

Annex 4

**Lunar Sample Loan Agreement**

**Both Parties of the Agreement**

Party A: Party B (requesting applicant of Lunar Sample):

Lunar Exploration and Space Engineering Center

Legal Representative:

Legal Representative:

Address:

Address:

Post Code:

Post Code:

Contact Information:

Contact Information:

**Purpose**

This agreement is made by and between the Lunar Exploration and Space Engineering Center (hereinafter referred to as LESEC) and the requesting applicant. By signing this agreement, the request may use the lunar sample provided by LESEC for relevant scientific research or public beneficial activities (popular science, education, exhibition, etc.).

**Term of Request**

The requesting applicant [name of requesting applicant] request sample [sample name] from\_\_\_\_\_ (date)\_\_\_\_\_ to (date). The basic information on the sample is as follows: [serial number, type, mass, etc.]

**Responsibility Clauses**

The parties agree as follows:

I. The lunar sample involved in this request agreement shall be distributed to the requesting applicant by the National Astronomical

Observatories of the Chinese Academy of Sciences (hereinafter referred to as National Astronomical Observatories) in accordance with the *Procedures for Requesting Lunar Samples*.

II. The requesting applicant and the responsible person for use of the lunar sample shall bear the following responsibilities:

(I) Strictly implement the provisions of the *Procedures for Requesting Lunar Samples*;

(II) The lunar sample shall be received and returned by the responsible person for use of the requesting applicant (at the expense of the requesting applicant); and

(III) The lunar sample can only be used by the responsible person for use of the requesting applicant and his/her team members, and must be always under the management and supervision of the responsible person for use.

III. The responsible person for use of the requesting applicant shall accurately record all information for use of the borrowed lunar sample, including its name, serial number, type, mass, shape, etc., and provide complete video record of damaged (consumed and destructed) experiment sample. The record shall be signed by the responsible person for use of the requesting applicant and confirmed by the legal representative of the requesting applicant.

IV. The requesting applicant and the responsible person for use shall use the lunar sample in accordance with the scientific research plan and socially useful activities approved by LESEC. In case of any violation, LESEC has the right to terminate the requesting of the lunar sample in advance.

V. The requesting applicant shall use, in priority, the following

recommended storage conditions to preserve the lunar sample, so as to prevent contamination.

#### (I) Storage Condition for Socially Useful Samples

Socially useful samples for popular science, education and exhibition can be preserved and exhibited in the natural environment. It is recommended that the sample be kept in a small nitrogen cabinet by the requesting applicant, if possible.

#### (II) Storage Condition for Research Samples

The research samples include the original lunar samples not exposed to the atmosphere and the lunar samples exposed to the atmosphere.

##### 1. Original Lunar Samples

Such samples are original lunar samples prepared by curatorial agencies, and mainly used for non-destructive tests such as physical form tests. The samples are not exposed to the atmosphere during research and can be recycled. The recommended storage conditions are as follows:

(1) Indoor environment: The indoor environment shall meet the standard of Class 10,000 clean room; natural normal temperature and pressure shall be maintained to avoid significant change; and the humidity shall meet the requirements and standards of super-clean chemical laboratory. The entire laboratory shall be equipped with dehumidification facilities to keep it dry.

(2) Storage environment: It is recommended to adopt high-purity nitrogen environment conditions, with oxygen concentration in per mega-mole nitrogen not higher than 20 moles and water content not higher than 50 moles under normal circumstances. Nitrogen pressure shall be slightly greater than indoor atmospheric pressure.

##### 2. Lunar Samples Exposed to Atmosphere

In principle, samples that must be and have been exposed to the atmosphere during testing and research are no longer strictly restricted to their original storage conditions. They can be used for exhibition, popular science, and other purposes after recycling. Such samples no longer specially require a high-purity nitrogen storage environment. However, in order for long time storage or reuse, it is recommended to preserve them in a small nitrogen cabinet.

VI. Party A shall not be liable for any personal injury or property loss due to relevant activities of the requesting applicant.

VII. Within 5 working days after the completion of this request agreement, the requesting subject shall submit a return application form to the National Astronomical Observatories in a timely manner, with the lunar sample, request agreement and necessary explanatory documents attached. The requested sample shall be returned in full, and for any sample that cannot be returned completely due to destructive experiments, the remaining part shall be returned. The National Astronomical Observatories will detect the returned lunar sample, form a detection opinion and report the opinion to LESEC

LESEC will organize a review by the committee of experts as appropriate and draw a conclusion. If the returned sample meets the requirements, the main curatorial agency shall be responsible for the storage catalog registration, storage and other related work. If the returned sample does not meet the requirements, the main curatorial agency shall be responsible for the treatment in accordance with the relevant provisions of *Lunar Sample Loan Agreement*.

VIII. If the sample cannot be returned as scheduled, and if the sample is contaminated, damaged or lost due to the negligence of the

requesting applicant, the requesting applicant shall take full responsibility. The following resolutions may be taken depending on the seriousness of the violation: (1) The superior competent department of the requesting applicant will be notified; (2) The eligibility for requesting samples will be suspended for three years; (3) The eligibility for requesting samples will be cancelled permanently; or (4) The requesting applicant will be investigated for legal responsibility under serious circumstances.

IX. Commercial activities to be conducted using lunar sample or relevant scientific research achievements and products by the requesting applicant shall be subject to written approval by LESEC.

### **Priority of Use**

LESEC will send an explanation to the requesting applicant when LESEC's lending plan for the lunar sample has been changed, so that the requesting applicant can make adjustments to the requesting plan accordingly. The use of lunar samples by LESEC takes precedence over the planned use in this agreement. In the event of a conflict, LESEC may decide whether to exercise the priority at its discretion.

### **Validity, Termination and Change of Agreement**

This request agreement shall enter into force on the date of signature and shall remain in force until all obligations have been fulfilled by the parties. The requesting applicant who wishes to continue to use the requested lunar sample at the end of term of requesting must sign a renewal agreement with LESEC. Otherwise, the sample must be returned to the National Astronomical Observatories.

Either party to this agreement may terminate this request agreement unilaterally by giving the other party a 30-day notice in respect to the research sample or a 15-day notice in respect to the socially useful

sample.

### **Settlement of Disputes**

All disputes arising from this request agreement shall be settled through consultation between LESEC and the requesting applicant.

**Party A (Seal):**

**Party B (Seal):**

**Lunar Exploration and Space**

**Engineering Center**

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**Legal Representative: Signature**

**Legal Representative: Signature**

**Date:**

**Date:**