Administrative Reconsideration Law of the People’s Republic of China – Full English Translation (2023 Revision)

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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. This Law is enacted for the purpose of preventing and correcting illegal or improper specific administrative acts, protecting the legitimate rights and interests of citizens, legal persons and other organizations, safeguarding and supervising the exercise of functions and powers by administrative organs in accordance with the law, and giving full play to the role of administrative reconsideration as the main channel for resolving administrative disputes.

Article 2. Where a citizen, legal person or other organization considers that a specific administrative act of an administrative organ has infringed upon its legitimate rights and interests, it may apply for administrative reconsideration to an administrative reconsideration organ in accordance with this Law.

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Article 3. The administrative reconsideration organ shall perform its duties of administrative reconsideration in accordance with this Law, and shall follow the principles of legality, impartiality, openness, promptness, and convenience for the people, upholding the correctness of any mistakes and ensuring the proper implementation of laws and regulations.

Article 4. The people's governments at or above the county level and other administrative organs that perform administrative reconsideration functions in accordance with this Law are the administrative reconsideration organs. Administrative reconsideration organs shall establish administrative reconsideration institutions to handle administrative reconsideration matters.

Article 5. Where a citizen, legal person or other organization refuses to accept an administrative reconsideration decision, it may institute an administrative lawsuit before a people's court in accordance with the provisions of the Administrative Litigation Law, unless the law provides that the administrative reconsideration decision is final. A citizen, legal person or other organization that applies for administrative reconsideration against an administrative act may, before the administrative reconsideration organ makes a decision, withdraw the application and institute an administrative lawsuit before a people's court; however, once an administrative lawsuit has been instituted and accepted by the people's court, the same matter may not be subject to an application for administrative reconsideration.

Article 6. Administrative reconsideration organs shall strengthen the professionalization and regularization of administrative reconsideration work and ensure that the staffing, facilities, and funding of administrative reconsideration institutions are commensurate with their work responsibilities. Administrative reconsideration personnel handling administrative reconsideration cases shall possess the requisite legal knowledge and professional competence.

Article 7. The State shall establish a standardized, professional, and informatized administrative reconsideration workforce. Administrative reconsideration personnel handling cases for the first time shall pass the national uniform legal professional qualification examination and obtain the legal professional qualification, unless otherwise provided by law.

Article 8. Administrative reconsideration organs shall strengthen informatization in administrative reconsideration work, using modern information technology to facilitate citizens, legal persons and other organizations in applying for and participating in administrative reconsideration, and to enhance work efficiency and quality.

Article 9. People's governments at or above the county level shall commend and reward administrative reconsideration organs, institutions and personnel that have achieved outstanding results in administrative reconsideration work.

Article 10. Where laws and administrative regulations provide otherwise on the jurisdiction of administrative reconsideration, such provisions shall prevail. This Law applies to administrative reconsideration filed by citizens, legal persons or other organizations against the administrative acts of organizations authorized by laws or regulations to administer public affairs.

Chapter II — Scope of Administrative Reconsideration

Article 11. A citizen, legal person or other organization may apply for administrative reconsideration under any of the following circumstances: (1) refusal to accept an administrative penalty decision made by an administrative organ; (2) refusal to accept a decision on administrative compulsory measures or administrative compulsory enforcement made by an administrative organ; (3) refusal to accept a decision by an administrative organ on the granting, modification, suspension or revocation of an administrative license; (4) refusal to accept a decision by an administrative organ confirming the ownership of, or the right to use, natural resources such as land, mineral resources, waters, forests, mountains, grasslands, unreclaimed land, mudflats and sea areas; (5) refusal to accept a decision on administrative expropriation or requisition or

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a decision on compensation for expropriation or requisition made by an administrative organ; (6) a citizen, legal person or other organization that considers an administrative organ has infringed upon its right to autonomous business operations; (7) a citizen, legal person or other organization that considers an administrative organ has failed to perform, in accordance with the law, its statutory duties of protecting personal rights, property rights, the right to education and other legitimate rights and interests; (8) a citizen, legal person or other organization that considers an administrative organ has failed to make payment of social insurance benefits or minimum living security benefits in accordance with the law; (9) refusal to accept a decision made by an administrative organ relating to the determination and handling of work-related injury; (10) a citizen, legal person or other organization that considers an administrative organ has infringed upon its legitimate rights and interests through an administrative agreement made by the administrative organ by way of government procurement or concession agreement; (11) a citizen, legal person or other organization that considers an administrative act of an administrative organ has infringed upon its legitimate rights and interests in any other way.

