Law on the Administration of Activities of Overseas NGOs in China of the PRC

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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 regulating and guiding the activities of overseas non-governmental organizations within the territory of China, protecting their lawful rights and interests, and promoting exchange and cooperation between China and the rest of the world.

Article 2 — This Law shall apply to the activities carried out by overseas non-governmental organizations within the territory of China.

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For the purpose of this Law, overseas non-governmental organizations (hereinafter referred to as "overseas NGOs") refer to non-profit, non-governmental social organizations, such as foundations, social groups, and think tanks, which have been legally established outside the mainland territory of China.

Article 3 — Overseas NGOs may, in accordance with this Law, engage in activities in areas such as the economy, education, science and technology, culture, public health, sports, and environmental protection, as well as in poverty relief, disaster relief, and other areas that are conducive to the public interest.

Article 4 — Overseas NGOs that carry out activities within the territory of China shall comply with Chinese laws and shall not endanger national unity, security, or ethnic solidarity, nor shall they prejudice the national interests of China, the public interest, or the lawful rights and interests of citizens, legal persons, and other organizations.

Overseas NGOs shall not engage in or sponsor for-profit activities, political activities, or religious activities within the territory of China.

Article 5 — Overseas NGOs that lawfully carry out activities within the territory of China shall enjoy the protection of the law.

Article 6 — The public security departments of the people's governments at or above the county level shall be the competent authorities for the registration and administration of the representative offices established by overseas NGOs and of the filing of their temporary activities (hereinafter referred to as the "registration administrative authorities").

The relevant departments of the people's governments at or above the county level, such as those responsible for the economy, education, science and technology, culture, public health, sports, environmental protection, poverty relief, and disaster relief, shall be the professional supervisory units for the activities of overseas NGOs within the territory of China (hereinafter referred to as the "professional supervisory units"), and shall be responsible for providing professional supervisory opinions on the establishment of representative offices and the filing of temporary activities by overseas NGOs within the territory of China.

The relevant departments listed in the preceding paragraph and the relevant state organs, such as the state security departments, the foreign affairs departments, and the financial departments, shall, within the scope of their respective duties, be responsible for the administration of the activities of overseas NGOs within the territory of China in accordance with the law.

Article 7 — The state shall establish a coordination mechanism for the administration of the activities of overseas NGOs within the territory of China, which shall be responsible for studying, coordinating, and resolving major issues in the administration of the activities of overseas NGOs within the territory of China.

Article 8 — The state shall commend and reward overseas NGOs and their representative offices that have made outstanding contributions to the public interest undertakings in China.

Chapter II — Representative Offices

Article 9 — An overseas NGO that meets the following conditions may, based on its business scope, its geographic area of activities, and its needs, apply for the registration and establishment of a representative office within the territory of China:

(1) It was lawfully established outside the mainland territory of China;

(2) It is capable of independently assuming civil liability;

(3) Its purposes and scope of activities as set forth in its charter are conducive to the public interest;

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(4) It has been in existence outside the mainland territory of China for two or more years and has carried out substantive activities;

(5) Other conditions as prescribed by laws and administrative regulations.

An overseas NGO may, based on its business scope, its geographic area of activities, and its needs, apply to establish one or more representative offices within the territory of China. Multiple overseas NGOs may not jointly apply for the establishment of a representative office.

Article 10 — To apply for the establishment of a representative office, an overseas NGO shall first obtain the consent of the professional supervisory unit.

The applicant shall submit the application for the establishment of a representative office to the registration administrative authority within 30 days of receiving the consent of the professional supervisory unit. The registration administrative authority shall examine the application and make a decision on whether to approve the registration within 60 days. If the registration is approved, a registration certificate shall be issued and the matter shall be announced to the public. If the registration is not approved, the applicant shall be notified in writing, with the reasons therefor.

Article 11 — When applying for the registration and establishment of a representative office, an overseas NGO shall submit the following documents to the registration administrative authority:

(1) An application form;

(2) Documents certifying that the organization was lawfully established outside the mainland territory of China;

(3) Its charter;

(4) The identity documents and curriculum vitae of the proposed chief representative of the representative office;

(5) A certificate of consent for the establishment issued by the professional supervisory unit;

(6) Documents evidencing its domicile within the territory of China and proof of its funding sources.

