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| --- | --- | --- |
| 发文机关  Promulgator | ：  : | 全国人民代表大会常务委员会  The Standing Committee of the National People's Congress |
| 发布日期  Date of Issue | ：  : | 2016.02.26  2016.02.26 |
| 生效日期  Effective Date | ：  : | 2016.05.01  2016.05.01 |
| 时效性  Effectiveness | ：  : | 现行有效  Current |
| 文号  No. | ：  : | 主席令第四十二号  Presidential Decree No. 42 |

# 中华人民共和国深海海底区域资源勘探开发法

# Law of the People's Republic of China on Resources Exploration and Development in Deep Seabed Areas

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《中华人民共和国深海海底区域资源勘探开发法》已由中华人民共和国第十二届全国人民代表大会常务委员会第十九次会议于2016年2月26日通过，现予公布，自2016年5月1日起施行。

The Law of the People's Republic of China on the Exploration and Development of Deep Seabed Resources, adopted at the 19th Session of the Standing Committee of the 12th National People's Congress of the People's Republic of China on February 26, 2016, is hereby promulgated for implementation as of May 1, 2016.

中华人民共和国主席 习近平

President Xi Jinping

2016年2月26日

February 26, 2016

中华人民共和国深海海底区域资源勘探开发法

Law of the People's Republic of China on Resources Exploration and Development in Deep Seabed Areas

（2016年2月26日第十二届全国人民代表大会常务委员会第十九次会议通过）

(Adopted at the 19th Session of the Standing Committee of the 12th National People's Congress on 26 February 2016)

第一章 总则

Chapter 1 General Provisions

第一条   为了规范深海海底区域资源勘探、开发活动，推进深海科学技术研究、资源调查，保护海洋环境，促进深海海底区域资源可持续利用，维护人类共同利益，制定本法。

Article 1 This Law is formulated for the purposes of standardising exploration and development of resources in deep seabed areas, promoting deep seabed scientific and technological research and resources investigation, protecting marine environment, promoting sustainable use of resources in deep seabed areas, and safeguarding common interests of mankind.

第二条   中华人民共和国的公民、法人或者其他组织从事深海海底区域资源勘探、开发和相关环境保护、科学技术研究、资源调查活动，适用本法。

Article 2 This Law shall apply to exploration and development and related environmental protection, scientific and technological research and resources investigation of deep seabed resources by citizens, legal persons and other organizations of the People's Republic of China.

本法所称深海海底区域，是指中华人民共和国和其他国家管辖范围以外的海床、洋底及其底土。

For the purpose of the Law, the deep seabed refers to the seabed, ocean floor and their subsoil outside the jurisdiction of the People's Republic of China and other countries.

第三条   深海海底区域资源勘探、开发活动应当坚持和平利用、合作共享、保护环境、维护人类共同利益的原则。

Article 3 Activities of deep seabed resource exploration and development shall be subject to the principles of peaceful utilization, cooperation and sharing, environmental protection, and protection of the common interests of mankind.

国家保护从事深海海底区域资源勘探、开发和资源调查活动的中华人民共和国公民、法人或者其他组织的正当权益。

The state shall protect the legitimate rights and interests of citizens, legal persons or other organizations of the People's Republic of China who are engaged in deep seabed resource exploration and development and resources investigation.

第四条   国家制定有关深海海底区域资源勘探、开发规划，并采取经济、技术政策和措施，鼓励深海科学技术研究和资源调查，提升资源勘探、开发和海洋环境保护的能力。

Article 4 The State shall formulate plans for deep seabed resource exploration and development and adopt economic and technological policies and measures to encourage deep-sea scientific and technological research and resources investigation, improve the capabilities for resource exploration and development and marine environmental protection.

第五条   国务院海洋主管部门负责对深海海底区域资源勘探、开发和资源调查活动的监督管理。国务院其他有关部门按照国务院规定的职责负责相关管理工作。

Article 5 The marine administration department under the State Council shall be in charge of the supervision and administration of deep seabed resource exploration, development and survey activities. Other relevant departments under the State Council shall be responsible for the relevant administrative work as per the duties assigned by the State Council.

