

## **Interim Measures for the Administration of the Surveying and Mapping Conducted by Foreign Organizations or Individuals in China**

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Order of the Ministry of Land and Resources  
(No.38)

The Interim Measures for the Administration of the Surveying and Mapping Conducted by Foreign Organizations or Individuals in China, which were adopted at the 5th executive meeting of the Ministry of Land and Resources on November 20th, 2006, are hereby promulgated and shall come into force as of March 1st, 2007. The power to supervise and implement the Interim Measures for the Administration of the Surveying and Mapping Conducted by Foreign Organizations or Individuals in China shall remain with the State Bureau of Surveying and Mapping.

Minister Sun Wensheng  
January 19th, 2007

Interim Measures for the Administration of the Surveying and Mapping Conducted by Foreign Organizations or Individuals in China

Article 1 For the purpose of strengthening the administration of the surveying and mapping activities conducted by foreign organizations or individuals within the territory of the People's Republic of China and other sea areas under its jurisdiction, safeguarding national security and interests, and promoting the economic, scientific and technological exchange and cooperation between China and foreign countries, these Measures are formulated in accordance with the Surveying and Mapping Law of the People's Republic of China and other relevant laws and regulations.

Article 2 These Measures apply to the surveying and mapping activities conducted by foreign organizations or individuals within the territory of the People's Republic of China and other sea areas under its jurisdiction (hereinafter referred to as surveying and mapping in China).

Article 3 The following principles shall be followed in the surveying and mapping activities in China:

- (1) observing the laws, regulations and relevant provisions of the People's Republic of China;
- (2) not involving any national secret of the People's Republic of China;
- (3) not endangering the national security of the People's Republic of China.

Article 4 The administrative department of surveying and mapping under the State Council and that of the Army shall be responsible for the examination and approval of the surveying and

mapping activities in China.

The administrative departments of surveying and mapping of the people's governments at or above the county level shall perform the duty of supervising and managing the surveying and mapping activities conducted in China in accordance with the provisions of the laws, rules and administrative regulations.

Article 5 Surveying and mapping in China shall conform to the provisions on the scope of national secrets concerned in the management of surveying and mapping work. As for any surveying and mapping activity involving the national secret of the department of national defense or any other department of the state or industry, the provisions on the scope of national secrets of the corresponding competent department shall apply.

Article 6 Foreign organizations or individuals shall conduct surveying and mapping activities within the territory of the People's Republic of China by cooperating with the relevant departments or entities of the People's Republic of China in the form of joint venture or cooperation according to law (hereinafter referred to as joint venture or cooperative surveying and mapping).

The form of joint venture or cooperation as mentioned in the preceding paragraph refers to the joint venture or cooperative enterprises established in accordance with the provisions of the Law of the People's Republic of China on Chinese-foreign Equity Joint Ventures and the Law of the People's Republic of China on Chinese-foreign Contractual Joint Ventures.

Where any foreign organization or individual coming to China to conduct scientific, technological, cultural or sports activities upon the approval of the people's Government of a province, autonomous region, or municipality directly under the Central Government needs to conduct one-time surveying and mapping activity, it is not required to establish joint venture or cooperative enterprise, but this activity shall be subject to the approval of the administrative department of surveying and mapping under the state council together with that of the Army and shall be conducted jointly by the surveying and mapping personnel of the relevant departments and entities of the People's Republic of China.

Article 7 When conducting joint venture or cooperative surveying and mapping activities, none of the following activities may be conducted:

- (1) geodesic surveying;
- (2) aerial photography of surveying and mapping;
- (3) administrative boundary surveying and mapping;
- (4) marine surveying and mapping;
- (5) compilation of topographic maps or general maps;
- (6) compilation of electronic maps for navigation;
- (7) other surveying and mapping activities prescribed by the administrative department of surveying and mapping under the State Council.

Article 8 To conduct joint venture or cooperative surveying and mapping activities, one shall obtain a Certificate on Surveying and Mapping Qualification issued by the administrative department of surveying and mapping under the State Council.

