Regulations on the Administration of Social Insurance Operations of China (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 in accordance with the Social Insurance Law of the People's Republic of China for the purposes of regulating social insurance operations, improving social insurance services, safeguarding the security of social insurance funds, protecting the lawful rights and interests of employers and individuals, and promoting social equity.

Article 2 — These Regulations apply to the operations of basic old-age insurance, basic medical insurance, work-related injury insurance, unemployment insurance, maternity insurance, and other social insurance prescribed by the State.

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Article 3 — Social insurance operations shall adhere to the leadership of the Communist Party of China, remain people-centered, and follow the principles of lawfulness, convenience, timeliness, openness, and security.

Article 4 — The human resources and social security administrative department of the State Council shall be in charge of the nationwide operations of basic old-age insurance, work-related injury insurance, unemployment insurance, and other social insurance. The medical security administrative department of the State Council shall be in charge of the nationwide operations of basic medical insurance, maternity insurance, and other social insurance.

The human resources and social security administrative departments of local people's governments at or above the county level shall, in accordance with the level of overall planning, be in charge of the operations of basic old-age insurance, work-related injury insurance, unemployment insurance, and other social insurance in their respective administrative areas. The medical security administrative departments of local people's governments at or above the county level shall, in accordance with the level of overall planning, be in charge of the operations of basic medical insurance, maternity insurance, and other social insurance in their respective administrative areas.

Article 5 — The human resources and social security administrative department and the medical security administrative department of the State Council, and other relevant departments shall, in accordance with their respective duties, cooperate closely and assist one another in performing social insurance operations well. Local people's governments at or above the county level shall strengthen their leadership over social insurance operations within their administrative areas, strengthen the capacity building for social insurance operations, and provide safeguards for social insurance operations.

Chapter II — Social Insurance Registration and Transfer of Relationships

Article 6 — Employers shall complete social insurance registration concurrently when completing registration with the registration administration authority.

Individuals applying for social insurance registration shall use their citizen identity number as their social security number and obtain a social security card and an electronic medical insurance certificate. Social insurance operating agencies shall complete the handling within 10 working days from the date of receipt of the application.

Article 7 — The social security card is a credential evidencing an individual's participation in basic old-age insurance, basic medical insurance, work-related injury insurance, unemployment insurance, maternity insurance, and other social insurance, and the individual's enjoyment of various social insurance benefits, and includes physical social security cards and electronic social security cards.

The electronic medical insurance certificate is a credential evidencing an individual's participation in basic medical insurance, maternity insurance, and other social insurance, and the individual's enjoyment of basic medical insurance, maternity insurance, and other social insurance benefits.

Article 8 — The registration administration authority shall share information on the establishment, change, and deregistration of employers with social insurance operating agencies; public security, civil affairs, health, and judicial administration departments shall share information on individuals' births, deaths, and household registration, relocation, and deregistration with social insurance operating agencies.

Article 9 — Where there is a change in an employer's nature, bank accounts, employment, or other participation information, or in an individual's participation information, the employer and the individual shall promptly notify the social insurance operating agency. Social insurance operating agencies shall compare and verify the participation information provided by employers and individuals against shared information.

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Article 10 — Where an employer or an individual applies to change or deregister social insurance registration, the social insurance operating agency shall complete the handling within 10 working days from the date of receipt of the application. An employer deregistering social insurance registration shall first settle the social insurance premiums, late payment surcharges, and fines owed.

Article 11 — Social insurance operating agencies shall record the following information in a timely, complete, and accurate manner:

(1) the circumstances of social insurance registration;

(2) the circumstances of social insurance premium payment;

(3) the circumstances of enjoyment of social insurance benefits;

(4) the circumstances of individual accounts; and

(5) other circumstances relevant to social insurance operations.

Article 12 — Where an individual participating in basic old-age insurance for employees seeks employment across overall planning areas, his or her basic old-age insurance relationship for employees shall be transferred accordingly.

Where an individual participating in basic old-age insurance for employees seeks employment by moving between employing units of different natures such as organs and public institutions on the one hand and enterprises on the other, his or her basic old-age insurance relationship for employees shall be transferred accordingly.

Where an individual participating in basic old-age insurance for urban and rural residents and who has not yet enjoyed benefits migrates with household registration across overall planning areas, his or her basic old-age insurance relationship for urban and rural residents may be transferred accordingly.

Article 13 — Where an individual participating in basic medical insurance for employees seeks employment across overall planning areas, his or her basic medical insurance relationship for employees shall be transferred accordingly.

Where an individual participating in basic medical insurance for urban and rural residents migrates with household registration across overall planning areas, or changes his or her habitual residence, his or her basic medical insurance relationship for urban and rural residents may be transferred accordingly in accordance with provisions.