第六条   国家鼓励和支持在深海海底区域资源勘探、开发和相关环境保护、资源调查、科学技术研究和教育培训等方面，开展国际合作。

Article 6 The State shall encourage and support international cooperation in deep seabed resource exploration and development and related environmental protection, resources investigation, scientific and technological research, education and training, and other aspects.

第二章 勘探、开发

Chapter 2 Exploration and Development

第七条   中华人民共和国的公民、法人或者其他组织在向国际海底管理局申请从事深海海底区域资源勘探、开发活动前，应当向国务院海洋主管部门提出申请，并提交下列材料：

Article 7 Before applying to the International Seabed Authority (ISA) for engaging in deep seabed resource exploration and development activities, citizens, legal persons or other organizations of the People's Republic of China shall file an application with the marine administration department under the State Council and submit the following materials:

（一）申请者基本情况；

1. the applicant's basic information;

（二）拟勘探、开发区域位置、面积、矿产种类等说明；

(II) the location, area, types of mineral resources and other descriptions of the proposed region to be explored or developed;

（三）财务状况、投资能力证明和技术能力说明；

(III) Statement on its financial conditions, investment capacity and technical capacity;

（四）勘探、开发工作计划，包括勘探、开发活动可能对海洋环境造成影响的相关资料，海洋环境严重损害等的应急预案；

(IV) an exploration or development plan, including relevant materials on the potential impact of exploration or development activities on marine environment, and an emergency plan for serious damage to marine environment; and

（五）国务院海洋主管部门规定的其他材料。

(V) other materials as required by the marine administration department under the State Council.

第八条   国务院海洋主管部门应当对申请者提交的材料进行审查，对于符合国家利益并具备资金、技术、装备等能力条件的，应当在六十个工作日内予以许可，并出具相关文件。

Article 8 The marine administration department under the State Council shall review the materials submitted by applicants. If the application is in line with the national interests and meets the capital, technology and equipment requirements, it shall be approved and the relevant documents shall be issued within 60 working days.

获得许可的申请者在与国际海底管理局签订勘探、开发合同成为承包者后，方可从事勘探、开发活动。

Approved applicants may engage in exploration or development activities only after entering into exploration or development contracts with the ISA.

承包者应当自勘探、开发合同签订之日起三十日内，将合同副本报国务院海洋主管部门备案。

Contractors shall file a copy of their contracts with the marine administration department under the State Council within 30 days after signing the exploration or development contracts.

国务院海洋主管部门应当将承包者及其勘探、开发的区域位置、面积等信息通报有关机关。

The marine administration department under the State Council shall report the contractors' information and the locations and areas of their exploration or development regions to relevant authorities.

第九条   承包者对勘探、开发合同区域内特定资源享有相应的专属勘探、开发权。

Article 9 Contractors shall have exclusive exploration or development rights to the resources designated in the exploration or development areas covered by their contracts.

承包者应当履行勘探、开发合同义务，保障从事勘探、开发作业人员的人身安全，保护海洋环境。

Contractors shall perform their obligations under the exploration or development contracts, protect the personal safety of the personnel engaged in the exploration or development, and protect marine environment.

承包者从事勘探、开发作业应当保护作业区域内的文物、铺设物等。

Contractors engaged in exploration or development operations shall protect the cultural relics and laying in the working areas.

承包者从事勘探、开发作业还应当遵守中华人民共和国有关安全生产、劳动保护方面的法律、行政法规。

Contractors engaged in exploration or development operations shall also abide by the laws and administrative regulations of the People's Republic of China governing work safety and labour protection.

第十条   承包者在转让勘探、开发合同的权利、义务前，或者在对勘探、开发合同作出重大变更前，应当报经国务院海洋主管部门同意。

Article 10 Before a contractor transfers the rights or obligations under an exploration or development contract or makes any significant change to the exploration or development contract, it shall report the same to the marine administration department under the State Council for approval.