A joint venture or cooperative enterprise shall satisfy the following conditions when applying for surveying and mapping qualification:

- (1) It shall satisfy the relevant provisions of the Surveying and Mapping Law of the People's Republic of China and the laws and regulations on foreign investment;
- (2) It shall satisfy the relevant requirements of the Provisions for the Administration of Surveying and Mapping Qualification;
- (3) It shall be controlled by the Chinese party;
- (4) It shall have made enterprise registration according to law and obtained the legal personality of the People's Republic of China.

Article 9 A joint venture or cooperative enterprise shall provide the following materials when applying for surveying and mapping qualification:

- (1) the application materials required in the Provisions on the Administration of Surveying and Mapping Qualification;
- (2) documentary evidences on the fact that the Chinese party holds a controlling share;
- (3) business license for enterprise as legal person;
- (4) other materials required by the administrative department of surveying and mapping under the State Council.

Article 10 The surveying and mapping qualification shall be licensed in accordance with the following procedures:

- (1) submission of application: A joint venture or cooperative enterprise shall respectively submit the application materials to the administrative department of surveying and mapping under the State Council and that of the local people's government of the province, autonomous region, or municipality directly under the Central Government where it is located;
- (2) preliminary examination: The administrative department of surveying and mapping under the State Council shall make a decision on whether to accept the application or not after receiving the application materials. Where it decides to accept the application, it shall inform the administrative department of surveying and mapping of the local people's government of the province, autonomous region, or municipality directly under the Central Government to make preliminary examination in a timely manner, which shall put forward its opinions on preliminary examination and report them to the administrative department of surveying and mapping under the State Council within 20 workdays after receiving the notice on preliminary examination;
- (3) examination: The administrative department of surveying and mapping under the State Council shall file its opinions on preliminary examination with the administrative department of surveying and mapping of the Army for joint examination within 5 workdays after receiving them, and shall make an examination decision within 8 workdays after receiving the opinions on joint examination;
- (4) issuance of certificate: As for an applicant determined as competent upon examination, the administrative department of surveying and mapping under the State Council shall issue a

Certificate on Surveying and Mapping Qualification of the corresponding grade; as for one determined as incompetent upon examination, the administrative department of surveying and mapping under the State Council shall make a decision on not granting a certificate.

Article 11 When applying for one-time surveying and mapping, the following materials shall be submitted in triplicate:

- (1) an application form;
- (2) the approval document of the State Council, the relevant department under the State Council or the people's government of the province, autonomous region or municipality directly under the Central Government;
- (3) the approval documents of the relevant departments that should be submitted as prescribed by laws and regulations;
- (4) the identity certificate and the relevant credit certificate of the foreign organization or individual concerned;
- (5) an explanation of the scope, route, precision and form of achievements of the surveying and mapping activity;
- (6) a list and situation description of the instruments of surveying and mapping, software and equipments used in the surveying and mapping activity;
- (7) an explanation of the fact that the existing achievements of surveying and mapping of the People's Republic of China can't satisfy the requirements of the project.

Article 12 As for one-time surveying and mapping, the approval document of the administrative department of surveying and mapping under the State Council shall be obtained in accordance with the following procedure:

- (1) submission of application: Where any foreign organization or individual coming to China to conduct scientific, technological, cultural or sports activities upon the approval of the State Council or its relevant department needs to conduct one-time surveying and mapping activity, he/she/it shall submit the application materials to the administrative department of surveying and mapping under the State Council.

Where any foreign organization or individual coming to China to conduct scientific, technological, cultural or sports activities upon the approval of the people's Government of a province, autonomous region, or municipality directly under the Central Government needs to conduct one-time surveying and mapping activity, he/she/it shall submit the application materials to the administrative department of surveying and mapping under the State Council.

- (2) preliminary examination: The administrative department of surveying and mapping under the State Council shall make a decision on whether to accept the application or not after receiving the application materials. Where any foreign organization or individual coming to China to conduct scientific, technological, cultural or sports activities upon the approval of the people's Government of a province, autonomous region, or municipality directly under the Central Government, if the administrative department of surveying and mapping under the State Council decides to accept the application, it shall inform the administrative department of surveying and mapping of the local people's government of the province, autonomous region, or municipality directly under the

Central Government to make preliminary examination in a timely manner, which shall put forward its opinions on preliminary examination and report them to the administrative department of surveying and mapping under the State Council within 20 workdays after receiving the notice on preliminary examination;

(3) examination: The administrative department of surveying and mapping under the State Council shall file its opinions on preliminary examination with the administrative department of surveying and mapping of the Army for joint examination within 5 workdays after receiving them, and shall made an examination decision within 8 workdays after receiving the opinions on joint examination;

(4) approval: Where an application for one-time surveying and mapping is approved, the administrative department of surveying and mapping under the State Council shall serve the approval document upon the applicant according to law and send a copy to the administrative department of surveying and mapping of the local people's government of the province, autonomous region, or municipality directly under the Central Government where the applied surveying and mapping activity is located; where the application for one-time surveying and mapping is disapproved, a written decision thereon shall be made.

