

Meteorology Law of the People's Republic of China

Meteorology Law of the People's Republic of China

(adopted on October 31, 1999)

(adopted at the 12th Meeting of the Standing Committee of the Ninth National People's Congress of the People's Republic of China on October 31, 1999, is hereby promulgated and shall go into effect as of January 1, 2000.)

Chapter I General Provisions

Article 1 This Law is enacted for the purpose of developing meteorological service, standardizing meteorological activities, ensuring the accurate and timely issue of meteorological forecast, preventing meteorological disasters, properly exploiting and effectively protecting climatic resources, and providing meteorological services for economic development, national defense, social development and people's well-being.

Article 2 This Law shall be observed by units and individuals that engage in meteorological observation, forecasting, services, prevention of meteorological disasters, exploitation of climatic resources and research in meteorological science and technology, which are carried out in the territory of the People's Republic of China and the sea areas under the jurisdiction of the People's Republic of China.

Article 3 Meteorological service is a basic public welfare service for economic development, national defense, social development and people's well being. Public welfare meteorological services shall be the first priority in meteorological work. People's governments at or above the county level shall strengthen their leadership over and coordination of meteorological activities, and incorporate meteorological service into the national economic and social development plans and fiscal budgets of the central and local governments in order to ensure their full function in the service of the general public, in government decision making and in economic development. Local meteorological projects initiated by local people's governments at or above the county level to meet the needs of local social and economic development shall mainly be financed by the said governments themselves. On condition that unpaid public welfare meteorological services are guaranteed, meteorological offices and stations may provide paid meteorological services in accordance with law.

Article 4 Meteorological offices and stations subordinate to the competent meteorological departments of counties or cities shall chiefly serve agricultural production, providing, on their own initiative and in a timely manner, public welfare meteorological information services needed by local agricultural production.

Article 5 The competent meteorological department under the State Council is responsible for meteorological work nationwide. Local competent meteorological departments at different levels are responsible for meteorological work in their own administrative regions under the leadership of the

competent meteorological departments at a higher level and the people's governments at the corresponding level. Meteorological offices and stations subordinate to the other relevant departments under the State Council or under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall be subject to guidance, supervision and professional management by the competent meteorological departments at the same level.

Article 6 Units and individuals that engage in meteorological activities shall comply with the meteorological technical standards, rules and regulations formulated by the State.

Article 7 The State encourages and supports research in and popularization of meteorological science and technology, trains meteorological professionals, spreads the use of advanced meteorological science and technology, protects the achievements scored in meteorological science and technology, strengthens international cooperation and exchange in the field of meteorology and develops the meteorological information industry, all in order to improve meteorological work. People's governments at various levels shall pay attention to and support the construction and operation of the meteorological offices and stations in areas inhabited by ethnic peoples, in outlying and poverty-stricken areas, in areas where life is hard, and on islands. Units and individuals that make outstanding contributions in meteorological work shall be rewarded.

Article 8 Meteorological activities that organizations and individuals of other countries wish to conduct in the territory of the People's Republic of China and the sea areas under the jurisdiction of the People's Republic of China shall be subject to approval by the competent meteorological department under the State Council in conjunction with relevant departments.

Chapter II Construction and Management of Meteorological Facilities

Article 9 The competent meteorological department under the State Council shall make arrangements for relevant departments to work out plans for the construction of key meteorological facilities including meteorological observation instrumentation, transmission devices dedicated to meteorological information and specialized large meteorological equipment. These plans shall be submitted to the State Council for approval before they are implemented. Any readjustment or modification of the plans shall be submitted to the State Council for approval. Plans for the construction of meteorological facilities shall be drawn up in conformity with the principles of a reasonable layout, efficient utilization, and full consideration of both immediate and future needs, so as to avoid duplicated construction.

Article 10 Before the proposals and feasibility reports for the construction of key meteorological facility projects are submitted for approval, these projects shall, depending on the limits of authority for examination and approval of such projects, be subject to examination and agreement by the competent meteorological department under the State Council, or by the competent meteorological departments of provinces, autonomous regions, or municipalities directly under the Central Government.