Article 12. The following matters shall not be subject to administrative reconsideration: (1) national defense, diplomacy and other acts of state; (2) administrative regulations, rules and generally binding decisions or orders formulated by administrative organs; (3) decisions on awards, punishments, appointment and removal of personnel made by administrative organs in respect of their own staff; or (4) mediation and conciliation of civil disputes conducted by administrative organs according to law.

Article 13. Where a citizen, legal person or other organization considers that a normative document on which an administrative organ's specific administrative act is based is unlawful, it may, when applying for administrative reconsideration of the specific administrative act, concurrently file an application for review of such normative document. The normative documents referred to in the preceding paragraph do not include rules. Where an applicant files an application for review of a normative document in accordance with the provisions of the preceding two paragraphs, the administrative reconsideration organ shall handle the matter in accordance with the provisions of this Law or refer it to the competent organ for handling.

Article 14. Where a citizen, legal person or other organization is dissatisfied with an administrative organ's handling of matters within the scope of autonomous regional administration, it may first apply to the administrative organ at the next higher level for administrative reconsideration; if it refuses to accept the reconsideration decision, it may institute an administrative lawsuit before a people's court in accordance with the law.

Article 15. Where a citizen, legal person or other organization applies to a people's court for administrative litigation and the people's court has not yet accepted the case in accordance with the law, the applicant may apply to the administrative reconsideration organ for administrative reconsideration.

Article 16. A citizen, legal person or other organization that applies for administrative reconsideration and has its application accepted by the administrative reconsideration organ in accordance with the law, or where administrative reconsideration must be pursued first in accordance with laws or administrative regulations, shall not institute administrative litigation before the people's court during the statutory period for administrative reconsideration.

Article 17. Where laws or administrative regulations provide that a citizen, legal person or other organization dissatisfied with an administrative act of an administrative organ shall first apply to an administrative reconsideration organ for administrative reconsideration, and if it refuses to accept the reconsideration decision, it may institute an administrative lawsuit before a people's court, such provisions shall be followed.

Article 18. The provisions on the scope of application for administrative reconsideration in this Law shall apply equally to foreign nationals, stateless persons, and foreign organizations within the territory of the People's Republic of China, unless otherwise provided by law.

Article 19. Where an administrative organ makes an administrative act without stating the reconsideration organ, the period for applying for reconsideration, or other content required by law, or fails to serve the written administrative decision on the party concerned, the party concerned may apply for administrative reconsideration to the administrative organ at the next higher level.

Chapter III — Application for Administrative Reconsideration

Article 20. A citizen, legal person or other organization that considers a specific administrative act has infringed upon its legitimate rights and interests may, within 60 days from the date it becomes aware of the specific administrative act, file a written application for administrative reconsideration, unless the law provides for a period exceeding 60 days. Where the statutory period for applying for administrative reconsideration is delayed due to force majeure or other legitimate reasons, the period shall be counted continuously from the date the obstacle is removed.

Article 21. An applicant for administrative reconsideration may be a citizen, legal person or other organization whose legitimate rights and interests have been infringed. Where a citizen who has the right to apply for administrative reconsideration dies, his heir may apply. Where a legal person or other organization that has the right to apply for administrative reconsideration ceases to exist, the legal person or organization that succeeds to its rights and obligations may apply.

Article 22. Where there are five or more applicants in the same application for administrative reconsideration, they shall elect one to five representatives to participate in the administrative reconsideration proceedings. The representatives shall be confirmed in writing by all applicants, and their conduct shall be binding on all applicants represented, except where a change of the representative is necessary. Where the representatives are changed, the same procedure applies.

Article 23. The respondent in administrative reconsideration shall be the administrative organ that performed the specific administrative act. Where two or more administrative organs jointly perform a specific administrative act, the administrative organs that jointly performed the act shall be the joint respondents. Where an organization authorized by laws or regulations performs a specific administrative act, that organization shall be the respondent. Where an administrative organ is abolished, the administrative organ that continues to exercise its functions and powers shall be the respondent.

