

Law on the Exclusive Economic Zone and the Continental Shelf of the Republic of China

Promulgated on January 21, 1998

Article 1 This law is enacted to preserve and exercise the rights in the exclusive economic zone and on the continental shelf of the Republic of China.

Matters not covered by this law shall be governed by the provisions of other related laws.

Article 2 The exclusive economic zone of the Republic of China denotes the sea area contiguous to the outer limits of the territorial sea and to a distance measuring outwardly 200 nautical miles from the baseline of the territorial sea.

The exclusive economic zone prescribed in the preceding paragraph comprises the water body, the seabed and the subsoil.

The continental shelf of the Republic of China is the submarine area that extends beyond its territorial sea through the natural prolongation of its land territory to the outer edge of the continental margin.

The submarine area prescribed in the preceding paragraph comprises the seabed and subsoil.

Article 3 The outer limits of the exclusive economic zone and the continental shelf of the Republic of China shall be decided by the Executive Yuan and may be promulgated in parts.

Article 4 In the event that the exclusive economic zone or the continental shelf of the Republic of China overlaps with the adjacent or opposite countries, the Republic of China may negotiate, on the principle of equality, a delimitation line with those of the adjacent or opposite countries.

Prior to agreements mentioned in the preceding paragraph, the Republic of China and the adjacent or opposite countries, in a spirit of understanding and co-operation, may reach a *modus vivendi*.

Such a *modus vivendi* as prescribed in the preceding paragraph shall be without prejudice to the final delimitation.

Article 5 The Republic of China shall, in its exclusive economic zone or on its continental shelf, enjoy and exercise the following rights:

1. Sovereign rights for the purpose of exploring, exploiting, conserving, and managing the resources, living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil;
2. Jurisdiction over the construction, use, modification, or dismantlement of artificial islands, installations or structures;
3. Jurisdiction over marine scientific research;
4. Jurisdiction over preservation of marine environment; and
5. Other rights in accordance with international law.

The Republic of China shall enjoy and exercise sovereign rights of utilizing the energy stemming from the water, currents and winds or other activities.

The Republic of China shall enjoy and exercise jurisdiction over laying, maintaining, or modifying submarine cables or pipelines.

Article 6 For the undertaking of exploration, exploitation, conservation, or

management of living or non-living resources in the exclusive economic zone or on the continental shelf of the Republic of China, an application for permissions shall be made in accordance with related laws and regulations of the Republic of China.

Article 7 For utilizing energy from the water, currents and winds or other activities in the exclusive economic zone of the Republic of China, a permission from the Government of the Republic of China shall be required. The related permission regulations shall be decided by the Executive Yuan.

Article 8 For the undertaking of construction, use, modification, or dismantlement of artificial islands, installations or structures in the exclusive economic zone or on the continental shelf of the Republic of China, a permission from the Government of the Republic of China shall be required. The related permission regulations shall be decided by the Executive Yuan.

Laws and regulations of the Republic of China shall apply to artificial islands, installations or structures prescribed in the preceding paragraph.

A safety zone shall be established around artificial islands, installations or structures prescribed in paragraph 1 where appropriate measures shall be taken to ensure the safety both of navigation and of the artificial islands, installations or structures.

The width of the safety zones prescribed in the preceding paragraph shall be in accordance with general international standards or as recommended by the related international organizations.

Article 9 For the undertaking of marine scientific research in the exclusive economic zone or on the continental shelf of the Republic of China, a permission from the Government of the Republic of China shall be required. Such research will be subject to the Government of the Republic of China's supervision. The Government of the Republic of China, when necessary, may withdraw permission or may suspend or cease marine scientific research activities in progress.

The undertaking of marine scientific research in the exclusive economic zone or on the continental shelf of the Republic of China shall comply with the following regulations:

1. Not to interfere with the Republic of China's exercise of rights in its exclusive economic zone or on its continental shelf;
2. To ensure the right of the Government of the Republic of China to designate its representatives for participation;
3. To provide progress reports at all times, as well as preliminary conclusions and final conclusions;
4. To furnish copied data, figures, or samples, complete and without detriment to their scientific value, and various assessment reports;
5. To ensure not to prejudice the security and benefits of the Republic of China in using such research data;
6. To inform the Government of the Republic of China immediately of any major change in the research project;
7. Unless otherwise agreed, not to investigate marine resources;
8. Not to harm the marine environment;
9. Unless otherwise agreed, to dismantle research installations and equipment once the research is completed; and

10.To comply with provisions of related laws and international agreements.

The regulations prescribed in paragraph 1 shall be decided by the Executive Yuan.

Article 10 Any activity concerning dumping, discharging or disposing of waste or other substances in the exclusive economic zone or on the continental shelf of the Republic of China shall comply with laws and regulations of the Republic of China.

Article 11 For any vessel navigating in the exclusive economic zone of the Republic of China which commits a discharge violation causing marine environmental pollution, the Republic of China may request that vessel to give information regarding its identity, its port of registry, its last and its next port of call and other relevant information required to establish whether a violation has occurred.

In case the suspected vessel prescribed in the preceding paragraph refuses to give information, or the information supplied by the vessel is manifestly at variance with the evident factual situation, or the vessel does not carry valid certificates and records, or the circumstances of the case justify such inspection, the Government of the Republic of China may undertake physical inspection of the vessel and, provided that the evidence so warrants, indict the vessel through due process.

For any inspected or indicted vessel as prescribed in the preceding paragraph, whenever appropriate procedures have been taken in accordance with international agreements, whereby compliance with requirements for any bond or other appropriate financial surety has been assured, that vessel shall be allowed to proceed.

Article 12 In order to meet special circumstances, the Republic of China, in explicitly defined areas of its exclusive economic zone, may adopt special mandatory measures for the prevention of pollution resulting from vessels, either discharge, navigation, or other practices of vessels.

