

Measures for the Administration of Foreign-related Meteorological Sounding and Information

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Order No. 13 of China Meteorological Administration

The “Measures for the Administration of Foreign-related Meteorological Sounding and Information”, which were deliberated and adopted at the director general’s working meeting of China Meteorological Administration on July 14, 2006 and the executive meeting of the State Secrecy Bureau on August 14, 2006, are hereby promulgated, and shall come into force on January 1, 2007.

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Director General of State Secrecy Bureau Xia Yong
November 7, 2006

Measures for the Administration of Foreign-related Meteorological Sounding and Information

Chapter I General Provisions

Article 1 The present Measures are formulated according to the “National Security Law of the People’s Republic of China”, the “Law of the People’s Republic of China on Maintaining State Secrets”, the “Meteorology Law of the People’s Republic of China” as well as other relevant laws and regulations for the purpose of regulating the administration of foreign-related meteorological sounding and information, as well as safeguarding national security and the state interests.

Article 2 Overseas organizations, institutions and individuals who engage in the activities of provision, use or concentrative submission, etc. of meteorological sounding or meteorological information within the territory of the People’s Republic of China or within other sea areas under jurisdiction of the People’s Republic of China shall abide by the present Measures.

Overseas organizations, institutions and individuals who engage in the activities as mentioned in the preceding paragraph within the territory of the People’s Republic of China or within other sea areas under jurisdiction of the People’s Republic of China shall cooperate with the relevant organizations of the People’s Republic of China.

Article 3 Whoever engages in the activities of provision, use or concentrative submission, etc. of foreign-related meteorological sounding or meteorological information shall adhere to the principles of strict supervision and efficient utilization, safeguard national security, and promote international meteorological cooperation.

The activities of provision, use and concentrative submission, etc. of foreign-related meteorological sounding and meteorological information involving national security or state secrets must be in compliance with the relevant laws, regulations and rules on national security and on maintenance of state secrets.

Article 4 The meteorology administrative institution of the State Council shall take charge of administering the nationwide foreign-related meteorological sounding and information.

The local meteorology administrative institution at each level shall take charge of administering the foreign-related meteorological sounding and information within its own jurisdiction.

Other relevant departments of national security and secrecy, etc. of the State Council and other relevant departments of the local people's governments at each level shall, upon their duties, cooperate with the meteorology administrative institutions in jointly doing a good job in administering foreign-related meteorological sounding and information.

Article 5 No organization or individual shall provide meteorological sounding place or meteorological information to any unapproved overseas organization, institution or individual, or provide any meteorological information involving state secret by any means to other organization or individual or publish such information.

No overseas organization, institution or individual shall make use of meteorological sounding activities to harm the national security or interests of the People's Republic of China.

Chapter II Establishment of Foreign-related Meteorological Sounding Stations (Sites)

Article 6 An administrative license system shall apply to the establishment of foreign-related meteorological sounding stations (sites). No foreign-related meteorological sounding station (site) shall be established without permission.

The meteorology administrative institution of the State Council shall take charge of examining the applications for and deciding on whether to approve the establishment of foreign-related meteorological sounding stations (sites), and shall, if national security or any state secret is involved, solicit opinions separately from the department of national security and that of secrecy.

Article 7 To apply for the establishment of a foreign-related meteorological sounding station (site), the applicant shall meet the following conditions:

- (1) Having scientific and rational international cooperation project plan and scheme;
- (2) Having a clear cooperator and a qualified meteorological sounding location;
- (3) Having necessary funds, equipment and a certain number of professional technicians; and
- (4) Other conditions as required by the state and the relevant departments on engaging in foreign-related activities.

Article 8 To apply for the establishment of a foreign-related meteorological sounding station (site), the applicant shall submit the following written materials:

- (1) basic information of each party to the cooperation;
- (2) the cooperation project agreement, the project plan and scheme;
- (3) basic information on the professional technicians;
- (4) proof on the sources of the project funds;
- (5) model of the sounding apparatus and equipment, manufacturer, equipment permit and technical indices, etc.;
- (6) basic parameters (including longitude, latitude, altitude, etc.) of the sounding station or site under planned construction, number of spots, and the sounding environment;
- (7) the sounding project, time period, sampling time, frequency, way of calculation, and the purpose;
- (8) the method of treatment and transmission of the sounding information, collection of the data, method of transmission and archiving, domestic backup, method of sharing the data, and so on.

