

Detailed Rules for Implementation of Statistics Law

China

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Chapter 1 General Provisions

Article 1 These detailed rules are formulated in accordance with the stipulations of the Law of Statistics of the People's Republic of China (hereafter referred to as Statistics Law).

Article 2 The term statistics as used in the Statistics Law refers to all activities of using various statistical methods for statistical investigations and statistical analyses on the development of national economy and social development and for providing statistical data and consultant views and carrying out statistical supervisions.

The classification of all projects in statistics of national economy and social development shall be stipulated and adjusted by the National Bureau of Statistics.

Article 3 The state shall, in a planned way, equip the statistical agencies of the people's governments at all levels with modern information technology and set up and improve the automatic statistical information system of the state. The various departments under the State Council shall equip, in a planned way, the statistical agencies under the departments and their affiliated organizations with modern information technology according to the needs of their work.

The people's governments at various levels at and above the county level shall list the construction of the state statistics information projects into their development plans. The construction of the state statistics information projects shall be under the unified leadership of the National Bureau of Statistics and the statistics agencies under the local people's governments at or above county level shall be responsible for the projects at their respective levels.

Article 4 The statistical agencies and the statistical personnel shall institute the responsibility system and the system of assessment and awards and penalties for their work to enhance constantly the quality of their work and working efficiency.

The statistical agencies and the statistical personnel shall exercise independently the following functions and power according to law:

(1) The power of statistical investigations -- investigating and collecting the related information, convening related investigation meetings, checking the original records and certificates related to the statistical data. The objects under statistical investigation must provide the true statistical data and information according to the stipulations of Statistical Law and must not make falsified, concealed reports, refuse or delay to report or forge or tamper with records.

(2) The power to make statistical reports -- sorting out and analyzing the information and data obtained from the statistical investigations and providing the statistical reports to the leading organs and related departments at higher levels. No units or individuals shall obstruct or withhold the statistical reports nor tamper with statistical data.

(3) The power of statistical supervision -- in accordance with the statistical investigations and analyses, to make statistical supervision over the national economic conditions and social development, to examine the implementation of the state policies and plans, to assess economic results, social effect and achievements in the work, to check and expose the existing problems and examine the practices of making falsified, deceptive, concealed and tampered statistical reports and to make proposals for improving the work. The related departments and units must promptly deal with and reply to the problems reported or exposed by the statistical agencies and personnel.

Article 5 The local governments at and above county level, all departments, enterprises and institutions shall, according to the state statistical tasks and the needs of their respective localities, strengthen their leadership and supervision over the statistical work in the following spheres:

(1) Leading and supporting statistical agencies and personnel and other related personnel in implementing statistical laws, regulations and systems, completing accurately and promptly the statistical tasks and in promoting the modernization of statistical work.

(2) Drawing and organizing statistical personnel into meetings to discuss relevant policies and plans, study questions concerning economic and social development so as to bring statistics into playing the role of services and supervision.

(3) Organizing the implementation of important general survey over national conditions and strength according to the state unified arrangement.

(4) Examining and approving plans of statistical investigations according to relevant stipulations and providing the necessary personnel and funds needed for the approved statistical investigations.

Article 6 The National Bureau of Statistics and the statistical agencies under the local governments at and above county level are the state organization for implementing the statistical laws and regulations. They are responsible for supervising and checking the implementation of the statistical laws, regulations and systems, upholding the functions and power of statistical agencies and personnel and fighting against the violations of statistical laws, regulations and systems.

Chapter 2 Statistical Investigation Plans and Statistical Systems

Article 7 The statistical agencies under the people's governments at and above county level and related departments shall establish their respective statistical systems and draw up their respective plans for statistical investigations according to the following three different categories. Their plans shall be carried out upon the approval by competent examining authorities according to stipulations:

(1) National Statistical Investigations. They are the statistical investigations about the basic conditions in the whole country including the projects for statistical investigation solely worked out by the National Bureau of Statistics or jointly worked out by the National Bureau of Statistics and the relevant departments under the State Council. The new and important planned projects for national statistical investigations shall be reported by the National Bureau of Statistics to the State Council for its examination and approval. The regular and general projects for statistical investigation shall be examined and approved by the National Bureau of Statistics. All localities, departments and units must strictly carry out the programs of national statistical investigations according to the state plans.

