Regulations of the PRC on Procedures for Formulating Administrative Regulations

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Chapter I — General Provisions

Article 1 — These Regulations are formulated, in accordance with the relevant provisions of the Constitution, the Legislation Law and the Organic Law of the State Council, for the purpose of standardizing the procedures for formulating administrative regulations and ensuring the quality of administrative regulations.

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Article 2 — These Regulations apply to the project initiation, drafting, review, decision, promulgation and interpretation of administrative regulations.

Article 3 — In formulating administrative regulations, the leadership of the Communist Party of China shall be upheld, and the Party's lines, principles, policies, decisions and arrangements shall be implemented.

In formulating administrative regulations, the provisions of the Constitution and laws shall be complied with, and the guiding ideology and principles established by the Legislation Law shall be followed.

Article 4 — Where supporting administrative regulations for laws on political affairs are formulated, a timely report shall be made to the CPC Central Committee in accordance with the relevant provisions.

Where important administrative regulations involving major institutional and major policy adjustments in economic, cultural, social and ecological-civilization and other fields are formulated, the draft administrative regulations or the major issues involved in the draft administrative regulations shall be reported to the CPC Central Committee in a timely manner in accordance with the relevant provisions.

Article 5 — In formulating administrative regulations, the new development philosophy shall be implemented completely, accurately and comprehensively; development and security shall be coordinated; attention shall be paid to the coordination of legislation with reform, development and stability; attention shall be paid to safeguarding and promoting social fairness and justice; the law-based business environment shall be optimized; high-quality development and high-level opening up shall be served; a law-based government shall be built; and the modernization of the national governance system and governance capacity shall be advanced.

Article 6 — In formulating administrative regulations, scientific, democratic and law-based legislation shall be upheld, and the systematic, holistic, coordinated and timely nature of legislation shall be enhanced.

Article 7 — In formulating administrative regulations, the needs of reform shall be accommodated, and the relevant reforms shall be guided, advanced, standardized and safeguarded.

Article 8 — For administrative regulations urgently needed for the overall work of the Party and the State and eagerly expected by the people, with a single scope of adjustment and no major disputes among the relevant parties, a rapid response shall be made, work methods shall be optimized, and the relevant legislative work shall be accelerated.

Article 9 — Administrative regulations shall be prepared without redundancy, with rigorous logic, clear and specific provisions, accurate and concise wording, and operability.

Chapter II — Project Initiation

Article 10 — The State Council shall, at the beginning of each year, prepare the annual legislative work plan.

The legal affairs department of the State Council shall, in accordance with the overall work arrangements of the State, draft the annual legislative work plan of the State Council, and publish it to the public after reporting to the CPC Central Committee and the State Council for approval.

Article 11 — Where the relevant departments of the State Council consider it necessary to formulate administrative regulations, they shall, before the State Council prepares its annual legislative work plan, apply to the State Council for project initiation.

The relevant departments of the State Council shall implement the decisions and arrangements of the CPC Central Committee and the State Council, and submit project-initiation applications that are needed in practice and for which the legislative timing is ripe.

The legal affairs department of the State Council shall publicly solicit suggestions for administrative-regulation formulation projects from the public.

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Article 12 — Where the relevant departments of the State Council submit applications for initiating administrative-regulation projects, they shall state the Party's lines, principles, policies, decisions and arrangements on which they are based, the necessity and feasibility of the legislative project, the main problems to be solved, the main institutions to be established and their expected implementation effects, the relevant risk assessments and preventive and response measures, and the work already carried out.

Article 13 — When drafting the annual legislative work plan of the State Council, the legal affairs department of the State Council shall, in light of the maturity and urgency of legislative projects, highlight key fields, emerging fields and foreign-related fields, make overall plans and take all factors into consideration, and strengthen evaluation and demonstration.

