

Meteorological Law of the PRC

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Adopted at the 12th Session of the Standing Committee of the Ninth National People's Congress on October 31, 1999
Effective: January 1, 2000

Amended in accordance with the Decision on Amending the Meteorological Law of the People's Republic of China adopted at the 10th Session of the Standing Committee of the Twelfth National People's Congress on August 31, 2014

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of developing meteorological services, standardizing meteorological activities, ensuring the accuracy and timeliness of meteorological data and information,

preventing meteorological disasters, rationally developing, utilizing and protecting climate resources, and providing meteorological services for economic construction, national defense, social development and people's life.

Article 2 — Any organization or individual engaged in meteorological observation, forecasting, services, and activities for the prevention of meteorological disasters, the development, utilization and protection of climate resources, and other meteorological activities within the territory of the People's Republic of China and other sea areas under the jurisdiction of the People's Republic of China shall abide by this Law.

Article 3 — Meteorological services are basic public welfare services that serve economic construction, national defense, social development and people's life. Meteorological work shall be organized and carried out in accordance with the principle of placing public welfare services first and giving equal importance to public welfare and paid meteorological services.

Article 4 — The competent meteorological department of the State Council shall be responsible for meteorological work throughout the country. The competent meteorological departments of local people's governments at or above the county level shall, under the leadership of the people's governments at the corresponding levels, be responsible for meteorological work within their respective administrative areas. The competent meteorological departments at the provincial level shall implement a dual leadership system, with the competent meteorological department of the State Council exercising primary leadership and the people's government at the same level exercising secondary leadership.

Article 5 — The competent meteorological departments of the State Council and of local people's governments at or above the county level shall be responsible for the planning, establishment, and management of meteorological facilities, and shall organize efforts for the prevention of meteorological disasters, the development, utilization and protection of climate resources, and the protection of the environment for meteorological observation.

Article 6 — The State encourages and supports meteorological science and technology research, the popularization of meteorological science knowledge, the training of qualified personnel, the advancement of advanced meteorological science and technology, and international cooperation and exchange in the field of meteorology. Units and individuals that have made outstanding contributions to meteorological work shall be awarded.

Article 7 — Foreign organizations or individuals engaging in meteorological activities within the territory of the People's Republic of China and other sea areas under the jurisdiction of the People's Republic of China must be approved by the competent meteorological department of the State Council in conjunction with relevant departments, and shall abide by the relevant provisions of the State.

Article 8 — Any unit or individual shall have access to meteorological information and data of a public welfare nature. Meteorological departments at all levels shall provide meteorological information and data of a public welfare nature in a timely and accurate manner.

Chapter II — Construction and Management of Meteorological Facilities

Article 9 — The State shall incorporate the construction of meteorological facilities into plans for national economic and social development, and shall implement a unified plan and rational layout for meteorological facilities, meteorological observation stations (points), and their infrastructure.

Article 10 — The State shall, in accordance with law, protect the environment for meteorological observation. No organization or individual may occupy or damage meteorological observation sites, facilities or the environment for observation. No construction or activity may be carried out within the protected environment for meteorological observation that would impair the accuracy of meteorological observation; where it is truly necessary to carry out such construction or activity, the consent of the competent meteorological department

shall be obtained.

Article 11 — Meteorological stations (points) and their facilities shall be permanently protected, and no organization or individual may move or remove them without authorization. Where, owing to the implementation of plans for urban and rural construction or the requirements of national key engineering construction projects, it is truly necessary to move meteorological stations (points) and their facilities, the relocation shall be reported for approval in accordance with the relevant provisions of the State, and the relocated stations (points) shall be constructed in advance in accordance with the prescribed standards and put into use.

Article 12 — When moving or removing a national basic weather station, the matter shall be submitted to the competent meteorological department of the State Council for approval; when moving or removing any other meteorological station (point), the matter shall be submitted to the competent meteorological department of the province, autonomous region or municipality directly under the Central Government for approval. The costs of relocation shall be borne by the unit proposing the relocation.

