

Meteorological Act

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Category : Ministry of Transportation and Communications (交通部)

CHAPTER I GENERAL

Article 1

This Act is specifically enacted in order to enhance meteorological services and to improve the observing and forecasting systems. Items not covered under this Act are to be referred to other laws and/or regulations.

Article 2

The terms used in this Act are defined as follows:

1. METEOROLOGICAL SERVICE The service comprising the observation of meteorological, seismological, and marine meteorological phenomena, collection of the related data, and issuance of analyzed information.
2. METEOROLOGICAL PHENOMENA Those phenomena of the atmosphere.
3. SEISMOLOGICAL PHENOMENA Those phenomena of earthquakes and their relevancy resulted from the rupture of rock formations or from volcanic activities.
4. MARINE METEOROLOGICAL PHENOMENA Those phenomena of tides, sea waves, and other natural phenomena existing on the interface of the atmosphere and the sea surface.
5. WEATHER MODIFICATION The behavior of utilizing scientific technology to modify atmospheric phenomena.
6. OBSERVATION The measurement of meteorological, seismological, or marine meteorological elements and phenomena.
7. OBSERVATION STATION A station with measuring instruments installed at an appropriate location for observation of meteorological, seismological, or marine meteorological elements and phenomena.
8. OBSERVATION FIELD (ENCLOSURE) A specified outdoor enclosure for installation of surface meteorological

observation instruments.

9. **RADIOSONDE TRACKING DEVICE** An observation device with a tracking antenna installed for tracking and receiving radio signals transmitted from the radiosonde equipment with a balloon as a carrier.
10. **WEATHER RADAR ANTENNA** The antenna installed on a weather radar station for transmitting and receiving of radar signals.
11. **POLAR-ORBITAL SATELLITE TRACKING ANTENNA** A specific type of antenna installed on a building for receiving of polar-orbital meteorological satellite imageries and remote sensing data.
12. **HAZARDOUS WEATHER** Those weather phenomena such as typhoon, heavy rain, torrential rain, thunder and lightning, hail, dense fog, tornado and/or water spout, high winds, low temperatures, foehn, and drought, which may cause losses of life and property.
13. **FORECAST** A statement of predictions based on the observation data of meteorological, seismological, or marine meteorological phenomena.
14. **WARNING** A statement of alarm based on the forecast of hazardous meteorological, seismological, or marine meteorological phenomena.
15. **OBSERVATION INSTRUMENT** An apparatus for use in meteorological, seismological, or marine meteorological observation.
16. **EXCLUSIVE OBSERVATION STATION** An observation station approved by the CWB, to be used by a government agency, institution, organization, or individual for timely observation for its own business use or scientific application.

Article 3

The authority governing this Act is the Ministry of Transportation and Communications (hereinafter referred to as MOTC).

The meteorological services shall be conducted by the Central Weather Bureau (hereinafter referred to as CWB) of the MOTC.

Article 4

For the purpose of promoting international cooperation in meteorological services, the MOTC may establish meteorological cooperative agreements and/or exchange meteorological data with foreign meteorological authorities or agencies on the basis of mutual benefit.

The MOTC may entrust private organizations with the execution of the preceding issues. Such private organizations may act on behalf of the government to negotiate with foreign or international meteorological organizations about meteorological services and/or to sign relevant agreements. The agreements shall be established in compliance with the appropriate laws and/or regulations.

Article 5

The CWB may provide data of meteorological, seismological, or marine meteorological phenomena, or specified meteorological services to a government agency, institution, organization, or individual for research or application purposes.

Article 6

A government agency, institution, organization, or individual would like to undertake a weather modification program shall obtain approval from the MOTC in advance. The MOTC may dispatch a representative to supervise the modification process.

The MOTC may rescind the preceding approval it has granted if the government agency, institution, organization, or individual fails to undertake the program or refuse the supervision.

CHAPTER II OBSERVATION

Article 7

The CWB may select appropriate sites nationwide to establish observation stations to perform meteorological, seismological, or marine meteorological observation.

Article 8

A government agency, institution, organization, or individual may apply for approval of its existing observation station as an exclusive observation station from the CWB.

The regulations governing the qualifications, conditions, classifications, observation items, location, instruments, observation time, turning in the observation reports, assistance, training, application procedure, alternation, abolition, and other relevant issues for an approved exclusive observation station shall be enacted by the MOTC.

Article 9

The MOTC shall assign a station number to each CWB's observation station and exclusive observation station and notify the domestic and international meteorological organizations and agencies of such information.

Article 10

A ship with a communication radio in compliance with relevant ship laws and/or regulations shall install meteorological instruments as well.