Administrative-regulation projects included in the annual legislative work plan of the State Council shall meet the following requirements:

(1) implement the Party's lines, principles, policies, decisions and arrangements, and meet the needs of reform, development and stability;

(2) the relevant reform practical experience is basically mature, and the timing for legislation is ripe;

(3) the problems to be solved fall within the functions and powers of the State Council and are matters requiring the State Council to formulate administrative regulations, matters authorized by the National People's Congress and its Standing Committee to the State Council for formulating administrative regulations, or matters requiring the formulation of administrative regulations for implementing the provisions of laws;

(4) where it is planned to be included in the legislative projects for which review is to be completed in the current year, the draft administrative regulations submitted for review (hereinafter referred to as the "submitted-for-review draft") shall have already been submitted to the State Council, and the relevant parties have no major disputes over the main institutions provided in the submitted-for-review draft.

Article 14 — The relevant departments of the State Council undertaking the drafting tasks shall strictly implement the legislative work plan, work promptly, and submit the submitted-for-review draft to the State Council as required; before submitting it to the State Council, they shall submit it to the legal affairs department of the State Council for preliminary evaluation. The legal affairs department of the State Council shall put forward preliminary evaluation opinions. The drafting departments shall seriously study and handle them, and, in the materials submitted to the State Council, explain the handling of the preliminary evaluation opinions.

The legal affairs department of the State Council shall promptly track and understand the implementation of the annual legislative work plan of the State Council by all departments of the State Council, strengthen organization, coordination, supervision and guidance, and make overall arrangements to advance the implementation of the legislative work plan.

The annual legislative work plan of the State Council may be adjusted during implementation in light of actual circumstances.

Article 15 — Where documents drafted by the relevant departments of the State Council and submitted to the State Council for approval and issuance involve legislative projects, the opinions of the legal affairs department of the State Council shall be solicited.

Chapter III — Drafting

Article 16 — Administrative regulations shall be drafted under the organization of the State Council. The annual legislative work plan of the State Council determines that administrative regulations shall be drafted by one department or several departments of the State Council specifically responsible for the drafting work, and may also determine that they shall be drafted or organized to be drafted by the legal affairs department

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of the State Council.

Article 17 — In drafting administrative regulations, the provisions of Articles 3 through 7 of these Regulations shall be complied with, and the following requirements shall be met:

(1) promote the core socialist values and forge a strong sense of community for the Chinese nation;

(2) embody the spirit of comprehensively deepening reform, scientifically standardize administrative acts, and safeguard the government's performance of its functions such as economic regulation, market supervision, social management, public services and ecological-environmental protection;

(3) conform to the principle of optimization, coordination and efficiency, with the same or similar functions provided to be undertaken by one administrative organ, and administrative procedures simplified;

(4) genuinely safeguard the lawful rights and interests of citizens, legal persons and other organizations, and, while providing for the obligations they shall perform, also provide for their corresponding rights and the channels for ensuring the realization of such rights;

(5) embody the principle of unifying the functions and powers and responsibilities of administrative organs, and, while granting the necessary functions and powers to the relevant administrative organs, also provide for the conditions and procedures for exercising such functions and powers and the responsibilities to be borne;

(6) adhere to a problem-oriented approach and follow the laws of economic and social development.

Article 18 — In drafting administrative regulations, whole-process people's democracy shall be upheld and developed, and the channels for the people's orderly participation in legislation shall be expanded. The drafting departments shall conduct in-depth investigation and research through multiple means, summarize practical experience, and broadly hear the opinions of the relevant organs, organizations and citizens. In drafting administrative regulations closely related to the production and business activities of business entities, the opinions of the relevant enterprises, industry associations and chambers of commerce shall be heard. Opinions may be heard through various forms such as holding forums, demonstration meetings and hearings.

In drafting administrative regulations involving hot and difficult issues of common public concern and prominent contradictions encountered in economic and social development, or major interest-adjustment matters that reduce the rights of citizens, legal persons and other organizations or increase their obligations and have a significant impact on the people, demonstration and consultation shall be conducted.

In drafting administrative regulations, the drafting departments shall publish the draft administrative regulations and their explanations to the public to solicit opinions; however, where the publication is decided by the State Council not to be made due to national security or emergency circumstances, it is excepted. The period for publishing to the public to solicit opinions shall generally be no less than 30 days.

In drafting highly specialized administrative regulations, the drafting departments may absorb experts in the relevant fields to participate in the drafting work, or entrust the drafting to relevant experts, teaching and research institutions, or social organizations.

