

Current Location: Home > Laws & Regulations

Regulations of the People's Republic of China on the Administration of Surveying and Mapping Results

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Chapter 1 General Provisions

Article 1 The Regulations are formulated in accordance with the Surveying and Mapping Law of the People's Republic of China and for the purpose of enhancing the administration of surveying and mapping results, safeguarding national security, promoting the use of surveying and mapping results, and meeting the needs for the development of the national economy, the building up of national defence and the progress of the society.

Article 2 The Regulations are applicable to the summarization and submission, keeping and use of surveying and mapping results, and the examination and verification of significant geographic information and data as well as the publishing of such information and data.

For the purpose of the Regulations, the surveying and mapping results refer to the data, information, maps and drawings and the relevant technical data, which are created through surveying and mapping. Surveying and mapping results consist of the results that belong to basic surveying and mapping projects and those which do not belong to basic surveying and mapping projects.

Article 3 The administrative department for surveying and mapping under the State Council shall be in charge of the unified administration of the surveying and mapping results nationwide. The other relevant departments under the State Council shall, in line with the division of their functions and duties, be responsible for the administration of the surveying and mapping results which they are concerned with.

The administrative departments in charge of surveying and mapping under the local people's governments at or above the county level (hereinafter referred to as the departments for surveying and mapping) shall be responsible for the unified administration of the surveying and mapping results within their own administrative areas. The other relevant departments of the local people's governments at or above the county level shall, in line with the division of their functions and duties, be responsible for the administration of the surveying and mapping results which they are concerned with.

Article 4 The summarization and submission, keeping, publishing, use and destruction of surveying and mapping results shall be in compliance with the relevant provisions of laws and regulations on secrecy and necessary security measures shall be taken to ensure the safety of surveying and mapping results.

Article 5 For the units and individuals that have made remarkable contributions in the work of administration of surveying and mapping results, the relevant people's governments or the departments concerned shall give commendations and rewards to them.

Chapter 2 Summarization and Submission

Article 6 Where a surveying and mapping project is completed which is financed by the Central Government, the unit which takes on the project shall summarize and submit the materials of the surveying and mapping results to the administrative department for surveying and mapping under the State Council. Where a surveying and mapping project is completed which is financed by a local government, the unit which takes on the project shall summarize and submit the materials of the surveying and mapping results to the administrative department for surveying and mapping under the people's government of the province, autonomous region, or municipality directly under the Central Government, where the project is located. Where a surveying and mapping project is completed which is financed by other means, the investor for the project shall summarize and submit the materials of the surveying and mapping results to the administrative department for surveying and mapping under the people's government of the province, autonomous region, or municipality directly under the Central Government, where the project is located.

Article 7 If the surveying and mapping results belong to those of a basic surveying and mapping project, they shall be summarized and submitted in the form of a duplicate copy; and if they do not belong to those of a basic surveying and mapping project, they shall be summarized and submitted in the form of a catalogue. Both forms of summarization and submission shall be free of charge.

The following surveying and mapping results are the results of basic surveying and mapping:

(1) data as well as maps and drawings obtained through astronomical surveying, triangulation, leveling, satellite geodetic surveying and gravity measuring, which are carried out in order to establish nationwide unified surveying and mapping data and systems;

- (2) data and images obtained through basic aerial photographing;
- (3) remote sensing data of basic geographic information obtained by remote sensing satellites and other aerospacecrafts during earth observation;
- (4) national basic scale map series, photomaps and their digital products; and
- (5) data and information of the basic geographic information system.

Article 8 Where foreign organizations or individuals join hands, as required by law, with the relevant departments or units of the People's Republic of China in the form of Chinese-foreign equity joint venture or Chinese-foreign contractual joint venture, and, upon approval, conduct surveying and mapping in the territorial air, land or waters of the People's Republic of China, the surveying and mapping results shall belong to the relevant departments or units of the Chinese side and be summarized and submitted by them to the administrative department for surveying and mapping under the State Council in the form of a duplicate copy.

Where foreign organizations or individuals engage in surveying and mapping in other sea areas under the jurisdiction of the People's Republic of China in accordance with law, they shall summarize and submit the surveying and mapping results to the administrative department for surveying and mapping under the State Council in the form of a duplicate copy or a catalogue.

Article 9 Investors for surveying and mapping projects or surveying and mapping units undertaking such projects invested by the State shall, within three months from the date of the completion of the examination and acceptance of the said projects, summarize and submit the surveying and mapping results to the relevant administrative departments for surveying and mapping in the form of a duplicate copy or a catalogue. The administrative departments for surveying and mapping shall, after receiving the copies or catalogues of the surveying and mapping results, produce vouchers for receipt of such copies or catalogues.