(2) Departmental Statistical Investigations. They are specialized statistical investigations conducted by various departments. The plans and programs of departmental statistical investigations shall be worked out by the statistical agencies under the departments and by organizing the relevant functional organs under the department. If the objects under investigation are within the jurisdiction of the department itself, the plans and programs of the statistical investigations shall be examined and approved by the leader of the department and reported to the National Bureau of Statistics or the statistical agencies under the local people's governments at the same level for record. If the objects under investigation are beyond the jurisdiction of the department, the plans and programs shall be reported to the National Bureau of Statistics or the statistical agencies of the local people's governments at the same level for examination and approval. The division of jurisdiction for statistical investigation among various departments shall be proposed jointly by the National Bureau of Statistics and relevant departments under the State Council and reported to the State Council for approval and implementation.

(3) Local Statistical Investigations. They are local statistical investigations needed by local people's governments. The procedure for reporting and approval of local statistical investigation plans and programs shall be stipulated by the statistical agencies under the people's governments of the provinces, autonomous regions and municipalities and reported to the National Bureau of Statistics for record.

Article 8 Departmental and local statistical investigations must not overlap or contradict national statistical investigations.

The division of work among the national, departmental and local statistical investigations shall be decided by the National Bureau of Statistics in consultation with the departments under the State Council and the statistical agencies under the people's governments of provinces, autonomous regions and municipalities.

Article 9 The statistical data needed by the departments of the people's governments at and above county level for comprehensive coordination shall be collected from the statistical agencies and relevant departments of the people's governments at the same level. When it is necessary to conduct direct statistical investigations, the plans and programs for such statistical investigations shall be worked out and implemented after approval according to

Statistics Law and the relevant stipulations in this document of detailed rules.

The basic statistical data or comprehensive data obtained by statistical investigations organized and carried out by the relevant departments of the people's governments at and above county level shall be promptly reported to the statistical agencies under the people's governments at the same level.

The National Bureau of Statistics and the statistical agencies under the local people's governments at and above county level shall provide the relevant comprehensive statistical data regularly and free of charge to the departments of the people's governments at the same level.

Article 10 Statistical investigations plan shall be worked out on the basis of projects of statistical investigations. A project of statistical investigation refers to a statistical investigation organized in a specified time period for a specified objective of statistical investigation. The plan for each statistical investigation project shall specify the following: name of the project, organs to conduct the investigation, objective, scope, objects, methods, duration and main content of the investigation.

Programs of statistical investigation shall be worked out simultaneously with the statistical investigation plans. The program shall include the following content:

- (1) Investigation forms to be filled out by the objects under investigation and written explanations.
- (2) Comprehensive statistical forms to be filled out for reporting to the higher level and written explanations.
- (3) The personnel and funds needed for the statistical investigation and sources thereof.

Article 11 The statistical agencies under the people's governments at and above county level shall strictly examine the statistical investigation plans and programs sent in for examination as to the necessity, feasibility and scientific reliability of the investigation. Those which are not in conformity with this document of detailed rules shall be returned for revision or rejected. In drafting and examining the investigation programs, the following principles should be adhered to:

- (1) If the data can be obtained from the statistical investigations which have been approved or conducted, no repetition of such investigation shall be made.
- (2) Comprehensive statistical investigation forms shall not be printed and issued if the objectives of the investigation can be achieved through sample, key or typical case investigation or administrative records. Regular statistical investigation shall not be conducted if a one-time investigation can meet the needs. If yearly investigation statistics can meet the needs, no quarterly one shall be conducted. No quarterly investigation shall be conducted if monthly one can meet the needs. The statistical investigation to be done regularly in an interval less than one month shall be strictly limited.
- (3) Before a new statistical investigation program is worked out, experimental investigation in some places shall be conducted or the opinion of the local, departmental and grassroots units must be solicited to study its feasibility and to ensure the practicability and the reliability of the investigation.
- (4) The personnel and funds needed for the investigation statistics must be ensured.

Article 12 The state shall establish the system of periodic general survey. The periodic general survey shall be under the unified leadership of the State Council and the local people's governments at various level and carried out by organizing the joint efforts of statistical agencies and relevant departments. The funds needed shall be borne jointly by the central and local financial departments.