Article 19 — In drafting administrative regulations, the drafting departments shall fully consult with the relevant departments on provisions involving the functions and responsibilities of other departments or closely related to other departments; where the provisions involve the division of departmental functions and responsibilities, administrative licensing, fiscal support or preferential tax policies, the consent of the relevant departments such as those responsible for establishment and staffing, finance and taxation shall be obtained.

The drafting departments shall strengthen the evaluation of the timing of legislation and the expected implementation effects of legislation, maintain consistency with the macro-policy orientation, and pay

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attention to reducing the burden on grassroots levels.

Article 20 — In drafting administrative regulations, the drafting departments shall propose solutions to major issues involving the relevant management systems, policies and other matters requiring decision by the State Council, and report them to the State Council for decision.

Article 21 — The submitted-for-review draft reported by the drafting departments to the State Council shall be signed by the principal responsible person of the drafting departments.

Where drafting administrative regulations involves the common functions and responsibilities of several departments and requires joint drafting, the drafting shall be carried out jointly, and the submitted-for-review draft shall be jointly reported after reaching a consensus. The submitted-for-review draft jointly drafted by several departments shall be jointly signed by the principal responsible persons of those departments.

Article 22 — When the drafting departments submit the submitted-for-review draft to the State Council for review, they shall also submit the explanation of the submitted-for-review draft and the relevant materials. Where administrative regulations are amended, the comparison text before and after the amendment shall also be submitted.

The explanation of the submitted-for-review draft shall include the following: the necessity and feasibility of legislation, the main ideas, and the main institutions established; the situation of soliciting the opinions of the relevant organs, organizations and citizens, the different opinions of all parties on the main issues of the submitted-for-review draft and the coordination and handling thereof; the situation of the administrative licensing and administrative compulsory measures planned to be established, cancelled or adjusted; and the risk assessment and preventive and response measures.

The relevant materials mainly include: the Party's lines, principles, policies, decisions and arrangements on which they are based; the actual situation and relevant data of the regulated field, the main problems existing in practice, and the coordination and connection with the relevant administrative regulations; the demonstration materials for the administrative licensing and administrative compulsory measures planned to be established, cancelled or adjusted; the relevant evaluation reports; and investigation reports, inspection reports and relevant domestic and foreign legislative materials.

Chapter IV — Review

Article 23 — The submitted-for-review draft reported to the State Council shall be reviewed by the legal affairs department of the State Council. The legal affairs department of the State Council shall improve the government legislative review system and enhance the quality and efficiency of review.

The legal affairs department of the State Council shall review the submitted-for-review draft mainly from the following aspects:

(1) whether the Party's lines, principles, policies, decisions and arrangements are strictly implemented, whether the provisions of the Constitution and laws are complied with, and whether the guiding ideology and principles established by the Legislation Law are followed;

(2) whether the requirements of Article 17 of these Regulations are met;

(3) whether it is coordinated and connected with the relevant administrative regulations;

(4) whether the opinions of the relevant organs, organizations and citizens on the main issues of the submitted-for-review draft are correctly handled;

(5) other contents requiring review.

Article 24 — Where the submitted-for-review draft falls under any of the following circumstances, the legal affairs department of the State Council may postpone handling or return it, and notify the drafting

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departments in writing:

(1) the basic conditions for formulating the administrative regulation are not yet mature or have undergone major changes;

(2) the relevant departments have major disputes over the main institutions provided in the submitted-for-review draft;

(3) the drafting departments have not obtained the consent of the relevant departments such as those responsible for establishment and staffing, finance and taxation on provisions involving the division of departmental functions and responsibilities, administrative licensing, fiscal support or preferential tax policies;

(4) public solicitation of opinions has not been carried out in accordance with the relevant provisions of these Regulations;

(5) the submitted-for-review draft and other materials do not conform to the provisions of Articles 14 and 20 through 22 of these Regulations.

Article 25 — The legal affairs department of the State Council shall send the submitted-for-review draft or the main issues involved in the submitted-for-review draft to the relevant departments of the State Council, local people's governments, relevant organizations and experts to solicit opinions. The relevant departments of the State Council and local people's governments shall provide written opinions within the prescribed time limit and affix the seal of the unit or its general office. Where the legal affairs department of the State Council considers that the submitted-for-review draft involves constitutional-review issues, it shall solicit the opinions of the relevant working body of the Standing Committee of the National People's Congress.