If the documents listed in the preceding paragraph are not in the Chinese language, a Chinese translation shall be attached. The registration administrative authority may, if necessary, organize an expert assessment of the overseas NGO.

Article 12 — The representative office shall be named by prefixing the name of the overseas NGO with "Representative Office in [place name]" or "Representative Office in China."

After its establishment, the representative office shall retain its name as registered. During its existence, the representative office shall not use the name of the representative office registered by another overseas NGO.

Article 13 — Any change in the name, chief representative, domicile, professional supervisory unit, business scope, or geographic area of activities of the representative office shall be subject to the consent of the professional supervisory unit and shall be registered for the change with the registration administrative authority within 30 days from the date of obtaining such consent.

If the overseas NGO itself changes its name, purposes, scope of activities, responsible person, or domicile, the representative office shall register the change with the registration administrative authority within 30 days from the date of the change.

Article 14 — Under any of the following circumstances, the registration administrative authority shall cancel the registration certificate of the representative office and announce the cancellation:

(1) The overseas NGO revokes its representative office;

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(2) The overseas NGO ceases to exist;

(3) The registration certificate of the representative office is revoked in accordance with the law, or the representative office is ordered to be closed down in accordance with the law;

(4) Other circumstances under which the registration shall be canceled according to the law.

The representative office whose registration certificate has been canceled shall no longer engage in any activities in the name of the representative office. The overseas NGO shall be responsible for handling the remaining affairs of the representative office.

Article 15 — The representative office shall, within 30 days after its establishment, file its seal style, bank account, and other information with the registration administrative authority for the record.

Any change in the filed matters shall be filed for the record within 30 days from the date of the change.

Article 16 — The representative office shall, before December 31 of each year, submit its annual work report for the current year to the professional supervisory unit, which shall issue its opinions thereon. The representative office shall then submit the report, together with the opinions of the professional supervisory unit, to the registration administrative authority before January 31 of the following year for annual inspection.

The annual work report shall include information such as the personnel and institutional changes of the representative office, the funds received and used, the activities carried out within the territory of China, and suggestions for exchange and cooperation.

Article 17 — The representative office shall carry out activities under the name registered. It shall use Chinese and English (or the national language of the country where the overseas NGO is located) equally in all activities carried out within the territory of China.

Article 18 — Unless otherwise provided for by law, the representative office and its employees shall not engage in activities that harm national security or the public interest.

Chapter III — Temporary Activities

Article 19 — An overseas NGO that has not established a representative office within the territory of China and needs to carry out temporary activities within the territory of China shall obtain the approval of the professional supervisory unit and file with the registration administrative authority in accordance with the law. The term of a temporary activity shall not exceed one year. If there is a need to extend the term, a new filing shall be made.

The filing for temporary activities shall not be used as a basis for fund-raising or membership development activities.

Article 20 — When filing for temporary activities, an overseas NGO shall submit the filing form and the following documents to the registration administrative authority:

(1) Documents certifying the lawful establishment of the overseas NGO outside the mainland territory of China;

(2) A written agreement for cooperation with the Chinese partner;

(3) Activity plans, including the name, purposes, geographic area, duration, and projected scope of the temporary activities;

(4) The amount and sources of funds for the activities.

The Chinese partner shall be a state organ, a people's organization, a public institution, a social organization, a foundation, or a private non-enterprise entity lawfully established within the territory of China. The Chinese partner shall be responsible for submitting the filing documents to the registration administrative

authority and handling matters related to the temporary activities.

Article 21 — The overseas NGO that carries out temporary activities shall inform the registration administrative authority of the commencement and completion of the activities. The Chinese partner shall report the use of funds and other relevant information to the registration administrative authority within 30 days after the completion of the activities.

Article 22 — The professional supervisory unit and the registration administrative authority shall supervise the temporary activities of overseas NGOs in accordance with the law.

Chapter IV — Regulation of Activities

Article 23 — Where an overseas NGO carries out activities within the territory of China by cooperating with a Chinese partner, the Chinese partner shall report the matter to the professional supervisory unit for filing, and shall report the use of funds and other relevant information to the registration administrative authority within 30 days after the activities end.