The scope of the materials of surveying and mapping results which should be summarized and submitted shall be determined by the administrative department for surveying and mapping under the State Council upon consultation with other relevant departments under the State Council, and shall be made known to the general public.

Article 10 Administrative departments for surveying and mapping shall, within 10 days from the date of receiving the duplicate copies, or the catalogues, of surveying and mapping results, hand over such copies and catalogues to the units in charge of their keeping.

The administrative department for surveying and mapping under the State Council and the administrative departments for surveying and mapping under the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, on a regular basis, compile catalogues of the materials surveying and mapping results and make them known to the general public.

Article 11 Units in charge of keeping surveying and mapping results shall establish a sound system for keeping the materials of surveying and mapping results and shall have the necessary facilities for keeping such materials, in order to ensure their safety. Duplicates of the materials of basic survey and mapping results shall be kept in another place as backup.

The facilities and conditions for keeping the materials of surveying and mapping results shall conform to the relevant regulations and requirements governing State secrets, fire protection and archive management.

Article 12 Units in charge of keeping surveying and mapping results shall keep the materials of surveying and mapping results according to regulations and shall not have such materials damaged, lost or transferred.

Article 13 Investors for surveying and mapping projects or units taking on surveying and mapping projects shall take the necessary measures to ensure the safety of the surveying and mapping results they have obtained.

Chapter 3 Use

Article 14 The administrative departments for surveying and mapping under the people's governments at or above the county level shall take a positive attitude to process and compile survey and mapping results in the version for use by the general public and encourage the exploitation and use of such version, to promote the public use of the results.

Article 15 With respect to the surveying and mapping projects funded by public finance and those likewise funded for construction projects, the relevant departments shall, prior to giving approval to establishment of such projects, consult in written form with the department for surveying and mapping under the people's government at the corresponding level. The said department for surveying and mapping shall, within 10 days from the date it receives the letter of consultation, give its opinion to the departments that consult with it. Where there are surveying and mapping results suitable to the projects, they shall be made full use of so as to prevent duplicate surveying and mapping.

Article 16 The department in charge of State secrets and the administrative department for surveying and mapping under the State Council shall consult with the competent department for surveying and mapping of the People's Liberation Army (PLA) to decide on the scope and classification of security of the survey and mapping results in accordance with the provisions of laws and administrative regulations governing State secrets.

Where products are developed and produced by using the surveying and mapping results involving State secrets, before they are processed with security technology by the administrative department for surveying and mapping under the State Council or the administrative departments for surveying and mapping under the people's governments of the provinces, autonomous regions, or municipalities directly under the Central Government, their security classification shall not be lower than that of the surveying and mapping results used for developing and producing them.

Article 17 Where a legal person or any other organization need use the basic surveying and mapping results which belong to State secrets, he/it shall clearly state the purpose for using the said results and the scope of use, and report the matter for examination and approval to the administrative department for surveying and mapping in the place where the said results belong.

If the said administrative department for surveying and mapping gives its approval upon examination, it shall notify the legal person or organization, in written form, of the security classification of the results and the relevant requirements for security and copyright protection with respect to the results.

Article 18 Where the surveying and mapping results belonging to State secrets are to be provided abroad, such matters shall be reported for examination and approval, according to the procedure for examination and approval stipulated by the State Council and the Central Military Commission, to the administrative department for surveying and mapping under the State Council or the administrative departments for surveying and mapping under the people's governments of the provinces, autonomous regions, or municipalities directly under the Central Government; and before the administrative departments for surveying and mapping concerned examine and approve such matters, they shall consult with the relevant departments of the PLA.

Article 19 Where the basic surveying and mapping results and other results of surveying and mapping completed with public funds are to be used for decision-making by State organs and for public welfare undertakings, they shall be provided gratis.

For the results other than the ones specified in the preceding paragraph, the system for paid use shall be applied in accordance with law; but governments at various levels and their relevant government departments as well as the PLA may use them free of charge in their efforts to meet the needs of such public interests as taking precautions against natural calamities, ameliorating natural disasters and building up national defence.

For the paid use of surveying and mapping results, the user and the investor of the surveying and mapping project shall sign a written agreement to define respectively the rights and obligations of both parties.

Article 20 Where copyright protection and administration is involved regarding the surveying and mapping results, the relevant provisions of laws and administrative regulations shall be complied with.

Article 21 For the establishment of information systems based on geographic information and data, the basic geographic information and data conforming to the State standards shall be used.