Article 24. A third party that has an interest in the specific administrative act under administrative reconsideration may participate in the administrative reconsideration proceedings upon application or upon notification by the administrative reconsideration institution. Where a third party fails to participate, the administrative reconsideration shall not be affected.

Article 25. An applicant or a third party may entrust one or two agents to participate in administrative reconsideration on its behalf. The agent shall submit a power of attorney specifying the scope of authorization to the administrative reconsideration institution. An applicant or third party may change its agent during the course of proceedings, but shall notify the administrative reconsideration institution in writing.

Article 26. An applicant may apply for administrative reconsideration in writing or orally. In the case of an oral application, the administrative reconsideration organ shall record on the spot the basic information of the applicant, the specific administrative act against which reconsideration is sought, the respondent, the main facts, grounds and requests of the application, the time of the application, and other relevant matters.

Article 27. An application for administrative reconsideration may be filed by mail, online submission, fax, or in person. The administrative reconsideration organ shall provide convenient channels and accept applications through these means. Where an application is filed online, the date on which the application enters the designated information system of the administrative reconsideration organ shall be the date of filing.

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Article 28. During the period of administrative reconsideration, the execution of the specific administrative act shall not be suspended, unless suspension is mandated by the administrative reconsideration organ, required to avoid irreparable harm, or requested by the applicant and deemed reasonable.

Article 29. When applying for administrative reconsideration, the applicant may concurrently submit a claim for administrative compensation. The administrative reconsideration organ shall handle the compensation claim in accordance with the relevant provisions of the State Compensation Law. Where an application for compensation is not submitted concurrently, the administrative reconsideration organ shall not accept a separate application filed after the completion of the administrative reconsideration procedure.

Chapter IV — Acceptance and Trial

Article 30. The administrative reconsideration organ shall, within five days from the date of receiving the application for administrative reconsideration, conduct an examination. If the application does not comply with the provisions of this Law, the administrative reconsideration organ shall decide not to accept the application and shall inform the applicant in writing. If it complies but does not fall within the scope of acceptance of the said organ, it shall inform the applicant to apply to the relevant administrative reconsideration organ. Except as specified in the preceding two paragraphs, the application shall be deemed accepted on the date it is received by the administrative reconsideration organ's administrative reconsideration institution.

Article 31. Where the administrative reconsideration organ decides not to accept an application, it shall issue a written notice of non-acceptance, stating the reasons and informing the applicant of the right to institute an administrative lawsuit before a people's court or to apply to the administrative reconsideration organ at the next higher level within 15 days of receipt of the notice. Where the applicant applies to the administrative reconsideration organ at the next higher level in accordance with the preceding paragraph, the administrative reconsideration organ at the next higher level shall make a decision within 30 days.

Article 32. After accepting an application for administrative reconsideration, the administrative reconsideration institution shall, within seven days of acceptance, serve a copy of the application for administrative reconsideration or a copy of the record of the oral application on the respondent. The respondent shall, within 10 days of receiving the copy of the application for administrative reconsideration or the copy of the record of the oral application, submit a written reply, and the evidence, basis and other relevant materials on which the specific administrative act was originally performed.

Article 33. Administrative reconsideration shall in principle be conducted through written examination. However, where the applicant makes a request or the administrative reconsideration organ's institution deems it necessary, the administrative reconsideration organ may conduct an investigation to verify the circumstances from the relevant organizations and individuals and hear the opinions of the applicant, the respondent and third parties.

Article 34. In hearing an administrative reconsideration case, the administrative reconsideration institution may, where it deems necessary, conduct an on-site investigation and evidence examination. The on-site investigation shall be recorded, and the relevant organizations and individuals shall provide cooperation and assistance.

Article 35. Where an administrative reconsideration case involves major, complicated or difficult matters, or where the applicant makes a request, the administrative reconsideration institution may organize a hearing. The hearing shall be conducted by the administrative reconsideration institution, and the applicant, the respondent and third parties shall be notified to attend. The hearing procedure, the rights and obligations of the participants, and the legal effect of the hearing record shall be prescribed separately by the State Council.

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Article 36. In an administrative reconsideration hearing, the administrative reconsideration institution shall notify the parties of the time, venue and participants of the hearing three working days before the hearing. The hearing shall be presided over by a designated hearing officer and recorded in writing. After the hearing, the hearing record shall be signed or sealed by the attendees. The administrative reconsideration shall be conducted on the basis of the hearing record.

