

LAW

CHINESE LAW: REGISTRATION, LAUNCHING AND LICENSING SPACE OBJECTS

The Faculty of International Law of China University of Political Science and Law and the National Center for Remote Sensing, Air, and Space Law at the University of Mississippi are pleased to present to the readers of the JOURNAL OF SPACE LAW these unofficial translations of Order No. 6 of the Commission of Science, Technology, and Industry for National Defense and the Ministry of Foreign Affairs of the People's Republic of China, 8 February 2001; and, Order No. 12 of the Commission of Science, Technology, and Industry for National Defense of the People's Republic of China, 21 November 2002.

*(Unofficial Translation by Faculty of International Law of China
University of Political Science and Law)*

ORDER NO. 6 OF THE COMMISSION OF SCIENCE, TECHNOLOGY,
AND INDUSTRY FOR NATIONAL DEFENSE AND THE MINISTRY OF
FOREIGN AFFAIRS OF THE PEOPLE'S REPUBLIC OF CHINA, 8 FEB-
RUARY 2001

Measures for the Administration of Registration of Objects
Launched into Outer Space

“Measures for the Administration of registration of Objects Launched into Outer Space” is issued and comes into effect on the date of issue.

P.R.C. COSTIND

P.R.C. Ministry of Foreign Affairs

February 8, 2001

Art.1 These Measures are formulated for the purpose of strengthening the administration of outer space activities, establishing national registry of space objects, protecting the legitimate interests of China as a launching State of space objects, effectively fulfilling the obligations of a contracting State of the Convention on Registration of Objects Launched into Outer Space.

Art.2 For the purpose of these measures, the term “space object” refers to an artificial satellite, crewed spacecraft, space probe, space station, launch vehicle and parts of thereof, and other human-made objects launched into outer space.

The Sounding Rocket and Ballistic Missile that temporarily crosses outer space shall not be regarded as a “space object.”

Art.3 These measures shall apply to all the space objects launched in the territory of China, and the space objects jointly launched abroad by China and other States. The term “launching State” means a State which launches or procures the launching of a space object, and a State from whose territory or facility a space object is launched.

Art.4 China carries out the system of registering space objects. All government departments, juridical persons, other organizations and natural persons which launch or procure the launching of a space object shall have the obligation to register the space object in accordance with these Measures.

Art.5 The Commission of Science Technology and Industry for National Defense (Hereinafter referred to as the COSTIND) shall take charge of the administration of national registration of space objects and the Department of International Cooperation shall be responsible for routine work.

For the national registration involving other joint launching States, the COSTIND, if necessary, after consultation with the

Ministry of Foreign Affairs, determines which one of them shall register the space object.

Art.6 China establishes and maintains a National Register. The information in the National Register shall mainly include: registration number, registrant, owner of the space object, an appropriate designator of the space object, basic characters of the space object, launching enterprise of the space object, name of the launch vehicle, date and territory or location of launch, basic orbital parameters of the space object, and the status of the launching and orbiting of the space object.

See Annex: Form of National Registration of Space Objects.

Art. 7 Subject to the provisions of Article VIII of these Measures, the owner of a space object shall register the space object in the national register. Where there are more than one owners of a space object, the main owner shall register the space object on behalf of all the owners.

The launching enterprise of a space object shall provide necessary assistance in the national registration of such a space object.

Art. 8 Where a space object launched from the territory of China is owned by the government, juridical persons, organizations or natural persons of the State other than China, the corporation which provides the international launching service of the space object shall register it at national registry.

Art. 9 The registrant of a space object referred in Article 7 and Article 8 shall furnish registration information to the COSTIND and complete the registration formalities within sixty days in accordance with Article 6 after the space object has entered the space orbit

When major changes (e.g. change of orbit, break up, cease working or reentry into atmosphere) of the conditions of the space object registered in accordance with these measures occur, the registrant of the space object shall amend the information of the registration within sixty days after the conditions of the space object have been exchanged.

Art.10 The National Register specifically includes sections for Hong Kong and Macau. The specific measures for the regis-

tration of space objects which owned or launched by Hong Kong Special Administrative Region and Macau Special Administrative Region shall be instituted separately.

