Regulations on the Administration of Registration of Social Organizations of the PRC

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Chapter I — General Provisions

Article 1 — These Regulations are enacted for the purposes of safeguarding the lawful rights and interests of citizens to form associations, strengthening the registration and administration of social organizations, and promoting the healthy and orderly development of social organizations.

Article 2 — The term "social organization" as used in these Regulations refers to non-profit social organizations voluntarily formed by Chinese citizens for the purpose of realizing the common will of their members and conducting activities in accordance with their articles of association. State organs other than

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those prescribed by the state shall not join social organizations as entities.

Article 3 — The formation of a social organization shall be subject to the examination and consent of its competent professional authority, and shall be registered in accordance with the provisions of these Regulations. Social organizations shall have the status of legal persons. Social organizations that are not registered in accordance with the provisions of these Regulations shall not carry out activities in the name of a social organization.

Article 4 — Social organizations must abide by the Constitution, laws, regulations, and state policies, and shall not oppose the basic principles established by the Constitution, shall not endanger the unification, security, or ethnic solidarity of the state, shall not harm state interests, public interests, or the lawful rights and interests of other organizations and citizens, and shall not violate social morality. Social organizations shall not engage in profit-making business activities.

Article 5 — The state shall protect the lawful activities of social organizations conducted in accordance with their articles of association. No other organization or individual may illegally interfere.

Chapter II — Competent Authorities

Article 6 — The civil affairs department under the State Council and the civil affairs departments of the local people's governments at or above the county level shall be the registration and administration authorities for social organizations within their respective administrative regions.

Article 7 — The relevant departments of the State Council and the relevant departments of the local people's governments at or above the county level, and organizations authorized by the State Council or the people's governments at or above the county level, shall be the competent professional authorities for social organizations in the relevant industries, disciplines, or business scopes.

Article 8 — State organs and organizations that have been specifically authorized by the relevant administrative regulations may, as competent professional authorities, be responsible for the pre-examination of applications for the formation of social organizations.

Chapter III — Formation and Registration

Article 9 — To apply for the formation of a social organization, the promoters shall, upon examination and consent of the competent professional authority, submit the relevant documents to the registration and administration authority for preparatory work. The registration and administration authority shall make a decision on approval or disapproval of the preparatory work within 60 days from the date of receiving all the valid documents.

Article 10 — The formation of a social organization shall meet the following conditions: (1) having 50 or more individual members or 30 or more entity members; where individual members and entity members are both present, the total number of members shall be not less than 50; (2) having a standardized name and corresponding organizational structure; (3) having a fixed domicile; (4) having full-time staff members appropriate to its business activities; (5) having lawful assets and sources of funds; a nationwide social organization shall have activity funds of not less than RMB 100,000, and a local social organization or a social organization that operates across administrative regions shall have activity funds of not less than RMB 30,000; (6) having the capacity to independently assume civil liability.

Article 11 — The following documents shall be submitted for the application for formation of a social organization: (1) an application for preparatory work; (2) the approval document of the competent professional authority; (3) a capital verification report and a certificate of the ownership or right of use of the domicile; (4) the basic information and identity certificates of the promoters and the proposed responsible persons; (5) a draft of the articles of association.

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Article 12 — Upon completion of the preparatory work, the promoters shall apply to the registration and administration authority for formation registration. The registration and administration authority shall, within 30 days from the date of receiving the application for formation registration, make a decision on approval or disapproval of the registration.

Article 13 — Under any of the following circumstances, the registration and administration authority shall not approve the registration: (1) there is evidence showing that the purpose or business scope of the social organization for which registration is applied does not conform to the provisions of Article 4 hereof; (2) a social organization in the same or a similar business scope already exists within the same administrative region, and there is no necessity to form a new one; (3) the promoters or the proposed responsible persons are under criminal punishment or have been deprived of political rights; (4) the preparatory work is not completed within the approved preparatory period; (5) other circumstances under which registration shall not be approved as provided for by laws or administrative regulations.

Article 14 — Where a social organization establishes branches or representative offices, it shall, upon examination and consent of the competent professional authority, apply to the registration and administration authority for registration in accordance with the relevant provisions. The branches and representative offices of a social organization are not legal persons and shall carry out activities within the scope authorized by the social organization in accordance with its articles of association. The civil liability of a social organization's branches and representative offices shall be borne by the social organization.

Article 15 — The registration items of a social organization shall include: name; domicile; purpose, business scope, and area of activities; legal representative; activity funds; competent professional authority. The articles of association of a social organization shall be formulated in accordance with the model text prescribed by the civil affairs department under the State Council.