Chapter 4 Examination and Verification, and Publishing, of Significant Geographic Information and Data

Article 22 The State practices a system of unified examination and verification, as well as unified publishing, of significant geographic information and data.

No unit or individual may publish significant geographic information and data without authorization.

Article 23 Significant geographic information and data include:

- (1) the length of national boundaries and coastlines;
- (2) the area of territorial land, sea areas, contiguous zones and special economic zones;
- (3) the area of coastal tidal flats and the number and area of reef islands;
- (4) the significant features of the national domain and the distributions of geographic features and landforms; and
- (5) the geographic information and data concerning the positions, elevations, depths, areas and lengths of other significant physical and human geographical entities defined by the administrative department for surveying and mapping under the State Council consulting with other relevant departments under the State Council.

Article 24 Any unit or individual that proposes publishing significant geographic information and data shall submit such proposal to the administrative department for surveying and mapping under the State Council or the administrative departments for surveying and mapping under the people's governments of the provinces, autonomous regions, or municipalities directly under the Central Government.

For the significant geographic information and data that need be published, the administrative department for surveying and mapping under the State Council shall put forward its opinion based on examination and verification and, after consulting with other relevant departments under the State Council and the competent department in charge of surveying and mapping of the PLA, report to the State Council for approval. The specific measures in this respect shall be formulated by the administrative department for surveying and mapping under the State Council.

Article 25 Publishing of the significant geographic information and data which are so approved by the State Council shall be done in the form of announcement by the State Council or the department authorized by it.

Where significant geographic information and data need be used in government administration, newscast, foreign exchange, teaching and other activities that have an influence upon the general public, the significant geographic information and data lawfully published shall be used.

Chapter 5 Legal Liabilities

Article 26 Where a department for surveying and mapping under a local people's government at or above the county level, in violation of the Regulations, commits one of the following acts, it shall be ordered to rectify, and a notice of criticism be circulated, by the people's government at the same level or the department for surveying and mapping at the higher level; and the persons who are directly in charge and the other persons who are directly responsible shall be given a disciplinary punishment according to law:

- (1) failing to produce vouchers, according to law, upon accepting copies or catalogues of surveying and mapping results which are summarized and submitted to it;
- (2) failing to hand over the materials of surveying and mapping results to the units in charge of their keeping;
- (3) failing to compile and publish the catalogues of the materials of surveying and mapping results according to law;
- (4) failing to deal with illegal acts in a timely manner upon discovering, or receiving report on, such acts; and
- (5) other acts failing to perform the duty of supervision and administration according to law.

Article 27 Anyone who fails to summarize and submit the materials of the surveying and mapping results in violation of the Regulations shall be punished according to Article 47 of the Surveying and Mapping Law of the People's Republic of China.

Article 28 Where a unit in charge of keeping surveying and mapping results, in violation of the Regulations, commits one of the following acts, it shall be given a warning and ordered to rectify by the department for surveying and mapping; its unlawful gains, if any, shall be confiscated; if losses are caused, it shall be liable for compensation; and the persons who are directly in charge and the other persons who are directly responsible shall be given a disciplinary punishment according to law:

- (1) failing to keeping the materials of surveying and mapping results according to the system for their keeping, thus causing the materials getting damaged or lost;
- (2) without authorization, transferring the materials of surveying and mapping results which are summarized and submitted; and
- (3) failing to provide the materials of surveying and mapping results to the user of such results according to law.

Article 29 Any individual or unit who, in violation of the Regulations, commits one of the following acts shall be ordered to rectify and given a warning by the department for surveying and mapping or other relevant departments in line with their functions and duties; he/it may also be fined not more than RMB100,000 yuan; and the persons who are directly in charge and the other persons who are directly responsible shall be given a disciplinary punishment according to law:

- (1) in establishing information systems based on geographic information and data, using the basic geographic information and data that are not conforming to the State standard;
- (2) without authorization, publishing significant geographic information and data; and
- (3) in activities that have an influence upon the general public, using the significant geographic information and data which are not yet published according to law.

Chapter 6 Supplementary Provisions

Article 30 Where the administration of the compilation and publishing of maps is otherwise governed by laws and administrative regulations, such laws and administrative regulations shall be applied.

Article 31 The administration of the surveying and mapping results of the army shall be in compliance with the relevant regulations of the Central Military Commission.

Article 32 The Regulations shall go into effect as of September 1, 2006. The Provisions of the People's Republic of China on the Administration of the Surveying and Mapping Results issued by the State Council on March 21, 1989 shall be annulled at the same time.

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Approved by: National Administration of Surveying, Mapping and Geoinformation of China
28 Lianhuachi West Road, Haidian District, Beijing, 100830, China