INTERIM MEASURES ON THE ADMINISTRATION OF PERMITS FOR CIVIL SPACE LAUNCH PROJECTS

The Commission of Science, Technology, and Industry for National Defense

Decree of the Commission of Science, Technology, and Industry for National Defense of the People's Republic of China

No.12

The "Interim Measures on the Administration of Permits for Civil Space Launch Projects" are hereby promulgated, and shall enter into force on December 21, 2002.

Director General of the Commission of Science, Technology, and Industry for National Defense Liu Jibin

November 21, 2002

Interim Measures on the Administration of Permits for Civil Space Launch Projects

Chapter I General Provisions

Article 1

The present measures are formulated with a view to regulating the administration of civil space launch projects, promoting the healthy development of civil space industry, maintaining the state security and the public benefits, and performing the obligations of China as a contracting state to the international outer space convention.

Article 2

Civil space launch projects mentioned in the present measures shall refer to the entry of such spacecrafts as satellites inside the territory of China into the outer space not for military purpose, and the entry of such spacecrafts as satellites, etc. over which the natural persons, legal persons or other organizations of the People's Republic of China have had property or have property by means of on-orbit delivery into the outer space from outside of the territory of China.

Article 3

The system of permit administration shall apply to the civil space launch projects. Any natural person, legal person or other organization undertaking civil space launch projects shall, in accordance with the present measures, apply for examination and approval, and shall not carry out the civil space launch projects until
he/it is found to be qualified upon examination and has obtained for the permit for civil space launch projects (hereinafter referred to as the permit).

Article 4

The Commission of Science, Technology, and Industry for National Defense (hereinafter referred to as the Commission of STIND) shall apply uniform planning and administration to civil space launch projects, and be responsible for examining, approving and supervising civil space launch projects (hereinafter referred to as projects).

Chapter II Procedures of Application, Examination and Approval

Article 5

The general project contractor shall be the applicant for the permit. Where there is no a domestic general project contractor, the final owner of the satellite or other spacecraft shall be the applicant for the permit. The applicant for the permit shall meet the following conditions:

(a) he/it shall abide by the laws and regulations of the state, and maintain the state secrets;

(b) the project under application shall not endanger the state security, damage the benefits of the state, violate the state's diplomatic policies or the international conventions which have been concluded and become effective;

(c) the project under application will not cause irremediable danger to the health, safety or properties of the public due to major negligence or intentional acts;

(d) he/it shall have the relevant permission documents for carrying out the project under application, which are issued by the relevant departments of the state;

(e) he/it shall have the technical strength, economic strength and complete technical documents for carrying out the project under application;

(f) other conditions provided for in laws, regulations or rules.

Article 6

The applicant shall, 9 months before the prearranged month for the launch of the project, submit the following documents (in triplets) to the Commission of STIND:

(a) the application letter for the permit for the civil space launch project and the materials on examination of the qualification of the applicant for the permit;
(b) the relevant materials proving that the project conforms to the laws and regulations of the state on environmental protection;

(c) for a project in the stage of a domestic executive launching site, the prearranged time for launch, the technical requirements on the satellite, the carrier rocket and the communication system for launch, observation and control, the detailed orbital parameters of the carrier rocket, the survey report on the landing area or recovering place, and the documents on detailed orbital parameters of the satellite and use of frequency resources shall be provided; for a project in the stage of a foreign executive launching site, copies of the legally binding documents on orbital parameters, etc. of the carrier rocket and the satellite, and copies of the permission documents on the use of the relevant frequency resources shall be submitted; a Chinese satellite launcher 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 space station;

(d) the safety design report relating to the project and materials on guaranty of the public security; supplementary materials on the reliability of key safety system, on affects of the normal state and malfunction of the carrier rocket during the launch to the property and personal safety near the launching site and within the scope of the launch track, on how to avoid pollution and space debris, and on other relevant safety; for a foreign-related project, the materials on policy evaluation and confidentiality and safety evaluation must also be submitted.

Article 7

The Commission of STIND shall, within 30 days as of receipt of the application documents, organize the examination of the project under application, and shall issue a permit to the applicant of a project found to be qualified upon examination, or shall not issue the permit to the applicant of a project examined to be unqualified, and shall notify the applicant and the relevant departments in writing.

Article 8

Where the applicant has any objection to the conclusion from examination, it may apply to the Commission of STIND for re-examination or apply for administrative reconsideration in accordance with the law.

Article 9

The relevant matters of a foreign-related project must be organized by a foreign trade company designated by the Chinese government, and the contract on such a project shall not become effective until it is approved by the Commission of STIND.

