Regulations on the Procedures for the Formulation of Administrative Regulations of the PRC

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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 regulating the procedures

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for the formulation of administrative regulations and ensuring the quality of administrative regulations.

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

Article 3 — The formulation of administrative regulations shall adhere to the leadership of the Communist Party of China and implement the Party's line, principles, policies, decisions and arrangements.

The formulation of administrative regulations shall conform to the provisions of the Constitution and laws, and follow the guiding ideology and principles established by the Legislation Law.

Article 4 — Where supporting administrative regulations for laws in the political field are formulated, they shall be reported to the Central Committee of the Party in a timely manner in accordance with the relevant provisions.

Where important administrative regulations involving major institutional and major policy adjustments in the economic, cultural, social, 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 Central Committee of the Party 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 coordinating 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, legislation shall be carried out in a scientific, democratic and law-based manner, 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 relevant reforms shall be guided, promoted, regulated and safeguarded.

Article 8 — For administrative regulations that are urgently needed by the overall work of the Party and the state and eagerly awaited by the people, with a single scope of adjustment and no major disputes among the relevant parties, responses shall be swift, working methods optimized, and the relevant legislative work accelerated.

Article 9 — Administrative regulations shall be comprehensive yet concise, logically rigorous, with 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 legislative work plan for the year.

The rule-of-law affairs department of the State Council shall, in accordance with the overall work arrangements of the state, formulate the annual legislative work plan of the State Council, and publish it to the public after reporting to the Central Committee of the Party and the State Council for approval.

Article 11 — Where a relevant department of the State Council deems it necessary to formulate an administrative regulation, it shall, before the State Council prepares the annual legislative work plan, submit a project initiation application to the State Council.

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

The rule-of-law affairs department of the State Council shall openly solicit proposals for administrative regulation formulation projects from the public.

Article 12 — In submitting an application for the project initiation of an administrative regulation, a relevant department of the State Council shall state the Party's line, principles, policies, decisions and arrangements on which it is based, the necessity and feasibility of the legislative project, the main problems to be solved, the main systems to be established and their expected implementation effects, the relevant risk assessment and preventive and response measures, and the work already carried out.

Article 13 — In formulating the annual legislative work plan of the State Council, the rule-of-law 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 with due consideration, and strengthen assessment and demonstration.

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

(1) implementing the Party's line, principles, policies, decisions and arrangements, and accommodating the needs of reform, development and stability;

(2) the relevant reform practice and experience are basically mature, and the legislative timing is mature;

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

(4) where the project is planned to be included in the legislative projects for completion of review within the year, the draft administrative regulation for review (hereinafter referred to as the "draft for review") shall have already been submitted to the State Council, and there shall be no major disputes among the relevant parties over the main systems prescribed in the draft for review.

Article 14 — The relevant department of the State Council undertaking the drafting task shall strictly implement the legislative work plan, work promptly, and submit the draft for review to the State Council in accordance with the requirements; before submitting it to the State Council, it shall send it to the rule-of-law affairs department of the State Council for preliminary assessment. The rule-of-law affairs department of the State Council shall put forward preliminary assessment opinions. The drafting department shall carefully study and handle the opinions, and shall explain, in the materials submitted to the State Council, how the preliminary assessment opinions have been studied and handled.

The rule-of-law affairs department of the State Council shall track and understand in a timely manner the implementation of the annual legislative work plan of the State Council by the departments of the State Council, strengthen organization, coordination, supervision and guidance, and advance the implementation of the legislative work plan in a coordinated manner.

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

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

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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 shall determine whether the drafting of an administrative regulation is specifically undertaken by one or several departments of the State Council, or may determine that it is drafted by or under the organization of the rule-of-law affairs department 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) carrying forward the core socialist values and fostering a strong sense of community for the Chinese nation;

(2) reflecting the spirit of comprehensively deepening reform, scientifically regulating administrative acts, and ensuring that the government performs such functions as economic regulation, market supervision, social management, public services and ecological environment protection;

(3) conforming to the principles of optimization, coordination and efficiency, with the same or similar functions prescribed to be undertaken by one administrative organ, and administrative management procedures simplified;

(4) effectively safeguarding the lawful rights and interests of citizens, legal persons and other organizations, and, while prescribing the obligations they shall perform, prescribing their corresponding rights and the channels for safeguarding the realization of such rights;

(5) reflecting the principle of the unity of the functions and powers and responsibilities of administrative organs, and, while granting the relevant administrative organs the necessary functions and powers, prescribing the conditions and procedures for exercising such functions and powers and the responsibilities they shall bear; and

(6) adhering to a problem-oriented approach and following 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 to participate in legislation in an orderly manner shall be expanded. The drafting department shall conduct in-depth investigation and research through various means, summarize practical experience, and broadly listen to 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 and industry associations and chambers of commerce shall be heard. Opinions may be solicited through such various forms as symposiums, demonstration meetings and hearings.

In drafting administrative regulations involving hot and difficult issues of widespread public concern and prominent contradictions encountered in economic and social development, which reduce the rights or increase the obligations of citizens, legal persons and other organizations, or which involve major interest adjustment matters with important impact on the people, demonstration and consultation shall be conducted.