承包者应当自勘探、开发合同转让、变更或者终止之日起三十日内，报国务院海洋主管部门备案。

Contractors shall file records with the marine administration department under the State Council within 30 days upon transfer, alteration or termination of their exploration or development contracts.

国务院海洋主管部门应当及时将勘探、开发合同转让、变更或者终止的信息通报有关机关。

The marine administration department under the State Council shall notify relevant authorities of the transfer, alteration or termination of an exploration or development contract.

第十一条   发生或者可能发生严重损害海洋环境等事故，承包者应当立即启动应急预案，并采取下列措施：

Article 11 Where an accident that seriously damages the marine environment has occurred or may occur, the contractor shall immediately activate its emergency response plan and adopt the following measures:

（一）立即发出警报；

1. giving an alarm immediately;

（二）立即报告国务院海洋主管部门，国务院海洋主管部门应当及时通报有关机关；

(II) immediately report to the marine administration department under the State Council, which shall in turn promptly notify relevant authorities; and

（三）采取一切实际可行与合理的措施，防止、减少、控制对人身、财产、海洋环境的损害。

(III) adopting every feasible and reasonable measure to prevent, mitigate, and contain the damage to human life, property, or marine environment.

第三章 环境保护

Chapter 3 Environmental Protection

第十二条   承包者应当在合理、可行的范围内，利用可获得的先进技术，采取必要措施，防止、减少、控制勘探、开发区域内的活动对海洋环境造成的污染和其他危害。

Article 12 Contractors shall, where reasonable and feasible, utilize available advanced technologies and adopt necessary measures, to prevent, mitigate and contain pollution and other damages to marine environment caused by their exploration and development activities in the area.

第十三条   承包者应当按照勘探、开发合同的约定和要求、国务院海洋主管部门规定，调查研究勘探、开发区域的海洋状况，确定环境基线，评估勘探、开发活动可能对海洋环境的影响；制定和执行环境监测方案，监测勘探、开发活动对勘探、开发区域海洋环境的影响，并保证监测设备正常运行，保存原始监测记录。

Article 13 Contractors shall, according to the provisions and requirements of the exploration or development contracts and the provisions of the marine administration department under the State Council, investigate and research the marine conditions in the exploration or development areas, identify the environmental baseline, and assess the possible impact of the exploration or development activities on the marine environment; formulate and implement environmental monitoring plans, monitor the impact of the exploration or development activities on the marine environment in the exploration or development areas, ensure the normal operation of the monitoring equipment, and keep the original monitoring records.

第十四条   承包者从事勘探、开发活动应当采取必要措施，保护和保全稀有或者脆弱的生态系统，以及衰竭、受威胁或者有灭绝危险的物种和其他海洋生物的生存环境，保护海洋生物多样性，维护海洋资源的可持续利用。

Article 14 Contractors shall adopt necessary measures when engaging in exploration or development activities to protect and preserve rare or fragile ecosystems and habitats of endangered or critically endangered marine species and other organisms, protect marine biological diversity, and maintain a sustainable use of marine resources.

第四章 科学技术研究与资源调查

Chapter 4 Scientific and Technological Research and Resources Investigation

第十五条   国家支持深海科学技术研究和专业人才培养，将深海科学技术列入科学技术发展的优先领域，鼓励与相关产业的合作研究。

Article 15 The State shall support deep-sea scientific and technological research and the training of professional talents, include deep-sea science and technology in the priority fields for scientific and technological development, and encourage research cooperation with relevant industries.

国家支持企业进行深海科学技术研究与技术装备研发。

The State shall support enterprises in their deep-sea scientific and technological research and technical equipment research and development.

第十六条   国家支持深海公共平台的建设和运行，建立深海公共平台共享合作机制，为深海科学技术研究、资源调查活动提供专业服务，促进深海科学技术交流、合作及成果共享。

Article 16 The state shall support the construction and operation of public platforms for deep-sea activities, establish a sharing and cooperation mechanism among platforms to provide professional services for deep-sea scientific and technological research and resources investigation, and facilitate deep-sea scientific and technological exchanges, cooperation, and sharing of results.