Art.11 The COSTIND shall maintain the National Register. With the permission of the COSTIND, the relevant government departments and juridical persons, other organizations and natural persons under the authorization of the competent governmental departments may apply to the keeper of the National Register for access to the information in this Register.

Art.12 A space object shall be registered internationally in accordance with the Registration Convention by the COSTIND, via the Ministry of Foreign Affairs within sixty days after the national registration of the space object, at the Secretariat of the United Nations.

Art. 13 According to Article IV(1) of the Registration Convention, the following information concerning each space object carried on its registry: name of launching State or States, an appropriate designator of the space object or its registration number, date and territory or location of launch, basic orbital parameters and general function of the space object, shall be included in international registration.

Art.14 For the international registration of a space object jointly launched by China and other States, the State of Registry shall be determined by the Ministry of Foreign Affairs after consultation with concerned States in accordance with the Registration Convention.

Art.15 The provisions of these Measures related to national registry shall be interpreted by the COSTIND; the provisions related to the Registration Convention and international registry shall be interpreted by the Ministry of Foreign Affairs.

Art. 16 These Measures shall enter into force upon the date of promulgation.

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Annex

National Registration Form of Space Objects

Registration number:

Sequence number	Items	Contents	Remarks
1	Registrant		
2	Owner of the space object		
3	Designator of the object		
4	Basic characters of the object		
	(1) Type		
	(2) Functions		
	(3) Quality		
	(4) designed life span		
5	Name of the launching enterprise		
6	Name of the launching vehicle		
7	Date of Launch		
8	Place of launch		
9	Basic orbital parameters of the object		
	(1) Nodal period		
	(2) Inclination		
	(3) Apogee		
	(4) Perigee		
	(5) Position in geostationary orbit		
	(6) Time passing apogee		
(7) Type of orbit			
10	Status of the launching and orbiting		

ORDER NO. 12 OF THE COMMISSION OF SCIENCE, TECHNOLOGY,
AND INDUSTRY FOR NATIONAL DEFENSE OF THE PEOPLE'S REPUB-
LIC OF CHINA, 21 NOVEMBER 2002

Interim Measures on the Administration of Licensing the Pro-
ject of Launching Civil Space Objects

*“The Interim Measures on the Administration of licensing the
Project of Launching Civil Space Objects” is now issued and
comes into effect on December 21, 2002.*

Minister of COSTIND: Jibin Liu
November 21, 2002

CHAPTER I GENERAL PROVISIONS

Article 1 The present measures are formulated with a view to regulating the administration of the project of launching civil space objects, promoting the sound development of the civil space industry, maintaining national security and the public interests, and fulfilling the obligations of China as a contracting State to the international outer space conventions.

Article 2 For the purpose of these measures, the term “project of launching civil space objects” (hereinafter referred to as “project”) means the launch of a spacecraft such as a satellite from the territory of China into outer space for non-military purpose, and the launch of such a spacecraft into outer space from outside of the territory of China while the spacecraft is owned by, or the ownership of the spacecraft has been transferred on-orbit to, the persons, natural or juridical, or the organizations of the People’s Republic of China.

Article 3 The administration system of licensing shall apply to the project. Any persons, natural or juridical, or organizations undertaking such a launch project shall, in accordance with the present measures, apply for examination and approval, and shall not carry out the project until he/it is found to be qualified upon examination and has obtained a license for the project.

Article 4 The Commission of Science, Technology, and Industry for National Defense (hereinafter referred to as “the COSTIND”) shall plan and administrate the project, and shall be responsible for examining, approving and supervising the project.

CHAPTER II APPLICATION, EVALUATION AND AUTHORIZATION PROCEDURES

Article 5 The general project contractor shall be the applicant for a license. Where there is no domestic general project contractor, the final owner of the satellite or other spacecraft shall be the applicant for the license.

The applicant for a license is required:

- (a) to abide by the laws and regulations of China, and maintain the national secrets;
- (b) not to endanger the national security; damage the national interests; or violate the national diplomatic policies or the international conventions to which China is a State Party, by the project under application;
- (c) not to cause irremediable danger to public health, safety, or properties by the project under application, due to major negligence or intentional acts;
- (d) to have the relevant approved documents issued by the competent state departments for carrying out the project under application;
- (e) to have technical staff, financial means, and technology information needed for carrying out the project under application;
- (f) to meet other requirements provided by laws, regulations, or rules.