Article 11 The State protects meteorological facilities in accordance with law. No organizations or individuals may seize, damage or destroy meteorological facilities, or relocate them without

authorization. In cases where meteorological facilities are damaged or destroyed due to force majeure, the local people's governments shall take emergency measures to have them repaired or replaced, in order to ensure their normal operation.

Article 12 No organizations or individuals may relocate meteorological offices or stations without legal approval. Where it is definitely necessary to relocate any national reference climatological stations or basic synoptic stations for the implementation of city planning or the construction of key national projects, the matter shall be subject to approval by the competent meteorological department under the State Council. Where it is necessary to relocate other meteorological offices or stations, the matter shall be subject to approval by the competent meteorological department of a province, autonomous region or municipality directly under the Central Government. The unit that needs such construction shall bear the expenses for the relocation and reconstruction.

Article 13 Specialized meteorological equipment shall meet the technical requirements specified by the competent meteorological department under the State Council and shall be subject to examination by the said department and its acceptance as qualified. No equipment that is not examined or accepted as qualified may be applied to meteorological operations.

Article 14 Instruments for meteorological measurement shall be subject to verification by the institutions for verification of such instruments in accordance with the relevant provisions of the Metrology Law of the People's Republic of China. No meteorological measurement instruments that are not verified, that are disqualified, or whose terms of validity have expired may be used. The competent meteorological department under the State Council and the competent meteorological departments of provinces, autonomous regions and municipalities directly under the Central Government may, where necessary, introduce standard instruments for meteorological measuring. The highest standard for each kind of measuring instruments shall be put into use only after it is tested and found to be qualified in accordance with the provisions of the Metrology Law of the People's Republic of China.

Chapter III Meteorological Observation

Article 15 Meteorological offices and stations subordinate to competent meteorological departments at various levels shall, in accordance with the regulations set by the competent meteorological department under the State Council, take meteorological observation and report the collected data to the competent meteorological departments concerned. No meteorological observation may be discontinued without approval by the competent meteorological department at a higher level. The competent meteorological department under the State Council and the local competent meteorological departments concerned shall, in accordance with relevant State regulations, release the observed basic meteorological data at appropriate intervals.

Article 16 Meteorological offices and stations subordinate to other relevant departments under the State Council or under the people's governments of provinces, autonomous regions or municipalities directly under the Central Government, as well as other organizations or individuals that engage in meteorological observation shall, in accordance with relevant State regulations, report the observed

meteorological data to the competent meteorological department under the State Council or to the competent meteorological departments of provinces, autonomous regions or municipalities directly under the Central Government. The competent meteorological departments at various levels shall, under the principles of sharing and joint use of meteorological data and in accordance with relevant State regulations, exchange relevant meteorological information with other units that engage in meteorological work.

Article 17 All drilling platforms located in inland or territorial waters of the People's Republic of China or in the sea areas under the jurisdiction of the People's Republic of China, and aircraft and ocean going vessels of Chinese nationality navigating international lines shall, in accordance with relevant State regulations, take meteorological observation and report the observed data.

Article 18 Where meteorological observation data other than the basic ones need to be kept secret, they shall be classified into different categories. The categories shall be altered and the data shall be declassified and used in accordance with the provisions of the Law of the People's Republic of China on Guarding State Secrets.

Article 19 The State protects the environs for meteorological observation in accordance with law. All organizations and individuals shall have the obligation to protect such environs.

Article 20 The following acts jeopardizing the environs for meteorological observation are prohibited placing obstacles or conducting explosion or quarry operations within the protected environs for meteorological observation; installing, within the protected environs for meteorological observation, high frequency electromagnetic radiation devices which impair the performance of the meteorological measuring instruments; and other acts that impair meteorological observation within the protected environs for such observation. The criteria for delimiting protected environs for meteorological observation shall be prescribed by the competent meteorological department under the State Council. People's governments at all levels shall, in accordance with the statutory criteria, delimit protected environs for meteorological observation and incorporate them into city planning or into village or town planning.

