

The Radio Regulations of the People's Republic of China

Chapter I General Provisions

Article 1 These Regulations are established with a view to ensuring the efficient use of the radio frequency spectrum and the proper operation of the various radiocommunication services by strengthening radio management and maintaining the order of radio waves in the air.

Article 2 These Regulations shall apply to any radio station established and operated in the People's Republic of China, any radio transmission equipment developed and manufactured therein or imported there- to , and any non-radio equipment radiating radio waves,

Article 3 In radio regulation the People's Republic of China carries out the principle of unified leadership and planning with managerial work divided among radio regulatory organs of different levels and responsibilities delegated to them. Its aim is to promote the development of radiocommunication by means of scientific management of the radio frequency spectrum.

Article 4 The radio frequency spectrum being owned by the State, the central government also carries out the principle of planning its use in a centralized manner .exploiting it rationally, managing it scientifically and providing frequencies on a chargeable basis.

Article 5 The central government encourages researches on the resource of the radio frequency spectrum in addition to its exploitation and utilization, so as to promote advanced technologies and improve the management of the radio frequency spectrum.

Praise or rewards shall be given to the departments and individuals that have made significant contributions in the management of the radio frequency spectrum and the researches related.

* In case of discrepancy, the Chinese text shall prevail.

Chapter II Radio Regulatory Organs and Their Duties

Article 6 The state radio regulatory organ shall be responsible for the nationwide management of the radio frequency spectrum under the co-leadership of the State Council and the Central Military Committee of the People's Republic of China. Its essential duties shall be:

- a) to formulate the principles, policies and administrative acts for radio regulation;
- b) to establish rules and regulations governing radio regulation;
- c) to undertake the centralized management of the radio stations and their frequencies;
- d) to coordinate efforts and deal with matters relating to radio regulation;
- e) to establish inter-sectoral common standards for radio regulation;
- f) to arrange researches in the field of radio regulation;
- g) to undertake radio monitoring nationwide; and
- h) to deal with foreign-related matters concerning radio regulation.

Article 7 The radio regulatory organ of the Chinese People's Liberation Army shall be responsible for radio regulation in the military. Its essential duties shall be:

- a) to participate in formulating and implement the principles, policies, acts, and rules and regulations of the state, governing radio regulation, and formulate the rules applicable to the military;
- b) to approve the establishment of the military radio stations and issue licenses to the military radio stations;
- c) to plan, assign and manage radio frequencies used for the military;
- d) to approve the development, manufacture and sale of

military radio communication equipment, and also the technical specifications concerning the radio regulation of the radiocommunication equipment to be purchased or imported by the military;

e) to arrange researches in the field of radio regulation in the military,. and establish technical standards related;

f) to exercise supervision and carry out inspections of matters relating to radio regulation in the military; and

g) to participate in dealing with matters concerning the army-civilian relations in the field of radio regulation.

Article 8 The radio regulatory organs of provinces, autonomous regions, municipalities under the direct jurisdiction of the central government (hereinafter referred to as "municipalities") and prefectural cities(or their equivalents, similarly hereinafter) are responsible, under the co-leadership of the next higher radio regulatory organ and the government of the same level, for radio regulation other than that in the military in the areas which come within their respective jurisdiction. Their essential duties shall be:

a) to implement the principles, policies, acts, and rules and regulations of the state, governing radio regulation;

b) to formulate specific rules and regulations applicable to the localities concerned;

c) to coordinate efforts and deal with matters relating to radio regulation;

d) to examine, under their respective power of examination and approval, the sites of the radio stations to be built and their distribution as a whole, assign frequencies and call signs, and issue licenses to radio stations ; and

e) to undertake radio monitoring within their respective area.

Article 9 The radio regulatory organs of the appropriate ministries and commissions under the State Council shall be responsible for radio regulation in the sectors concerned. Their essential duties shall be:

a) to implement the principles, policies, acts, and rules

and regulation of the state, governing radio regulation;

b) to formulate specific rules and regulations applicable to the sector concerned;

c) to examine , under the powers stipulated by the State Council and as the mandatary of the state radio regulatory organ, the sites of the radio stations to be built in the sector concerned and their distribution as a whole, assign frequencies and call signs, and issue licenses to radio stations; and

d) to perform any other duties mandated by the state radio regulatory organ.