In conducting regular sample investigations, it is necessary, first of all, to get a clear picture of the basic statistical units and their distribution through the general survey in basic statistical units and the administrative records. In this way, a scientific sample framework shall be set up. The principle of random sampling shall be observed so that the sample unit which can fully represent the whole body is selected to reduce the error in the sampling.

Article 13 For a statistical investigation form that has been approved according to the prescribed procedures, the designation of the organ which has devised the form, serial number of the form, the designation of the organ to which the form has been sent for approval or for record, the serial number of approval or record and time duration of its coming into effect shall all be indicated in the upper right-hand corner of the investigation form.

The objects under investigation have the right to refuse to fill out those forms which have not the above-mentioned indicators or the forms whose effective duration has expired. The statistical agencies are authorized to abrogate such forms.

Article 14 Without consent of the organ which has drawn up the statistical investigation program, no units or individuals are allowed to alter the index implications, scope of investigation, methods of computation, classification of contents, format of the forms and statistical codes, etc, as prescribed in the statistical investigation program.

Chapter 3 Management and Public Proclamation of Statistical Data

Article 15 All localities, departments and units shall strengthen their systems of examining and verifying statistical data to ensure the accuracy and promptness of statistical data.

The statistical data provided by various departments, enterprises and institutions shall be examined, verified, signed or stamped with seals by their leaders or the persons responsible for statistics before they are sent to the higher authorities. The statistical data concerning financial statistics shall be provided by financial and accounting organs or accounting personnel, and shall be examined, verified, signed or stamped with seals by persons responsible for financial and accounting affairs. The statistical data provided by statistical agencies under the people's governments at and above county level or by statisticians of townships or towns shall be examined, verified, signed or stamped with seals by the statistical agencies of the people's governments at the same level or statisticians of the townships or towns to be reported to the higher authorities.

Article 16 When statistical data are needed in formulating policies and plans or checking the implementation of policies and plans, assessing economic and social results and performances, and meting out awards and penalties, the leading organs at various levels shall, in accordance with the provisions in Article 13 of the Statistics Law, take as solely credible data bearing the signature or seals of statistical agencies or persons responsible for

statistics.

Article 17 The statistical agencies under the people's governments at and above county level must do a good job in providing statistical information consultant services and making full use of the social and economic information which can be made known to public to serve the social public interest.

The provision of statistical information consultant service shall be payable if the service is beyond the scope as stipulated by Statistics Law and the statistical system. The concrete measures in this regard shall be formulated by the National Bureau of Statistics and the department in charge of pricing under the State Council.

Article 18 All localities, departments and units must carry out the state stipulations concerning security control over confidential statistical data and strengthen the security administration over confidential statistical data.

Article 19 All localities, departments and units must establish systems of statistical data files and these files shall be properly kept, transferred for use and turned over according to the state provisions concerning management of archives.

Article 20 The state shall establish and improve the systems of public proclamation of the statistical data regularly in a definite period.

The statistical data obtained by the National Bureau of Statistics through statistical investigations shall be made public by the National Bureau of Statistics. The statistical data obtained by the relevant departments under the State Council through statistical investigations shall be made public by the departments. If the departmental data overlap or intersect the data of the National Bureau of Statistics, the departments shall made public the departmental data only after consultations with the National Bureau of Statistics. The relevant department under the State Council shall report to the National Bureau of Statistics for record within 10 days after it makes public its statistical data.

When the statistical agencies under the people's governments at and above county level made public the local statistical data obtained by statistical investigations, the procedures shall be in accordance with the above-mentioned stipulations.

Article 21 The state shall establish the systems to monitor and assess the quality of the statistical data and strengthen its monitoring and assessment of the quality of important statistical data of all provinces, autonomous regions and municipalities including their value of gross domestic product.

Chapter 4 Statistical agencies and Statistical Personnel

Article 22 The National Bureau of Statistics shall exercise the following functions and responsibilities:

- (1) Formulating regulations concerning statistical work and programs to modernize statistical work and state statistical investigation plans, leading and coordinating national statistical work and checking and supervising the implementation of statistical

laws, regulations and systems according to the relevant laws, administrative regulations, state policies and plans.

