

Regulations for the Implementation of the Statistics Law of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — These Regulations are formulated in accordance with the provisions of the Statistics Law of the People's Republic of China (hereinafter referred to as the "Statistics Law").

Article 2 — All State organs, social organizations, enterprises, public institutions, individual industrial and commercial households, and other statistical survey respondents within the territory of the People's Republic of China shall, in accordance with the provisions of the Statistics Law and these Regulations, truthfully provide statistical data and shall not make false declarations, conceal declarations, refuse to make declarations, or repeatedly make overdue declarations. No unit or individual may instigate or compel statistical personnel to alter or fabricate statistical data. No unit or individual may obstruct the lawful performance of duties by statistical institutions or statistical personnel.

Article 3 — The leading cadres of local people's governments at all levels, the leading cadres of government statistical institutions, and the leading cadres and responsible persons of all units shall be responsible for the truthfulness and accuracy of the statistical data submitted by their respective regions, departments, or units, and shall not: (1) alter statistical data on their own; (2) compel or instigate statistical institutions, statistical personnel, or other institutions or personnel to fabricate statistical data; and (3) retaliate against statistical personnel who refuse to fabricate statistical data or oppose the act of fabricating statistical data.

Article 4 — The term "statistical data frequently used in statistical surveys" as used in the Statistics Law shall refer to data frequently used by departments in performance of their administrative functions, such as data on finance, banking, industry and commerce, taxation, customs, foreign exchange administration, border exit and entry, and data registered or obtained by relevant departments in performance of their functions such as company registration, administrative licensing, examination and approval, and identification and assessment.

Chapter II — Statistical Survey Planning and Statistical Systems

Article 5 — The statistical survey items specified in the Statistics Law shall include national statistical survey items, departmental statistical survey items, and local statistical survey items. National statistical survey items shall refer to statistical survey items of a national and basic nature. Departmental statistical survey items shall refer to specialized statistical survey items of the relevant departments of the State Council. Local statistical survey items shall refer to statistical survey items of local people's governments at or above the county level and their departments.

Article 6 — The formulation, review, and approval of statistical survey items shall comply with the following requirements: (1) national statistical survey items shall be formulated by the National Bureau of Statistics, or jointly by the National Bureau of Statistics and the relevant departments of the State Council, and shall be submitted to the State Council for filing, or approved by the State Council for particularly significant survey items; (2) departmental statistical survey items shall be formulated by the relevant departments of the State Council and shall be submitted to the National Bureau of Statistics for filing; where the survey respondents are beyond the system under the jurisdiction of the department, they shall be submitted to the National Bureau of Statistics for approval; and (3) local statistical survey items shall be formulated by the statistical institutions of local people's governments at or above the county level and the relevant departments, and shall be submitted to the statistical institutions of the local people's government at the corresponding level for approval or filing.

Article 7 — Statistical survey items shall clearly specify the purpose, content, methodology, scope, respondents, method of organization, method of survey, and submission time of the statistical survey. Statistical survey items shall be implemented upon approval. Approved statistical survey items shall be published in the form of documents by the approving authority and shall clearly bear the statutory mark.

Article 8 — Statistical survey systems shall be formulated in accordance with the approved statistical survey items. A statistical survey system shall specify the survey purpose, survey content, survey methodology,

survey respondents, method of survey organization, reporting requirements for survey forms, and time limit for submission of statistical data. Statistical survey forms shall clearly bear the names of the form-preparing authority, the approving or filing authority, and the approval or filing number, as well as the period of validity.

Chapter III — Collection and Provision of Statistical Data

Article 9 — The collection and provision of statistical data by statistical institutions at or above the county level and their statistical personnel shall be subject to the approval of the principal responsible person or the statistical responsible person of the respondents and shall be signed and sealed by the statistical personnel and the responsible person of the statistical institution. Where statistical data is collected and provided by the relevant departments, institutions, or personnel of respondents, the signature of the statistical personnel and the responsible person of the relevant institution shall be obtained, and the seal of the unit shall be affixed.

Article 10 — Respondents that are enterprises, public institutions, or other organizations shall set up original statistical records and statistical ledgers, and shall establish a sound management system for the review, handover, and archiving of statistical data. Statistical personnel shall inspect the original records and statistical ledgers and shall ensure the accuracy of statistical data.

Article 11 — When collecting and checking statistical data, statistical institutions and statistical personnel shall have the right to: (1) issue statistical survey questionnaires and carry out statistical surveys in accordance with the law; (2) inspect and consult raw materials, original records, statistical ledgers, and other relevant materials of respondents that are related to statistical data; and (3) require respondents to correct inaccurate statistical data.

Article 12 — Statistical institutions and statistical personnel shall keep confidential any State secrets, commercial secrets, and personal information that come to their knowledge in the course of statistical surveys. Statistical data that are single-item survey data that enable the identification or inference of the identity of a single statistical respondent shall not be provided to any unit or individual, or used for purposes other than statistics.

Chapter IV — Statistical Data Management and Publication

Article 13 — The National Bureau of Statistics shall be responsible for the management and publication of national statistical data. The statistical institutions of local people's governments at or above the county level shall be responsible for the management and publication of statistical data for their respective administrative areas. The statistical data published by the relevant departments of the State Council and local people's governments at or above the county level and their relevant departments shall be consistent with the data verified and reviewed by the statistical institutions of the people's governments at the corresponding level.