Article 21 When building, expanding or renovating construction projects, the constructors shall avoid jeopardizing the environs for meteorological observation. Where it is really impossible to avoid jeopardizing the observation environs of national reference climatological stations or basic synoptic stations, the constructors shall first ask for permission of the competent meteorological department under the State Council, and where jeopardizing of such environs of other meteorological offices or stations cannot be avoided, the constructors shall first ask for permission of the competent meteorological departments of provinces autonomous regions or municipalities directly under the Central Government. No construction may be started until appropriate measures are taken.

Chapter IV Meteorological Forecast and Severe weather Warning

Article 22 The State applies a unified system for the issue of public meteorological forecast and severe weather warning. Meteorological offices and stations subordinate to the competent

meteorological departments at different levels shall, in compliance with their functions and duties, issue to the community public meteorological forecast and severe weather warning, with timely supplements or corrections added as the weather changes. No other organizations or individuals may issue to the community such forecast or warning. Meteorological offices and stations subordinate to other relevant departments under the State Council or under the people's governments of provinces, autonomous regions or municipalities directly under the Central Government may issue specialized meteorological forecast to be used within the frame work of their departments. The competent meteorological departments at different levels and the meteorological offices and stations subordinate to them shall issue public meteorological forecast and severe weather warning with improved accuracy, timeliness and service.

Article 23 Where necessary, meteorological offices and stations subordinate to the competent meteorological departments at various levels shall issue specialized meteorological forecasts for agriculture, urban environment, classified fire risks, etc. and shall provide meteorological services in cooperation with the military meteorological department to meet the need of national defense.

Article 24 Radio and television stations at various levels and news papers designated by people's governments at the provincial level shall arrange particular timeslots or space every day for public meteorological forecast and/or severe weather warning. Meteorological offices and stations subordinate to the competent meteorological departments at different levels shall guarantee the quality of the meteorological forecast programs they have prepared. Before making any changes in the timeslots for broadcasting meteorological forecast, the radio and television stations shall first seek consent of the meteorological offices or stations concerned. Any severe weather warning or supplementary or corrected forecast that has a vital bearing on the national economy and people's well being shall promptly be added or inserted into other ongoing programs.

Article 25 When the media, including radio, television, newspaper and telecommunication, issue to the community public meteorological forecast or severe weather warning, they shall use the latest meteorological information provided by a meteorological office or station subordinate to a competent meteorological department, while indicating the time of issue and the name of the office or station. Part of the revenues from the distribution of meteorological information shall be drawn to support the development of meteorological service.

Article 26 Information industry departments shall work closely with the competent meteorological departments to ensure unblocked meteorological telecommunication for the accurate and timely dissemination of meteorological information, forecast and severe weather warning. Wireless frequencies and channels specified for meteorological use are protected by the State. No organizations or individuals may occupy or interfere with them.

Chapter V Prevention of Meteorological Disasters

Article 27 People's governments at or above the county level shall improve their monitoring and warning systems for meteorological disasters, make arrangements for relevant departments to work out plans for prevention of meteorological disasters, and take effective measures to increase the

capability of preventing such disasters. Relevant organizations and individuals shall comply with the directions given and arrangements made by the people's governments, and shall make a success of prevention of meteorological disasters.

Article 28 Competent meteorological departments at all levels shall make arrangements for joint monitoring and forecast of significant weather events among regions or departments, propose timely measures for preventing meteorological disasters and make assessment of severe weather disasters, which shall serve as the decision making basis for the people's governments at the corresponding levels to arrange prevention of meteorological disasters. Meteorological offices and stations subordinate to the competent meteorological departments at different levels shall improve their monitoring and forecast of severe weather which may adversely affect the local community, and promptly report to the competent meteorological departments concerned. The meteorological offices and stations subordinate to other departments and the units related to the monitoring and forecast of severe weather shall, without delay, provide the competent meteorological departments with the observed meteorological information and the monitored information on hydrological conditions, storm surge, etc. that are needed for the monitoring and forecast of severe weather.