(2) Improving the national economic accounting system and the system of statistical indexes, formulating the system of nationally unified forms for basic data reporting, formulating, solely or jointly with relevant departments, the national statistical standards and examining and approving departmental statistical standards. Under leadership of the State Council, organizing jointly with relevant departments' major general survey of the national conditions and national strength, organizing and coordinating sample investigations of national social and economic conditions in urban and rural areas.

(3) In accordance with the needs of the state in deciding policies, formulating plans and carrying out administration, to collect, sort out and provide basic statistical data of the nation and conduct statistical analysis, forecast and supervision of the conditions of national economy and social development.

(4) Examining the statistical investigation plans and the investigation programs of the various departments under the State Council and exercising control over the investigation forms issued by the various departments under the State Council. Checking, examining and approving, controlling, announcing and publishing national basic statistical data and regularly issuing statistical bulletins concerning the conditions of national economy and social development.

(5) Leading and managing the investigation teams responsible for sample investigations of the national social and economic conditions in the urban and rural areas.

(6) Organizing and guiding national studies of statistical science, statistical education, training of statistical personnel and publication of statistical books and periodicals.

(7) Conducting international exchanges in statistical work and statistical science.

Article 23 The functions and responsibilities of the statistical agencies under the local people's governments at and above county level shall be:

(1) Accomplishing tasks of national statistical investigations, implementing state statistical standards and implementing the systems of nationally unified forms for basic statistical reporting.

(2) Drafting plans to modernize local statistical work in their respective administrative areas, working out statistical investigation plans and programs, leading and coordinating the statistical work in their respective administrative areas including the work arranged by the central and local authorities, checking and supervising the implementation of statistical laws, regulations and systems.

(3) Collecting, sorting out and providing basic statistical data and conducting statistical analysis, forecast and supervision of the conditions of economic and social development in their respective administrative areas in accordance with local needs for planning and management.

(4) Examining the statistical investigation plans and programs of the various departments in their respective administrative areas and exercising control over the investigation forms devised and issued by the various departments in their respective administrative areas.

(5) Checking, examining and approving, managing, announcing and publishing the basic statistical data of their respective administrative areas according to relevant state stipulations. The statistical agencies under the people's governments of the provinces, autonomous regions and municipalities shall regularly publish statistical bulletins on the conditions of the economic and social development in their respective administrative areas. The statistical agencies under the people's governments of autonomous prefectures, counties and autonomous counties, cities and districts under

jurisdiction of cities shall publish local statistical bulletins according to the decisions of the local people's governments at the same level.

(6) Exercising unified administration over the teams responsible for sample investigation of the social and economic conditions in the urban and rural areas in their respective administrative areas.

(7) Organizing and guiding the various departments and units in their administrative areas to strengthen their basic statistical work, statistical education, and training of statistical personnel and studies of statistical science, assessing the performance of the personnel of statistical agencies of the people's governments in their respective administrative areas.

The statistical agencies under the local people's governments at and above county level shall be under the dual leadership of the people's governments at the same level and the statistical agencies of the people's governments at higher level. In the statistical work, they shall be mainly subject to the leadership of the statistical agencies of the people's governments at higher level.

Article 24 The statisticians in townships and towns shall be responsible for local comprehensive statistics. Their functions and responsibilities are:

(1) Accomplishing tasks of the state and local statistical investigations, implementing the system of national statistical standards and the system of nationally unified statistical standards of basic forms for statistical reporting and checking and supervising the implementation of statistical laws, regulations and systems.

(2) Collecting, sorting out, analyzing, providing and managing the basic statistical data of the townships and towns in accordance with the state relevant stipulations.

(3) Organizing and guiding relevant departments and individuals of townships and towns in strengthening rural basic statistical work, improving systems of statistical accounting and statistical files in the townships and towns and organizing the statistical work in places within their jurisdiction.

The people's governments in the townships and towns shall post full-time or part-time statisticians in accordance with the relevant stipulations of the Statistics Law and the needs of the local statistical work and shall set up and improve network of statistical information among townships and towns. In statistical work, statisticians shall be under the leadership of the statistical agencies under the people's government at the county level.

The statistical work in villages shall be performed by persons specially appointed by the villagers' committee. In statistical work, these persons shall be under the leadership of township and town statisticians.

