

Law of the PRC on the Procedure for the Conclusion of Treaties

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Article 1 — This Law is formulated in accordance with the Constitution for the purpose of regulating the procedure for the conclusion of treaties and agreements.

Article 2 — This Law applies to the conclusion of bilateral or multilateral treaties, agreements, and other instruments of a treaty nature between the People's Republic of China and foreign states.

Article 3 — The State Council of the People's Republic of China, that is, the Central People's Government, shall conclude treaties and agreements with foreign states.

The Standing Committee of the National People's Congress shall decide on the ratification and abrogation of treaties and important agreements concluded with foreign states.

The President of the People's Republic of China shall, in accordance with the decisions of the Standing Committee of the National People's Congress, ratify and abrogate treaties and important agreements concluded with foreign states.

The Ministry of Foreign Affairs shall, under the leadership of the State Council, administer the specific affairs concerning the conclusion of treaties and agreements with foreign states.

Article 4 — The People's Republic of China shall conclude treaties and agreements with foreign states in the name of:

- (1) the People's Republic of China;
- (2) the Government of the People's Republic of China; and
- (3) the government departments of the People's Republic of China.

Article 5 — The decision on the procedure for negotiating and signing treaties and agreements shall be made in accordance with the following provisions:

- (1) to negotiate and sign a treaty or agreement in the name of the People's Republic of China, the Ministry of Foreign Affairs or the department concerned under the State Council shall, in conjunction with the Ministry of Foreign Affairs, make a proposal, which shall be submitted to the State Council for examination and decision;
- (2) to negotiate and sign a treaty or agreement in the name of the Government of the People's Republic of China, the Ministry of Foreign Affairs or the department concerned under the State Council shall, in conjunction with the Ministry of Foreign Affairs, make a proposal, which shall be submitted to the State Council for examination and decision; and
- (3) to negotiate and sign an agreement in the name of a government department of the People's Republic of China, the department concerned under the State Council shall make the decision; however, where the content of the agreement involves major interests, the matter shall be submitted to the State Council for decision.

Article 6 — The following treaties and agreements shall be subject to ratification by the Standing Committee of the National People's Congress:

- (1) treaties of friendship and cooperation, treaties of peace, and other treaties of a political nature;
- (2) treaties and agreements relating to territory and the delimitation of boundaries;
- (3) treaties and agreements relating to judicial assistance and extradition;
- (4) treaties and agreements containing provisions inconsistent with the laws of the People's Republic of China;
- (5) treaties and agreements whose ratification has been agreed upon by the contracting parties; and
- (6) other treaties and agreements that shall be subject to ratification by the Standing Committee of the National People's Congress.

Article 7 — Treaties and agreements other than those listed in Article 6 of this Law that, according to the procedure for the conclusion of treaties and agreements, are concluded in the name of the Government of the People's Republic of China or a government department of the People's Republic of China shall be subject to approval by the State Council.

The procedure for the approval of treaties and agreements shall be prescribed by the State Council.

Article 8 — The treaties and agreements listed in Article 6 of this Law shall, after being examined and approved by the State Council, be submitted by the State Council to the Standing Committee of the National People's Congress for decision on ratification.

The treaties and agreements whose ratification has been decided upon by the Standing Committee of the National People's Congress shall be ratified by the President of the People's Republic of China in accordance with the decision of the Standing Committee of the National People's Congress.

The instruments of ratification shall be signed by the President of the People's Republic of China and countersigned by the Minister of Foreign Affairs.

Article 9 — The treaties and agreements subject to approval by the State Council as listed in Article 7 of this Law shall be approved by decision of the State Council.

The instruments of approval shall be signed by the Premier of the State Council or the Minister of Foreign Affairs, or by the heads of the departments concerned under the State Council.

Article 10 — Where the exchange of instruments of ratification or approval is required, the diplomatic formalities for the exchange of instruments of ratification or approval shall be handled by the Ministry of Foreign Affairs; with respect to agreements concluded by a department concerned under the State Council, the diplomatic formalities for the exchange of the instruments of approval shall be handled by the Ministry of Foreign Affairs in conjunction with the department concerned under the State Council.

Article 11 — Accession to multilateral treaties and agreements shall be decided upon by the Standing Committee of the National People's Congress or the State Council in accordance with the provisions of this Law.

The instruments of accession shall be signed by the Minister of Foreign Affairs. The specific formalities for accession shall be handled by the Ministry of Foreign Affairs.

Article 12 — Acceptance of multilateral treaties and agreements shall be decided upon by the Standing Committee of the National People's Congress or the State Council in accordance with the provisions of this Law.

Article 13 — The deposit of the instruments of ratification, approval, acceptance, or accession of multilateral treaties and agreements shall be handled by the Ministry of Foreign Affairs.

Article 14 — Treaties and agreements concluded by the People's Republic of China with foreign states shall be registered with the Secretary-General of the United Nations by the Ministry of Foreign Affairs in accordance with the relevant provisions.

Article 15 — The texts of treaties and agreements concluded by the People's Republic of China with foreign states shall be published in accordance with the provisions of the State Council; those required by law to be kept confidential shall be excluded.

Article 16 — The Chinese texts of treaties and agreements shall be preserved by the Ministry of Foreign Affairs or the departments concerned under the State Council, and shall be handled in accordance with the relevant provisions.

Article 17 — Amendments or modifications to treaties and agreements shall be made in accordance with the procedures prescribed by this Law for the conclusion of treaties and agreements.

Article 18 — The withdrawal from, or denunciation of, a treaty or agreement shall be decided upon by the Standing Committee of the National People's Congress or the State Council in accordance with the provisions of this Law.

Article 19 — Where a treaty or agreement is concluded in two or more languages, the texts in the various languages shall be equally authentic.

Article 20 — The original copies of treaties and agreements shall be preserved by the Ministry of Foreign Affairs or the departments concerned under the State Council.

Article 21 — This Law shall enter into force as of the date of promulgation.

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