Article 13 — Meteorological instruments and apparatus shall conform to the technical standards prescribed by the State. Instruments and apparatus used for meteorological observation shall be inspected and verified in accordance with law by institutions designated by the competent meteorological department of the State Council, and shall not be used until they have passed inspection and verification.

Article 14 — Meteorological departments at all levels shall strengthen the maintenance and management of meteorological facilities, and shall establish and improve rules and systems for the safe use of such facilities.

Chapter III — Meteorological Observation

Article 15 — Meteorological observation conducted by meteorological organizations shall be carried out in accordance with the technical standards and regulations prescribed by the competent meteorological department of the State Council. Other relevant departments and units engaged in meteorological observation shall report their observation items, stations (points) and relevant technical standards to the competent meteorological department for the record.

Article 16 — The competent meteorological department of the State Council shall, in accordance with relevant provisions, protect and administer the standards for meteorological observation and the environment for observation, and shall organize investigations into, and evaluations of, the environment for meteorological observation.

Article 17 — Meteorological instruments and apparatus used in meteorological observation shall be regularly inspected, maintained and managed, and shall be subject to the supervision and inspection of the relevant departments.

Article 18 — No organization or individual may, without authorization, conduct the observation of meteorological phenomena or the observation of weather conditions for public release that shall be conducted exclusively by meteorological departments in accordance with law.

Chapter IV — Meteorological Forecasting and Severe Weather Warnings

Article 19 — The State shall implement a unified system for the release of meteorological forecasts. Meteorological forecasts shall be released to the public by meteorological stations (points) under the competent meteorological departments at all levels in accordance with their functions and duties. Other organizations and individuals may, through media such as newspapers, radio, television, and telecommunication networks, forward to the public meteorological forecasts released by meteorological stations (points) under the competent meteorological departments, but they may not release meteorological forecasts to the public on their own.

Article 20 — The media shall release to the public meteorological forecasts made available by the competent meteorological departments or their subordinate stations (points), and shall clearly indicate the name of the releasing station (point) and the time of release. Where it is necessary to modify, add or delete the content of a meteorological forecast when releasing it, the consent of the station (point) that released the forecast shall be obtained.

Article 21 — The State shall implement a system of releasing severe weather warnings to the public. Meteorological stations (points) under the competent meteorological departments shall promptly release severe weather warnings to the public, and shall report to the relevant departments in a timely manner.

Article 22 — The radio, television, newspapers, telecommunication networks and other media shall promptly broadcast or publish severe weather warnings released by meteorological stations (points) under the competent meteorological departments, and shall clearly indicate the name of the releasing station (point) and the time of release.

Article 23 — No organization or individual may, through the media, release to the public severe weather warnings other than those released by meteorological stations (points) under the competent meteorological departments.

Chapter V — Prevention of Meteorological Disasters

Article 24 — People's governments at all levels shall organize relevant departments to carry out monitoring, early warning and prevention of meteorological disasters, and shall incorporate the work of preventing meteorological disasters into their plans for national economic and social development and their emergency response plans for sudden public incidents.

Article 25 — The competent meteorological departments at or above the county level shall, in light of the characteristics of local meteorological disasters, carry out monitoring and early warning of meteorological disasters, and shall provide the relevant departments with information needed for disaster prevention and mitigation.

Article 26 — The relevant departments of the State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in accordance with law, formulate plans for the prevention of meteorological disasters, and shall organize their implementation after approval.

Article 27 — People's governments at all levels and the relevant departments shall, in accordance with the plans for the prevention of meteorological disasters, take effective measures to prevent and reduce the losses caused by meteorological disasters such as typhoons, rainstorms, snowstorms, hailstorms, and droughts, and shall organize the timely implementation of artificial weather modification work.

