

Law of the PRC on the Administration of Activities of Overseas Non-Governmental Organizations within Mainland China

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of regulating and guiding the activities of overseas non-governmental organizations within the territory of China, safeguarding their lawful rights and interests, and promoting exchanges and cooperation.

Article 2 — This Law shall apply to overseas non-governmental organizations that carry out activities within the territory of China. For purposes of this Law, "overseas non-governmental organizations" means non-profit, non-governmental social organizations such as foundations, social groups, and think tanks lawfully established outside mainland China. Such organizations may carry out activities within the territory of China that are conducive to the development of public welfare undertakings in areas such as economics, education, science and technology, culture, public health, sports, and environmental protection, as well as poverty alleviation and disaster relief.

Article 3 — Overseas non-governmental organizations that carry out activities within the territory of China shall comply with Chinese laws, shall not endanger national unity, security, or ethnic solidarity, and shall not impair national interests, the public interest, or the lawful rights and interests of citizens, legal persons, and other organizations. Overseas non-governmental organizations shall not engage in or fund profit-making activities or political activities within the territory of China, nor shall they illegally engage in or fund religious activities within the territory of China.

Article 4 — Overseas non-governmental organizations that carry out activities within the territory of China shall obtain registration and establish representative offices in accordance with the law, or shall file for recordation of planned temporary activities where representative offices have not been established. Where representative offices are established, the activities carried out shall be limited to the scope of activities specified in the registration.

Article 5 — Overseas non-governmental organizations that carry out activities within the territory of China shall be subject to the supervision and administration of public security organs and the relevant departments in charge of the functional areas of such activities.

Article 6 — The public security organ under the State Council and the public security organs of provincial-level people's governments shall be the registration authorities for overseas non-governmental organizations carrying out activities within the territory of China. The relevant departments and organizations under the State Council and the people's governments at the provincial level shall be the professional supervisory units for overseas non-governmental organizations carrying out activities within the territory of China.

Article 7 — The State shall establish an information platform for the administration of the activities of overseas non-governmental organizations within the territory of China, and improve the mechanisms for the sharing of information, work coordination, and jointly conducted administration with respect to the said organizations.

Chapter II — Registration and Filing

Article 8 — Where an overseas non-governmental organization intends to establish a representative office within the territory of China, it shall first obtain the consent of the professional supervisory unit and then apply for registration with the registration authority. The representative office shall have a fixed place of office and a chief representative, and shall not have more than three foreign staff members, or more than five foreign staff members in special circumstances. The term of registration of a representative office shall not exceed five years, and renewal of the registration shall be applied for where the office needs to continue its activities.

Article 9 — When applying for registration of a representative office, the overseas non-governmental organization shall submit the following documents to the registration authority:

- (1) An application form;
- (2) Documents certifying that the organization has been lawfully established outside mainland China;
- (3) The charter or similar document of the organization;

- (4) Proof of the existence of the organization for more than two years and proof that the organization has substantively carried out activities;
- (5) The identity certificates and curriculum vitae of the proposed chief representative of the representative office;
- (6) Proof of the source of funds for the organization's activities within the territory of China;
- (7) Other documents as required by the registration authority.

Article 10 — The registration authority shall examine the application for registration and make a decision within 60 days from the date of acceptance. Where registration is granted, a registration certificate shall be issued and a public announcement shall be made. Where registration is not granted, the reasons shall be given in writing.

Article 11 — A representative office of an overseas non-governmental organization shall, within 30 days after obtaining the registration certificate, undergo tax registration, engrave its official seal, and open a bank account with a local bank in China in accordance with the law, and report the seal specimen and bank account number to the registration authority for filing.

Article 12 — Where a representative office needs to change its name, chief representative, place of office, scope of activities, or other registered matters, an application for the change in registration shall be submitted to the registration authority.