Article 37. The respondent bears the burden of proof for the legality and appropriateness of the specific administrative act, and shall provide all evidence and the normative basis on which the administrative act was made. The respondent shall not collect evidence from the applicant and other relevant organizations or individuals on its own after the specific administrative act is performed. However, evidence collected with the approval of the administrative reconsideration institution or for the purpose of responding to new claims raised by the applicant during the reconsideration proceedings may be excluded.

Article 38. During the course of administrative reconsideration, the applicant and third parties may consult the written reply, evidence, basis and other relevant materials submitted by the respondent, except where State secrets, commercial secrets or personal privacy are involved. The administrative reconsideration institution shall not refuse the reasonable consultation request of the applicant and third parties.

Article 39. Evidence in administrative reconsideration includes: (1) documentary evidence; (2) physical evidence; (3) audiovisual materials; (4) electronic data; (5) witness testimony; (6) statements of the parties; (7) expert opinions; (8) inspection records and on-site records. The above evidence shall be verified and confirmed as truthful by the administrative reconsideration institution before it may serve as the basis for determining the facts of the case.

Article 40. Where the respondent fails to submit a written reply or fails to submit the evidence, basis and other relevant materials on which the specific administrative act was originally performed within the prescribed time limit without legitimate reasons, the specific administrative act shall be deemed to have no evidence or basis, and the administrative reconsideration organ shall decide to revoke, modify or confirm the illegality of the specific administrative act.

Article 41. During the course of administrative reconsideration, where the respondent changes the original specific administrative act on its own, it shall obtain the consent of the applicant and submit the changed decision to the administrative reconsideration institution. Where the applicant is satisfied with the changed specific administrative act, it may withdraw the application for administrative reconsideration with the consent of the administrative reconsideration institution. Where the respondent revokes the original specific administrative act but the applicant does not withdraw the application, the administrative reconsideration institution shall continue to examine the original act.

Article 42. Before an administrative reconsideration decision is made, the applicant may withdraw the application. Where the applicant withdraws the application, the administrative reconsideration shall be terminated. The withdrawal of the application shall be voluntary, and the administrative reconsideration institution shall examine whether the withdrawal is a genuine expression of intent. Where the applicant withdraws the application and applies for administrative reconsideration again on the same facts and grounds, the administrative reconsideration organ shall not accept the application.

Article 43. An administrative reconsideration organ shall not conduct mediation when handling an application for administrative reconsideration, except where the administrative act involves the exercise of discretionary power by an administrative organ or involves administrative compensation or administrative agreement disputes. Where the parties reach a settlement through mediation, the administrative reconsideration organ shall prepare a mediation statement, which shall take legal effect when signed by both parties.

Article 44. Where the parties reach a mediation agreement, the administrative reconsideration organ shall prepare a mediation statement specifying the claims, facts and settlement. The mediation statement shall be signed or sealed by the applicant, the respondent and the administrative reconsideration organ and shall

become legally effective upon service. Where mediation is unsuccessful or either party reneges before the mediation statement is served, the administrative reconsideration organ shall promptly make an administrative reconsideration decision.

Article 45. The administrative reconsideration institution shall consist of two or more personnel. When hearing major, complicated and difficult cases, the administrative reconsideration organ may invite legal experts, experts in relevant fields, and representatives of relevant social organizations to participate in the review.

Article 46. During the administrative reconsideration period, where the applicant or a third party applies for suspension of execution of the specific administrative act and the administrative reconsideration organ considers the request reasonable, it shall decide to suspend execution. Where the administrative reconsideration organ considers it necessary to suspend execution or where suspension is mandated by laws and regulations, the execution shall be suspended. Suspension of execution shall not prejudice the public interest or the legitimate rights and interests of others.

Article 47. Where the specific administrative act under reconsideration involves amounts such as fines or confiscation, and the applicant fears that the respondent may transfer the funds or property, making it impossible to enforce or compensate after the decision is made, the applicant may apply to the administrative reconsideration institution for property preservation. The administrative reconsideration institution may take preservation measures if it deems them necessary. In urgent cases, the applicant may apply directly to the people's court for property preservation.

Article 48. During the trial of an administrative reconsideration case, where a dispute arises over the basis on which the administrative act was made and the validity of such basis must be confirmed through legal procedures, the trial of the case may be suspended until the basis is confirmed.