Article 28 — Artificial weather modification work shall be organized and carried out under the leadership and coordination of the people's governments at or above the county level. Artificial weather modification operations shall be conducted in accordance with the operational norms and procedures prescribed by the State, and the use of artificial weather modification operations shall not endanger public safety or harm the lawful rights and interests of others.

Article 29 — Organizations and individuals engaged in artificial weather modification operations shall meet the conditions prescribed by the State, and shall obtain the corresponding qualifications through examination by the competent meteorological departments.

Article 30 — The State shall implement a lightning protection system. Lightning protection devices shall be installed on buildings, structures, installations and other facilities that, in accordance with the regulations of the State, require protection against lightning. Lightning protection devices shall conform to the technical standards prescribed by the State, and shall be subject to inspection as required.

Article 31 — The installation, testing and other work of lightning protection devices shall be undertaken by institutions that have obtained the corresponding qualifications.

Article 32 — People's governments at all levels shall strengthen leadership over the work of preventing meteorological disasters, and shall organize the relevant departments and units to take effective measures to prevent and mitigate meteorological disasters.

Chapter VI — Development, Utilization and Protection of Climate Resources

Article 33 — The State shall strengthen the work of developing, utilizing and protecting climate resources, and shall organize the survey and zoning of climate resources, and formulate plans for the development and utilization of climate resources.

Article 34 — People's governments at or above the county level shall, in light of local climate resources and the needs of economic and social development, organize the development and utilization of climate resources such as solar energy, wind energy and agricultural climate resources, and shall strengthen the protection of climate resources.

Article 35 — Major construction projects and major regional development plans shall be subject to demonstration in respect of climate conditions, and the meteorological departments shall provide relevant meteorological information and data for such demonstration.

Chapter VII — Legal Liability

Article 36 — Where an organization or individual, in violation of the provisions of this Law, occupies or damages meteorological observation sites, facilities or the environment for observation, the competent meteorological department shall order it to make corrections, and may impose a fine; where a loss is caused, the organization or individual shall bear liability for compensation in accordance with law.

Article 37 — Where a construction project or activity impairs the environment for meteorological observation without the consent of the competent meteorological department, the competent meteorological department shall order the cessation of the unlawful act and the restoration to the original state, and may impose a fine.

Article 38 — Where an organization or individual releases a meteorological forecast to the public on its own in violation of the provisions of this Law, the competent meteorological department shall order it to stop the unlawful act and may impose a fine; where losses are caused to others, it shall bear liability for compensation in accordance with law.

Article 39 — Where a media organization releases a severe weather warning other than one released by a meteorological station (point) under a competent meteorological department, or fails to clearly indicate the name of the releasing station (point) and the time of release, the competent meteorological department shall order it to make corrections, and may impose a fine.

Article 40 — Where an organization or individual engages in artificial weather modification operations without obtaining the corresponding qualifications, the competent meteorological department shall order it to stop the unlawful act and may impose a fine; where serious consequences are caused, the persons directly in charge and other directly responsible persons shall be given administrative sanctions in accordance with law.

Article 41 — Where an organization or individual installs or tests lightning protection devices without obtaining the corresponding qualifications, the competent meteorological department shall order it to stop the unlawful act and may impose a fine.

Article 42 — Where a staff member of a competent meteorological department or a related department neglects duties, abuses power, or engages in malpractices for personal gain in the course of meteorological work, and the act constitutes a crime, criminal liability shall be investigated in accordance with law; where the act does not constitute a crime, an administrative sanction shall be imposed in accordance with law.

Article 43 — Where a party refuses to accept an administrative penalty decision, it may apply for administrative reconsideration or bring an administrative lawsuit in accordance with law.

Chapter VIII — Supplementary Provisions

Article 44 — The competent meteorological department of the State Council may formulate implementing rules in accordance with this Law.

Article 45 — This Law shall come into force as of January 1, 2000.

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