Article 13 — Under any of the following circumstances, the registration authority shall revoke the registration of the representative office and make a public announcement:

- (1) The overseas non-governmental organization revokes its representative office;
- (2) The overseas non-governmental organization is terminated;
- (3) The registration of the representative office has not been renewed upon expiration;
- (4) The representative office's registration is revoked in accordance with the law;
- (5) Other circumstances where the registration shall be revoked as prescribed by law.

Article 14 — Where a representative office has its registration revoked, the overseas non-governmental organization establishing the office shall handle the relevant matters before the date of revocation. Where the representative office has its registration certificate revoked, the outstanding matters shall be handled by the overseas non-governmental organization that established the office.

Article 15 — Where an overseas non-governmental organization that has not established a representative office needs to carry out temporary activities within the territory of China, it shall cooperate with a state organ, a people's organization, a public institution, or a social organization in China (hereinafter referred to as the "Chinese partner entity") for that purpose. The Chinese partner entity shall handle the examination and approval procedures and the filing for recordation of the temporary activities in accordance with the relevant state provisions.

Article 16 — Where overseas non-governmental organizations intend to carry out temporary activities within the territory of China, the Chinese partner entity shall, 15 days prior to the commencement of such activities, file for recordation with the registration authority and submit the following documents:

- (1) Documents certifying that the overseas non-governmental organization has been lawfully established outside mainland China;
- (2) A written agreement between the overseas non-governmental organization and the Chinese partner entity on the temporary activities;
- (3) Proof of lawful sources of funds for the temporary activities and an executed bank statement;

(4) Other relevant documents as required by the registration authority.

Temporary activities shall not exceed one year in duration. Where there is a genuine need for an extension, the filing for recordation shall be renewed.

Chapter III — Regulation of Activities

Article 17 — When carrying out activities within the territory of China, overseas non-governmental organizations shall comply with the provisions of this Law and shall not commit any of the following acts:

- (1) Endangering national security or undermining ethnic solidarity or public interests;
- (2) Illegally engaging in political activities or illegally engaging in religious activities;
- (3) Establishing branch offices or making other organizations their branch offices without authorization;
- (4) Recruiting members or purchasing funds or property from within the territory of China without authorization;
- (5) Enticing, coercing, or bribing state organ personnel to perform or omit to perform any act in relation to the organization's activities;
- (6) Other acts prohibited by laws and regulations.

Article 18 — Where a representative office of an overseas non-governmental organization intends to change its name, chief representative, place of office, or scope of activities, it shall apply for a change in registration within 30 days from the date of the change in the relevant matters.

Article 19 — The activities carried out by a representative office of an overseas non-governmental organization within the territory of China shall comply with Chinese laws and regulations and the provisions of the organization's charter, and shall be subject to the guidance of the professional supervisory unit and the supervision of the registration authority and public security organs.

Article 20 — The activities of a representative office of an overseas non-governmental organization within the territory of China shall not exceed the scope of activities as registered, and the office shall use the name as registered. A representative office shall not conduct fundraising activities or accept donations from within the territory of China. A representative office may accept donations from within the territory of China if permitted to do so by the State Council, provided that the donations are exclusively used for public welfare undertakings.

Article 21 — All funds and property used by an overseas non-governmental organization for its activities within the territory of China shall come from lawful sources. An overseas non-governmental organization shall open a bank account and manage its funds in accordance with the provisions of the relevant laws and administrative regulations of China, and shall conduct its transactions through the bank account opened in accordance with the provisions of this Law.

Article 22 — A representative office of an overseas non-governmental organization shall implement the unified accounting system of the State, employ accounting personnel qualified under Chinese laws, and conduct accounting in accordance with the law. If a representative office of an overseas non-governmental organization has no accounting personnel qualified under Chinese laws, it shall engage an accounting firm that meets the statutory conditions to carry out the accounting work.

Article 23 — Overseas non-governmental organizations shall submit annual activity reports to the professional supervisory unit and the registration authority in accordance with the relevant state provisions and accept the annual inspection by the professional supervisory unit.