Article 49. The administrative reconsideration institution shall conduct a comprehensive review of the administrative act, and shall not be limited to the claims of the applicant. The review shall include the factual findings, the application of law, the compliance with statutory procedures, and the appropriateness of the administrative act.

Article 50. Where the administrative reconsideration institution discovers during the review that the specific administrative act on which the reconsideration is based is illegal or improper, it shall handle the matter in accordance with the law. Where matters falling outside the scope of its functions and powers are involved, it shall refer them to the competent organ for handling.

Article 51. Where an administrative reconsideration organ accepts an application and discovers that another administrative organ also has jurisdiction, it shall transfer the application to the competent administrative reconsideration organ within three days, and inform the applicant in writing. The transferee organ shall not refuse to accept the application or transfer it again on its own.

Article 52. Where a dispute arises between administrative reconsideration organs over jurisdiction, it shall be resolved through consultation between the organs involved; where consultation fails, the dispute shall be referred to the administrative reconsideration organ at the next higher level for designation.

Article 53. Where an administrative reconsideration application involves issues that require interpretation of laws or regulations or clarification of policy, the administrative reconsideration institution may seek opinions from the legislative affairs department of the State Council or the relevant competent departments. The opinions obtained shall serve as a reference for hearing the case.

Article 54. During the hearing of an administrative reconsideration case, where facts involving specialized issues need to be verified, the administrative reconsideration institution may entrust an appraisal institution with the appraisal. The appraisal institution shall issue an appraisal opinion, which shall be verified by the administrative reconsideration institution before it is used as the basis for determining the facts.

Article 55. When hearing administrative reconsideration cases, the administrative reconsideration institution shall adhere to the principle of convenience for the people and efficiency, make full use of electronic means for service of process and evidence exchange, and may conduct remote hearings, mediation and other activities by means of the internet, videoconferencing and other methods.

Article 56. The administrative reconsideration organ shall, when hearing administrative reconsideration cases, if it discovers problems in law enforcement by the relevant administrative organ, prepare and issue a written opinion on administrative reconsideration or a written proposal. The relevant organ shall, within 60 days of receiving the written opinion or proposal, notify the administrative reconsideration organ of the rectification.

Article 57. Where an administrative reconsideration organ handles an administrative reconsideration case under the summary procedure, it shall designate one reconsideration officer to conduct the hearing. The summary procedure applies to cases where the facts are clear, the dispute over rights and obligations is clear, and the case is of a relatively simple nature.

Article 58. The summary procedure may apply under any of the following circumstances: (1) the respondent is a department of a people's government at the county level; (2) the facts of the case are clear, the dispute over rights and obligations is clear, and the contested subject matter is relatively small; (3) the administrative act was made on the spot in accordance with the law; or (4) other cases where the simplified procedure may be applied as provided by laws and regulations.

Article 59. Where, during the hearing of a case under the summary procedure, the administrative reconsideration institution discovers that the case is not suitable for the summary procedure, it shall convert to the ordinary procedure upon approval and notify the parties in writing.

Article 60. After accepting and hearing an administrative reconsideration case, if the administrative reconsideration institution discovers that the administrative act was made without statutory authority or by an administrative organ lacking the appropriate jurisdiction, it shall directly revoke the administrative act or confirm it as illegal.

Chapter V — Administrative Reconsideration Decision

Article 61. An administrative reconsideration organ shall make a decision within the following time limits: (1) cases handled under the ordinary procedure, within 60 days from the date of acceptance; however, where the law provides for a period shorter than 60 days, such provisions shall apply; (2) cases handled under the summary procedure, within 30 days from the date of acceptance. Under special circumstances where an extension is necessary, an extension of up to 30 days may be granted with the approval of the responsible person of the administrative reconsideration organ.

Article 62. Where an administrative reconsideration organ makes an extension, it shall notify the applicant and the respondent in writing, specifying the reasons for the extension and the extended time limit. Administrative reconsideration organs shall not exceed the extended time limit without justification, and shall not unreasonably delay the making of a reconsideration decision.

Article 63. Where the specific administrative act is found to be clear in facts, correct in the application of law and regulations, in compliance with statutory procedures and appropriate in content, the administrative reconsideration organ shall decide to uphold it.