Article 24 — The representative office and the overseas NGO that carries out temporary activities shall not recruit members within the territory of China, unless otherwise provided for by the State Council.

Article 25 — The representative office and the overseas NGO that carries out temporary activities shall not obtain, use, or transfer funds or property by fraud, coercion, or bribery, or by any other illegal means.

Article 26 — The representative office and the overseas NGO that carries out temporary activities shall not establish a branch within the territory of China, unless otherwise provided for by the State Council.

Article 27 — The representative office and the overseas NGO that carries out temporary activities shall not make expenditures for purposes other than those registered or filed.

Article 28 — The representative office shall, when carrying out activities within the territory of China, use Chinese funds in RMB accounts in accordance with the law and shall accept the supervision of the relevant departments.

Article 29 — The representative office shall publicly disclose its annual work report, financial reports, and information on the use of raised funds in accordance with the law.

Article 30 — Where a representative office needs to raise funds within the territory of China for its lawfully carried-out activities, it shall comply with the relevant provisions of the state, and the Chinese partner with which it cooperates shall be responsible for the management of the funds.

Article 31 — The representative office and the Chinese partner shall jointly be responsible for the lawfulness of the activities carried out jointly in China, and the Chinese partner shall report the activities according to the regulations.

Chapter V — Facilitation Measures

Article 32 — The people's governments at or above the county level shall provide necessary facilitation and policy support for the lawful activities carried out by overseas NGOs within the territory of China.

Article 33 — The representative office may, in accordance with the law, enjoy tax preferences and other preferential policies.

Article 34 — Employees of the representative office shall, in accordance with the relevant laws and administrative regulations, go through the formalities for employment, residence, and other procedures.

The chief representative and representatives of the representative office shall, when carrying out activities within the territory of China, comply with the provisions of Chinese laws and administrative regulations on employment and residence.

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Article 35 — The representative office shall not employ Chinese employees who have not obtained the corresponding qualifications as required.

Article 36 — The representative office and the overseas NGO that carries out temporary activities shall open a bank account in accordance with the provisions of the state and conduct accounting and fund management in accordance with the law.

Article 37 — The representative office that lawfully carries out activities shall not publicize or disseminate information that endangers national security or harms the public interest.

Chapter VI — Supervision

Article 38 — The registration administrative authority shall be responsible for the annual inspection of the representative office and may consult its activity reports and financial reports. If any illegal activity is discovered, the registration administrative authority shall investigate and deal with it in accordance with the law.

Article 39 — The professional supervisory unit shall be responsible for supervising the activities of the overseas NGO in accordance with the law, guiding it in carrying out activities in compliance with the law, and cooperating with the public security department and other relevant departments in investigating and dealing with any illegal activities of the overseas NGO.

Article 40 — Where an overseas NGO is suspected of violating this Law, the registration administrative authority may interview the chief representative of its representative office, the person in charge of the temporary activities, or the legal representative of the Chinese partner, and may request the provision of relevant information in a timely manner.

Article 41 — If it is necessary for investigating an overseas NGO that is suspected of violating this Law, the public security organ may examine the relevant documents, materials, and physical objects, seal or seize relevant sites, properties, or articles, and inquire about the bank accounts of the representative office or the Chinese partner.

Upon approval by the responsible person of the public security organ at or above the level of a city divided into districts, the public security organ may freeze the funds in the bank accounts suspected of being involved in illegal activities, and may order the suspected overseas NGO to temporarily cease its activities within the territory of China.

Article 42 — The state security, foreign affairs, financial, taxation, customs, and other relevant departments shall, within the scope of their respective duties, supervise the representative offices, temporary activities, and the Chinese partners of overseas NGOs in accordance with the law.

Article 43 — No entity or individual may conceal or destroy evidence involved in a case of illegal activity by an overseas NGO, or provide false information to obstruct the investigation conducted by the public security organ or other relevant departments in accordance with the law.

Chapter VII — Legal Liability

Article 44 — Where an overseas NGO carries out activities within the territory of China without registering a representative office or filing for temporary activities in accordance with the law, the registration administrative authority shall announce the matter and order it to cease its activities. The public security organ may detain the persons responsible for the overseas NGO, and may seal or seize the properties involved in the illegal activities.

