

Regulation on Basic Surveying and Mapping

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Order of the State Council of the People's Republic of China

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The Regulation on Basic Surveying and Mapping, which was adopted at the 62nd executive meeting of the State Council on May 6, 2009, is hereby promulgated and shall be implemented as of August 1, 2009.

Premier Wen Jiabao

May 12, 2009

Regulation on Basic Surveying and Mapping

Chapter I General Provisions

Article 1 For purposes of strengthening the administration of basic surveying and mapping, regulating the basic surveying and mapping activities and ensuring that the basic surveying and mapping cause serve the construction of national economy, the building-up of national defense as well as the social development, this Regulation is formulated in accordance with the Surveying and Mapping Law of the People's Republic of China.

Article 2 All surveying and mapping activities conducted in the territorial air, land and waters, as well as other sea areas under the jurisdiction of the People's Republic of China shall be governed by this Regulation.

The term "basic surveying and mapping" as used in this Regulation refers to establishing national unified surveying and mapping datum and systems, conducting the basic aero-photography, obtaining basic geographical information by remote sense, surveying and updating maps, image maps and digital products with the national basic scales, and establishing and updating the basic geographic information systems.

The marine basic surveying and mapping activities conducted within the territorial waters of the People's Republic of China, within range of sea areas from the baselines of the territorial waters of the People's Republic of China towards the side of land and to the coastline of the People's Republic of China, and within other sea areas under the jurisdiction of the People's Republic of China shall be governed by the relevant provisions of the State Council and the Central Military Commission.

Article 3 The basic surveying and mapping is a cause for public good. The people's governments at and above the county level shall strengthen the guidance to the basic surveying and mapping work, integrate the basic surveying and mapping into the national economic and social development plan and annual plan at their respective levels and include the necessary operating funds into the fiscal budgets at their respective levels.

The state shall give fiscal support to the basic surveying and mapping of remote regions and ethnic minority regions. The concrete measures shall be formulated by the public finance department together with the surveying and mapping administrative department at the same level.

Article 4 The basic surveying and mapping work shall be subject to the principle of overall planning, level-by-level administration, regular update, and ensuring the security.

Article 5 The surveying and mapping administrative department of the State Council shall be responsible for the centralized supervision and administration of the basic surveying and mapping work throughout the country.

The surveying and mapping administrative department of a local people's government at or above the county (hereinafter referred to as the surveying and mapping administrative department) shall be responsible for the centralized supervision and administration of the basic surveying and mapping work within its administrative area.

Article 6 The state shall encourage the employment of advanced science and technologies and advanced equipment, intensify the basic research and the construction of the surveying and mapping system with information technologies, establish a public service platform for the unified basic geographical information, realize the sharing of basic geographical information resources and enhance the guarantee service capacity of the basic surveying and mapping.

Chapter II Plan on Basic Surveying and Mapping

Article 7 The surveying and mapping administrative department of the State Council shall, jointly with other departments of the State Council and the surveying and mapping administrative department of the army, organize the formulation of the national basic surveying and mapping plan, and organize the implementation thereof upon approval of the State Council.

The surveying and mapping administrative department of a local people's government at or above the county level shall, jointly with other relevant departments of the people's government at the same level, organize the formulation of the basic surveying and mapping plan of its administrative area according to the national basic surveying and mapping plan and the basic surveying and mapping plan of the people's government at the next higher level and by taking into consideration the actualities of its own administrative area, report it to the people's government at the same level for approval, and organize the execution thereof after reporting it to the surveying and mapping administrative department at the next higher level for archival purposes.

Article 8 Prior to the submission of a basic surveying and mapping plan for examination and approval, the organ which organized the formulation thereof shall organize the expert demonstration and solicit the opinions of the relevant departments and entities. If a local basic surveying and mapping plan involves any military forbidden area or military administered area or war project, the organ which organized the formulation thereof shall solicit the opinions of the military organ as well.

The documents relevant to a basic surveying and mapping plan which are submitted for examination and approval shall contain the information about the adoption of relevant opinions, and the reasons.

Article 9 The organ which organized the formulation of a basic surveying and mapping plan shall announce the basic surveying and mapping plan upon approval.

The approved basic surveying and mapping plan is the basis for carrying out the basic surveying and mapping work, it shall not be revised without undergoing the statutory procedures; if it is really necessary to make any revision, it shall be subject to the original examination and approval procedures as prescribed in this Regulation.

Article 10 The development and reform department of the State Council shall, jointly with the surveying and mapping administrative department of the State Council, work out the annual national

basic surveying and mapping plan.

The development and reform department of a local people's government at or above the county level and the surveying and mapping administrative department at the same level shall jointly formulate the annual basic surveying and mapping plan for their administrative area, and submit the said plan to their respective competent department at the next higher level for archival purposes.

Article 11 The surveying and mapping administrative department of a local people's government at or above the county level shall draw up a basic surveying and mapping emergency guarantee plan so as to respond to natural disasters and other emergencies.