Article 13 Where it is necessary to hold a hearing, make examination, testing or expert evaluation according to law, the time needed shall not be calculated into the prescribed time limit, but the applicant shall be informed of the time needed in written form.

Article 14 A joint venture or cooperative enterprise shall conduct surveying and mapping activities within the business scope indicated in the Certificate for Surveying and Mapping Qualification. Where it is a one-time surveying and mapping activity, it shall be conducted in accordance with the content approved by the administrative department of surveying and mapping under the State Council.

As for a joint venture, cooperative or one-time surveying and mapping activity, it is necessary to make sure that the surveying and mapping personnel of the Chinese party may participate in the specific surveying and mapping activity through the whole process.

Article 15 The administration of the surveying and mapping achievements achieved in China shall be conducted in accordance with the laws and regulations on the administration of surveying and mapping achievements.

No surveying and mapping achievement that is achieved in China and owned by a Chinese department or entity may be carried or transferred out of China in any form without obtaining the approval according to law.

Article 16 The administrative department of surveying and mapping of the local people's government at or above the county level shall strengthen supervision and administration of the surveying and mapping activities conducted in China within its own administrative division, and

shall check the following content on a regular basis:

- (1) whether a surveying and mapping activity involves national safety or any national secret;
- (2) whether a surveying and mapping activity is conducted within the business scope indicated in the Certificate for Surveying and Mapping Qualification.
- (3) whether a surveying and mapping activity is conducted in accordance with the content approved by the administrative department of surveying and mapping under the State Council
- (4) whether the photocopy or catalogue of surveying and mapping achievements is summarized and submitted in accordance with the relevant provisions of the Regulation of the People's Republic of China on the Administration of Surveying and Mapping Achievements;
- (5) whether it is assured that the surveying and mapping personnel of the Chinese party may participate in the specific surveying and mapping activity through the whole process.

Article 17 As for any violation of these Measures, where the administrative punishment has been stipulated in any law or regulation, the said law or regulation shall apply.

Any entity that conducts any surveying and mapping activity in China by violating the provisions of these Measures, involving any national secret of the People's Republic of China or endangering the national safety of the People's Republic of China shall be subject to legal responsibilities.

Article 18 Where any entity violates the provisions of these Measures and commits any of the following behaviors, the administrative department of surveying and mapping under the State Council shall cancel the approval document, order it to stop the surveying and mapping activity and impose a fine of not more than 30,000 yuan. The relevant department shall impose administrative sanctions upon the executive person directly liable and other persons directly liable of the Chinese party according to law; where anyone constitutes any crime, he/she shall be subject to criminal responsibilities according to law, and the corresponding surveying and mapping achievements shall be captured according to law:

- (1) defrauding the approval document for a one-time surveying and mapping activity by means of forging documentary evidences or providing false materials;
- (2) conducting a surveying and mapping activity beyond the content indicated in the approval document for one-time surveying and mapping activity.

Article 19 Where anyone violates the provisions of these Measures and carries or transfers any surveying and mapping achievement out of China without being approved according to law, the administrative department of surveying and mapping under the State Council shall impose a fine of not more than 30,000 yuan; where a crime is constituted, he/she shall be subject to the criminal liabilities according to law.

Article 20 Where any surveying and mapping activity conducted in China involves any other issue that should be subject to examination and approval as prescribed in the laws and regulations, it shall be subject to approval by the corresponding competent department according to law.

Article 21 The surveying and mapping activities conducted by organizations or individuals of Hong Kong Special Administrative Region, Macau Special Administrative Region and Taiwan

shall be governed by these Measures by analogy.

Article 22 These Measures shall come into force as of March 1st, 2007.