

海洋委員會 令

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修正「在中華民國專屬經濟海域或大陸礁層從事海洋科學研究許可辦法」。

附修正「在中華民國專屬經濟海域或大陸礁層從事海洋科學研究許可辦法」

主任委員 李仲威

在中華民國專屬經濟海域或大陸礁層從事海洋科學研究許可辦法

第一條 本辦法依中華民國專屬經濟海域及大陸礁層法（以下簡稱本法）第九條第三項規定訂定之。

第二條 本辦法之主管機關為海洋委員會。

第三條 在中華民國專屬經濟海域或大陸礁層從事海洋科學研究者，應由申請人填具申請書連同計畫，依下列規定提出申請：

- 一、臺灣地區之自然人、私法人、民間團體或機構單獨為之者，應於研究預定開始日期四個月前向主管機關申請許可。
- 二、大陸地區大學校院或學術研究機構與臺灣地區大學校院或學術研究機構合作為之者，應於研究預定開始日期六個月前，經由合作之臺灣地區大學校院或學術研究機構向主管機關申請許可。
- 三、外國大學校院、學術研究機構或國際組織之研究人員單獨或與臺灣地區大學校院或學術研究機構之研究人員合作為之者，應於研究預定開始日期六個月前，經由中華民國駐外使領館、代表處或辦事處向主管機關申請許可。但其本國在中華民國設有使領館、代表處、辦事處或其他該國政府授權機構者，得經由該等機構向主管機關申請許可。

前項申請書及計畫之內容及格式，由主管機關定之。

第四條 主管機關收受前條第一項之申請後，應審查申請之計畫是否能遵守或符合本法第九條第二項各款及其他相關法令之規定，並於收受申請之日起四個月內作成決定，以書面通知申請人及副知相關機關，但因須補正資料者，不在此限。

主管機關為前條第一項各款申請之審查，除第一款得採書面方式為之外，應邀請相關機關及學者專家組成審查會為之。

第五條 未依第三條第一項規定時效提出申請者，應敘明理由，由主管機關審酌是否受理。審查程序除不受收受申請之日起四個月內作成決定之限制外，準用前條之規定。

第六條 未經許可，在中華民國專屬經濟海域或大陸礁層從事海洋科學研究者，依本法第二十二條處罰。經許可後，違反許可之內容、目的或本法第九條第二項所列各款情形者，亦同。

第七條 本法第九條第一項所稱必要時，包括下列情形：

- 一、未依計畫進行研究者。
- 二、違反本法第九條第二項各款情形之一者。
- 三、其他經主管機關認定之情形。

第八條 本辦法自發布日施行。

Regulation Governing Permission to Undertake the Marine Scientific Research in the Exclusive Economic Zone and on the Continental Shelf of the Republic of China

- Article 1 This regulation is adopted in accordance with paragraph 3 of article 9 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 of this regulation is the Ocean Affairs Council.
- Article 3 Those intending to undertake marine scientific research in the exclusive economic zone or on the continental shelf of Republic of China shall fill out an application form and enclose the proposal to apply for permission in accordance with the following rules:
1. Natural persons, private juristic persons, or private organizations or institutions of the Taiwan Area intending to undertake marine scientific research independently shall apply for permission from the competent authority not less than four months prior to the expected starting date of the marine scientific research project.
 2. Universities/colleges or academic institutions of the Mainland Area intending to conduct marine scientific research, in cooperation with universities/colleges, or academic institutions of Taiwan Area, shall apply for permission from the competent authority through the cooperating universities/colleges or academic institutions of the Taiwan Area not less than six months prior to the expected starting date of the marine scientific research project.

3. Researchers of foreign universities/colleges, academic institutions or international organizations intending to undertake marine scientific research, independently or in cooperation with researchers of universities/colleges or academic institutions in the Taiwan Area, shall apply for permission from the competent authority, through the Republic of China's embassies or consular missions, representative offices, or offices, not less than six months prior to the expected starting date of the marine scientific research project. In case the foreigners' national State has embassies or consular missions, representative offices, offices, or other institutions authorized by the government of the said State in the Republic of China, applications may be submitted through such institutions.

The contents and format of the application form and proposal referred to in the preceding paragraph shall be prescribed by the competent authority.

Article 4 After receiving an application submitted in accordance with paragraph 1 of the preceding article, the competent authority shall examine whether the proposed project complies with paragraph 2 of article 9 in the Law and other related acts or regulations, and make a decision within four months after the date of receipt of such application, except for the ones needing correction. It shall notify the applicant of the decision in writing, and send copies of the notification to the relevant agencies.

In reviewing the applications submitted in accordance with paragraph 1 of the previous Article, with the exception of those submitted in accordance with subparagraph 1, the competent authority shall establish review committees composed of relevant agencies and experts. Applications submitted in accordance with

subparagraph 1 may be reviewed on paper.

- Article 5 If the applicants fail to submit an application within the time constraints under Article 3, the applicants shall state the reasons in detail which will be reviewed by the competent authority to decide to accept or not. The review procedure is subject to the provisions of the preceding article, except for the limitation that the decision shall be made within four months from the date of the application.
- Article 6 Those intending to undertake marine scientific research in the exclusive economic zone or on the continental shelf of Republic of China without permission shall be punished in accordance with Article 22 of the Law. The penalties are the same for those with permissions violating the contents of the license and the purpose or the circumstance listed in paragraph 2 of Article 9 of the Law.
- Article 7 The necessary condition referred in paragraph 1 of article 9 in the Law includes the following situations :
1. The research activities are not being conducted in accordance with the proposal.
 2. The research activities are in violation of a provision prescribed in paragraph 2 of article 9.
 3. Other situations decided by the competent authority.
- Article 8 This regulation shall enter into force on the date of promulgation.