Article 6 The applicant shall, nine months prior to the scheduled launch of the project, submit the following documents (in triplicate) to the COSTIND:

(a) an application form for a project license and documents on the qualifications of the applicant for evaluation;

(b) the relevant documents proving that the project conforms to national laws and regulations on environmental protection;

(c) for a project being executed in a domestic launching site, the following information shall be provided: the scheduled time for launch; the technical requirements for the satellite; the launching vehicle and the communication system for launch, observation, and control; the detailed orbital parameters of the launching vehicle; the survey report on the landing area or recovering place; and the documents on detailed orbital parameters of the satellite and the use of frequency resources;

for a project being executed at a foreign launching site, copies of the legal documents on orbital parameters, of the launching vehicle and the satellite, and copies of the documents permitting the use of the relevant frequency resources shall be provided;

a Chinese satellite launch enterprise shall provide a copy of the "Radio Station License of the People's Republic of China" issued by the Ministry of Information Industry for the radio station in outer space;

(d) the safety design report relating to the project and documents relating to public security; supplementary documents concerning the reliability of key safety system, the affects of the launching vehicle, either in normal condition or malfunction during the launch, to the property and personal safety near the launching site and within the range of the launch track, the prevention from pollution and space debris, and other relevant safety; for a foreign-involved project, the documents concerning policy evaluation, confidentiality and security evaluation must also be submitted.

Article 7 The COSTIND shall, within thirty days as of receipt of the application documents, examine the project under application, and issue a license where the requirements are met. Otherwise, no license shall be issued. The applicant and the relevant departments shall be so notified in writing.

Article 8 Where the applicant challenges the conclusion from evaluation, it may apply to the COSTIND for re-evaluation or administrative review in accordance with the law.

Article 9 The relevant evaluation of a foreign-involved project must be carried out by a foreign trade company designated by the Chinese government, and the contract on such a project shall not enter into force until it is authorized by the COSTIND.

CHAPTER III SUPERVISION AND ADMINISTRATION

Article 10 A license shall mainly contain:

- (a) the applicant and its legal representative;
- (b) the registered address (the applicant's domicile);
- (c) main contents of the project;
- (d) the scheduled time for launch;
- (e) the expiration date of the license;
- (f) the organ issuing the license and the time of issuance.

Article 11 The license shall be limited to an authorized project, and shall be automatically terminated after the completion of the project.

Article 12 A license shall not be altered or transferred.

Article 13 Where any content in a license needs to be modified, the licensee shall, ninety days prior to the expiry of the license, file an application to the COSTIND for modification. The license shall not be modified until the modification has been approved upon examination.

Article 14 With respect to a project under planned cancellation, the licensee shall, ninety days prior to the expiry of the license, apply to the COSTIND for cancellation, and the license shall be nullified upon approval.

Article 15 With respect to a project that is impossible to be accomplished due to inappropriate management of the licensee, the COSTIND shall nullify the project license.

Article 16 The COSTIND shall order the licensee to rectify within a time limit, or withdraw the license in a severe case if the licensee:

(a) violates the relevant national laws or regulations or the agreement between China and other states on maintaining confidentiality during execution of the project;

(b) conducts any actions, during execution of the project, endangering national security; damaging national interests; or violating national diplomatic policies or international conventions to which China is a State Party;

(c) carries out the launch activities beyond the limit approved by the license;

(d) conducts other actions in violation of the present measures.

Article 17 With respect to a project for which the license is withdrawn, the applicant for the project shall not, within two years as of the withdrawal, file a second application for a license regarding the same project.

Article 18 Where, due to a licensee's actions, any content of the project is changed, or the project is delayed or cancelled, thus resulting in expenses in relevant aspects, the corresponding liability and the expenses to be borne shall be clarified in the contract by the licensee and the concerned parties.

Article 19 A licensee must comply with the relevant national regulations to insure himself against liability incurred in respect to damage or loss suffered by third parties and against other liability incurred by launching a space object.

Article 20 For a project being executed in a domestic launching site, the licensee shall, six months prior to the scheduled launch, report the launching plan of the project to the COSTIND.

