

Military Personnel Insurance Law of the PRC

Dan Young Business Consultancy — www.danyoungcpa.com
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Chapter I — General Provisions

Article 1 — This Law is formulated in order to regulate military personnel insurance relations, safeguard the lawful rights and interests of military personnel, and promote national defense and military construction.

Article 2 — The State establishes a military personnel insurance system.

This Law applies to the establishment, contribution, and transfer and continuation of casualty insurance for military personnel, retirement pension insurance for military personnel, retirement medical insurance for military personnel, and insurance for unemployed spouses accompanying military personnel.

Article 3 — The military personnel insurance system shall reflect the occupational characteristics of military personnel, be linked with the social insurance system, and be commensurate with the level of economic and social development. The State shall, in accordance with the development of the social insurance system, supplement and improve the military personnel insurance system in a timely manner.

Article 4 — The State promotes the development of military personnel insurance and provides financial allocations and policy support for military personnel insurance.

Article 5 — The competent department for military personnel insurance of the People's Liberation Army shall be responsible for military personnel insurance work for the entire army. The social insurance administrative department and the financial department of the State Council, and other relevant departments of the military, shall be responsible for the relevant military personnel insurance work within their respective functions and duties. The financial departments of the military logistics (joint logistics) organs shall be responsible for handling military personnel insurance registration, personal rights and interests records, payment of military personnel insurance benefits, and other work. The financial departments of the military logistics (joint logistics) organs and local social insurance agencies shall handle the transfer and continuation formalities between military personnel insurance and social insurance relations in accordance with their respective functions and duties.

Article 6 — Military personnel shall participate in military personnel insurance and enjoy the corresponding insurance benefits in accordance with the law. Military personnel shall have the right to inquire about and check their personal contribution records and personal rights and interests records, to require the financial departments of the military logistics (joint logistics) organs and local social insurance agencies to handle the transfer and continuation formalities for pension and medical insurance relations in accordance with the law, and to obtain relevant services such as military personnel insurance and social insurance consultation.

Chapter II — Insurance for Casualties of Military Personnel

Article 7 — Where military personnel die in war or in the line of duty, military personnel death insurance benefits shall be paid in accordance with the determined nature of the death and the corresponding insurance benefit standards.

Article 8 — Where military personnel become disabled in war, in the line of duty, or due to illness, military personnel disability insurance benefits shall be paid in accordance with the assessed disability grade and the corresponding insurance benefit standards.

Article 9 — The determination of the nature of the death and disability of military personnel, the assessment of disability grades, and the corresponding insurance benefit standards shall be implemented in accordance with the relevant provisions of the State and the military.

Article 10 — Where military personnel die or become disabled under any of the following circumstances, they shall not enjoy military personnel casualty insurance benefits:

- (1) committing an intentional crime;
- (2) being intoxicated or using drugs;
- (3) self-inflicted injury or suicide;
- (4) other circumstances prescribed by laws, administrative regulations, and military regulations.

Article 11 — Where military personnel who have been assessed with a disability grade and became disabled in war or in the line of duty have a recurrence of an old injury after retiring from active service and taking up work, they shall enjoy the corresponding work-related injury benefits in accordance with the law.

Article 12 — The funds required for military personnel casualty insurance shall be borne by the State, and individuals shall not pay insurance premiums.

Chapter III — Retirement Pension Insurance

Article 13 — Where military personnel retire from active service and participate in basic pension insurance, the State shall provide retirement pension insurance subsidies.

Article 14 — The standards for military personnel retirement pension insurance subsidies shall be formulated by the General Logistics Department of the People's Liberation Army in conjunction with the relevant departments of the State Council, on the basis of factors such as the basic pension insurance contribution standards prescribed by the State and the wage levels of military personnel, and shall be submitted to the State Council and the Central Military Commission for approval.

Article 15 — Where military personnel had already participated in basic pension insurance before enlistment, the local social insurance agencies and the financial departments of the military logistics (joint logistics) organs shall handle the transfer and continuation formalities for the basic pension insurance relations.

Article 16 — Where military personnel participate in basic pension insurance for employees after retiring from active service, the financial departments of the military logistics (joint logistics) organs shall transfer the military personnel retirement pension insurance relations and the corresponding funds to the local social insurance agencies, and the local social insurance agencies shall handle the corresponding transfer and continuation formalities. The years of active service of military personnel shall be calculated together with the years of contribution to basic pension insurance for employees before enlistment and after retirement from active service.

Article 17 — Where military personnel participate in the new rural social pension insurance or the urban resident social pension insurance after retiring from active service, the transfer and continuation formalities shall be handled in accordance with the relevant provisions of the State.

Article 18 — For military personnel who retire from active service to civil servant posts or to posts of staff managed by reference to the Civil Servants Law, and for active-duty officers and civilian cadres who retire from active service and choose their own employment, the pension insurance measures shall be implemented in accordance with the relevant provisions of the State.

Article 19 — For military personnel who retire from active service by way of retirement placement, the pension measures shall be implemented in accordance with the relevant provisions of the State Council and the Central Military Commission.