The legal affairs department of the State Council may publish the submitted-for-review draft or the revised draft and their explanations to the public to solicit opinions. The period for publishing to the public to solicit opinions shall generally be no less than 30 days.

Article 26 — The legal affairs department of the State Council shall, with respect to the main issues involved in the submitted-for-review draft, conduct in-depth on-site investigation and research at the grassroots level and hear the opinions of the relevant grassroots organs, organizations and citizens.

Article 27 — Where the submitted-for-review draft involves major interest adjustments, the legal affairs department of the State Council shall conduct demonstration and consultation and broadly hear the opinions of the relevant parties. Demonstration and consultation may be conducted through various forms such as forums, demonstration meetings, hearings and entrusted research.

Where the submitted-for-review draft involves major interest adjustments or major differences of opinion, has a relatively large impact on the rights and obligations of citizens, legal persons or other organizations, and is of common public concern, the legal affairs department of the State Council may hold hearings to hear the opinions of the relevant organs, organizations and citizens.

Article 28 — Where the relevant departments of the State Council have different opinions on the main institutions, policies, management systems, division of functions and powers involved in the submitted-for-review draft, the legal affairs department of the State Council shall coordinate with a view to reaching a consensus. With respect to important legislative matters with relatively large disputes, the legal affairs department of the State Council may entrust relevant experts, teaching and research institutions or social organizations to conduct evaluation.

Where a consensus cannot be reached after full coordination, the legal affairs department of the State Council and the drafting departments shall promptly report the main disputed issues, the opinions of the relevant departments and the opinions of the legal affairs department of the State Council to the leaders of the State Council for coordination, or report them to the State Council for decision.

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Article 29 — The legal affairs department of the State Council shall seriously study the opinions of all parties, and, after consultation with the drafting departments, revise the submitted-for-review draft to form the draft administrative regulation and its explanation.

Article 30 — The draft administrative regulation shall be submitted by the principal responsible person of the legal affairs department of the State Council with a proposal for deliberation at an executive meeting of the State Council; with respect to draft administrative regulations with a single scope of adjustment and unanimous opinions of all parties, or supporting administrative regulations formulated on the basis of laws, the method of transmission for approval may be adopted, under which the legal affairs department of the State Council directly submits them to the State Council for examination and approval.

Chapter V — Decision and Promulgation

Article 31 — Draft administrative regulations shall be deliberated at an executive meeting of the State Council, or examined and approved by the State Council.

When an executive meeting of the State Council deliberates a draft administrative regulation, the legal affairs department of the State Council or the drafting departments shall make an explanation.

Article 32 — The legal affairs department of the State Council shall, in accordance with the deliberation opinions of the State Council on the draft administrative regulation, revise the draft administrative regulation to form a revised draft, and submit it to the Premier for signature to issue a State Council order for promulgation and implementation.

The State Council order signing and promulgating the administrative regulation shall state the implementation date of the administrative regulation.

Article 33 — After an administrative regulation is signed and promulgated, it shall be promptly published in the Gazette of the State Council, on the China Government Legal Information Network and in newspapers distributed nationwide. The legal affairs department of the State Council shall promptly compile and publish the official state version of the administrative regulation and include it in the national administrative-regulation database.

The text of an administrative regulation published in the Gazette of the State Council shall be the standard text.

Article 34 — Administrative regulations shall take effect 30 days after the date of promulgation; however, those involving national security, foreign exchange rates and the determination of monetary policy, and those whose delayed implementation after promulgation would impede their implementation, may take effect from the date of promulgation.

Article 35 — Administrative regulations shall be reported by the General Office of the State Council to the Standing Committee of the National People's Congress for record within 30 days after promulgation.

Chapter VI — Interpretation of Administrative Regulations

Article 36 — Administrative regulations shall be interpreted by the State Council under any of the following circumstances:

(1) where the provisions of an administrative regulation need to be further clarified as to their specific meaning;

(2) where new circumstances arise after the formulation of an administrative regulation and the basis for applying the administrative regulation needs to be clarified.

