and equipment of the vessels or other platforms to be used; (5) the names, nationalities and professional titles of the persons responsible for and participating in the research; and (6) other particulars required by the competent department of oceanic administration of the State Council.

Article 6 — The competent department of oceanic administration of the State Council shall, within a reasonable period, review an application submitted by a foreign party and decide whether to grant approval; where approval is granted, an approval document shall be issued.

Article 7 — In reviewing an application, the competent department of oceanic administration of the State Council shall take into account the following factors: (1) whether the research serves the peaceful purposes of international marine scientific research; (2) whether the research would prejudice the sovereignty, security, or marine rights and interests of the People's Republic of China; and (3) whether the research plan, scope and methods are reasonable and lawful.

Article 8 — Where a foreign party, after obtaining approval, changes the research plan, scope, period, vessels, or other approved particulars, it shall re-submit an application for approval.

Article 9 — Vessels and other platforms used by foreign parties for marine scientific research within the sea areas under the jurisdiction of the People's Republic of China shall comply with the relevant provisions of Chinese law on navigation, entry and exit, and other matters.

Article 10 — During the research, foreign parties shall accept the participation of personnel designated by the Chinese side to the extent feasible and shall not obstruct such participation.

Article 11 — Foreign parties shall, in accordance with the approval document and the relevant provisions of the State, provide the Chinese side with the data, samples and results obtained from the marine scientific research.

Article 12 — Foreign parties shall submit a report on the results of the marine scientific research to the competent department of oceanic administration of the State Council in accordance with the relevant provisions of the State.

Article 13 — The publication or transfer of the results of marine scientific research conducted by foreign parties within the sea areas under the jurisdiction of the People's Republic of China shall comply with the laws and regulations of China.

Article 14 — Where a foreign party violates the provisions of these Regulations, the competent department of oceanic administration of the State Council shall order it to suspend the research activities, make corrections within a prescribed time limit, and take other measures in accordance with the law.

Article 15 — Where a foreign party conducts marine scientific research within the sea areas under the jurisdiction of the People's Republic of China without approval, the competent department of oceanic administration of the State Council shall order it to cease the research activities, and the relevant departments shall impose penalties in accordance with the law.

Article 16 — Where the activities of a foreign party prejudice the sovereignty, security, or marine rights and interests of the People's Republic of China, the competent department of oceanic administration of the State Council may revoke the approval already granted, and the relevant departments shall investigate and deal with the matter in accordance with the law.

Article 17 — The Chinese side participating in cooperation with a foreign party in marine scientific research shall itself comply with the provisions of these Regulations and shall supervise the foreign party's compliance therewith.

Article 18 — These Regulations shall not affect the rights and obligations of the People's Republic of China under international treaties and international law in respect of marine scientific research.

Article 19 — The interpretation of these Regulations shall be the responsibility of the competent department of oceanic administration of the State Council.

Article 20 — These Regulations shall come into force as of October 1, 1996.

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