The ship, in compliance with the preceding paragraph, navigating within the exclusive economic and fishery zone shall transmit its meteorological observation data in a timely manner to the CWB.

Article 11

Domestic and foreign aircraft flying over the Taipei Flight Information Region shall comply with the ICAO (International Civil Aviation Organization) Standards, Recommended Practices and Procedures to submit meteorological information obtained during the flight to the Civil Aeronautics Administration (hereinafter referred to as CAA) of the MOTC.

Upon receiving the preceding information, the CAA shall forward to the CWB immediately.

Article 12

The CWB may give technical instruction to meteorological observers working on ships or aircraft described in the preceding two articles.

Article 13

To ensure the accuracy of surface meteorological observations and

the completeness of remote sensing information, the CWB may report to the MOTC, in consultation with the Ministry of Interior and other relevant agencies, to determine the guideline areas within reasonable limits, prohibiting or restricting construction height of buildings surrounding radiosonde tracking device, weather radar antenna and/or polar-orbital meteorological satellite tracking antenna, and the observation enclosures. The determined guideline areas shall be announced publicly by the related municipal and/or county (city) governments.

The regulations governing the announced prohibition or restriction of construction areas and heights in accordance with the preceding paragraph, announcement procedures, lifting of such prohibition or restriction, and compensation shall be enacted by the MOTC and the Ministry of Interior.

Article 14

The meteorological, seismological, or marine meteorological observers of the CWB entering private or governmental property, water, or building(s) to conduct an observation shall be accompanied by a local village chief and submit their official identification. The owner, user, or resident of the property shall not deny, refuse, evade, or interfere with the entry.

Before the entry of a building in accordance with the preceding paragraph, a notice shall be given to the owner, user, or resident of that building three days prior to the entry.

Article 15

Should meteorological, seismological, or marine meteorological observation be hindered by an obstruction, the CWB may inform the owner or occupant to remove or relocate it within thirty days, if necessary. If the owner or occupant cannot be reached or they fail to remove or relocate the obstruction within the allotted time, the CWB may remove the obstruction on its own.

Article 16

Appropriate compensations shall be given to the individual who endures a loss of his property due to the entry or removal or relocation of the obstruction(s) based on the authority granted in

accordance with the preceding two articles.

The amount of compensations in accordance with the preceding paragraph shall be decided upon a negotiation between the CWB and the property owner.

CHAPTER III FORECASTS AND WARNINGS

Article 17

The nationwide meteorological, seismological, and marine meteorological forecast(s) and warning(s) shall be centralized issued by the CWB. However, the military meteorological organizations and the CAA meteorological affiliate, for exclusive needs of the military or aviation safety, and an entity with the approval under Paragraph 1 of Article 18, shall not be governed under this Article.

The regulations regarding the types, contents, procedures of issuance, lifting, and dissemination of the forecast(s) and warning(s) shall be enacted by the MOTC in accordance with the preceding paragraph.

Article 18

With the approval of the CWB, a government agency, institution, organization, or individual may issue weather or marine weather forecasts, but cannot issue any warning(s) or hazardous weather forecast(s) of torrential rain and typhoon.

When issuing the approved forecasts in accordance with the preceding paragraph, the complete title of the government agency, institution, organization, or the full name of the forecaster shall be noted. When issuing the approved hazardous weather forecast(s), the corresponding warning(s) or hazardous weather forecast(s) issued by the CWB shall be noted simultaneously.

The regulations governing the conditions and duration of an approval, its contents, operating procedures, annulment and the criteria therefor, and other relevant items shall be established by the MOTC in accordance with Paragraph 1 of this article.

Article 19

The media and news agencies shall timely and precisely

disseminate the weather, earthquake, and marine weather forecast(s) and warning(s) issued by the CWB. Any error appearing in the preceding coverage shall be corrected promptly after receiving notification from the CWB.

When reporting weather or marine weather forecast(s) not issued by the CWB, the corresponding forecast(s) issued by the CWB shall be noted simultaneously in accordance with the terms of Paragraph 2, Article 18.

CHAPTER IV CALIBRATION OF INSTRUMENTS

Article 20

The exclusive observation station, installing specified types of instruments, shall apply to the CWB, or a laboratory accredited by the Chinese National Laboratory Accreditation (hereinafter referred to as CNLA), or a laboratory accredited by an internationally cross-recognized foreign country, for validation of calibration of said instruments prior to use.

Each exclusive observation station utilizing calibrated instruments, shall apply to the CWB, or a laboratory accredited by the CNLA, or a laboratory accredited by an internationally cross-recognized foreign country, for periodic validation of calibration of said instruments in use.