Article 14 — The publication of regional gross domestic product (GDP) data shall be subject to the review and approval of the statistical institution of the people's government at the next higher level before publication.

Article 15 — Any unit or individual that uses or publishes statistical data shall comply with the provisions of the State, and shall indicate the source of the statistical data. The statistical data published by news media and other institutions shall be consistent with the statistical data published by statistical institutions or relevant departments and shall be marked as such.

Article 16 — State secrets contained in statistical data shall be kept confidential. Confidential statistical data shall not be disclosed. Personally identifiable information contained in statistical data shall not be disclosed.

Chapter V — Statistical Institutions and Statistical Personnel

Article 17 — Local people's governments at or above the county level shall establish independent statistical institutions. Township and town people's governments shall be staffed with full-time or part-time statistical

personnel and shall be responsible for the organization and coordination of statistical work within their respective administrative areas.

Article 18 — All units shall, in accordance with the provisions of the State, set up statistical institutions or be staffed with statistical personnel, and shall designate a statistical responsible person. Statistical institutions or statistical personnel shall be responsible for organizing, coordinating, and managing the statistical work of their respective units.

Article 19 — Statistical personnel shall adhere to the principles of seeking truth from facts, abide by professional ethics, possess the professional knowledge required for the performance of statistical tasks, and obtain qualification certificates for statistical work in accordance with the provisions of the State. Statistical institutions shall strengthen the professional training and continuing education of statistical personnel.

Article 20 — Where the principal responsible person of a statistical institution of a local people's government at or above the county level is to be transferred, the consent of the statistical institution of the people's government at the next higher level shall be obtained. The transfer or replacement of statistical personnel of township and town people's governments shall be reported to the statistical institution of the people's government at the county level for filing. The transfer of statistical responsible persons of all units shall be reported to the statistical institution of the people's government at the next higher level for filing.

Chapter VI — Supervision and Inspection

Article 21 — The National Bureau of Statistics shall organize and lead the nationwide statistical supervision and inspection work, and shall establish and improve the statistical supervision and inspection mechanism. Local people's governments at or above the county level and their statistical institutions shall strengthen supervision and inspection of the implementation of statistical laws and regulations.

Article 22 — When conducting supervision and inspection, the law enforcement inspectors of statistical institutions shall have at least two persons, and shall produce their statistical law enforcement inspection certificates. Units and individuals subject to inspection shall truthfully report the situation and provide relevant certificates and materials, and shall not refuse, obstruct inspection, or make false reports.

Article 23 — Statistical institutions may, during supervision and inspection, take the following measures: (1) access, duplicate, and check the original records, statistical ledgers, statistical survey forms, accounting records, and other relevant certificates and materials of the unit subject to inspection; (2) question the relevant personnel of the unit subject to inspection; and (3) inspect the information systems and relevant databases related to statistical work of the unit subject to inspection, and may record, duplicate, photograph, or videotape relevant materials and data.

Chapter VII — Rewards and Penalties

Article 24 — Units and individuals that have made outstanding contributions to statistical work shall be commended and rewarded in accordance with the relevant provisions of the State.

Article 25 — Where any leading cadre of a local people's government at any level, a government statistical institution, or any department, or the responsible person of any unit commits any of the acts set forth in Article 3 of these Regulations, he or she shall be subject to disciplinary action in accordance with the law, and the statistical institution of the people's government at or above the county level shall circulate a notice of criticism.

Article 26 — Where any respondent commits any of the following acts, the statistical institution of the people's government at or above the county level shall order it to make rectification and circulate a notice of criticism; where the circumstances are serious, a fine may be imposed on the relevant responsible persons and directly liable persons in accordance with the law: (1) making false declarations or concealing statistical

data; (2) refusing to submit statistical data, or repeatedly making overdue declarations of statistical data; or (3) refusing to accept or obstructing statistical supervision and inspection.

Article 27 — Where any unit or individual, in violation of the provisions of these Regulations, uses statistical data without indicating the source, or the statistical data used is inconsistent with the data published by statistical institutions or relevant departments, the statistical institution of the people's government at or above the county level shall order it to make rectification and circulate a notice of criticism.

Article 28 — Where any statistical institution or statistical personnel, in violation of the provisions of these Regulations, disclose any State secret, commercial secret, or personal information that has come to their knowledge in the course of statistical work, they shall be subject to disciplinary action in accordance with the law; where the case constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter VIII — Supplementary Provisions

Article 29 — These Regulations shall be effective as of January 1, 2006. The Regulations for the Implementation of the Statistics Law of the People's Republic of China approved by the State Council on January 19, 1987 and promulgated by the National Bureau of Statistics on February 15, 1987 shall be repealed simultaneously.

Disclaimer: This English translation is provided for informational and reference purposes only. It is not an official translation and has been prepared for the convenience of foreign investors and businesses operating in or considering entering the Chinese market. While every effort has been made to ensure accuracy, this translation may contain errors or omissions. For legal purposes, the original Chinese text shall prevail. Readers should consult qualified legal professionals for advice on specific legal matters. This translation reflects the Regulations as revised on December 19, 2005, effective January 1, 2006.