Article 16 — Where a social organization that has been registered in accordance with the law obtains the status of a legal person upon formation registration, the registration and administration authority shall issue a Registration Certificate of a Social Organization as a Legal Person. A social organization shall, based on the registration certificate, engrave a seal and open a bank account. The social organization shall report the form of the seal and the bank account number to the registration and administration authority for the record.

Chapter IV — Change and Deregistration

Article 17 — Where any registered item of a social organization is to be changed, the social organization shall, within 30 days from the date on which the competent professional authority examines and approves the change, apply to the registration and administration authority for a change of registration.

Article 18 — Where a social organization intends to be dissolved, it shall, upon examination and consent of the competent professional authority, and after completing the liquidation process, apply to the registration and administration authority for deregistration. Upon deregistration, the social organization shall submit its registration certificate, seal, and financial vouchers to the registration and administration authority. The registration and administration authority shall announce the deregistration.

Article 19 — Where a social organization is dissolved or revoked, its remaining assets after liquidation shall be disposed of in the manner prescribed by the articles of association, and shall not be distributed to any individual.

Chapter V — Supervision and Administration

Article 20 — The registration and administration authority shall perform the following supervision and administration functions: (1) taking charge of the formation, change, and deregistration of social organizations; (2) exercising supervision and inspection over the activities of social organizations; (3) imposing administrative penalties on social organizations that violate these Regulations.

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Article 21 — The competent professional authority shall perform the following supervision and administration functions: (1) taking charge of pre-examination of applications for the formation, change, and deregistration of social organizations; (2) supervising and guiding social organizations in complying with the Constitution, laws, regulations, and state policies, and in conducting activities in accordance with their articles of association; (3) taking charge of the annual inspection of social organizations; (4) assisting the registration and administration authority and other relevant departments in investigating and addressing illegal activities of social organizations; (5) guiding the liquidation of social organizations in conjunction with the relevant departments.

Article 22 — The source of funds of a social organization must be lawful, and no entity or individual may embezzle, privately divide, or misappropriate the assets of a social organization.

Article 23 — A social organization must implement the financial management system prescribed by the state, accept the supervision of the financial department; where there are donations or subsidies from sources other than membership fees, it shall also accept the supervision of the audit authorities.

Chapter VI — Legal Liability

Article 24 — Where a social organization, in the course of its preparatory work or in conducting activities, commits any of the following acts, the registration and administration authority shall issue a warning, order it to cease its activities or to make rectification, and may revoke its registration: (1) altering, leasing, or lending the Registration Certificate of a Social Organization as a Legal Person, or leasing or lending the seal of the social organization; (2) conducting activities beyond the purposes and business scope prescribed by its articles of association; (3) refusing to accept supervision and inspection, or failing to accept supervision and inspection in accordance with the provisions; (4) failing to undergo a change of registration in accordance with the provisions; (5) establishing branches or representative offices without authorization; (6) engaging in profit-making business activities; (7) embezzling, privately dividing, or misappropriating the assets of the social organization or the donated assets it receives; (8) violating relevant state provisions by collecting fees, raising funds, or accepting donations or subsidies.

Article 25 — Where a social organization that has not been registered or has had its registration revoked carries out activities in the name of a social organization without authorization, the registration and administration authority shall ban it and confiscate its illegal assets; where the act constitutes a crime, criminal liability shall be pursued in accordance with the law; where the act does not constitute a crime, public security administration penalties shall be imposed in accordance with the law.

Article 26 — Where staff members of the registration and administration authority or the competent professional authority abuse their powers, neglect their duties, or commit malpractice for personal gain, and the act constitutes a crime, criminal liability shall be pursued in accordance with the law; where the act does not constitute a crime, an administrative sanction shall be imposed in accordance with the law.

Chapter VII — Supplementary Provisions

Article 27 — The Registration Certificate of a Social Organization as a Legal Person shall be formulated by the civil affairs department under the State Council. Fees for the registration and annual inspection of social organizations shall be collected in accordance with the fee rates prescribed by the financial department and the pricing department of the State Council.

Article 28 — The State Council shall separately prescribe the measures for the administration of foundations. These Regulations shall not apply to foundations.

Article 29 — These Regulations shall come into force on the date of their promulgation. The Regulations on the Administration of Registration of Social Organizations approved by the State Council on September 5, 1989 and promulgated by the Ministry of Civil Affairs on October 13, 1989 shall be repealed simultaneously.

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