Article 25 The statistical agencies of the various departments under the people's governments at and above county level or the persons responsible for comprehensive statistics of their respective departments shall perform the following functions and responsibilities:

(1) Organizing, guiding and coordinating, in a comprehensive way, the statistical work of various functional organs in the departments (such as organs of production, supply and marketing, capital construction, labor and personnel, finance and accounting) to jointly accomplish the tasks of the state, departmental and local statistical investigations and to implement, check and supervise the implementation of statistical laws,

regulations and systems.

(2) Drafting plans to modernize the statistical work of the departments, working out the statistical investigation plans and programs of the departments, organizing and guiding the statistical work in the departments and the enterprises and institutions under the departmental system jurisdiction and strengthening the personnel of statistical contingents and the foundation of statistical work.

(3) In accordance with the relevant state stipulations, reporting and providing the basic statistical data of the departments to leading organs and the statistical agencies under the people's governments at the same levels and conducting, in conjunction with planning and other functional organs, to do statistical analysis, forecast and supervision of the implementation of the policies and plans and the results of management and administration in these departments.

(4) Administering the statistical investigation forms devised and issued by their departments and administering the basic statistical data of the departments.

(5) Organizing and guiding, in conjunction with the personnel and educational sections of their departments, the statistical education and the training of statistical personnel, assessing the performances of statistical personnel and meting out awards and penalties and strengthening the studies of statistical science in their departments.

The statistical agencies in the relevant departments under the people's governments at county and above level shall be established in accordance with actual needs and the principle of efficient and simple administration in line with the provisions of the Statistical Law.

Article 26 The statistical agencies in enterprises or institutions and persons in charge of comprehensive statistics in the units shall perform the following functions and responsibilities:

(1) Organizing, guiding and coordinating in a comprehensive way the statistical work of the various functional organs and subordinate organs in the units, accomplishing jointly with them the tasks of the state, departmental and local statistical investigations, formulating and implementing the statistical plans and systems of the units, implementing checking and supervising the implementation of statistical laws, regulations and systems.

(2) In accordance with relevant state stipulations, reporting and providing statistical data to the competent departments, the statistical agencies under the local people's governments and statisticians in townships and towns and conducting statistical analysis and supervision of the implementation of the plans and the results of management and administration in the units.

(3) Administering the statistical investigation forms and basic statistical data of the units.

(4) In conjunction with relevant functional organs, strengthening systems of measurement and testing systems, improving systems of original records, statistical files of bookkeeping and accounting systems.

The statistical agencies or persons in charge of statistics in enterprises and institutions shall be under the guidance of the statistical agencies under the local people's governments or township and town statisticians in statistical work.

In small and medium-sized enterprises and institutions where there are no full-time statisticians, some persons can be appointed to be specially responsible for statistical work.

Article 27 The term as used for persons in charge of statistics refers to the persons who are mainly responsible for performing the functions and responsibilities as stipulated in the Statistics Law on behalf of their departments or units. In the departments or units where no statistical agencies are set up, some persons who are qualified to take up professional statistical posts shall be posted as persons in charge of statistics.

Article 28 All localities, departments and enterprises and institutions shall establish professional statistical posts according to the relevant state stipulations and the needs of the work.

Article 29 Before any person holding a professional statistical post is transferred, it is necessary to seek the opinion of the statistical agencies or persons in charge of statistics in their respective localities, departments and units. Consent of the statistical agencies of the immediate next higher level shall be obtained prior to the transfer of any person holding professional posts higher than intermediate level.

Consent of the statistical agencies under the people's governments at the immediate next higher level shall be obtained prior to the transfer of the chief of the statistical agencies under the local people's governments at and above county level. Consent of the statistical agencies under the people's governments at county level shall be obtained prior to the transfer of township and town statisticians.

It is necessary to seek opinion of the department-in-charge at the higher level and the statistical agencies under the local people's government before the transfer of chief responsible persons in charge of statistics in the various departments and enterprises and institutions.

Article 30 The National Bureau of Statistics and the statistics agencies of the people's governments at and above county level shall give training for the statistical personnel in a planned way, strengthen their professional ethical education and enhance their professional proficiency.