Article 24 — Overseas non-governmental organizations and their representative offices shall not plan or sponsor, and their staff members shall not organize or participate in, any activities that endanger national

security or ethnic solidarity, undermine national religious policy, or impair public interests.

Chapter IV — Facilitation Measures

Article 25 — The relevant departments of the people's governments at or above the county level shall, in accordance with the law, provide necessary facilitation and services for overseas non-governmental organizations that carry out activities within the territory of China in accordance with the law.

Article 26 — Where a representative office of an overseas non-governmental organization needs to employ staff within the territory of China, the employment shall be handled in accordance with the relevant laws and administrative regulations. The Chinese staff employed by the representative office shall be recruited through an intermediary organization designated by the relevant department of the State Council or the provincial people's government.

Article 27 — Where an overseas non-governmental organization needs to bring in or transport in materials for use in its activities within the territory of China, the matter shall be handled in accordance with the relevant laws and administrative regulations of China.

Article 28 — Overseas non-governmental organizations shall be given convenience in entry, exit, and residence by the relevant authorities if they meet the conditions for entry, exit, and residence as prescribed by Chinese laws.

Chapter V — Supervision and Administration

Article 29 — The professional supervisory unit shall be responsible for the following matters in supervising and administrating representative offices of overseas non-governmental organizations and temporary activities filed for recordation:

- (1) Guiding and supervising overseas non-governmental organizations and their representative offices in carrying out activities in accordance with the law;
- (2) Assisting the registration authority and other relevant departments in investigating and dealing with any illegal acts of overseas non-governmental organizations and their representative offices;
- (3) Conducting the annual inspection of representative offices of overseas non-governmental organizations;
- (4) Other matters prescribed by laws and regulations.

Article 30 — The registration authority shall perform the following supervisory and administrative duties:

- (1) Examining and handling applications for the registration, change in registration, and annual activity reports of representative offices of overseas non-governmental organizations;
- (2) Examining and handling the filing for recordation of temporary activities of overseas non-governmental organizations;
- (3) Interviewing the chief representative and other principal responsible persons of representative offices of overseas non-governmental organizations;
- (4) Investigating and punishing, in accordance with the law, any violations of laws and regulations by representative offices of overseas non-governmental organizations and by temporary activities of overseas non-governmental organizations;
- (5) Other supervisory and administrative duties prescribed by laws and regulations.

Article 31 — Public security organs shall perform the following duties:

- (1) Investigating and punishing overseas non-governmental organizations and their representative offices that endanger national security or commit other criminal offenses within the territory of China;

- (2) Supervising and administering the representative offices of overseas non-governmental organizations in accordance with the law;
- (3) Taking necessary measures against overseas non-governmental organizations and their representative offices that violate the provisions of this Law;
- (4) Other duties prescribed by laws and regulations.

Article 32 — The relevant departments of the State Council and the relevant departments of provincial-level people's governments shall, within the scope of their respective functions and duties, supervise and administer the activities of representative offices of overseas non-governmental organizations in accordance with the law.

Article 33 — The State security departments, departments of foreign affairs, departments of finance, financial supervision and regulation departments, customs, tax authorities, and the departments of foreign experts affairs shall, within the scope of their respective functions and duties, supervise and administer representative offices of overseas non-governmental organizations and their activities in accordance with the law.

Article 34 — The registration authority shall, in conjunction with the relevant departments, establish mechanisms for coordination in the supervision and administration of, and cooperation in the investigation and punishment of, overseas non-governmental organizations.

Chapter VI — Legal Liability

Article 35 — Where an overseas non-governmental organization, without having established a representative office, carries out temporary activities within the territory of China without filing for recordation, the registration authority shall order it to cease such activities and may impose a fine, and may also confiscate property. Where the circumstances are serious, the relevant departments may, in accordance with the law, impose restrictions on entry or order the departure of the relevant persons.