The basic surveying and mapping emergency guarantee plan shall contain the emergency guarantee organization system, the preparation of emergency equipment and materials, the responses, the emergency surveying and production and update of basic geographical information and data, and other emergency guarantee measures.

Chapter III Organization of the Execution of Basic Surveying and Mapping Projects

Article 12 The surveying and mapping administrative department of the State Council shall organize the execution of the following basic surveying and mapping projects:

1. To establish national unified surveying and mapping datum and surveying and mapping systems;
2. To establish and update the national basic geographical information system;
3. To organize and carry out national basic aero-photography activities;
4. To obtain the national basic geographical information by remote sense;
5. To survey, make and update the national maps, image maps and digital products with a national basic scale from 1: 1, 000, 000 to 1: 25, 000; and
6. Other basic surveying and mapping products badly needed.

Article 13 The surveying and mapping administrative department of the people's government of a province, autonomous region or municipality directly under the Central Government shall organize the execution of the following basic surveying and mapping projects:

1. To establish a geodetic control network and vertical control network in keeping with the national surveying and mapping systems;
2. To establish and update the local basic geographical information system;
3. To organize and carry out local basic aero-photography activities;
4. To obtain local geographical information by remote sense; and
5. To survey, make and update the maps, image maps and digital products for its administrative area with a national basic scale from 1: 10, 000 to 1: 5, 000.

Article 14 The people's government at the districted city or county level shall organize the survey, making and update of maps, image maps and digital products with a national basic scale from 1: 2, 000 to 1: 500, as well as the basic surveying and mapping projects whose execution is to be organized by it under the local regulations, or rules and regulations of the local government.

Article 15 To organize the execution of a basic surveying and mapping project, the department responsible for organizing the execution thereof shall, under the basic surveying and mapping plan and the annual surveying and mapping plan, decide the entity which is to undertake the said project according to law.

Article 16 The entity undertaking a basic surveying and mapping project shall have the corresponding grade of surveying and mapping qualifications for the said project and shall not engage in any basic surveying and mapping activity beyond the scope licensed by its grade of qualifications.

The entity undertaking a basic surveying and mapping project shall have a sound confidentiality system and good confidential facilities and strictly implement the laws and regulations on keeping state secrets.

Article 17 To engage in basic surveying and mapping activities, an entity shall use the national unified geodetic datum, vertical datum, depth datum and gravimetric datum, as well as the national unified geodetic coordinate system, plane coordinate system, vertical system, geocentric coordinate system, geocentric geodetic system, and implement the surveying and mapping technical norms and standards of the state.

Where it is really necessary to establish a relatively independent plane coordinate system for construction, urban planning or scientific research, that plane coordinate system shall be linked up with the national coordinate system.

Article 18 The people's government at or above the county level and its relevant departments shall follow the principle of scientific planning, reasonable distribution, effective utilization, and giving equal consideration to the present and future needs, strengthen the construction of basic surveying and mapping facilities and avoid repeated investment.

When arranging the funds for the construction of basic surveying and mapping facilities, the state shall give priority to the needs in the aero-photography and surveying, satellite remote sensing, data transmission and basic surveying and mapping emergency guarantee.

Article 19 The state shall protect the basic surveying and mapping facilities according to law.

No entity or individual may usurp, destroy, dismantle or move without authorization the basic surveying and mapping facilities. Where any basic surveying and mapping facilities are destroyed, the surveying and mapping administrative department of the people's government at or above the county level shall timely take measures and organize strength to repair them so as to ensure that the basic surveying and mapping activity be carried out normally.

Article 20 The surveying and mapping administrative department of the people's government at or above the county level shall intensify the overall planning and coordination of the basic aero-photography and the acquisition and distribution of high resolution satellite images for surveying and mapping, do well the basic surveying and mapping emergency guarantee work, prepare corresponding equipment and materials, organize and carry out trainings and drillings, and incessantly enhance the capacity of basic surveying and mapping guarantee services.

After the occurrence of a national disaster or any other emergency, the surveying and mapping administrative department of the people's government at or above the county level shall promptly initiate the emergency guarantee plan, take effective measures and conduct the emergency surveying, making and update of the basic geographical information and data.

Chapter IV Update and Utilization of Basic Surveying and Mapping Outcomes

Article 21 The state adopts a regular update system for the basic surveying and mapping outcomes.

The update cycle of the basic surveying and mapping outcomes shall be determined on the basis of the needs of different regions in the national economic and social development, the scientific and technological level in surveying and mapping, the production capacity for surveying and mapping, the changes of the basic geographical information and other factors. The national basic scale maps, image maps and digital products with a scale from 1: 1, 000, 000 to 1: 5, 000 shall be updated at least once every five years; and the basic surveying and mapping outcomes in regions with frequent natural disasters and those badly needed for the national economy, the construction of national

defense and the social development shall be updated in a timely manner.

