

Regulations of Permission on Delineation of Course for Laying, Maintaining, or Modifying Submarine Cables or Pipelines on the Continental Shelf of the Republic of China

(Promulgated by Tai 89 Nei Tzu No. 02361 of the Executive Yuan of the Republic of China on January 26, 2000, and effective as of the date of promulgation)

Article 1 The present Regulations of Permission for Delineation of Course for Laying, Maintaining, or Modifying Submarine Cables or Pipelines on the Continental Shelf of the Republic of China (hereinafter referred to as “the Regulations”) are formulated in accordance with Paragraph 1, Article 15 of the Law on the Exclusive Economic Zone and the Continental Shelf of the Republic of China (hereinafter referred to as “the Law”).

Article 2 The Competent Authority as referred to in the Regulations is the Ministry of the Interior.

Article 3 The terms used in the Regulations are defined as follows:

1. “cable” means cable lines and affiliated devices used for communication, electricity, or other transmitting purposes.
2. “pipeline” means pipe-shaped transporting devices used for transporting water, gas, petroleum, or other materials.

Article 4 Before applying for permission of course delineation for laying submarine cables or pipelines on the continental shelf of the Republic of China, owner(s) of cables or pipelines (hereinafter referred to as “Owner”) shall file application in writing for course survey to the Competent Authority with the following information:

1. The name, nationality, domicile, residence or main business office, telephone and fax numbers of Owner and his agent. Should Owner be a juristic person, application shall include the name, telephone and fax numbers of its representative.
2. The name, nationality, main business office, representative, contact person, telephone and fax numbers of survey unit.
3. Geographical area where survey will cover, to be described in a chart.
4. Duration, content, method, and equipment to be used, of survey work.

The Competent Authority shall review application within 30 days after filing of said application; if said application does not fulfill requirements of the Regulations and needs improvement, the said application shall be withheld in a specified duration of time for Owner to revise his application in order to fulfill requirements; failure to complete needed revision within said specified duration of time will result in the rejection of the said application.

Article 5 After the Competent Authority approves Owner’s application for course survey, Owner shall submit, 15 days prior to the performance of said course survey

operation, the name, nationality, tonnage, type, class, communication method, main equipment and functions of operation vessel, as well as personnel data of crew and other working staff, together with enclosed photographs of the vessel, to the Competent Authority for filing. Whenever there is a change of the above-mentioned information, same procedure applies for filing.

Information on the above-mentioned operation vessel, crew and other working staff may be attached to Owner's application for course survey in accordance with the preceding article if such information can be ascertained at that time.

Article 6 After completing course survey, Owner shall draft a course plan and apply, together with the following information, to the Competent Authority for permission of course delineation.

1. Usage, materials to be used, and other characteristics of submarine cables or pipelines.
2. Course map for the planned laying of submarine cables or pipelines, starting and ending points, and total length.
3. Designated builder for laying operation, and its duration, operation plan, technology and equipment.
4. Impact assessment report on marine ecology and fisheries, as well as mitigation policy, for the laying of submarine cables or pipelines.
5. Written agreement from operator of a mining area if any planned cable or pipeline is to pass through that ocean mining area.
6. Written consent from competent authorities of environmental protection agencies if the Law of Environmental Impact Assessment requires environment impact assessment report.
7. Written consent from competent authorities of fisheries if certain fishing rights need to be modified, withdrew, or suspended in accordance with the Law on Fisheries.
8. Written consent from competent authorities of relevant target business administrations if application for laying of submarine cables or pipelines requires consent from said target business administrations in accordance with other relevant laws.

Article 7 For the purpose of maintaining submarine cables and pipelines, Owner shall file application with the following information for permission of course delineation:

1. The name, nationality, domicile, residence or main business office, telephone and fax numbers of Owner or his agent. If Owner is a juristic person, application shall include the name, telephone and fax numbers of its representative.
2. The name, nationality, main business office, representative, contact person,

telephone and fax numbers of maintenance unit.

3. Operation area where maintenance work will cover, to be described in a chart.
4. Duration, content, method, and equipment to be used, of maintenance work.
5. The name, nationality, tonnage, type, class, communication method, main equipment and functions of maintenance operation vessel, and personnel data of crew and other working staff, together with enclosed photographs of the vessel.

In the case of emergency for maintenance work due to damage of any cables or pipelines, Owner shall explain the situation to the Competent Authority and may proceed with the maintenance work upon consent of the Competent Authority, without being subject to the rules of the paragraph above. After repairing the damaged cables or pipelines, Owner shall submit relevant transcripts of evidence to the Competent Authority for filing.

Article 8 Articles 4 through 6 apply to applications for modifications of submarine cables or pipelines.

Article 9 After filing of application for delineation of course as referred to in the preceding three articles, the Competent Authority shall review said application within sixty days; if said application does not fulfill requirements of the Regulations and needs improvement, the said application shall be withheld in a specified duration of time for Owner to revise his application in order to fulfill requirements; failure to complete needed revision within said specified duration of time will result in the rejection of the said application. Permission shall be granted after reviewing application and concluding that application has fulfilled requirements of the Regulations and is consistent with paragraph 2, article 15 of the Law.

Article 10 If Owner is a foreign national, his application for course survey or delineation shall be filed, through embassies, consulates, representative offices, or any offices of the Republic of China, or through any other authorized agencies abroad of the Ministry of Foreign Affairs, to the Competent Authority. If Owner has a branch office or an agent in the Republic of China, its branch office or agent may, after obtaining written authorization from Owner, file application on behalf of Owner to the Competent Authority directly.

Article 11 For the purpose of reviewing application to course survey or delineation, the Competent Authority may invite representatives of governmental departments concerned, scholars and experts to form a review panel.

Article 12 After completing work of laying or modifying submarine cables or pipelines, Owner shall submit, within three months, three copies of course map on said submarine cables or pipelines and other relevant information to the Competent Authority for filing.

Article 13 The Regulations apply to application for permission of course survey

or delineation that its course has to pass through the territorial sea, or areas within baselines of the territorial sea, of the Republic of China for laying, maintaining or modifying said submarine cables or pipelines on the continental shelf of the Republic of China.

Article 14 Formats of required application forms and photographs shall be determined by the Competent Authority.

Article 15 The Regulations shall become effective on the date of promulgation.