Should any exclusive observation station be in violation of the preceding two paragraphs, using instrument(s) without calibration or fail to pass the calibration, the CWB shall order that station to stop using the instrument(s) and send for a calibration within a specified time frame. Should the station not follow the order, the CWB shall revoke the approval.

A laboratory accredited by the CNLA, as mentioned in Paragraph 1 and Paragraph 2, is defined as one accredited by the accreditation system conducted by the Bureau of Standards, Metrology, and Inspection, Ministry of Economic Affairs.

The category of observing instruments that need calibration as described in Paragraph 1 and Paragraph 2 shall be enacted by the CWB.

The regulations governing the calibration cycle for each of the instruments in compliance with the preceding paragraph,

application procedures for calibration, the criteria of the calibration, and other relevant issues regarding calibration procedures shall be enacted by the MOTC and the Ministry of the Economic Affairs.

CHAPTER V AWARDS AND PENALTIES

Article 21

The CWB may suggest the MOTC to grant an award and/or commendation to a government agency, institution, organization, or individual for its outstanding performance in meteorological services.

The regulations governing the application procedures, criteria, categories, awarding types, and assessment in accordance with the preceding paragraph shall be enacted by the MOTC.

Article 22

Should a government agency, institution, organization, or individual violate the terms of Paragraph 1 of Article 6 as conducting a weather modification program without getting permission, the MOTC shall order the violator to terminate the modification program immediately or to take necessary corrective actions within a specified time frame. A fine from NT\$100,000 to NT\$500,000 shall be levied for not complying with the order. The penalties may be repeated.

Article 23

For violating Paragraph 1 of Article 14, e.g., refusal, avoidance or interference of the entry of an observer to privately or officially owned land, water, or buildings, a fine from NT\$ 20,000 to NT\$100,000 shall be imposed. The penalties may be repeated.

Article 24

Should a government agency, institution, organization, or individual take one of the following action, the CWB shall order the violator to terminate the actions and to take the necessary remedies within a specified time frame. Non-compliance with the order shall result in a fine of no less than NT\$100,000 to no more than NT\$500,000. Such penalty may be imposed with each occurrence of violation.

Severe violation may result in the revocation of the permit:

1. Issuing a weather or marine weather forecast(s) without obtaining permission or beyond the scope of authorization in violation of the terms of Paragraph 1, Article 18.

2. Issuing a weather or marine weather forecast(s) that does not comply with the terms of Paragraph 2, Article 18.

Should a government agency, institution, organization, or individual violate the terms of Paragraph 1, Article 18 and issue an earthquake forecast(s) or a warning(s) of meteorological, seismological, or marine meteorological phenomena, the CWB shall order the violator to terminate the action and to take the necessary remedies within a specified time frame. Non-compliance with the order shall result in a fine of no less than NT\$200,000 to no more than NT\$1,000,000. Such penalty may be imposed with each occurrence of violation. Severe violation may result in the revocation of the permit.

Violation of Article 19, erroneously reporting a warning(s) or an earthquake, weather or marine weather forecast(s), or reporting the aforementioned warning(s) and forecast(s) without complying with the terms of Paragraph 2, Article 19 and failing to make immediate correction after receiving a notice from the CWB, shall result in a fine of no less than NT\$100,000 to no more than NT\$500,000. Such penalty may be imposed with each occurrence of violation.

Article 25

The actor of the government agency, institution, or organization in violation of Article 22 and the preceding article shall be additionally fined in accordance with the corresponding article.

Article 26

The CWB shall be the agency to levy the fines of violating this Act except for the violation of Article 22. All fines shall be paid within the specified time frame. Any deferred fine payment shall be transferred for compulsory enforcement in accordance with the related law.

Article 27

An individual who occupies any CWB's observation land, breaks or

moves its observation facility, or hinders the functions of the facility, shall be responsible for the restitution and for the restoration to its original condition. In case a criminal act involved, the individual shall be transferred to court for trial.

CHAPTER VI APPENDIX

Article 28

Military meteorological organizations are not submitted to this Act except for Article 9 and Article 17.

Article 29

For items concerning international affairs not specified in this Act, the MOTC may refer to the related international conventions, agreements, and its associated regulations, rules, methods, standards, recommendations, or procedures.

Article 30

The CWB may charge fees for providing meteorological data, calibration of instruments, other services of meteorological nature, or issuance of licenses in accordance with this Act.

The regulations concerning charging categories and rates in accordance with the preceding paragraph shall be enacted by the MOTC.

Article 31

This Act shall become effective on the date of promulgation.