The concrete measures for the determination of the update cycle of the basic surveying and mapping outcomes shall be formulated by the surveying and mapping administrative department of the State Council together with the surveying and mapping administrative department of the army and other relevant departments of the State Council.

Article 22 The surveying and mapping administrative department of the people's government at or above the county level shall timely collect the information on the changes to the boundaries of the administrative area, geographical names, water system, transport, resident areas, vegetation and other relevant geographical information and timely update the basic surveying and mapping outcomes.

Other relevant departments of the people's governments and entities shall support and cooperate with the surveying and mapping administrative department in collecting information.

Article 23 For a surveying and mapping project which shall be subject to the approval or ratification of the relevant department under provisions of the state, the relevant department shall, prior to the approval or ratification, solicit in writing the opinions of the surveying and mapping administrative department at the same level. If there are proper basic surveying and mapping outcomes, it shall fully utilize the existing basic surveying and mapping outcomes so as to avoid repeated surveying and mapping.

Article 24 The surveying and mapping administrative department of the people's government at or above the county level shall take measures to strengthen the supervision and administration of the survey and making, processing, treatment and provision of the basic geographical information so as to ensure the quality of the basic surveying and mapping outcomes.

Article 25 The entity undertaking a basic surveying and mapping project shall establish a sound quality management system for the basic surveying and mapping outcomes, strictly follow the surveying and mapping norms and standards of the state, and be responsible for the quality of the basic surveying and mapping outcomes it obtains.

Article 26 The application of the basic surveying and mapping outcomes shall be governed by the relevant provisions of the State Council.

Chapter V Legal Liabilities

Article 27 Where, in violation of the provisions of this Regulation, a surveying and mapping administrative department of the people's government at or above the county level or any other relevant administrative department decides to let an entity without the surveying and mapping qualifications or without the corresponding grade of surveying and mapping qualifications undertake a basic surveying and mapping project, it shall be ordered to make a correction within a time limit and the directly responsible person-in-charge and other directly liable persons shall be given a sanction according to law.

Article 28 Where, in violation of the provisions of this Regulation, any of the functionaries of the surveying and mapping administrative department of the people's government at or above the county level or any other relevant administrative department accepts the properties or other benefits of others by taking the advantage of his position, or neglects his duties, or fails to exercise the function of supervision and administration, or fails to investigate and deal with any violation he finds, and if any serious consequences are caused and any crime is constituted, he shall be subject to the criminal liabilities; if no crime is constituted yet, he shall be given a sanction.

Article 29 Where, in violation of the provisions of this Regulation, an entity which has not obtained a surveying and mapping qualification certificate engages in the basic surveying and mapping activities, it shall be ordered to stop the violation, have its illegal gains and surveying and mapping outcomes confiscated and be concurrently fined not less than 1 time but not more than 2 times the agreed remuneration for the surveying and mapping.

Article 30 Where, in violation of the provisions of this Regulation, the entity undertaking a surveying and mapping project engages in the basic surveying and mapping activities beyond the licensed scope of the grade of qualifications, it shall be ordered to stop the violation, have its illegal gains and surveying and mapping outcomes confiscated and be concurrently fined not less than 1 time but not more than 2 times the agreed remuneration for the surveying and mapping, and may be ordered to suspend its business for rectification, or have its qualifications degraded; and if the circumstance is serious, its qualification certificate shall be revoked.

Article 31 Where, in violation of this Regulation, an entity fails to utilize the national unified surveying and mapping datum and the surveying and mapping system or does not follow the surveying and mapping technical norms and standards of the state, it shall be ordered to make a correction within a time limit, and be given a warning and may be concurrently fined not more than 100, 000 yuan. The directly responsible person-in-charge and other directly liable persons shall be given a sanction according to law.

Article 32 Where, in violation of the provisions of this Regulation, an entity usurps, destroys, dismantles or moves without authorization any basic surveying and mapping facilities, it shall be ordered to make a correction within a time limit, and be given a warning, and may be concurrently fined not more than 50, 000 yuan. If any losses have been caused, it shall be liable for the compensation. If any crime is constituted, it shall be subject to the criminal liabilities. If no crime is constituted yet, the directly responsible person-in-charge and other directly liable persons shall be given a sanction according to law.

Article 33 Where, in violation of the provisions of this Regulation, any basic surveying and mapping outcomes do not conform to the quality requirements, the entity undertaking the basic surveying and mapping project shall make up the surveying and mapping or do it over again. If the circumstance is serious, it shall be ordered to suspend the business for rectification, have its qualification degraded or even have its surveying and mapping qualification certificate revoked. If any loss has been caused to the user, it shall be liable for the compensation.

Article 34 Such administrative punishments as the degrading of qualifications and the revocation of surveying and mapping qualification certificate shall be decided by the certificate issuing department. Other administrative punishments shall be decided by the surveying and mapping administrative department of the people's government at or above the county level.

Chapter VI Supplementary Provisions

Article 35 This Regulation shall be implemented as of August 1, 2009.