Article 45 — Where a representative office or an overseas NGO that carries out temporary activities commits any of the following acts, the registration administrative authority shall issue a warning and order it to cease the illegal act. If the circumstances are serious, the registration certificate of the representative office may be

revoked, or the overseas NGO may be ordered to cease its temporary activities, and the matter shall be announced to the public:

(1) Engaging in activities beyond its registered or filed purposes, business scope, or geographic area of activities;

(2) Recruiting members within the territory of China in violation of the law;

(3) Using or transferring funds or property by fraud, coercion, or bribery, or by any other illegal means;

(4) Obtaining the registration certificate or filing for temporary activities by providing false materials or by any other fraudulent means;

(5) Establishing a branch within the territory of China in violation of the law;

(6) Engaging in or sponsoring for-profit activities, political activities, or religious activities;

(7) Obtaining, using, or transferring funds or property entrusted to it by unlawful means, or failing to manage funds in accordance with the registered or filed purposes, business scope, or geographic area of activities;

(8) Obstructing the lawful performance of duties by the registration administrative authority or other relevant departments;

(9) Other acts in violation of this Law.

Article 46 — Where the representative office or the overseas NGO that carries out temporary activities endangers national security, undermines national unity, or harms the public interest through its activities, the registration administrative authority shall revoke the registration certificate of the representative office or order the overseas NGO to cease its temporary activities, and shall announce the matter to the public. The public security organ shall investigate the legal liability of the directly responsible persons in charge and other directly responsible persons, and may deport them if they are foreign nationals.

Where the circumstances constitute a crime, criminal liability shall be investigated in accordance with the law.

Article 47 — Where a representative office or an overseas NGO that carries out temporary activities is ordered to cease its activities or has its registration certificate revoked, the overseas NGO shall not establish a representative office or carry out temporary activities within the territory of China within five years.

Article 48 — Where a Chinese partner, in cooperation with an overseas NGO, commits any of the following acts, the relevant departments shall impose penalties in accordance with the law and regulations; if the circumstances constitute a crime, criminal liability shall be investigated in accordance with the law:

(1) Carrying out cooperation with an overseas NGO that has not registered a representative office or filed for temporary activities;

(2) Carrying out cooperation that exceeds the registered or filed scope of the representative office or the temporary activities;

(3) Accepting entrustment or financial support from an overseas NGO to carry out activities without authorization, or failing to manage funds in accordance with the agreement;

(4) Concealing or destroying evidence involved in a case of illegal activity, or providing false information;

(5) Other acts in violation of this Law.

Article 49 — Where a representative office is ordered to cease its activities within the territory of China or has its registration certificate revoked, the registration administrative authority shall notify the relevant departments, and the relevant departments shall, in accordance with the law, revoke the relevant permits, cancel the relevant registration, and close the bank accounts of the representative office.

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Article 50 — Where a representative office is ordered to cease its activities or has its registration certificate revoked, the overseas NGO shall handle the liquidation, cancellation, and other matters within the time limit prescribed by the registration administrative authority. If the overseas NGO fails to handle the matters within the time limit, the registration administrative authority may, after making an announcement, directly cancel the registration.

Article 51 — Where an overseas NGO is unsatisfied with the decision of the registration administrative authority to reject its application for registration, to refuse to accept its filing, or to impose an administrative penalty on it, it may apply for an administrative reconsideration or file an administrative lawsuit in accordance with the law.

Chapter VIII — Supplementary Provisions

Article 52 — Where a representative office of an overseas NGO has already been established within the territory of China before this Law takes effect, it shall, within one year from the effective date of this Law, register in accordance with this Law. If it fails to register within the time limit, it may not continue to carry out activities in the name of the representative office.

Article 53 — Where there are special provisions in the law on the administration of the activities of overseas schools, hospitals, scientific research institutions, or academic institutions in natural science and engineering technology within the territory of China, such special provisions shall prevail.

Article 54 — This Law shall not apply to the cooperation and exchange activities between Chinese and foreign social organizations, foundations, social service agencies, and their foreign counterparts carried out in accordance with the relevant provisions of the state.

Article 55 — This Law shall take effect on January 1, 2017.

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