第十七条   国家鼓励单位和个人通过开放科学考察船舶、实验室、陈列室和其他场地、设施，举办讲座或者提供咨询等多种方式，开展深海科学普及活动。

Article 17 The State shall encourage entities and individuals to conduct deep-sea science popularization activities by opening scientific survey ships, laboratories, showrooms and other sites and facilities, holding lectures or providing consultations.

第十八条   从事深海海底区域资源调查活动的公民、法人或者其他组织，应当按照有关规定将有关资料副本、实物样本或者目录汇交国务院海洋主管部门和其他相关部门。负责接受汇交的部门应当对汇交的资料和实物样本进行登记、保管，并按照有关规定向社会提供利用。

Article 18 Citizens, legal persons or other organizations that are engaged in deep seabed resource survey activities shall submit copies of relevant materials, physical samples or catalogs to the marine administration department and other relevant departments under the State Council. The receiving departments shall register and keep the submitted materials and physical samples and make them available to the public pursuant to relevant provisions.

承包者从事深海海底区域资源勘探、开发活动取得的有关资料、实物样本等的汇交，适用前款规定。

The preceding paragraph shall be applicable to the submission of relevant materials and physical samples obtained from deep seabed resource exploration and development activities by contractors.

第五章 监督检查

Chapter 5 Supervision and Inspection

第十九条   国务院海洋主管部门应当对承包者勘探、开发活动进行监督检查。

Article 19 The marine administration department under the State Council shall supervise and inspect the contractor's exploration or development activities.

第二十条   承包者应当定期向国务院海洋主管部门报告下列履行勘探、开发合同的事项：

Article 20 Contractors shall report the following matters in respect of the performance of the exploration or development contracts to the marine administration department under the State Council on a regular basis:

（一）勘探、开发活动情况；

1. the situation of the exploration or development activities;

（二）环境监测情况；

2. Monitoring of the environment;

（三）年度投资情况；

(III) annual investment; and

（四）国务院海洋主管部门要求的其他事项。

(IV) other matters as required by the marine administration department under the State Council.

第二十一条   国务院海洋主管部门可以检查承包者用于勘探、开发活动的船舶、设施、设备以及航海日志、记录、数据等。

Article 21 The marine administration department under the State Council may inspect the ships, facilities, and equipment used by contractors to conduct exploration or development activities, as well as ship logs, records and data.

第二十二条   承包者应当对国务院海洋主管部门的监督检查予以协助、配合。

Article 22 Contractors shall assist and cooperate with the supervision and inspection of the marine administration department under the State Council.

第六章 法律责任

Chapter 6 Legal Liabilities

第二十三条   违反本法第七条、第九条第二款、第十条第一款规定，有下列行为之一的，国务院海洋主管部门可以撤销许可并撤回相关文件：

Article 23 In case a contractor is in breach of Article 7, Paragraph 2 of Article 9, or Paragraph 1 of Article 10 of this Law under any of the following circumstances, the marine administration department under the State Council may rescind the permission and withdraw relevant documents:

（一）提交虚假材料取得许可的；

1. Providing false materials to obtain license;

（二）不履行勘探、开发合同义务或者履行合同义务不符合约定的；

2. failing to perform its obligations under the exploration or development contract or performing its obligations in conformity with the terms of the contract; or

（三）未经同意，转让勘探、开发合同的权利、义务或者对勘探、开发合同作出重大变更的。

(III) without consent, the exploration or development contract is assigned, or any major changes are made to the contract.

承包者有前款第二项行为的，还应当承担相应的赔偿责任。

A contractor who commits any of the acts stipulated in item (2) of the preceding paragraph shall bear the corresponding compensation liability.

