State Council Organic Law of the People’s Republic of China

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Principles

Article 1 — This Law is enacted in accordance with the Constitution of the People’s Republic of China for the purposes of improving the organization and working system of the State Council, and ensuring 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 organ of state power and the highest organ of state administration. The State Council shall adhere to the leadership of the Communist Party of China, uphold 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 safeguard the authority of the Central Committee of the Communist Party of China and its centralized and unified leadership, implement the Constitution and laws, fully perform government

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functions, and be responsible to and report on its work to the National People's Congress. When the National People's Congress is not in session, the State Council shall be responsible to and report on its work to the Standing Committee of the National People's Congress.

Article 3 — The State Council shall exercise its functions and powers in accordance with the provisions of the Constitution and laws. The State Council shall exercise unified leadership over the work of local state administrative organs at all levels throughout the country, and shall exercise unified leadership over economic, political, cultural, social, ecological, and other work in the administrative field.

Article 4 — The State Council shall exercise law-based administration, establish and improve a system of government administration in accordance with the law, comprehensively perform government functions, standardize the exercise of administrative power, and strengthen the building of a law-based government.

Article 5 — The State Council shall uphold and improve the system of democratic centralism, maintain the scientific, democratic, and law-based nature of decision-making, and accept the oversight of the National People's Congress and its Standing Committee.

Chapter II — Composition and Term of the State Council

Article 6 — The State Council shall be composed of the Premier, Vice-Premiers, State Councilors, the Secretary-General of the State Council, the ministers in charge of the various ministries and commissions, the Governor of the People's Bank of China, and the Auditor-General. The Premier shall assume overall responsibility for the work of the State Council. The Premier, Vice-Premiers, and State Councilors shall serve for no more than two consecutive five-year terms.

Article 7 — The Premier shall lead the work of the State Council. The Vice-Premiers and the Secretary-General shall assist the Premier in his or her work. State Councilors, upon the entrustment of the Premier, shall be responsible for certain aspects of work or special tasks, and may represent the State Council in conducting foreign affairs activities. The Secretary-General of the State Council shall, under the leadership of the Premier, handle the day-to-day work of the State Council.

Article 8 — The ministers in charge of the various ministries and commissions shall assume overall responsibility for the work of their respective departments. The Governor of the People's Bank of China and the Auditor-General shall assume overall responsibility for the work of the People's Bank of China and the National Audit Office, respectively. The various ministries and commissions, the People's Bank of China, and the National Audit Office shall, in accordance with laws and administrative regulations and under the unified leadership of the State Council, exercise their respective administrative powers and perform their respective administrative duties within the scope of their respective functions.

Article 9 — The State Council may, in accordance with work needs and the principle of optimization, coordination, and efficiency, establish, upon approval in accordance with the law, such administrative agencies as offices, organizations directly under the State Council, and ad hoc bodies, and determine their functions and duties.

Chapter III — Functions and Powers of the State Council

Article 10 — The State Council shall, in accordance with the Constitution and laws, adopt administrative measures, formulate administrative regulations, issue decisions and orders, and submit bills to the National People's Congress or its Standing Committee.

Article 11 — The State Council shall exercise unified leadership over the work of the various ministries and commissions, and shall exercise unified leadership over the work of local state administrative organs at all levels throughout the country. The State Council shall prescribe the specific division of functions and powers between the Central Government and the administrative organs of provinces, autonomous regions, and municipalities directly under the Central Government.

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Article 12 — The State Council shall draw up and implement the national economic and social development plan and the state budget, and shall lead and administer economic work, urban and rural development, and ecological conservation. The State Council shall lead and administer education, science and technology, culture, health, sports, and family planning work. The State Council shall lead and administer civil affairs, public security, judicial administration, and other work.

Article 13 — The State Council shall administer foreign affairs and conclude treaties and agreements with foreign countries. The State Council shall lead and administer the building of national defense forces, and decide on the imposition of martial law in parts of provinces, autonomous regions, and municipalities directly under the Central Government in accordance with the law.

Article 14 — The State Council shall, in accordance with the provisions of laws and administrative regulations, exercise the power to appoint and remove, train, assess, reward, and punish administrative personnel. The State Council shall exercise such other functions and powers as the National People's Congress or its Standing Committee may assign to it.

Chapter IV — Meeting System of the State Council

Article 15 — The State Council shall implement a meeting system. Plenary meetings of the State Council shall be composed of all members of the State Council and shall be convened and presided over by the Premier. Executive meetings of the State Council shall be composed of the Premier, Vice-Premiers, State Councilors, and the Secretary-General of the State Council, and shall be convened and presided over by the Premier.

Article 16 — Major issues in the work of the State Council shall be discussed and decided upon at executive meetings or plenary meetings of the State Council. The Premier may convene special meetings of the State Council as needed for work.

Article 17 — Executive meetings of the State Council shall discuss and decide on draft administrative regulations, draft laws to be submitted to the National People's Congress or its Standing Committee for deliberation, major matters in the work of the State Council, and other matters that, in accordance with the provisions of laws and administrative regulations, require discussion and decision at an executive meeting of the State Council. Plenary meetings of the State Council shall discuss and decide on major matters in the work of the State Council.

Article 18 — The number of participants in meetings of the State Council and the meeting procedures shall be prescribed by the rules of procedure of the State Council. The State Council shall, in accordance with work needs, invite relevant persons to attend meetings of the State Council as non-voting delegates.

Chapter V — Working Mechanism of the State Council

Article 19 — The State Council shall establish a sound system for scientific, democratic, and law-based decision-making, improve the mechanisms for public participation, expert consultation, risk assessment, legality review, and collective discussion and decision-making, and standardize decision-making procedures for major administrative decisions.

Article 20 — Administrative regulations formulated by the State Council and decisions and orders issued by the State Council shall be in compliance with the Constitution and laws. Draft administrative regulations shall be subject to legality review. Administrative regulations shall be submitted to the Standing Committee of the National People's Congress for filing.

Article 21 — The State Council may formulate departmental rules within the scope of their respective functions and duties in accordance with laws and administrative regulations, decisions, and orders of the State Council. The various ministries and commissions shall formulate departmental rules within the scope of their respective functions and duties.

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Article 22 — The State Council shall, in accordance with the law, strengthen oversight of administrative organs at all levels, establish and improve the internal oversight system, and improve the administrative reconsideration and administrative litigation response system.

Article 23 — The State Council shall publish government information in accordance with the law, accept public oversight, and protect the right of citizens, legal persons, and other organizations to access government information and participate in and oversee the administration in accordance with the law.

Article 24 — The State Council shall establish a coordination mechanism for departmental work to address major work matters involving multiple departments, the Premier or Vice-Premiers or State Councilors designated by the Premier shall convene coordination meetings to coordinate and resolve such matters.

Chapter VI — Supplementary Provisions

Article 25 — The State Council may, in accordance with this Law, formulate detailed rules for implementation. The rules of procedure of the State Council shall be formulated by the State Council.

Article 26 — This Law shall enter into force as of the date of promulgation. The Organic Law of the State Council of the People's Republic of China promulgated on December 10, 1982 shall be repealed simultaneously.

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