Article 29 Local people's governments at or above the county level shall, in light of the need for preventing meteorological disasters, work out plans for the purpose and, on the basis of the meteorological information provided by the competent meteorological departments, make arrangements for carrying out such plans, in order to avert or mitigate meteorological disasters.

Article 30 People's governments at or above the county level shall enhance their leadership over weather modification and, in light of actual conditions, carry out work in this field in an organized and planned way. The competent meteorological department under the State Council shall more efficiently administer and guide weather modification throughout the country. Local competent meteorological departments at all levels shall make plans for weather modification operations and, under the leadership and coordination of the people's governments at the corresponding levels, administer, guide and arrange for such operations. Relevant departments shall, in compliance with their functions and duties and division of responsibilities, cooperate with the competent meteorological departments in weather modification. Organizations engaging in weather modification operations shall meet the qualifications prescribed by the competent meteorological departments of provinces, autonomous regions or municipalities directly under the Central Government, use the operational equipment which meets the specifications set by the competent meteorological department under the State Council, and conform to the operational rules.

Article 31 Competent meteorological departments at various levels shall strengthen the organization and management of preventive efforts against disasters caused by thunderstorm and lightning and, together with other relevant authorities, inspect the lightning protection devices installed on the buildings, structures and other facilities likely to be struck by lightning. The installed lightning protection devices shall meet the operational specifications set by the competent meteorological department under the State Council.

Chapter VI Exploitation and Protection of Climatic Resources

Article 32 The competent meteorological department under the State Council is in charge of the overall survey and zoning of climatic resources nationwide, coordinates efforts in climate monitoring, analysis and assessment and in the monitoring of the atmosphere composition that may cause climate deterioration, and issues, at regular intervals, bulletins on climatic status.

Article 33 Local people's governments at or above the county level shall, in light of the characteristics of the local climatic resources, draw up plans for the fields of endeavor in which to exploit the climatic resources and for the key climatic resources to be protected. Local competent meteorological departments shall, on the basis of the plans drawn up by the people's governments at the corresponding levels, make proposals to the said people's governments and relevant departments at the corresponding levels regarding the exploitation and protection of climatic resources and the extensive application of positive results yielded from the zoning of climatic resources.

Article 34 Competent meteorological departments at all levels shall arrange for climatic feasibility studies relating to city planning, key national construction projects, major regional economic development projects and large projects for the exploitation of climatic resources such as solar and wind energy. When assessing the impact of construction projects on atmospheric environment, the units that are qualified for making such assessment shall use the meteorological data which are provided or examined by the competent meteorological departments.

Chapter VII Legal Responsibility

Article 35 Any unit or individual that, in violation of the provision of this Law, commits one of the following acts shall be ordered by the relevant competent meteorological department within the limits of its authority to discontinue the violation and put the facilities and environs back to their former state or take other remedial measures within a time limit, and it/he may be fined not more than 50,000 yuan. If losses are caused, the violator shall bear the compensation responsibility in accordance with law. If the violation constitutes a crime, criminal responsibility shall be investigated in accordance with law: (1) seizing, damaging, destroying, or relocating without approval meteorological facilities; (2) engaging in activities within the limits of the protected environs for meteorological observation, to the detriment of the environs. Any unit or individual that illegally approves the occupation of land within the limits of the protected environs for meteorological observation or that erects buildings or installations on illegally occupied land within the said limits shall be punished in accordance with the relevant provisions of the City Planning Law of the People's Republic of China or the Land Administration Law of the People's Republic of China.