第二十四条   违反本法第八条第三款、第十条第二款、第十八条、第二十条、第二十二条规定，有下列行为之一的，由国务院海洋主管部门责令改正，处二万元以上十万元以下的罚款：

Article 24 In case a contractor is in breach of Paragraph 3 of Article 8, Paragraph 2 of Article 10, Article 18, Article 20 or 22 of this Law under any of the following circumstances, the marine administration department under the State Council shall order the contractor to make corrections and impose a fine of between CNY20,000 and CNY100 ,000:

（一）未按规定将勘探、开发合同副本报备案的；

1. failing to file a copy of the exploration or development contract as required;

（二）转让、变更或者终止勘探、开发合同，未按规定报备案的；

2. failing to report the transfer, alteration or termination of the exploration or development contract as required;

（三）未按规定汇交有关资料副本、实物样本或者目录的；

3. failing to submit copies of relevant materials, physical samples or catalogs as required; and

（四）未按规定报告履行勘探、开发合同事项的；

(IV) failing to report matters in respect of the performance of the exploration or development contract as required; or

（五）不协助、配合监督检查的。

(V) failing to assist or cooperate with the supervision or inspection work as required.

第二十五条   违反本法第八条第二款规定，未经许可或者未签订勘探、开发合同从事深海海底区域资源勘探、开发活动的，由国务院海洋主管部门责令停止违法行为，处十万元以上五十万元以下的罚款；有违法所得的，并处没收违法所得。

Article 25 In case a contractor is in breach of Paragraph 2 of Article 8 of this Law by engaging in deep seabed resource exploration or development activities without permission or without signing an exploration or development contract, the marine administration department under the State Council shall order the contractor to cease such illegal activity and impose a fine of between CNY100 ,000 and CNY500,000; and all illegal gains, if any, shall be confiscated.

第二十六条   违反本法第九条第三款、第十一条、第十二条规定，造成海洋环境污染损害或者作业区域内文物、铺设物等损害的，由国务院海洋主管部门责令停止违法行为，处五十万元以上一百万元以下的罚款；构成犯罪的，依法追究刑事责任。

Article 26 In case a contractor is in breach of Paragraph 3 of Article 9, Article 11 or Article 12 of this Law, resulting in pollution and damage to the marine environment or damage to cultural relics or laying in the operating area, the marine administration department under the State Council shall order the contractor to cease illegal activity and impose a fine of between CNY500,000 and CNY1 million; if the case constitutes a crime, the contractor shall be held criminally liable.

第七章 附则

Chapter 7 Supplementary Provisions

第二十七条   本法下列用语的含义：

Article 27 Terms used in this Law are defined as follows:

（一）勘探，是指在深海海底区域探寻资源，分析资源，使用和测试资源采集系统和设备、加工设施及运输系统，以及对开发时应当考虑的环境、技术、经济、商业和其他有关因素的研究。

1. "Exploration" refers to the activities of exploring and analyzing resources in deep seabed, utilizing and testing resource acquisition systems and equipment, processing facilities and transportation systems, and studying on environmental, technological, economic, commercial and other factors to be considered for development.

（二）开发，是指在深海海底区域为商业目的收回并选取资源，包括建造和操作为生产和销售资源服务的采集、加工和运输系统。

(II) "Development" refers to the activities of collecting and selecting resources in the deep seabed for commercial purposes, including building and operating acquisition, processing and transportation systems for producing and selling resources.

（三）资源调查，是指在深海海底区域搜寻资源，包括估计资源成分、多少和分布情况及经济价值。

(III) "Resources investigation" refers to the activities of searching for resources in the deep seabed, including estimating the composition, amount, distribution and economic value of resources.

第二十八条   深海海底区域资源开发活动涉税事项，依照中华人民共和国税收法律、行政法规的规定执行。

Article 28 The tax-related matters of deep seabed resource development activities shall be subject to the tax laws and administrative regulations of the People's Republic of China.

第二十九条   本法自2016年5月1日起施行。

Article 29 This Law shall come into force as of May 1, 2016.