

Organic Law of the State Council 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 in accordance with the Constitution for the purpose of improving the organization and work system of the State Council and safeguarding and regulating the exercise of its functions and powers.

Article 2 — The State Council of the People's Republic of China, namely the Central People's Government, is the executive organ of the highest state organ of power and the highest state administrative organ.

Article 3 — The State Council shall uphold the leadership of the Communist Party of China, adhere to the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the Theory of Three Represents, the Scientific Outlook on Development, and Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, resolutely implement the decisions and arrangements of the Central Committee of the Communist Party of China, implement the principle of democratic centralism, and exercise its functions and powers in accordance with the Constitution and laws.

Article 4 — The State Council shall be responsible and report on its work to the National People's Congress; when the National People's Congress is not in session, it shall be responsible and report on its work to the Standing Committee of the National People's Congress. The State Council shall act within the scope of the functions and powers prescribed by the Constitution and laws.

Chapter II — Composition and Functions and Powers

Article 5 — The State Council shall be composed of the Premier, Vice-Premiers, State Councilors, the Ministers in charge of ministries and commissions, the Governor of the People's Bank of China, the Auditor-General, and the Secretary-General. The State Council shall implement the Premier responsibility system. The Premier shall direct the work of the State Council. The Vice-Premiers and State Councilors shall assist the Premier in his or her work. The State Councilors, as entrusted by the Premier, shall be responsible for work in certain areas or for special tasks, and may represent the State Council in conducting foreign affairs.

Article 6 — The State Council shall exercise the following functions and powers: (1) to adopt administrative measures, formulate administrative regulations, and issue decisions and orders in accordance with the Constitution and laws; (2) to submit proposals to the National People's Congress or its Standing Committee; (3) to define the tasks and responsibilities of the ministries and commissions and to exercise unified leadership over the work of the ministries and commissions and to direct all other administrative work of a national character that does not fall within the jurisdiction of the ministries and commissions; (4) to exercise unified leadership over the work of local organs of state administration at various levels throughout the country, and to define the detailed division of functions and powers between the Central Government and the state administrative organs of provinces, autonomous regions, and municipalities directly under the Central Government; (5) to draw up and implement the plan for national economic and social development and the state budget; (6) to direct and administer economic work, urban and rural development, and ecological civilization construction; (7) to direct and administer education, science, culture, health, sports, and family planning work; (8) to direct and administer civil affairs, public security, judicial administration, and other work; (9) to administer foreign affairs and conclude treaties and agreements with foreign states; (10) to direct and administer the building of national defense; (11) to direct and administer ethnic affairs and safeguard the equal rights of minority ethnic groups and the right to autonomy of ethnic autonomous areas; (12) to protect the legitimate rights and interests of overseas Chinese and protect the lawful rights and interests of returned overseas Chinese and the family members of overseas Chinese; (13) to alter or annul inappropriate orders, directives, and regulations issued by the ministries or commissions; (14) to alter or annul inappropriate decisions and orders issued by local organs of state administration at various levels; (15) to approve the geographic division of provinces, autonomous regions, and municipalities directly under the Central Government, and to approve the establishment and geographic division of autonomous prefectures, counties, autonomous counties, and cities; (16) to decide, in accordance with the law, on the entry of a province, autonomous region, or municipality directly under the Central Government into a state of emergency; (17) to examine and decide on the staff size of administrative organs and, in accordance with the law, appoint or remove, train, evaluate, and award or punish administrative personnel; and (18) to exercise such other functions and powers as the National People's Congress or its Standing Committee may assign to it.

Article 7 — The ministries and commissions of the State Council shall exercise the functions and powers prescribed by laws and administrative regulations. The State Council may, based on work needs and the principle of optimization, coordination, and efficiency, and in accordance with the provisions of the State Council Organization Law, decide to establish, abolish, or merge the various ministries and commissions of the State Council, provided that such actions shall be subject to approval by the National People's Congress or its Standing Committee in accordance with the law.

Chapter III — Rules of Procedure

Article 8 — The plenary meetings of the State Council shall be composed of all members of the State Council. The executive meetings of the State Council shall be composed of the Premier, Vice-Premiers, State Councilors, and the Secretary-General. The Premier shall convene and preside over the plenary meetings and executive meetings of the State Council. Important issues in the work of the State Council shall be discussed and decided by the executive meetings or plenary meetings of the State Council.

Article 9 — The State Council shall establish a system of meetings, and its plenary meetings and executive meetings shall discuss and decide on major issues in the work of the State Council. The State Council shall, in accordance with the law, report to the National People's Congress or its Standing Committee and accept its supervision.

Article 10 — The Premier of the State Council shall sign the administrative regulations, decisions, and orders issued by the State Council, as well as the proposals submitted to the National People's Congress or its Standing Committee, and the appointments and removals of personnel. The ministers in charge of ministries and commissions shall sign the orders, directives, and regulations issued by the ministries and commissions.

Chapter IV — Supplementary Provisions

Article 11 — This Law shall enter into force on March 11, 2024. The Organic Law of the State Council of the People's Republic of China adopted on December 10, 1982 shall be repealed simultaneously.

Disclaimer: This English translation is provided for informational and reference purposes only. While every effort has been made to ensure accuracy and completeness, this translation is not an official or legally binding version of the Organic Law of the State Council of the People's Republic of China. The official Chinese text as promulgated by the National People's Congress shall prevail in all legal matters. Readers should consult qualified legal professionals for advice on specific legal issues. Dan Young Business Consultancy makes no representations or warranties, express or implied, regarding the accuracy, completeness, or fitness for a particular purpose of this translation.