Article 10 The National Radio Monitoring Centre with its radio monitoring stations of different levels, the National Radio Spectrum Management Centre and the National Research Institute of Radio Spectrum Management shall conduct radio monitoring, technical examination, development of new technologies and scientific researches respectively.

Chapter II Establishment and Operation of Radio Stations

Article 11 Any department or person that intends to establish and operate a radio station shall submit a written application and undergo the examination and approval procedures to obtain a radio station license.

Article 12 Any radio station intended to be established and operated shall satisfy the following requirements:

a) its radio equipment shall meet the related national technical standards ;

b) its operators shall have a good knowledge of the relevant provisions governing radio regulation, and the corresponding professional skills and qualification for operation;

c) its radio network has an economical and rational design, if necessary, and a safe and reliable working environment; and

d) the department or person that intends to establish the radio station has established appropriate management measures.

Article 13 The applications for the establishment and operation of the following radio stations shall be submitted to the appropriate radio regulatory organ for examination and approval in accordance with the provisions of this Article:

a) Any radio, station whose communication range or service area covers two and more provinces or goes beyond the national boundaries, or which is established and operated by a ministry or commission (including any of its Beijing-based directly affiliated departments), or which is established and operated for a special purpose shall be subject to the examination and approval of the state radio regulatory organ.

b) Any radio station whose communication range or service area covers several prefectures within the territory of a province or an autonomous region, or which is established and operated by a provincial or autonomous regional department (including any of its provincial-capital-based directly affiliated departments) shall be subject to the examination and approval of the radio regulatory organ of the province or autonomous region concerned.

Any radio station whose communication range or service area is within the territory of a municipality shall be subject to the examination and approval of the radio regulatory organ of the municipality concerned.

c) Any radio station whose communication range or service area is within the territory of a prefectural city shall be subject to the examination and approval of the radio regulatory organ of the city concerned.

The fixed radio stations to be established in accordance with the previous provisions shall, in addition, obtain the prior agreement of the next higher sectoral authority.

Any radio station which will operate a special service shall be subject to the examination and approval of the appropriate ministry or commission under the State Council mandated by the state radio regulatory organ.

- Article 14** Compulsory radio stations on board ships, locomotives and aircrafts shall be exempted from the afore-mentioned examination and approval procedures ; however , such stations shall obtain licenses in accordance with the relevant provisions and report the matter for the record to the state radio regulatory organ or the radio regulatory organ of the locality concerned.
- Article 15** The establishment of any amateur radio station shall be examined and approved according to the state regulations governing the amateur radio stations.
- Article 16** The distribution and location of fixed radio stations within the planned area(s) of a city shall be in conformity with the overall construction plan of the city. and be planned and administered by authorities concerned. The city's department in charge of planning and construction shall make unified arrangements to offer the necessary working environment for radio stations in question.
- Article 17** Call signs of radio stations shall be prepared and allotted by the state radio regulatory organ, and assigned by the state radio regulatory organ, the radio regulatory organs of localities or the appropriate ministries or commissions under the State Council man dated by the state radio regulatory organ.
- The call signs assigned by the appropriate ministries or commissions under the State Council shall be notified for the record to the radio regulatory organ of the province, autonomous region or municipality where the radio stations in question are located.
- Article 18** The radio station licenses shall be printed exclusively by the state radio regulatory organ and granted by the state radio regulatory organ, the radio regulatory organs of localities or the appropriate ministries or commissions under the State Council mandated by the state radio regulatory organ.
- Article 19** In case of emergencies which jeopardize the safety of people's lives and properties, unauthorized radio equipment may be put into use on a provisional basis . subject to timely notification to the radio regulatory organ concerned.

Article 20 Radio stations which have been approved to operate shall start operation according to the authorized characteristics and shall not transmit or receive signals unrelated to their authorized services. If there is a need to change the authorized characteristics, an application for modification shall be submitted to the original approving organ.

In case of discontinuation or cancellation of the operation of a radio station, appropriate arrangements shall be applied for in time to the original approving organ.

Article 21 Any department or person that operates a radio station shall strictly abide by the state's appropriate security regulations.

Chapter IV Management of Frequencies

Article 22 The state radio regulatory organ shall allocate and allot radio frequencies on a centralized basis.