Article 36 — Where a representative office of an overseas non-governmental organization engages in any of the following activities, the registration authority shall give it a warning or order it to cease such activities, or may also impose a fine or temporarily suspend its activities, and confiscate its illegal property:

- (1) Changing registered matters without authorization;
- (2) Engaging in activities without an annual inspection or failing to pass the annual inspection;
- (3) Accepting donations or conducting fundraising activities within the territory of China in violation of the provisions of this Law;
- (4) Failing to implement the State's unified accounting system, or employing accounting personnel, or failing to carry out accounting, in violation of the provisions of this Law;
- (5) Failing to open or use a bank account in accordance with the provisions of this Law;
- (6) Other acts in violation of the provisions of this Law.

Article 37 — Where a representative office of an overseas non-governmental organization commits any of the following acts, the registration authority shall revoke its registration certificate, confiscate its illegal property, and may also impose a fine:

- (1) Endangering national security, undermining ethnic solidarity, or impairing public interests;
- (2) Illegally engaging in political activities, or illegally engaging in religious activities;
- (3) Establishing branch offices without authorization;
- (4) Recruiting members within the territory of China without authorization;

(5) Other acts that constitute serious violations of laws and regulations.

Article 38 — Where an overseas non-governmental organization or its representative office is ordered to cease its activities or has its registration certificate revoked, the registration authority shall make a public announcement. The overseas non-governmental organization that established the office shall handle the outstanding matters. Where a representative office fails to handle outstanding matters within the prescribed time limit, the registration authority may dispose of the relevant matters in accordance with the law.

Article 39 — Where an overseas non-governmental organization, without having established a representative office or filed for recordation in accordance with the law, carries out or covertly carries out activities within the territory of China, the public security organ or the relevant department shall ban such activities, confiscate its illegal property, and impose on the directly responsible persons a warning, short-term detention, or a fine.

Article 40 — Where an overseas non-governmental organization violates any law or regulation by carrying out activities within the territory of China, and the circumstances are serious, the relevant departments may impose restrictions on entry or order the departure of the relevant persons.

Article 41 — Where any Chinese entity or individual, in violation of the provisions of this Law, provides support or facilitation for the unlawful activities of an overseas non-governmental organization within the territory of China, the registration authority or the public security organ shall confiscate the illegal property, give a warning, and may also impose a fine or detain the relevant person.

Article 42 — Where a staff member of a relevant department, in the administration of the activities of overseas non-governmental organizations within the territory of China, abuses his or her power, neglects his or her duties, or engages in malpractice for personal gain, sanctions shall be imposed in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter VII — Supplementary Provisions

Article 43 — The specific meanings of the following terms in this Law:

(1) "Overseas non-governmental organizations within the territory of China carrying out activities" means that overseas non-governmental organizations carry out activities by establishing representative offices within the territory of China or by carrying out temporary activities within the territory of China without establishing representative offices;

(2) "Temporary activities" means activities that are short-term, with a specific project orientation and are carried out in cooperation with a Chinese partner entity.

Article 44 — Where overseas schools, hospitals, science and engineering technology research institutions, or academic organizations have established corresponding organizations within the territory of China that have legal personality, the administration of their activities within the territory of China shall be governed by the relevant laws and administrative regulations of China.

Article 45 — Representative offices of overseas non-governmental organizations and overseas non-governmental organizations that carry out temporary activities within the territory of China shall not recruit members, develop or establish branch organizations, or proceed with any similar acts within the territory of China.

Article 46 — Where Chinese-foreign cooperative educational institutions, Chinese-foreign cooperative joint research institutions, and overseas foundations that establish representative offices within the territory of China involve matters that are not covered by Chinese laws and regulations, the relevant provisions of this Law may be referred to.

Article 47 — The specific administrative measures for representative offices of overseas non-governmental organizations, the specific measures for temporary activities, and the system of registration and administration shall be stipulated separately by the State Council.

Article 48 — This Law shall apply to the activities of relevant non-governmental organizations from the Hong Kong Special Administrative Region, the Macao Special Administrative Region, and the Taiwan region within the mainland.

Article 49 — This Law shall take effect on January 1, 2017.

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