Article 64. Where the respondent has failed to perform statutory duties, the administrative reconsideration organ shall decide that it perform such duties within a specified time limit.

Article 65. A specific administrative act shall be revoked, modified or confirmed as illegal under any of the following circumstances: (1) the main facts are unclear and the evidence is insufficient; (2) the applicable basis is erroneous; (3) statutory procedures have been violated; (4) statutory functions and powers have

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been exceeded or abused; or (5) the specific administrative act is clearly improper.

Article 66. Where the respondent fails to submit a written reply or the evidence, basis and other relevant materials on which the specific administrative act was based within the time limit prescribed in Article 32 of this Law without legitimate reasons, the specific administrative act shall be deemed to have no evidence or basis, and the administrative reconsideration organ shall decide to revoke or confirm the illegality of the specific administrative act.

Article 67. Where an application for administrative reconsideration is made and the administrative reconsideration organ decides to revoke the specific administrative act or confirm it as illegal, and the applicant has suffered damage as a result, the applicant may simultaneously apply for compensation. The administrative reconsideration organ shall, when making the decision to revoke the specific administrative act or confirm it as illegal, simultaneously order the respondent to compensate the applicant for its losses in accordance with the law.

Article 68. When ordering a respondent to perform statutory duties anew, the administrative reconsideration organ shall specify the time limit for performance. Where the respondent fails to perform or delays performance, the administrative reconsideration organ or the administrative reconsideration organ at the next higher level shall order it to perform within a specified time limit and may hold the directly responsible persons accountable.

Article 69. Where an administrative reconsideration organ decides to revoke or modify an administrative act, the respondent shall perform the reconsideration decision in accordance with the law. Where the respondent has already collected fees or confiscated property, it shall return them. Where it has caused damage, it shall make compensation in accordance with the law.

Article 70. Where an administrative organ violates the provisions of this Law by refusing to accept or failing to respond within the time limit to an application for administrative reconsideration, the administrative reconsideration organ or the administrative reconsideration organ at the next higher level shall order it to accept or respond. Where necessary, the administrative reconsideration organ at the next higher level may directly accept the application.

Article 71. Where a specific administrative act infringes upon the legitimate rights and interests of a citizen, legal person or other organization and causes damage, the applicant shall have the right to claim compensation. Where an applicant claims compensation, the administrative reconsideration organ may conduct mediation in accordance with the relevant provisions of the law.

Article 72. Where an applicant does not bring a suit before a people’s court within the statutory period and refuses to perform the administrative reconsideration decision or a mediation statement that has taken legal effect, the matter shall be handled in accordance with the following provisions: (1) where the decision upholds a specific administrative act, the administrative organ that performed the specific administrative act shall apply to the people’s court for compulsory enforcement in accordance with the law, or enforce the decision in accordance with the law; (2) where the decision modifies a specific administrative act, the administrative reconsideration organ shall apply to the people’s court for compulsory enforcement in accordance with the law, or enforce the decision in accordance with the law.

Article 73. Where an administrative reconsideration organ, in the course of hearing an administrative reconsideration case, discovers that the basis on which the specific administrative act was made is inconsistent with a higher-level normative document, it shall handle the matter within its scope of authority or refer it to the competent organ for handling in accordance with the law.

Article 74. Where a specific administrative act has caused damage to the applicant, the applicant may claim compensation during the administrative reconsideration proceedings. The administrative reconsideration organ shall handle the compensation claim at the same time as it handles the reconsideration application.

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The claim for compensation shall be governed by the relevant provisions of the State Compensation Law.

Article 75. An administrative reconsideration decision shall be made in writing, specifying: (1) the name or title, address and legal representative of the applicant, or the name and address of the principal responsible person; (2) the name, address and legal representative or principal responsible person of the respondent; (3) the claims of the applicant and the main facts and reasons on which they are based; (4) the facts, evidence, legal basis and reasons identified by the administrative reconsideration organ; (5) the conclusion of the administrative reconsideration, the reasons for the decision, and the applicable legal provisions; (6) the time limit for instituting an administrative lawsuit and the competent court if the party refuses to accept the decision; (7) the time limit for performance by the respondent; and (8) the date of the decision. The decision shall bear the official seal of the administrative reconsideration organ.