The legal affairs department of the State Council shall study and draft the interpretation draft of the administrative regulation, and, after reporting to the State Council for consent, it shall be promulgated by the

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State Council or by the relevant departments of the State Council authorized by the State Council.

The interpretation of an administrative regulation shall have the same effect as the administrative regulation itself.

Article 37 — The departments of the State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government may submit requests for interpretation of administrative regulations to the State Council.

Article 38 — With respect to issues concerning the specific application of administrative regulations in administrative work, where the legal affairs departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government and the legal affairs bodies of the relevant departments of the State Council request interpretation from the legal affairs department of the State Council, the legal affairs department of the State Council may study and reply; where major issues are involved, the legal affairs department of the State Council shall put forward opinions and reply after reporting to the State Council for consent.

Chapter VII — Other Provisions

Article 39 — Administrative regulations are generally named "regulations," and may also be named "provisions," "measures," and the like. Administrative regulations formulated by the State Council pursuant to authorization decisions of the National People's Congress and its Standing Committee shall be named "interim regulations" or "interim provisions."

Rules formulated by the departments of the State Council and local people's governments shall not be named "regulations."

Article 40 — Administrative regulations may, as needed by their content, be divided into chapters, sections, articles, paragraphs, items and subitems. The serial numbers of chapters, sections and articles shall be expressed in Chinese numerals in sequence; paragraphs shall not be numbered; the serial numbers of items shall be expressed in Chinese numerals with parentheses in sequence; and the serial numbers of subitems shall be expressed in Arabic numerals in sequence.

Article 41 — Where administrative regulations expressly require the formulation of supporting specific provisions for special matters, the relevant departments of the State Council shall formulate the provisions within one year from the date the administrative regulation takes effect; where the administrative regulation provides otherwise for the time limit for formulating the supporting specific provisions, such provisions shall prevail. Where the relevant departments of the State Council fail to formulate the supporting specific provisions within the time limit, they shall explain the circumstances to the State Council.

Article 42 — The State Council may, in light of economic and social development and the needs of comprehensively deepening reform, decide to authorize the temporary adjustment or temporary suspension of the application of certain provisions of administrative regulations within a prescribed time limit and scope for specific matters in administrative management and other fields.

The relevant departments of the State Council shall, together with the relevant local people's governments, promptly evaluate and assess the temporary adjustment or temporary suspension of the application of administrative regulations. Where practice has proved the adjustment feasible and the relevant administrative regulations need to be amended, it shall be handled in accordance with legislative procedures; where practice has proved the adjustment unsuitable and the relevant provisions of the administrative regulations need to be restored, the relevant departments of the State Council shall submit a request to the State Council for decision.

Article 43 — The legal affairs department of the State Council shall, in light of the needs of comprehensively deepening reform, economic and social development, and the provisions of higher-level law, promptly

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organize the cleanup of administrative regulations after reporting to the State Council for consent. The relevant departments of the State Council may, in light of work needs, submit suggestions for the cleanup of administrative regulations to the legal affairs department of the State Council.

Administrative regulations that do not meet the needs of comprehensively deepening reform and economic and social development, or that do not conform to the provisions of higher-level law, shall be promptly amended or abolished.

Article 44 — The legal affairs department of the State Council or the relevant departments of the State Council may organize post-legislation evaluation of the relevant administrative regulations or the relevant provisions of administrative regulations, and use the evaluation results as important reference for amending or abolishing the relevant administrative regulations.

Article 45 — The amendment and abolishment procedures of administrative regulations shall apply the relevant provisions of these Regulations.

Where an administrative regulation is amended, the new text of the administrative regulation shall be published.

Where an administrative regulation is abolished, except where its abolishment is provided by a law or another administrative regulation, it shall be promulgated by the Premier signing a State Council order.

Article 46 — The official foreign-language translations and ethnic-language texts of administrative regulations shall be examined and finalized by the legal affairs department of the State Council.

Article 47 — The drafting of draft laws prepared by the State Council for submission to the National People's Congress or its Standing Committee for deliberation shall be handled with reference to the relevant provisions of these Regulations.

Chapter VIII — Supplementary Provisions

Article 48 — These Regulations shall take effect on July 1, 2026.

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