Article 13 Unless otherwise provided in other laws and regulations, any activity conducted in the exclusive economic zone or on the continental shelf of the Republic of China shall not damage natural resources or harm natural ecology.

Whoever willfully or negligently damages or harms the natural resources or ecology of the exclusive economic zone or the continental shelf of the Republic of China shall be charged with their employer with joint responsibility for the compensation for the damage.

Article 14 The Government of the Republic of China reserves the right to conserve and manage fish stocks straddling both within and beyond its exclusive economic zone. Foreign fishing vessels conducting fishing of such stocks shall give due regard to the conservation and management measures of the Republic of China of these stocks.

The conservation and management measures of such fish stocks prescribed in the preceding paragraph shall be enacted and promulgated by the Executive Yuan.

Article 15 For delineating the course for the laying, maintaining, or modifying any submarine cables or pipelines on the continental shelf of the Republic of China, a permission of the Government of the Republic of China

is required. The permission regulations shall be decided by the Executive Yuan.

The Government of the Republic of China may withhold such permission as prescribed in the preceding paragraph on the grounds of exploring, exploiting, managing, conserving the non-living or sedentary resources over its continental shelf, or preventing, reducing, controlling the pollution from such pipelines.

Article 16 Where the authorities of national defense, police, customs or other authorized agencies of the Republic of China consider that a person or an object, which is in its exclusive economic zone or on its continental shelf, is engaged in any activity violating laws and regulations of the Republic of China, such authorities may engage in hot pursuit, boarding, and inspection. When necessary, the aforementioned authorities may expel or arrest the suspected person, or detain the vessels, aircraft, equipment, or other articles belonging to the suspected person, and institute legal proceedings.

Article 17 Whoever dumps, discharges or disposes of waste or other substances in the exclusive economic zone or on the continental shelf without complying with laws and regulations of the Republic of China shall be punished with imprisonment not exceeding ten years, or detention in lieu thereof, or in addition thereto, a fine of not exceeding one hundred million New Taiwan Dollars.

Article 18 Whoever willfully damages or harms the natural resources or ecology of the exclusive economic zone or the continental shelf of the Republic of China shall be punished with imprisonment not exceeding five years or detention in lieu thereof, or in addition thereto, a fine of not exceeding fifty million New Taiwan Dollars.

Article 19 Whoever undertakes construction, use, modification, or the dismantling of artificial islands, installations or structures in the exclusive economic zone or on the continental shelf of the Republic of China without obtaining a permission from the Government of the Republic of China shall be punished with a fine of between ten million and fifty million New Taiwan Dollars. The court may confiscate the constructed artificial islands, installations or structures or order the said person to restore the environment to the original condition.

Whoever violates terms or objects of the granted permission shall be punished with a fine of between five million and twenty million New Taiwan Dollars and shall be set a time limit to remedy. Without improvement until then, the permission shall be cancelled and the artificial islands, installations or structures may be dismantled.

Article 20 Whoever conducts any one of the following activities without obtaining a permission from the Government of the Republic of China shall be punished with a fine of between one million and five million New Taiwan Dollars and the vessels, equipment, and catches belonging to the said person may be confiscated:

1. Conducting exploration, exploitation, management, or conservation of living or non-living resources in the exclusive economic zone of the Republic of China;
2. Conducting exploration, exploitation, management, or conservation of non-living resources or sedentary living resources on the continental shelf

of the Republic of China.

Whoever violates the terms or objects of any permission granted shall be punished with a fine of between two hundred thousand and two million New Taiwan Dollars. Products (catch or haul) may be confiscated.

Article 21 Whoever produces energy from the water, currents and winds or other activities in the exclusive economic zone or on the continental shelf of the Republic of China without obtaining a permission from the Government of the Republic of China shall be punished with a fine of between two hundred thousand and one million New Taiwan Dollars and the related equipment may be confiscated.

Article 22 Whoever undertakes marine scientific research in the exclusive economic zone or on the continental shelf of the Republic of China without obtaining a permission from the Government of the Republic of China shall be punished with a fine of between five hundred thousand and two million New Taiwan Dollars and the related exploring instruments and data may be confiscated.

The same penalty shall apply to whoever violates terms or objects of the granted permission or to whoever violates the provisions prescribed in paragraph 2 of article 9.

Article 23 Whoever undertakes the laying, maintaining, or modifying of submarine cables and pipelines on the continental shelf of the Republic of China without obtaining a permission on the delineation of the course shall be punished with a fine of between twenty million and one hundred million New Taiwan Dollars and the said person may be prohibited from using such cables and pipelines or be ordered to dismantle them.

Article 24 Whoever conducts the following activities in the exclusive economic zone or on the continental shelf of the Republic of China shall be punished in accordance with the Criminal Code of the Republic of China:

1. Threats or violence against a public official who is engaged in the lawful discharge of his duties;
2. Organizing an open assembly at which an offense specified in the preceding sub-paragraph occurs;
3. Activities conducted to abandon, damage, hide, or render useless the letters, books, articles taken in its custody by a public official or entrusted by such a public official of the ROC to a third person;
4. Activities conducted to damage, remove, stain the seal or notice affixed by a public official of the ROC;
5. Public insults to a public official of the ROC during or with respect to the legal discharge of his duties; and
6. Threats or violence with intent to compel a public official of the ROC to perform an act relating to his public duties or with intent to obstruct the lawful discharge of such public duties.

Article 25 Fines imposed in accordance with this law not paid within the designated time limit shall be transferred to the court for enforcement mandatory.

Article 26 This law shall enter into force on the date of promulgation.

(In case of any divergence of interpretation, the Chinese text shall prevail.)