People's Republic of China Exclusive Economic Zone and Continental Shelf Act

Issued by the Legislative Working Committee of the Standing Committee of the National People's Congress, 26 June 1998. Order by the Chairman of the People's Republic of China

"The People's Republic of China Exclusive Economic Zone and Continental Shelf Act", adopted by the third session of the Standing Committee of the Ninth National People's Congress on 26 June 1998, is hereby promulgated and shall enter into force on the date of promulgation."

EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF ACT

(Adopted at the third session of the Standing Committee of the Ninth National People's Congress, 26 June 1998)

Article 1

This Act is adopted with a view to safeguarding the sovereign rights and jurisdiction exercised by the People's Republic of China over the exclusive economic zone and the continental shelf and to protect China's maritime rights and interests.

Article 2

The exclusive economic zone of the People's Republic of China is an area beyond and adjacent to the territorial sea of the People's Republic of China extending to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

The continental shelf of the People's Republic of China comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.

Conflicting claims regarding the exclusive economic zone and the continental shelf by the People's Republic of China and States with opposite or adjacent coasts shall be settled, on the basis of international law and in accordance with the principle of equity, by an agreement delimiting the areas so claimed.

Article 3

In the exclusive economic zone the People's Republic of China shall exercise sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, current and winds.

The People's Republic of China shall have jurisdiction in the exclusive economic zone with regard to the establishment and use of artificial islands, installations and structures; marine scientific research; and the protection and preservation of the marine environment.

The natural resources of the exclusive economic zone referred to in this Act include living and non-living resources.

Article 4

The People's Republic of China shall exercise sovereign rights over the continental shelf for the purpose of exploring it and exploiting its natural resources.

The People's Republic of China shall have jurisdiction over the continental shelf with regard to the establishment and use of artificial islands, installations and structures; marine scientific research; and the protection and preservation of the marine environment.

The People's Republic of China shall have the exclusive right to authorize and regulate drilling on the continental shelf for all purposes.

The natural resources of the continental shelf referred to in this Act consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

Article 5

Any international organization, foreign organization or individual entering the exclusive economic zone of the People's Republic of China to engage in fishery activities must have the approval of the competent authorities of the People's Republic of China and comply with the laws and regulations of the People's Republic of China and any treaties or agreements concluded by the relevant States and the People's Republic of China.

The competent authorities of the People's Republic of China shall have the right to take any necessary conservation and management measures to ensure that the living resources of the exclusive economic zone are not endangered by over-exploitation.

Article 6

The competent authorities of the People's Republic of China shall have the right to conserve and manage the straddling fish stocks, highly migratory fish stocks and marine mammals of the exclusive economic zone, anadromous stocks originating in the rivers of the People's Republic of China and catadromous species that spend the greater part of their life cycle in the waters of the People's Republic of China.

The People's Republic of China shall have the primary interest in anadromous stocks originating in China's rivers.

Article 7

Any international organization, foreign organization or individual engaging in the exploration or exploitation of the natural resources of the exclusive economic zone or continental shelf of the People's Republic of China or to carry out drilling in the continental shelf of the People's Republic of China must have the approval of the competent authorities of the People's Republic of China and comply with the laws and regulations of the People's Republic of China.

The People's Republic of China shall have exclusive rights in the exclusive economic zone and the continental shelf to establish and to authorize and regulate the establishment, operation and use of artificial islands, installations and structures.

The People's Republic of China shall have exclusive jurisdiction over the artificial islands, installations and structures in the exclusive economic zone and the continental shelf, including jurisdiction with regard to customs, fiscal, health, security and immigration laws and regulations.

The competent authorities of the People's Republic of China shall have the right to establish safety zones around the artificial islands, installations and structures in the exclusive economic zone and continental shelf in which they may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

Article 9

Any international organization, foreign organization or individual engaging in marine scientific research in the exclusive economic zone and continental shelf of the People's Republic of China must have the approval of the competent authorities of the People's Republic of China and shall comply with the laws and regulations of the People's Republic of China.

Article 10

The competent authorities of the People's Republic of China shall have the right to take the necessary measures to prevent, reduce and control pollution of the marine environment and to protect and preserve the marine environment of the exclusive economic zone and the continental shelf.

Article 11

Any State, provided that it observes international law and the laws and regulations of the People's Republic of China, shall enjoy in the exclusive economic zone and the continental shelf of the People's Republic of China freedom of navigation and overflight and of laying submarine cables and pipelines, and shall enjoy other legal and practical marine benefits associated with these freedoms. The laying of submarine cables and pipelines must be authorized by the competent authorities of the People's Republic of China.

Article 12

The People's Republic of China may, in the exercise of its sovereign rights to explore, exploit, conserve and manage the living resources of the exclusive economic zone, take such measures, including boarding, inspection, arrest, detention and judicial proceedings, as may be necessary to ensure compliance with its laws and regulations.

In the event of a violation of the laws and regulations of the People's Republic of China in the exclusive economic zone or the continental shelf, the People's Republic of China shall have the right to take the necessary investigative measures in accordance with the law and may exercise the right of hot pursuit.

Article 13

Rights enjoyed by the People's Republic of China in the exclusive economic zone and the continental shelf that are not stipulated in this Act shall be exercised in accordance with international law and the laws and regulations of the People's Republic of China.

Article 14

The provisions of this Act shall not affect the historical rights of the People's Republic of China.

Article 15

The Government of the People's Republic of China may, in accordance with this Act, enact relevant regulations.

Article 16

This Act shall enter into force on the date of promulgation.