Where a foreign-related meteorological sounding project involves any other relevant department, the applicant shall, in addition, submit corresponding approval document of the relevant department.

Article 9 To apply for establishment of a foreign-related meteorological sounding station (site), the applicant shall follow the following procedures:

- (1) The Chinese cooperation organization carrying out foreign-related meteorological sounding activities shall, three months before the project is implemented, file a written application to the meteorology administrative institution of the province, autonomous region, or municipality directly under the Central Government where it is located;
- (2) The meteorology administrative institution of the province, autonomous region, or municipality directly under the Central Government shall, within 20 work days as of acceptance of the application, form opinions of preliminary check, and submit such opinions along with all application materials to the meteorology administrative institution of the State Council for examination;
- (3) The meteorology administrative institution of the State Council shall, jointly with the relevant department, make a decision on approval or disapproval within 20 work days as of receipt of the application materials.

When national security or any state secret is involved, the meteorology administrative institution of the province, autonomous region, or municipality directly under the Central Government shall, when making the preliminary check, solicit opinions from the local department of national security and that of secrecy.

To apply for establishment of a foreign-related meteorological sounding station (site) covering more than one province, autonomous region, or municipality directly under the Central Government, the applicant shall directly file the application to the meteorology administrative institution of the State Council.

A Chinese cooperation organization must truthfully submit relevant materials and report true information to the meteorology administrative institution, and be responsible for the authenticity of the substantive contents of its application materials.

Article 10 Where an applicant applies for establishing a foreign-related meteorological sounding station (site) or for making use of the existing meteorological station (site) to implement a sounding project, or for bringing its own apparatus and equipment to make meteorological sounding, it must meet the following requirements:

- (1) The space between any two meteorological sounding stations or sites established within the territory of China shall be no less than 60 kilometers, and the sounding period shall not be more than two years, unless approval is obtained from the meteorology administrative institution of the State Council when particularly required;
- (2) With respect to the sounding or manual observation made with automatic meteorological sounding apparatus and equipment, the obtained meteorological information shall be shared by all cooperators, and no overseas organization, institution or individual shall unilaterally transmit such information without consent of the meteorology administrative institution;
- (3) The meteorological sounding apparatus and equipment brought by the applicant itself or used thereby shall be subject to the organized check of the meteorology administrative institution of the State Council or the meteorology administrative institution of the province, autonomous region, or municipality directly under the Central Government, and shall conform to the provisions on national security;
- (4) If the meteorological sounding apparatus and equipment brought by the applicant itself or used thereby belong to radio transmission equipment, the applicant shall go through procedures according to the relevant provisions of the state on radio frequency administration; and
- (5) The foreign-related meteorological sounding shall not affect the ongoing meteorological sounding work of China.

Article 11 In the areas of national defense, areas of military facilities, military sensitive areas, unopened areas, areas where major projects are in construction, and other areas involving national security, no foreign-related meteorological sounding station (site) shall be established.

Article 12 A foreign-related meteorological sounding station (site) established upon approval of the meteorology administrative institution of the State Council shall make sounding by complying with the approved sounding location, project and time period, and shall not make any modification without permission.

Where the sounding location, project or time period needs to be modified, a new application shall be filed, and approval shall be obtained from the meteorology administrative institution of the State Council.

Article 13 A foreign-related meteorological sounding station (site) established upon approval shall, before the meteorological sounding station (site) is built, apply to the local meteorology administrative institution of the districted municipality for archival filing.

Article 14 The meteorology administrative institution of each province, autonomous region, or municipality directly under the Central Government shall take charge of supervising and administering the foreign-related meteorological sounding stations (sites) within its own jurisdiction, and timely report the information on supervision and administration to the meteorology administrative institution of the State Council.

The Chinese and foreign cooperators shall accept the supervision and inspections of the meteorology administrative institution on their initiative, truthfully provide the relevant information and materials.

Chapter III Administration of Foreign-related Meteorological Information

Article 15 The meteorological sounding original information obtained in foreign-related meteorological sounding activities shall be centralized and submitted to the local meteorology administrative institution of the province, autonomous region, or municipality directly under the Central Government at regular intervals. The specific measures for submission shall be formulated by the meteorology administrative institution of the province, autonomous region, or municipality directly under the Central Government.

Article 16 The meteorological sounding information obtained in foreign-related meteorological sounding activities and the products processed from such information shall be owned by the People's Republic of China, and each party to the cooperation may use them pursuant to the contract.