Chapter III Supervision and Administration

Article 10

The permit shall mainly include the following contents:

(a) the applicant and its legal representative;

(b)
the registration address (the applicant's domicile);

(c)

main contents of the project;

(d)

the prearranged time for launch;

(e)

validity period of the permit;

(f)

the organ issuing the permit and the time of issuance.

Article 11

The permit shall only be limited to the purpose for an approved project, and shall, after the ending of the project, be automatically invalidated.

Article 12

A permit shall not be altered or transferred.

Article 13

Where any content in a permit needs to be modified, the permit holder shall, 90 days before the expiry of the validity period of the permit, file an application for modification to the Commission of STIND, and shall not modify the permit until it has been approved upon examination.

Article 14

With respect to a project under planned cancellation, the permit holder shall, 90 days before the expiry of the validity period of the permit, apply to the Commission of STIND for cancellation, and the permit shall be nullified upon approval.

Article 15

With respect to a project unable to be accomplished due to inappropriate management of the permit holder, the Commission of STIND shall nullify the permit for the project.

Article 16

Where a permit holder is under any of the following circumstances, the Commission of STIND shall order it to get right within a time limit; if case is severe, its permit shall be suspended:

(a)

It violates the relevant laws or regulations of the state, or the agreement between states on maintaining confidentiality during execution of the project;

(b)
It has, during execution of the project, any act endangering the state security, damaging the benefits of the state, violating the state's diplomatic policies or the international conventions which have been concluded and become effective;

(c)

It does not carry out activities of civil space launch within the scope approved by the permit;

(d)

Other acts in violation of the present measures.

Article 17

With respect to a project for which the permit is suspended, the applicant for the project shall not, within two years as of the suspension, file a second application for the permit regarding the same project.

Article 18

Where, due to the reason of the permit holder, any content of the project is changed, or the project is delayed or cancelled, thus resulting in expenses in the relevant aspects, the corresponding liability and the expenses to be borne shall be clarified in the contract by the permit holder and the relevant parties.

Article 19

The permit holder must comply with the relevant provisions of the state to purchase the third party liability insurance and other relevant insurances for launching a space object.

Article 20

For a project in the stage of a domestic executive launching site, the permit holder shall, 6 months before the prearranged month for launch, report the launching plan of the project to the Commission of STIND. The permit holder shall, before entering the stage of a launching site, file an application to the Commission of STIND for approval of the project to leave the factory, and submit the following materials:

(a)

documents on technical state of the carrier rocket, documents on quality state control, flight test outline, documents on security and confidentiality, and other documents to be issued;

(b)

copies of the policy of the third party liability insurance effective for the project and copies of the relevant documents (in triplets), copies of the policies of the relevant effective insurances (in triplets). Under particular circumstances, the permit holder shall provide the Commission of STIND with written materials, which shall be dealt with specifically. The project shall not enter the stage of the launching site before approved.

Article 21

For a project in the stage of a foreign executive launching site, the permit holder shall, 60 days before the prearranged day for launch, file an application to the Commission of STIND for approval of the project to leave the factory, and attach copies of the effective final documents (in triplet) legally binding in respect of the third party liability insurance, the relevant insurances, security, confidentiality, etc., and shall not continue carrying out the project before approved.
Article 22
The permit holder must, within one month after the launch of a project is ended, report to the Commission of STIND in writing on the accomplishment of the project.

Article 23
The Commission of STIND shall irregularly supervise and inspect the carryout of the approved projects, and its authorized functionaries shall have the right to inspect the relevant activities during the carryout of the projects on the spot.

Chapter IV Legal Liabilities

Article 24
A permit holder who conceals the truth, practices frauds or damages the benefits of the state during application or carryout shall be imposed upon administrative penalties in accordance with the law. If he commits a crime, he shall be subject to criminal liabilities in accordance with the law.

Article 25
Any natural person, legal person or other organization without the permit who undertakes projects unauthorizedly shall be ordered by the Commission of STIND to cease the illegal activities, and the parties involved shall be imposed upon administrative penalties in accordance with the law. If he/it commits a crime, he/it shall be subject to criminal liabilities in accordance with the law.

Article 26
An approving institution or any of its functionaries who neglects its/his duties or abuses its/his powers during the examination and approval of the permits, thus causing loses to the state, shall be imposed upon administrative sanctions. If it/he commits a crime, it/he shall be subject to criminal liabilities in accordance with the law.

Chapter V Supplementary Provisions

Article 27
The power to interpret the present measures shall remain with the Commission of STIND.

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