The licensee shall, before commencing the working phase in a launching site, file an application to the COSTIND for approval to release the project from the factory, and provide:

(a) documents on technical conditions of the launching vehicle, quality control, flight test outline, security and confidentiality, and other required documents;

(b) copies of the effective insurance policy of third party liability for the project, copies of the relevant documents (in triplicate), and copies of the relevant effective insurance policies (in triplicate). In exceptional circumstances, written documents shall be provided to the COSTIND and shall be dealt with specifically.

The working phase in a launching site of the project shall not commence until it has been approved.

Article 21 For a project being executed in a foreign launching site, the licensee shall, sixty days prior to the scheduled date for launch, file an application to the COSTIND for approval to release the project from the factory, and attach copies of the final documents (in triplicate) legally binding in respect of the liability insurance for third parties, the relevant insurances, security, confidentiality, etc., and shall not continue carrying out the project until it has been approved.

Article 22 A licensee must, within one month after the completion of a launch project, report to the COSTIND in writing on the accomplishment of the project.

Article 23 The COSTIND shall supervise and irregularly inspect the carrying out of the approved projects, and the authorized officials shall have the right to be present and inspect the relevant activities during the carrying out of the project.

CHAPTER IV LEGAL RESPONSIBILITY

Article 24 A licensee shall have administrative penalties imposed in accordance with the law if he conceals the truth, practices frauds or damages the national interests during application or carrying out of the project. A licensee shall be held criminally responsible in accordance with the law if he commits a crime.

Article 25 If any person, natural or juridical, or any organization undertakes an unauthorized project without a license, the COSTIND shall order the cessation of the illegal activities. Persons or organizations so involved shall have administrative

penalties imposed in accordance with the law, or, if they commit a crime, shall be held criminally responsible in accordance with the law.

Article 26 An organ or an official, which examines the applications for licenses, and neglects its/his/her duties or abuses its/his/her powers during the examination and approval of applications, thus causing loss to the People's Republic of China, shall have administrative sanctions imposed, or shall be held criminally responsible in accordance with the law if it/he/she commits a crime.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 27 The competent authorities to interpret the present measures shall remain with the COSTIND.

Article 28 The present measures shall enter into force on December 21, 2002.

Annex

Number :

Application Form for Licensing the Project of Launching Civil
Space Objects

Title of the Project :

Applicant :

Dates of commencement and end of the project :

Printed by the COSTIND

Date

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Instructions

1. For the purpose of this form, the term “Legal Representative” means the legal representative of the applicant entity.

2. The term “superior competent authorities” means State departments or commissions which have administrative powers over the applicant entity or state-owned large-scale enterprise group controlling the applicant entity or the provincial, autonomous regional or municipal offices of the COSTIND; where the applicant is a natural person, the provincial, autonomous regional or municipal office of the COSTIND shall issue certificate and provide opinions.

3. Use additional paper if the column space for relevant information in this form is insufficient.

4. Use dark colored ink and make sure the handwritings are neat and clear. This form shall be submitted in triplicates.

Applicant Entity					
Registered Capital		Registered Name			
Legal Representative		Age		Gender	
Occupation		Title		Nationality	
Telephone Number		Fax Number			
Correspondence Address		Postal Code			
Contact Person for the Project		Telephone number			

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Bank Name		Account number	
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Entities involved in the Project and the work distribution			
Name of the Entity	Assumed work	Legal Representative	Remarks

2. Significance, goal of the project and foreign counter-part projects' status quo

3. Contents of the Project

The main use of the payload:

Parameters of the satellite entering the Earth orbit:

Section 2.02 Orbital parameters of the satellite:

Technical parameters of the designated launch vehicle:

Foreign-involved issues, if any:

Other matters to be clarified:

4. Conditions currently available (including the research level, information preparation and methods of scientific research)

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5. Project Plan			
Main Working Phases of the Project			
Main working phases	Form of the completion of each working phase	Time consumed	Responsible Entity
Total time to complete the project			
Final form of the completion of the project			

6. Basic information of staff involved in the Project					
Name	Age	Title	Employer	Specialty	Work assigned

7. Opinions of the Applicant Entity

Signature of the Legal Representative

Seal

Date

8. Opinions of Superior Competent Authorities

Seal

Date