Article 17 Overseas organizations, institutions and individuals may have right to use the meteorological sounding information they obtain in foreign-related meteorological sounding activities and the products processed from such information, provided that such information and products shall not be assigned or provided to a third party in any form.

Article 18 To provide overseas organizations, institutions and individuals with meteorological information other than that of the global or regional exchange stations or sites that have joined World Meteorological Organization, the Chinese cooperation organization shall file a written application to the meteorology administrative institution of the province, autonomous region, or municipality directly under the Central Government, and report to the meteorology administrative institution of the province, autonomous region, or municipality directly under the Central Government or the meteorology administrative institution of the State Council for approval.

If any state secret is involved, opinions of the secrecy department shall be solicited according to the relevant provisions of the state.

Article 19 With respect to the meteorological information which involves any state secret and is obtained in foreign-related meteorological sounding activities, the meteorology administrative institution of the province, autonomous region, or municipality directly under the Central Government or its authorizing entity shall, according to the provisions of the state, conclude

agreements on maintaining secrecy of the meteorological information with Chinese and foreign cooperators, clarifying the secrecy obligations and duties.

Chapter IV Legal Liabilities

Article 20 Whoever commits any of the following acts in violation of the present Measures shall be ordered by the relevant meteorology administrative institution to stop the illegal act and to dismantle the illegal sounding facilities, his illegally obtained meteorological information shall be confiscated, he shall be admonished, and may be fined up to 10,000 Yuan, in addition; if any crime is constituted, he shall be subject to criminal liabilities according to law:

- (1) Establishing a foreign-related meteorological sounding station (site) without approval;
- (2) Making sounding by exceeding the approved number of spots;
- (3) Affecting the ongoing meteorological sounding work of China;
- (4) Modifying the sounding location, the project, or the time period without approval;
- (5) Carrying out a sounding activity after expiry of the sounding period; or
- (6) Failing to deliver the meteorological sounding apparatus and equipment brought by itself or used thereby to the meteorology administrative institution of the State Council or the meteorology administrative institution of the province, autonomous region, or municipality directly under the Central Government for organized check.

Article 21 Whoever commits any of the following acts in violation of the present Measures shall be ordered by the relevant meteorology administrative institution to stop the illegal act, his illegally obtained meteorological information shall be confiscated, he shall be admonished, and may be fined up to 10,000 Yuan, in addition:

- (1) Providing any unapproved overseas organization, institution or individual with meteorological sounding place or meteorological information;
- (2) An overseas organization, institution or individual collects or steals, or instigates or funds others to collect or steal meteorological information by illegal means;
- (3) Failing to follow the provisions to centralize and submit original meteorological sounding information to the relevant meteorology administrative institution; or
- (4) Assigning or providing meteorological sounding information and the products processed from such information to a third party.

Article 22 Whoever violates the “National Security Law of the People’s Republic of China” or the “Law of the People’s Republic of China on Maintaining State Secrets” in the activities of administering foreign-related meteorological sounding and information shall be punished by the department of national security or the secrecy department according to law; if any crime is constituted, he shall be subject to criminal liabilities according to law.

Article 23 Where any staff member of a meteorology administrative institution neglects his duties or abuses his powers in the administration of foreign-related meteorological sounding and information, he shall be given administrative sanctions; if any crime is constituted, he shall be subject to criminal liabilities according to law.

Where a state functionary intentionally or negligently divulges meteorological information involving any state secret in the administration of foreign-related meteorological sounding and information, he shall be punished according to the relevant laws and regulations of the state; if any crime is constituted, he shall be subject to criminal liabilities according to law.

Chapter V Supplementary Provisions

Article 24 The following terms as used in the present Measures shall have their meanings as follows:

(1) The term meteorological sounding shall mean the systematic observation and measurement of the atmospheric physical processes, phenomena and chemical natures in the atmosphere and surface layer by scientific and technological means, including the long-term, continuing and systematic observation and mensuration of the physical, chemical, biological features, the change process and interactions of multi spheres such as the earth's climate system, atmosphere, hydrosphere, cryosphere, biosphere, geosphere;

(2) The term meteorological sounding station (site) shall mean the temporary or fixed equipment and the place for collection or measurement of meteorological elements in foreign-related meteorological activities.

Article 25 The meteorological activities involved in cooperation projects between the Chinese government and a foreign government or an international organization shall be governed by the relevant provisions of the state.

Article 26 The present Measures shall come into force on January 1, 2007.