When the National Bureau of Statistics and the statistical agencies under the local governments at and above county level need to increase or supplement their personnel, they shall be selected and recruited from the persons with professional knowledge of statistics.

Chapter 5 Awards and Penalties

Article 31 The statistical agencies of the people's governments at and above county level and the various departments and enterprises and institutions shall, in accordance with the state, enterprises or institutional stipulations, make regular assessment of the performance of the statistical personnel, in collectives or individuals, and give awards to those who fall into any of the following categories :

- (1) Those who have made important contributions to reforming and improving statistical systems and methods.
- (2) Those who have made remarkable achievements in accomplishing prescribed tasks of statistical investigation and ensuring the accuracy and promptness of statistical data.
- (3) Those who have made remarkable achievements in statistical analysis, forecast and

supervision by bringing forth innovations.

(4) Those who have achieved remarkable results in the application and dissemination of modern information technology.

(5) Those who have made important contributions to improving statistical education and professional training, conducting scientific research in statistics and raising the level of statistical sciences.

(6) Those who persist in a practical and realistic style of work, always abiding by laws in their work and made outstanding achievements in waging struggles against violations of statistical laws, regulations and systems.

(7) Those who made meritorious deeds in exposing and reporting acts of violations of laws in statistics.

The awards may be rated as follows: issuance of commendatory order, a merit for the record, a special merit for the record, promotion in title or rank, conferment of honorary title. Prizes and bonuses may also be awarded. The bonuses shall be paid from the regular funds according to the stipulations of state or enterprises and institutions.

Article 32 The following acts are of relatively serious cases of law-breaking acts as referred to in section (1) of article 27 in Statistics Law:

(1) Providing statistical data with falsified, concealed, forged and tampered with figures with such figures to a big amount or accounting for a relatively big proportion of the true figures.

(2) Providing statistical data with falsified, concealed, forged and tampered with figures or refusal to provide statistical data with such acts taking place again within a period of two years.

(3) Providing statistical data with falsified, concealed, forged and tampered with figures or refusal to provide or repeated delay to provide statistical data or refusal to correct such wrongdoings after criticism.

(4) Providing statistical data with falsified, concealed, forged and tampered with figures or refusal to provide or repeated delay to provide statistical data with such wrongdoings resulting in serious consequences or bad effects.

(5) Refusing to provide information or providing false information while being subject to checking statistical data, or transfer, conceal, or destroy original statistical records, statistical accounting and books, statistical tables and forms or other materials and data related to statistics.

(6) Using violence or threat to resist checking of statistics

(7) Other acts as recognized and defined by the National Bureau of Statistics according to law.

Article 33 For the enterprise and institution which committed any one act of violating Section (1) Article 27 of Statistics Law, the statistical agencies under the people's governments at and above county level may serve it a warning and punish it with a fine to the amount below 50,000 yuan.

For the self-employed industrial and commercial firm which committed any one act of violating Section (1) Article 27 of Statistics Law, the statistical agencies under the people's governments at and above county level may serve it a warning and punish it with a fine to the amount below 10,000 yuan.

Article 34 For any units or individuals who committed any one act of violating Section (2) Article 29 of Statistics Law, the statistical agencies under the people's governments at and above county level may demand their correction, confiscate their income earned from the law-breaking acts and punish it with a fine to the amount from two up to four times of their income earned from the law-breaking acts. If there is no income from the law-breaking acts, a fine can be imposed to the amount below 30,000 yuan.

Chapter 6 Supplementary Provisions

Article 35 When the organizations or individuals outside the territories of the People's Republic of China need to conduct activities of statistical investigations inside the territories of the People's Republic of China, they shall entrust the organs inside the territories of the People's Republic of China which are competent for doing statistical investigations involving overseas relationships to do the work.

If the scope of such statistical investigations is confined to the administrative area of only one province, autonomous region or municipality, the overseas organizations or individuals shall present their documents of certificates and statistical investigation programs for application to the statistical agencies of the province, autonomous region or municipality and the application shall be examined and approved by them. If the scope is beyond one province, autonomous region or municipality, they shall present their documents of certificates and statistical investigation programs for application to the National Bureau of Statistics and the application shall be examined and approved by the Bureau.

Article 36 These detailed rules come into effect as from the date of its proclamation.