

Regulations on the Registration and Administration of Social Organizations 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 — These Regulations are formulated for the purposes of regulating the registration and administration of social organizations, safeguarding the lawful rights and interests of social organizations, and promoting the healthy and orderly development of social organizations.

Article 2 — For the purposes of these Regulations, "social organizations" refer to non-profit social organizations voluntarily formed by Chinese citizens for the purpose of realizing their common wishes and conducting activities in accordance with their articles of association. State organs shall not join social organizations as entity members.

Article 3 — Social organizations must abide by the Constitution, laws, regulations, and State policies, and shall not oppose the basic principles established by the Constitution, nor endanger the unity, security, or

ethnic solidarity of the State, nor impair the interests of the State or the public interest, nor the lawful rights and interests of other organizations and citizens, nor violate social morality.

Article 4 — The civil affairs departments under the State Council and the civil affairs departments of the local people's governments at and above the county level shall be the registration and administration authorities for social organizations. The relevant departments under the State Council and the relevant departments of the local people's governments at and above the county level shall, within the scope of their respective duties, be responsible for the relevant work on social organizations in accordance with the law.

Chapter II — Establishment of Social Organizations

Article 5 — The establishment of a social organization shall meet the following conditions: 1. Having a name and articles of association that comply with the provisions of laws and regulations; 2. Having at least 50 individual members or 30 entity members; where there are both individual members and entity members, the total number of members shall not be less than 50; 3. Having a standardized name and a corresponding organizational structure; 4. Having a fixed domicile; 5. Having full-time staff members commensurate with its business activities; 6. Having lawful assets and sources of funds, with a minimum activity fund of not less than 100,000 yuan for national social organizations and not less than 30,000 yuan for local social organizations and cross-administrative region social organizations; 7. Having the ability to independently bear civil liability.

Article 6 — An applicant for the establishment of a social organization shall submit an application to the registration and administration authority, together with the following materials: 1. An application for establishment; 2. The draft articles of association; 3. Proof of domicile and proof of funds; 4. Roster of members and list of principal responsible persons; 5. Other materials required by the registration and administration authority.

Article 7 — The registration and administration authority shall, within 60 days from the date of receiving all valid application documents, make a decision on approval or disapproval of registration.

Article 8 — Social organizations shall not engage in for-profit business activities.

Chapter III — Organizational Structure

Article 9 — The articles of association of a social organization shall include the following matters: 1. Name and domicile; 2. Purpose, business scope, and area of activity; 3. Qualifications, rights, and obligations of members; 4. The organizational structure and rules of procedure, and the procedures for the generation and removal of responsible persons; 5. Management and use principles of assets; 6. Procedures for amending the articles of association; 7. Procedures for termination and disposal of assets upon termination; 8. Other matters required to be stipulated by the articles of association.

Article 10 — The highest authority of a social organization is the members' congress or general meeting of members, which shall exercise its powers in accordance with the provisions of the articles of association.

Article 11 — The legal representative of a social organization shall be a responsible person of the social organization in accordance with the provisions of the articles of association and shall not concurrently serve as the legal representative of another social organization.

Chapter IV — Management and Supervision

Article 12 — Social organizations shall use their registration certificates and official seals in accordance with provisions. Registration certificates shall not be lent, leased, or assigned. Where a registration certificate is lost, a timely public announcement shall be made and an application for reissuance shall be filed.

Article 13 — Where a social organization amends its articles of association, changes its responsible persons, or changes its domicile, it shall apply to the registration and administration authority for change registration within the prescribed time limit.

Article 14 — Social organizations shall implement the financial and accounting systems prescribed by the State and shall accept the supervision of the finance and audit departments. The asset sources of social organizations must be lawful, and no entity or individual may misappropriate, privately divide, or misappropriate the assets of social organizations.

Article 15 — Social organizations shall submit annual work reports to the registration and administration authority within the prescribed time limit and accept annual inspections.

Chapter V — Legal Liability

Article 16 — Where a social organization engages in activities without registration, carries out activities in the name of a social organization without authorization, or continues to carry out activities in the name of a social organization after its registration has been revoked, the registration and administration authority shall ban it and confiscate the unlawful property; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 17 — Where a social organization commits any of the following acts, the registration and administration authority shall give a warning and order it to make corrections, and may, based on the circumstances, order it to cease activities within a specified time limit, or revoke its registration: 1. Altering important registered matters without applying for change registration; 2. Engaging in business activities beyond the purposes and business scope stipulated in the articles of association; 3. Failing to accept annual inspections or failing to pass annual inspections; 4. Engaging in for-profit business activities; 5. Misappropriating, privately dividing, or misappropriating the assets of the social organization or the donated assets; 6. Other acts in violation of these Regulations.

Chapter VI — Supplementary Provisions

Article 18 — The registration and administration of social organizations funded by the State shall be handled in accordance with the relevant provisions of the State.

Article 19 — These Regulations shall take effect as of March 1, 2014. The Regulations on the Registration and Administration of Social Organizations promulgated by the State Council on October 25, 1998 shall be repealed simultaneously.

Disclaimer: This translation is provided for informational and reference purposes only. While every effort has been made to ensure accuracy and completeness, it is not an official translation and may contain errors or omissions. For legal purposes and official matters, please refer to the original Chinese text promulgated by the State Council of the People's Republic of China. Dan Young Business Consultancy assumes no liability for any reliance placed on this translation. Users should consult qualified legal professionals for advice on specific legal issues.