Chapter IV — Retirement Medical Insurance

Article 20 — Officers, civilian cadres, and non-commissioned officers who participate in military personnel retirement medical insurance shall pay military personnel retirement medical insurance premiums, and the State shall provide subsidies in the same amount as the military personnel retirement medical insurance premiums paid by the individual. Conscripts and students under the supply system shall not pay military personnel retirement medical insurance premiums, and the State shall provide military personnel retirement medical insurance subsidies in accordance with the prescribed standards.

Article 21 — The individual contribution standards and State subsidy standards for military personnel retirement medical insurance shall be determined by the General Logistics Department of the People's Liberation Army in conjunction with the relevant departments of the State Council, on the basis of factors

such as the contribution ratios prescribed by the State and the wage levels of military personnel.

Article 22 — Where military personnel had already participated in basic medical insurance before enlistment, the local social insurance agencies and the financial departments of the military logistics (joint logistics) organs shall handle the transfer and continuation formalities for the basic medical insurance relations.

Article 23 — Where military personnel participate in basic medical insurance for employees after retiring from active service, the financial departments of the military logistics (joint logistics) organs shall transfer the military personnel retirement medical insurance relations and the corresponding funds to the local social insurance agencies, and the local social insurance agencies shall handle the corresponding transfer and continuation formalities.

The years of active service of military personnel shall be deemed as years of contribution to basic medical insurance for employees, and shall be calculated together with the years of contribution to basic medical insurance for employees before enlistment and after retirement from active service.

Article 24 — Where military personnel participate in the new rural cooperative medical care or the urban resident basic medical insurance after retiring from active service, the relevant matters shall be handled in accordance with the relevant provisions of the State.

Chapter V — Insurance for Unemployed Spouses Accompanying Military Personnel

Article 25 — The State shall establish pension insurance and medical insurance for unemployed spouses accompanying military personnel. Unemployed spouses accompanying military personnel who participate in insurance shall pay pension insurance premiums and medical insurance premiums, and the State shall provide corresponding subsidies.

The individual contribution standards and State subsidy standards for insurance for unemployed spouses accompanying military personnel shall be implemented in accordance with the relevant provisions of the State.

Article 26 — Where unemployed spouses accompanying military personnel had already participated in social insurance before accompanying the military personnel, the local social insurance agencies and the financial departments of the military logistics (joint logistics) organs shall handle the transfer and continuation formalities for the insurance relations.

Article 27 — Where unemployed spouses accompanying military personnel become employed or the military personnel retire from active service, the financial departments of the military logistics (joint logistics) organs shall transfer their pension insurance and medical insurance relations and the corresponding funds to the local social insurance agencies, and the local social insurance agencies shall handle the corresponding transfer and continuation formalities.

The years of contribution to pension insurance and medical insurance during the period when the spouse of military personnel is unemployed while accompanying the military personnel shall be calculated together with the years of contribution to basic pension insurance and basic medical insurance for employees at the local level.

Article 28 — When unemployed spouses accompanying military personnel reach the retirement age prescribed by the State, the place of retirement shall be determined in accordance with the relevant provisions of the State, and the financial departments of the military logistics (joint logistics) organs shall transfer their pension insurance relations and the corresponding funds to the social insurance agencies at the place of retirement, so that they may enjoy the corresponding basic pension insurance benefits.

Article 29 — Local people's governments and relevant departments shall provide services such as employment guidance and training for unemployed spouses accompanying military personnel. Where an

unemployed spouse accompanying military personnel refuses, without justifiable reasons, to accept the employment placement arranged by the local people's government, or refuses, without justifiable reasons, to accept suitable work or employment training introduced or provided by the department or institution designated by the local people's government, the payment of insurance contribution subsidies shall be suspended.

Chapter VI — Military Personnel Insurance Fund

Article 30 — The military personnel insurance fund includes the fund for casualty insurance of military personnel, the fund for retirement pension insurance of military personnel, the fund for retirement medical insurance of military personnel, and the fund for insurance of unemployed spouses accompanying military personnel. The various military personnel insurance funds shall be accounted for separately by type of military personnel insurance, with separate accounting, and shall be subject to the accounting system of the military.

Article 31 — The military personnel insurance fund shall be composed of individual contributions, military personnel insurance funds borne by the central finance, and interest income and other funds.

Article 32 — The insurance premiums payable by military personnel shall be withheld and paid by their units.

The insurance premiums payable by unemployed spouses accompanying military personnel shall be withheld and paid by the units of the military personnel.

Article 33 — The military personnel insurance funds borne by the central finance shall be included in the annual national defense budget by the financial department of the State Council.

Article 34 — The military personnel insurance fund shall be subject to budget and final account management in accordance with the budget management system of the State and the military.

Article 35 — The military personnel insurance fund shall be stored in special accounts, and the specific management measures shall be implemented in accordance with the relevant provisions of the State and the military.