In drafting administrative regulations, the drafting department shall publish the draft administrative regulations and their explanations to the public to solicit opinions; however, where national security is involved or emergency circumstances arise, publication may be omitted upon decision of the State Council. The period for public solicitation of opinions shall generally be no fewer than 30 days.

In drafting administrative regulations of a highly specialized nature, the drafting department may involve experts in the relevant fields in the drafting work, or entrust relevant experts, teaching and research institutions or social organizations with the drafting.

Article 19 — In drafting administrative regulations, the drafting department shall fully consult with the relevant departments on provisions involving the duties of other departments or closely related to other departments;

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where the provisions involve the division of departmental duties, administrative licensing, financial support or preferential tax policies, the consent of the relevant departments such as the institutional establishment, finance and taxation departments shall be obtained.

The drafting department shall strengthen the assessment of the legislative timing and the expected implementation effects of the legislation, maintain consistency with the orientation of macroeconomic policies, and pay attention to reducing the burden on grassroots levels.

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

Article 21 — The draft for review submitted by the drafting department to the State Council shall be signed by the principal person in charge of the drafting department.

Where the drafting of an administrative regulation involves the joint duties of several departments and requires joint drafting, it shall be jointly drafted, and the draft for review shall be jointly submitted after consensus is reached. The draft for review jointly drafted by several departments shall be jointly signed by the principal persons in charge of those departments.

Article 22 — When submitting the draft for review to the State Council for review, the drafting department shall also submit the explanation of the draft for review and the relevant materials. Where an administrative regulation is amended, the comparison text before and after the amendment shall also be submitted.

The explanation of the draft for review shall include the following contents: the necessity and feasibility of the legislation, the main approaches, and the main systems established; the solicitation of opinions from the relevant organs, organizations and citizens, the differing opinions of various parties on the main issues of the draft for review and how they have been coordinated and handled; the planned establishment, cancellation or adjustment of administrative licensing and administrative compulsory measures; and the risk assessment and preventive and response measures.

The relevant materials mainly include: the Party's line, principles, policies, decisions and arrangements on which it is based; the actual situation and relevant data of the field being regulated, the main problems existing in practice, and the coordination and connection with the relevant administrative regulations; the demonstration materials for the planned establishment, cancellation or adjustment of administrative licensing and administrative compulsory measures; the relevant assessment reports; and investigation reports, inspection reports, and relevant domestic and foreign legislative materials.

Chapter IV — Review

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

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

(1) whether it strictly implements the Party's line, principles, policies, decisions and arrangements, whether it conforms to the provisions of the Constitution and laws, and whether it follows the guiding ideology and principles established by the Legislation Law;

(2) whether it meets the requirements of Article 17 of these Regulations;

(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 draft for review have been correctly handled; and

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(5) other contents requiring review.

Article 24 — Under any of the following circumstances with respect to the draft for review, the rule-of-law affairs department of the State Council may postpone handling or return it, and shall notify the drafting department in writing:

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

(2) there are major disputes among the relevant departments over the main systems prescribed in the draft for review;

(3) the drafting department has failed to obtain the consent of the relevant departments such as the institutional establishment, finance and taxation departments on provisions involving the division of departmental duties, administrative licensing, financial support or preferential tax policies;

(4) public solicitation of opinions was not conducted in accordance with the relevant provisions of these Regulations; or

(5) the submission of the draft for review and other materials does not conform to Articles 14 and 20 through 22 of these Regulations.

Article 25 — The rule-of-law affairs department of the State Council shall send the draft for review or the main issues involved in the draft for review to the relevant departments of the State Council, local people's governments, relevant organizations, experts and other parties to solicit opinions. The relevant departments of the State Council and local people's governments shall provide written opinions within the prescribed time limit, affixed with the seal of their own unit or the office of their own unit. Where the rule-of-law affairs department of the State Council deems that constitutional review issues are involved in the draft for review, it shall solicit the opinions of the relevant working bodies of the Standing Committee of the National People's Congress.

The rule-of-law affairs department of the State Council may publish the draft for review or the amended draft and their explanations to the public to solicit opinions. The period for public solicitation of opinions shall generally be no fewer than 30 days.

Article 26 — The rule-of-law affairs department of the State Council shall, with respect to the main issues involved in the draft for review, conduct on-the-spot investigation and research at the grassroots level, and listen to the opinions of grassroots organs, organizations and citizens.

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

Where the draft for review 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 widespread public concern, the rule-of-law affairs department of the State Council may hold hearings to listen to the opinions of the relevant organs, organizations and citizens.

Article 28 — Where the relevant departments of the State Council have differing opinions on the main systems, policies, management systems or division of functions and powers involved in the draft for review, the rule-of-law affairs department of the State Council shall coordinate and strive to reach consensus. For important legislative matters with relatively major disputes, the rule-of-law affairs department of the State Council may entrust relevant experts, teaching and research institutions or social organizations to conduct assessment.

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Where consensus cannot be reached after full coordination, the rule-of-law affairs department of the State Council and the drafting department shall promptly report the main issues in dispute, the opinions of the relevant departments and the opinions of the rule-of-law affairs department of the State Council to the State Council leadership for coordination, or report them to the State Council for decision.