Article 36 Any unit or individual that, in violation of the provisions of this Law, causes harm by employing specialized equipment which does not meet the technical specifications shall be ordered by the relevant competent meteorological department within the limits of its authority to make rectification and be given a disciplinary warning and may also be fined not more than 50 000 yuan. **Article 37** Any unit or individual that, in violation of the provisions of this Law, installs lightning protection devices which do not meet the operational specifications shall be ordered by the relevant competent meteorological department to make rectification and be given a disciplinary warning. If by using such

devices it/he causes losses to others, it/he shall bear compensation responsibility in accordance with law.

Article 38 Any unit or individual that, in violation of the provisions of this Law, commits one of the following acts shall be ordered by the relevant competent meteorological department within the limits of its authority to make rectification and be given a disciplinary warning and may also be fined not more than 50 000 yuan: (1) a unit or individual that unlawfully issues to the community public meteorological forecast or severe weather warning (2) when distributing to the community public meteorological forecast or severe weather warning, the media including radio, television, newspaper and telecommunication fail to use the latest meteorological information provided by the meteorological offices or stations subordinate to the competent meteorological departments; or (3) when assessing the impact of construction projects on atmospheric environment, the unit that is in charge of making such assessment fails to use the meteorological data which are provided or examined by the competent meteorological department.

Article 39 In violation of the provisions of this Law, when carrying out weather modification operations, the organization that does not meet the qualifications prescribed by the competent meteorological department of a province, autonomous region or municipality directly under the Central Government conducts weather modification operations or, when doing so, uses the equipment which does not meet the technical specifications set by the competent meteorological department under the State Council shall be ordered by the relevant competent meteorological department within the limits of its authority to make rectification and be given a disciplinary warning and may also be fined not more than 100 000 yuan. If it causes losses to others, it shall bear compensation responsibility in accordance with law. If the violation constitutes a crime, criminal responsibility shall be investigated in accordance with law.

Article 40 Staff members working in the competent meteorological departments at different levels or meteorological offices or stations subordinate to the departments who neglect their duties and consequently fail to make important public meteorological forecast or to send out severe weather warning, or make wrong forecast or send out wrong warning, or who lose or damage the raw meteorological observation data or fabricate meteorological data shall be given administrative sanctions in accordance with law. If they cause heavy losses to State interests or people's lives or property, which is serious enough to constitute a crime, they shall be investigated for criminal responsibility in accordance with law.

Chapter VIII Supplementary Provisions

Article 41 For the purpose of this Law, the definitions of the following terms are: (1) Meteorological facilities include meteorological observation instrumentation, transmission devices dedicated to meteorological information and specialized large meteorological equipment. (2) Meteorological observation means systematic observation and measurement of the atmospheric physical processes, phenomena and chemical properties in the atmosphere and surface layer by scientific and technological means. (3) Environs for meteorological observation mean the minimum surrounding space away from any interference, a space that is essential for ensured acquisition of accurate meteorological observation information by means of observation facilities. (4) Meteorological disasters

include disasters caused by typhoon, rainstorm (snowstorm), cold wave, strong wind (sandstorm and/or duststorm), low temperature, high temperature, drought, thunderstorm and lightning, hail, frost and fog. (5) Weather modification refers to efforts aimed at rain or snow enhancement, hail suppression, rain suppression, fog dispersal, frost prevention by exerting, under appropriate conditions, artificial influence on local atmospheric physical and chemical processes through scientific and technological means, in order to avert or mitigate meteorological disasters and rationally exploit climatic resources.

Article 42 Specific administrative measures governing the scope, items and charges for paid meteorological services provided by meteorological offices or stations and other units shall be formulated by the State Council in accordance with the provisions of this Law.

Article 43 Administrative measures governing the meteorological work in the Chinese People's Liberation Army shall be formulated by the Central Military Commission.

Article 44 Where differences in provisions are found between an international treaty on meteorological activities concluded or acceded to by the People's Republic of China and this Law, the provisions contained in the international treaty shall prevail, with the exception of the clauses on which the People's Republic of China has expressed reservations.

Article 45 This Law shall go into effect as of January 1, 2000. The Regulations of the People's Republic of China on Meteorological Services promulgated by the State Council on August 18, 1994 shall be annulled as of the same date.