Article 36 — The military personnel insurance fund shall be centrally managed by the military personnel insurance fund management institution of the General Logistics Department of the People's Liberation Army. The military personnel insurance fund management institution shall strictly manage the military personnel insurance fund and ensure the safety of the fund.

Article 37 — The military personnel insurance fund shall be used exclusively for its designated purpose, and shall be expended in accordance with the prescribed items, scope, and standards. No unit or individual may embezzle, encroach upon, or misappropriate the fund, or change the items of expenditure, expand the scope of expenditure, or change the standards of expenditure.

Chapter VII — Insurance Handling and Supervision

Article 38 — The financial departments of the military logistics (joint logistics) organs and local social insurance agencies shall establish and improve the management system for handling military personnel insurance. The financial departments of the military logistics (joint logistics) organs shall pay military personnel insurance benefits in full and on time. The financial departments of the military logistics (joint logistics) organs and local social insurance agencies shall handle the transfer and continuation formalities between military personnel insurance and social insurance relations in a timely manner.

Article 39 — The financial departments of the military logistics (joint logistics) organs shall establish insurance files for military personnel and unemployed spouses accompanying military personnel, record their individual contributions and State subsidies, as well as personal rights and interests records such as the enjoyment of military personnel insurance benefits, in a timely, complete, and accurate manner, and

regularly deliver the personal rights and interests record forms to the persons concerned.

The financial departments of the military logistics (joint logistics) organs and local social insurance agencies shall provide relevant services such as military personnel insurance and social insurance consultation for military personnel and unemployed spouses accompanying military personnel.

Article 40 — The military personnel insurance information system shall be built under the unified arrangement of the General Logistics Department of the People's Liberation Army.

Article 41 — The financial department of the General Logistics Department of the People's Liberation Army and the audit organs of the People's Liberation Army shall, in accordance with their respective functions and duties, exercise supervision over the revenue, expenditure, and management of the military personnel insurance fund.

Article 42 — The military logistics (joint logistics) organs and local social insurance administrative departments shall conduct supervision and inspection of compliance with this Law by units and individuals. When the military logistics (joint logistics) organs and local social insurance administrative departments conduct supervision and inspection, the units and individuals under inspection shall truthfully provide materials related to military personnel insurance, and shall not refuse inspection or make false or concealed reports.

Article 43 — The financial departments of the military logistics (joint logistics) organs and local social insurance agencies and their staff shall keep the information of military units and military personnel confidential in accordance with the law, and shall not disclose it in any form.

Article 44 — Any unit or individual shall have the right to report and complain about acts in violation of the provisions of this Law.

The relevant departments and institutions of the military and the localities shall handle reports and complaints falling within the scope of their functions and duties in accordance with the law; where they do not fall within the scope of functions and duties of the department or institution, they shall notify in writing and transfer them to the department or institution that has the authority to handle them. The department or institution that has the authority to handle them shall handle them in a timely manner and shall not shirk responsibility.

Chapter VIII — Legal Liability

Article 45 — Where the financial departments of the military logistics (joint logistics) organs or social insurance agencies fall under any of the following circumstances, they shall be ordered by the military logistics (joint logistics) organs or the social insurance administrative departments to make corrections; the directly responsible persons in charge and other directly responsible persons shall be given sanctions in accordance with the law; where losses are caused, liability for compensation shall be borne in accordance with the law:

- (1) failing to establish, transfer, or continue military personnel insurance relations in accordance with the provisions;
- (2) failing to collect or turn over the insurance premiums paid by individuals in accordance with the provisions;
- (3) failing to pay military personnel insurance benefits in accordance with the provisions;
- (4) tampering with or losing military personnel insurance file materials such as individual contribution records;
- (5) disclosing information of military units and military personnel;

(6) allocating or storing the military personnel insurance fund in violation of the provisions;

(7) committing other acts that violate laws and regulations and harm the rights and interests of military personnel in insurance.

Article 46 — Where anyone embezzles, encroaches upon, or misappropriates the military personnel insurance fund, the military logistics (joint logistics) organs shall order the return of the funds within a prescribed time limit, and the directly responsible persons in charge and other directly responsible persons shall be given sanctions in accordance with the law.

Article 47 — Where anyone obtains military personnel insurance benefits by fraud, forging supporting materials, or other means, the military logistics (joint logistics) organs and social insurance administrative departments shall order the return of the benefits within a prescribed time limit and impose sanctions in accordance with the law.

Article 48 — Where a violation of the provisions of this Law constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter IX — Supplementary Provisions

Article 49 — Where military personnel participate in unemployment insurance after retiring from active service, their years of active service shall be deemed as years of contribution to unemployment insurance, and shall be calculated together with the years of contribution to unemployment insurance before enlistment and after retirement from active service.

Article 50 — The provisions of this Law on the rights, interests, and obligations of military personnel in insurance shall apply to the people's armed police; the management of the insurance fund of the Chinese People's Armed Police Force shall be implemented in accordance with the fund management system of the Chinese People's Armed Police Force.

Article 51 — This Law shall come into force on July 1, 2012.

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