Article 29 — The rule-of-law affairs department of the State Council shall carefully study the opinions of all parties and, after consultation with the drafting department, amend the draft for review to form the draft administrative regulation and the explanation of the draft.

Article 30 — The principal person in charge of the rule-of-law affairs department of the State Council shall put forward the suggestion of submitting the draft administrative regulation to the executive meeting of the State Council for deliberation; for supporting draft administrative regulations with a single scope of adjustment, unanimous opinions among all parties, or formulated in accordance with laws, the method of circulating for approval may be adopted, whereby the rule-of-law 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 by the executive meeting of the State Council or examined and approved by the State Council.

When the executive meeting of the State Council deliberates a draft administrative regulation, the rule-of-law affairs department of the State Council or the drafting department shall provide the explanation.

Article 32 — The rule-of-law affairs department of the State Council shall, in accordance with the deliberation opinions of the State Council on the draft administrative regulation, amend the draft administrative regulation to form the revised draft, and submit it to the Premier for signing a State Council decree for promulgation and implementation.

The State Council decree signing and promulgating an administrative regulation shall specify the effective date of the administrative regulation.

Article 33 — After an administrative regulation is signed and promulgated, it shall be published in a timely manner in the Gazette of the State Council, on the China Government Legal Information Network, and in newspapers distributed nationwide. The rule-of-law affairs department of the State Council shall promptly compile and publish the official national 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 come into force 30 days after the date of promulgation; however, where national security, foreign exchange rates or the determination of monetary policy is involved, or where failure to implement the administrative regulation immediately after promulgation would hinder its implementation, it may come into force from the date of promulgation.

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

Chapter VI — Interpretation of Administrative Regulations

Article 36 — Under any of the following circumstances with respect to an administrative regulation, it shall be interpreted by the State Council:

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

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

The rule-of-law affairs department of the State Council shall study and draft the interpretation draft of the administrative regulation and, after obtaining the consent of the State Council, the interpretation shall be published by the 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.

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 — For issues concerning the specific application of administrative regulations in administrative work, where the rule-of-law affairs departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government and the rule-of-law institutions of the relevant departments of the State Council request interpretation from the rule-of-law affairs department of the State Council, the rule-of-law affairs department of the State Council may study the matter and reply; where major issues are involved, the rule-of-law affairs department of the State Council shall put forward opinions and, after obtaining the consent of the State Council, reply.

Chapter VII — Miscellaneous Provisions

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

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

Article 40 — Administrative regulations may, in light of the needs of their content, be divided into chapters, sections, articles, paragraphs, items and sub-items. The numbering of chapters, sections and articles shall be expressed sequentially in Chinese numerals; paragraphs shall not be numbered; items shall be numbered sequentially with Chinese numerals in parentheses; and sub-items shall be numbered sequentially with Arabic numerals.

Article 41 — Where an administrative regulation expressly requires the formulation of supporting specific provisions for special matters, the relevant departments of the State Council shall formulate such provisions within one year from the date on which the administrative regulation comes into force; where the administrative regulation provides otherwise for the time limit for formulating 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 the needs of economic and social development and comprehensively deepening reform, decide to authorize the temporary adjustment or temporary suspension of the application of certain provisions of administrative regulations within a prescribed period and scope with respect to specific matters in administrative management and other fields.

The relevant departments of the State Council shall, in conjunction with the relevant local people's governments, promptly assess and demonstrate the temporary adjustment or temporary suspension of the application of administrative regulations. Where practice proves the adjustment to be feasible and the relevant administrative regulations need to be amended, this shall be handled in accordance with the legislative procedures; where practice proves the adjustment to be inappropriate and the relevant provisions

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of the administrative regulations need to be restored for implementation, the relevant departments of the State Council shall submit it to the State Council for decision.

Article 43 — The rule-of-law affairs department of the State Council shall, in light of the needs of comprehensively deepening reform and economic and social development as well as the provisions of higher-level laws, promptly organize the review and cleanup of administrative regulations after obtaining the consent of the State Council. The relevant departments of the State Council may, in light of work needs, submit suggestions for the cleanup of administrative regulations to the rule-of-law affairs department of the State Council.

Administrative regulations that do not meet the requirements of comprehensively deepening reform and economic and social development, or that do not conform to the provisions of higher-level laws, shall be amended or repealed in a timely manner.

Article 44 — The rule-of-law affairs department of the State Council or the relevant departments of the State Council may organize post-legislation assessment of the relevant administrative regulations or the relevant provisions thereof, and use the assessment results as an important reference for amending or repealing the relevant administrative regulations.

Article 45 — The procedures for amending and repealing 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 repealed, it shall, except where the repeal is prescribed by a law or other administrative regulation, be published by a State Council decree signed by the Premier.

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

Article 47 — The drafting of legal bills to be submitted by the State Council to the National People's Congress or its Standing Committee for deliberation shall be handled by reference to the relevant provisions of these Regulations.

Chapter VIII — Supplementary Provisions

Article 48 — These Regulations shall come into force on July 1, 2026.

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