The state radio regulatory organ and the radio regulatory organs of localities shall assign radio frequencies to radio stations, under their respective powers of examination and approval.

The appropriate ministries or commissions under the State Council shall assign frequency bands and frequencies allotted to the sectors concerned and notify them for the record to the state radio regulatory organ or the radio regulatory organs of the localities concerned.

Article 23 Radio frequencies shall be assigned and used in compliance with the provisions stipulated by the state governing the management of frequencies.

Radio frequencies which have been assigned may be adjusted or withdrawn by the original assigning organs in consultation with the departments using them.

If a frequency is intended to remain usable when its term of usage expires, appropriate arrangements for renewal shall be made.

In no case may any department or person transfer its or his frequency(ies) without the permission of the state radio regulatory organ or the radio regulatory organ of the locality concerned. Any form of lease of radio frequencies, open or co% Ort are prohibited.

Article 24 In the circumstances where control over radiocommunication is effected for the security of the state or the implementation of any critical task, any department or person that has installed radio transmission equipment and other equipment radiating radio waves within the area under control shall abide by the relevant provisions.

Article 25 The radio regulatory organs shall protect the radio stations established in compliance with the relevant provisions from harmful interference.

In dealing with cases of harmful interference, the following principles shall be followed:

- a) out-of-band uses making way for in-band ones;
- b) secondary services making way for primary ones;
- c) late uses making way for early ones; and
- d) non-planned assignments making way for planned ones.

Exceptionally, such cases may be treated by the state radio regulatory organ, taking the concrete conditions into consideration.

Chapter V Development, Manufacture, Sale and Importation of Radio Transmission Equipment

Article 26 The working frequencies and frequency bands of the radio transmission equipment to be developed shall be in conformity with the provisions of the state relating to radio regulation and notified to and approved by the state radio regulatory organ.

Article 27 The working frequencies, frequency bands and related technical specifications of the radio transmission equipment to be manufactured shall be in conformity with the provisions of the state relating to radio regulation and notifi-

ed for the record to the state radio regulatory organ and the radio regulatory organ of the locality concerned.

Article 28 In the process of development and manufacture of radio transmission equipment, effective measures shall be taken to suppress radio wave emission. Field emission trials are subject to the approval of the state radio regulatory organ or the radio regulatory organ of the locality concerned.

Article 29 The working frequencies, frequency bands and related technical specifications of the radio transmission equipment to be imported from abroad shall be in conformity with the provisions of the state relating to radio regulation and notified to and approved by the state radio regulatory organ or the radio regulatory organs of provinces, autonomous regions and municipalities.

Article 30 The radio transmission equipment domestically manufactured and sold shall meet the relevant national technical standards and the provisions of applicable laws and acts governing quality control. The departments responsible for quality control under the People's Governments at the county level and above shall conduct checks and exercise supervision of the quality of such equipment in accordance with the relevant laws and acts.

Chapter VI Radio Radiation of Non-Radio Equipment

Article 31 Radio Radiation generated from non-radio equipment such as industrial, scientific and medical apparatus or installations, electric transportation systems, high-voltage power wires and other electric appliances shall comply with the relevant provisions of the state and shall not cause harmful interference to radio services.

Article 32 The locations of construction facilities generating radio radiation, which are apt to cause harmful interference, shall be determined by the department of the city in charge of planning and construction and the radio regulatory organ concerned.

Article 33 If non-radio equipment causes harmful interference to radio

station, its owner or user shall take measures to eliminate the interference. If the proper operation of an aircraft or a ship is jeopardized, the non-radio equipment in question shall cease to operate.

Chapter VII Foreign-Related Matters Relating Radio Regulation

Article 34 Any foreign-related matter as regards the allocation, allotment and coordination of frequencies as well as cases of mutual harmful interference between Chinese and overseas radio stations, shall be submitted to the state radio regulatory organ for solution in negotiation with the international organization (s) or country(ies) or region(s) involved.

Article 35 Any foreign embassy or consulate in China and any representative office in China of the United Nations, its specialized agencies and international organizations enjoying diplomatic privileges, which intends to bring or transport radio equipment into China for establishing and operating a radio station shall submit its application in advance to the state radio regulatory organ for approval through diplomatic channels.