Article 76. After an administrative reconsideration decision is served in accordance with the law, it becomes legally binding. The applicant, the respondent and third parties shall perform the administrative reconsideration decision. The respondent shall, within 30 days of receiving the administrative reconsideration decision, report the performance status to the administrative reconsideration organ.

Chapter VI — Legal Liability

Article 77. Where an administrative reconsideration organ violates the provisions of this Law by refusing to accept, without legitimate reasons, an application for administrative reconsideration that should be accepted in accordance with the law, failing to refer the application to the competent administrative reconsideration organ as required, or failing to make an administrative reconsideration decision within the statutory time limit after accepting the application, disciplinary sanctions shall be imposed on the directly responsible person in charge and other directly responsible persons in accordance with the law.

Article 78. Where staff members of an administrative reconsideration organ, in the course of administrative reconsideration activities, engage in favoritism, dereliction of duty, bribery, or other misconduct, and a crime is constituted, criminal liability shall be pursued in accordance with the law; where a crime is not constituted, disciplinary sanctions shall be imposed in accordance with the law.

Article 79. Where a respondent violates the provisions of this Law by failing to submit a written reply, the evidence, basis and other relevant materials on which the specific administrative act was performed, or by obstructing or preventing the applicant from applying for administrative reconsideration in accordance with the law, or by refusing to perform or delaying performance of an administrative reconsideration decision or mediation statement that has taken legal effect, disciplinary sanctions shall be imposed on the directly responsible person in charge and other directly responsible persons in accordance with the law.

Article 80. Where a respondent, after a specific administrative act has been revoked, confirmed as illegal, or modified by an administrative reconsideration organ, retaliates against the applicant or third party, disciplinary sanctions shall be imposed on the directly responsible person in charge and other directly responsible persons in accordance with the law.

Article 81. Where the administrative reconsideration institution discovers during the reconsideration proceedings that a relevant staff member of an administrative organ has violated the law or discipline, the administrative reconsideration institution shall prepare a proposal for disciplinary action and refer the matter to the personnel department or the supervisory organ, which shall handle the matter in accordance with the law and inform the administrative reconsideration institution of the outcome.

Article 82. Where an administrative organ or its staff member retaliates against an applicant, a third party, or other relevant persons, or takes other adverse measures against them on account of an application for administrative reconsideration, disciplinary sanctions shall be imposed in accordance with the law.

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Article 83. Where a respondent refuses to perform or delays performance of an administrative reconsideration decision that has taken legal effect, the administrative reconsideration organ or the relevant higher-level administrative organ shall order it to perform within a specified time limit, and disciplinary sanctions shall be imposed on the directly responsible person in charge and other directly responsible persons in accordance with the law.

Article 84. Where an administrative reconsideration organ or its staff member forces an applicant to withdraw an application by fraud, coercion or other improper means, disciplinary sanctions shall be imposed in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 85. Where a staff member of an administrative reconsideration organ has a conflict of interest with the case and fails to recuse himself or herself, thereby affecting the fair handling of the case, disciplinary sanctions shall be imposed in accordance with the law.

Article 86. Where the conduct of an administrative organ or its staff member in performing a specific administrative act infringes upon the legitimate rights and interests of a citizen, legal person or other organization and causes damage, the organ shall bear the liability for compensation in accordance with the law. After making compensation, the administrative organ shall recover compensation from the staff member who committed intentional or grossly negligent fault.

Chapter VII — Supplementary Provisions

Article 87. Administrative reconsideration organs shall not charge any fees to the applicant for accepting applications for administrative reconsideration. The administrative reconsideration expenses shall be covered by the administrative budget of the administrative reconsideration organ and shall not be borne by the applicant.

Article 88. The calculation of time periods in administrative reconsideration shall be governed by the relevant provisions of the Civil Code of the People’s Republic of China, except where this Law provides otherwise. Time limits for administrative reconsideration shall be calculated in calendar days, excluding travel time for service of documents. Where the last day of a time limit falls on a statutory holiday, the first working day following the holiday shall be the day of expiration. Documents mailed before the expiration of the time limit shall not be deemed overdue.

Article 89. Foreign nationals, stateless persons and foreign organizations within the territory of the People’s Republic of China that apply for administrative reconsideration shall be governed by this Law, unless otherwise provided by law.

Article 90. This Law shall enter into force on January 1, 2024.

Disclaimer:

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