

Decree on foreign marine scientific research in the territorial
sea, on the continental shelf and in the fishery zone of the
German Democratic Republic
Marine Research Decree of 23 March 1989*

In order to promote the conduct of marine scientific research for peaceful purposes in accordance with the principle of respect for sovereignty and jurisdiction and on the basis of mutual benefit, the following Decree is issued, in conformity with the United Nations Convention on the Law of the Sea of 10 December 1982, on the basis of article 6 of the Law on the Exploration, Exploitation and Delimitation of the Continental Shelf of the German Democratic Republic of 20 February 1967 (Gesetzblatt I No. 2, p. 5), the Law on Fisheries in the Fishery Zone of the German Democratic Republic of 13 October 1978 (Gesetzblatt I No. 35, p. 380) and article 40 of the Law on the State Border of the German Democratic of 25 March 1982 (Gesetzblatt I No. 11, p. 197):

Article 1

Scope of application

This Decree regulates the conduct by other States and their natural and juridical persons as well as by international organizations of marine scientific research in the territorial sea, on the continental shelf and in the fishery zone of the German Democratic Republic.

Article 2

Prerequisites for the conduct of marine scientific research

(1) Marine scientific research under article 1 shall be subject to prior consent by the competent government authorities of the German Democratic Republic.

(2) Applications for the conduct of marine scientific research shall be transmitted to the Ministry of Foreign Affairs through diplomatic channels in good time, but not later than eight weeks before the expected commencement of the project.

Article 3

Marine scientific research in the territorial sea

The conduct of marine scientific research in the territorial sea shall, as a matter of principle, be incumbent on the competent government authorities and institutions of the German Democratic Republic. With regard to marine

scientific research projects to be carried out by other States, their natural or juridical persons or by international organizations in the territorial sea, consent shall be granted only in exceptional cases and on the basis of reciprocity.

Article 4

Marine scientific research on the continental shelf and in the continental shelf

(1) The competent government authorities of the German Democratic Republic shall, in normal circumstances, grant their consent to marine scientific research projects on the continental shelf or in the fishery zone if these projects serve exclusively peaceful purposes and the enlargement of scientific knowledge of the marine environment, and do not unjustifiably interfere with other legitimate uses of the sea.

(2) The consent may be withheld if:

(a) The project is of direct significance for the exploration and exploitation of natural resources, whether living or non-living;

(b) The project involves drilling into the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment;

(c) The project involves the construction, operation or use of artificial islands, installations and structures;

(d) Data regarding the nature and objectives of the project transmitted under article 5 are incorrect, inaccurate or incomplete or if the applicant has outstanding obligations to the German Democratic Republic from a prior research project;

(e) The application for the project has not been lodged in good time pursuant to the provisions of article 2, paragraph 2.

Article 5

Data on the project

The applications pursuant to the provisions of article 2, paragraph 2, shall contain complete data on:

(a) The nature and objectives of the project;

(b) The method and means to be used, including a description of scientific equipment;

(c) The name, nationality, call signal, tonnage and type of the water craft;

(d) The name of the master and the number of the crew members;

(e) The precise geographical limits of the sea areas within which the project is to be conducted, and the co-ordinates of the measuring points to be included in the project;

(f) The schedule for the conduct of the project, including the expected date of first appearance and final departure of the water craft, the dates of envisaged entry of ports and/or of deployment and removal of equipment;

(g) The name of the sponsoring institution, its director, and the person in charge of the project; and

(h) The extent to which the German Democratic Republic should be able to participate or to be represented in the project.

Article 6

Duty to comply with certain conditions

States, their natural or juridical persons and international organizations are obliged:

(a) To ensure participation by representatives of the German Democratic Republic, if it so desires, in the marine scientific research project, especially on board the water craft, when practicable, without obligation of the German Democratic Republic to contribute to the costs;

(b) To provide the competent government authorities and institutions of the German Democratic Republic, at their request and free of charge:

- with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research,

- with access to all data and samples derived from marine scientific research projects and to furnish them with data which may be copied and samples which may be divided without detriment to their scientific value,

- with an assessment of such data and samples and of the research results;

(c) To inform the competent government authorities of the German Democratic Republic immediately of any major change in the research programme;

(d) Not to interfere unjustifiably with other legitimate uses of the sea in the conduct of the project; and

(e) Unless otherwise agreed, to remove the marine scientific research installations or equipment once the research is completed.

Article 7

Measures in case of contravention

The competent government authorities of the German Democratic Republic may, if necessary, enforce the suspension or cessation of any marine scientific research in the territorial sea, on the continental shelf or in the fishery zone of the German Democratic Republic that is conducted without their prior consent, is not in agreement with the data transmitted under article 5, or violates the provisions of article 6, subparagraph d, of this Decree.

Article 8

Provisions on administrative penalties

(1) A person who, in the territorial sea, on the continental shelf or in the fishery zone of the German Democratic Republic, intentionally or negligently:

(a) Conducts marine scientific research without the prior consent of the competent government authorities (article 2, paragraph 1);

(b) Conducts marine scientific research which is not consistent with the data transmitted in the application (article 6, subparagraph c); or

(c) Interferes unjustifiably in the conduct of marine scientific research with other legitimate uses of the sea (article 6, subparagraph d),

is liable to a reprimand or an administrative penalty of up to 500 marks if the effects of the act on public rights and interests and the extent of the guilt of the offender are small.

(2) Responsibility may likewise be invoked against a person who, intentionally or negligently, fails to remove the marine scientific research installations or equipment immediately after completion of the research (article 6, subparagraph e).

(3) An administrative penalty of up to 1,000 marks can be imposed for intentional acts under paragraphs 1 and 2, if:

(a) The order and security of the State or public has been impaired considerably;

(b) The public interests have been grossly disregarded; or

(c) Major damage could have been caused.

(4) Objects which have been used in committing an offence or to which the offence relates may be confiscated without compensation, in addition to or without other penalties, independently of the rights of third parties.

(5) The conduct of administrative penalty proceedings, in accordance with the respective competence, is incumbent on the Head of the Fishery Inspection Board of the German Democratic Republic, the Director of the Shipping Board of the German Democratic Republic or the competent member of the Council of Rostock County.

(6) The conduct of administrative penalty proceedings and the pronouncement of administrative penalty measures are subject to the Law on the Combating of Administrative Offences of 12 January 1968 (Gesetzblatt I No. 3, p. 101).

Final provisions

Article 9

The necessary regulations for the implementation of this Decree shall be issued by the Minister of Geology or the Minister of County-Controlled and Food Industries, as appropriate, in agreement with the heads of the competent central government authorities.

Article 10

This Decree shall enter into force on 1 July 1989.

Berlin, 23 March 1989.