Any overseas users such as other representative offices in China, overseas organizations and businessmen, who intend to bring or transport radio equipment into China for establishing and operating a radio station shall submit their applications in advance through the Chinese sectoral authority concerned or the host department to the state radio regulatory organ and the radio regulatory organ of the locality concerned for approval in accordance with Article 13.

Article 36 Any foreign ship station or station on platforms at sea, any foreign aircraft station and any foreign vehicular station operating on the Chinese territory shall abide by the relevant international agreements which the People's Republic of China has concluded and acceded to, and China's national laws, acts and rules and regulations.

Article 37 The departments concerned shall send the information of radio stations required by the International Telecommunication Union (ITU) to the state radio regulatory organ, which shall forward it to the ITU.

Article 38 Any foreign organization or person shall not use electronic monitoring equipment of any kind to measure radiowave parameters on the Chinese territory without the approval of the state radio regulatory organ.

Chapter VIII Radio Monitoring and Supervision

Article 39 The National Radio Monitoring Centre, the national radio monitoring stations, the radio monitoring stations of provinces, autonomous regions, municipalities and prefectural cities shall be responsible for the implementation of the monitoring of radio signals

Article 40 The essential duties of the radio monitoring stations of different levels shall be:

a) to monitor the operation of radio stations to determine whether they are operating in accordance with the procedures stipulated and the authorized characteristics;

b) to identify sources of radio interference and unapproved radio stations;

c) to measure the main technical specifications of radio equipment;

d) to monitor the radiowave radiation of non-radio equipment such as industrial, scientific and medical apparatus or installations; and

e) to perform any other duties stipulated by the state radio regulatory organ and the radio regulatory organ of the locality concerned.

Article 41 The radio monitoring stations of the appropriate ministries or commissions under the State council shall effect radio monitoring and supervision within the sector concerned.

Article 42 The state radio regulatory organ and the radio regulatory organs of localities may appoint radio regulatory inspectors to supervise and inspect matter relating to radio regulation.

The appropriate ministries and commissions under the State Council may appoint radio regulatory inspectors to supervise and inspect matters relating to radio regulation in the sector concerned.

While any radio regulatory inspector is performing his or her duties within his or her terms of reference, the department or person concerned shall give him or her assistance and cooperation.

Chapter IX Penal Provisions

Article 43 In the circumstances where any department or person
a) establishes and operates a radio station without approval;

b) develops, manufactures or imports radio transmission equipment in violation of these Regulations;

c) causes interference with radio services;

d) changes the authorized characteristics, or transmits and/or receives signals that are not related to its operation without permission; or

e) leases or transfers its or his frequency(ies) in violation of the relevant provisions governing management of frequencies, the state radio regulatory organ or the radio regulatory organ of the locality concerned may impose on it or him any of such penalties as warning, sealing-up and confiscation of the equipment in question and the illegal revenue obtained, taking the concrete conditions into consideration. In serious cases, an additional monetary penalty of more than 1,000 yuan and less than 5,000 yuan shall be inflicted or the license of the radio station in question revoked.

Article 44 Compensation must be paid for any heavy damage arising from violation of these Regulations to the state, collectives and individuals. In addition, the state radio regulatory organ or the radio regulatory organ of the locality concerned shall

investigate and affix, or suggest the department concerned investigating and affixing, the responsibility of the person (s) directly responsible for the damage and the related leading member of the department concerned.

Article 45 Any offender who does not accept the penalty imposed on him by the state radio regulatory organ or the radio regulatory organ of the locality concerned may request a reconsideration or conduct an administrative suit.

Article 46 The organ concerned shall take administrative disciplinary measures against any radio regulatory official who abuses his rights and power or is remiss in his duties. If such an official is guilty of a criminal offence, the judicial department shall make investigations to establish his criminal liability.

Chapter X Supplementary Provisions

Article 47 The rules governing radio regulation for the Chinese People's Liberation Army (including the Militia) and those for the civil air defence sector shall be established separately.

Article 48 The special rules governing radio regulation for the public security system, the Chinese People's Armed Police and the state security system shall be respectively established by the Ministry of Public Security and the Ministry of State Security in consultation with the state radio regulatory organ, taking into account these Regulations.

Article 49 These Regulations shall enter into force on the date of issuance.