The transfer of relationships between basic medical insurance for employees and basic medical insurance for urban and rural residents shall be handled in accordance with provisions.

Article 14 — Where an individual participating in unemployment insurance seeks employment across overall planning areas, his or her unemployment insurance relationship shall be transferred accordingly.

Article 15 — Where an individual participating in work-related injury insurance or maternity insurance seeks employment across overall planning areas, he or she shall participate in work-related injury insurance or maternity insurance at the new place of employment.

Article 16 — Where an employer or an individual goes through the formalities for the transfer and continuation of a social insurance relationship, the social insurance operating agency shall complete the handling within the prescribed time limit, notify the employer and the individual of the result, or provide inquiry services on the status of handling.

Article 17 — Military organs and social insurance operating agencies shall, in accordance with their respective duties, handle the formalities for the transfer and continuation of relationships between military insurance and social insurance.

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Social insurance operating agencies shall provide priority services for the handling of formalities for the transfer and continuation of relationships between military insurance and social insurance.

Chapter III — Verification and Payment of Social Insurance Benefits

Article 18 — Employers and individuals shall, in accordance with State provisions, file applications with social insurance operating agencies for the receipt of basic old-age pensions. Social insurance operating agencies shall complete the handling within 20 working days from the date of receipt of the application.

Article 19 — Where an individual participating in basic old-age insurance for employees dies, or an unemployed person dies during the period of receiving unemployment insurance benefits, his or her surviving family members may, in accordance with law, apply to the social insurance operating agency for funeral subsidies and pensions. Social insurance operating agencies shall promptly verify the relevant circumstances and verify and pay the funeral subsidies and pensions in accordance with provisions.

Article 20 — The portion of individuals' medical expenses and maternity medical expenses payable by the basic medical insurance (including maternity insurance) fund shall, after examination by the social insurance operating agency, be settled directly with medical institutions and pharmaceutical business entities.

Where an individual applies for manual reimbursement due to special circumstances, he or she shall provide the social insurance operating agency with the charging vouchers, expense lists, diagnostic certificates, and medical records of medical institutions or pharmaceutical business entities. The social insurance operating agency shall examine the charging vouchers, expense lists, diagnostic certificates, and medical records and complete the handling within 30 working days from the date of receipt of the application.

An individual participating in maternity insurance who applies for maternity allowances shall provide the social insurance operating agency with medical records. The social insurance operating agency shall examine the medical records and complete the handling within 10 working days from the date of receipt of the application.

Article 21 — Employees with work-related injuries and their employers applying in accordance with law for work capacity assessment, confirmation of the allocation of assistive devices, confirmation of the extension of the work-stoppage-with-pay period, or confirmation of the recurrence of an old work-related injury shall provide the social insurance operating agency with diagnostic certificates and medical records.

Article 22 — The portion of individuals' medical expenses, rehabilitation expenses, and expenses for installing and allocating assistive devices for treating work-related injuries payable by the work-related injury insurance fund shall, after examination by the social insurance operating agency, be settled directly with medical institutions and assistive device allocation institutions.

Where an employer or an individual applies for manual reimbursement due to special circumstances, it or he or she shall provide the social insurance operating agency with the charging vouchers, expense lists, diagnostic certificates, and medical records of medical institutions or assistive device allocation institutions. The social insurance operating agency shall examine the charging vouchers, expense lists, diagnostic certificates, and medical records and complete the handling within 20 working days from the date of receipt of the application.

Article 23 — Human resources and social security administrative departments and medical security administrative departments shall, in accordance with their respective duties, establish and improve the settlement system for medical expenses incurred for off-site medical treatment. Social insurance operating agencies shall perform the settlement of medical expenses for off-site medical treatment well.

Article 24 — Where an individual applies for unemployment insurance benefits, the social insurance operating agency shall complete the handling within 10 working days from the date of receipt of the application.

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During the period in which an individual receives unemployment insurance benefits, the social insurance operating agency shall pay, from the unemployment insurance fund, the basic medical insurance (including maternity insurance) premiums that the individual is required to pay.

An individual applying for vocational training and other subsidies shall provide a vocational qualification certificate or a vocational skill level certificate. The social insurance operating agency shall examine the vocational qualification certificate or vocational skill level certificate and complete the handling within 10 working days from the date of receipt of the application.

Article 25 — Where an individual falls under a circumstance prescribed by the State for the cessation of enjoyment of social insurance benefits, the employer, the benefit recipient, or his or her relatives shall notify the social insurance operating agency within 20 working days from the date of occurrence of the relevant circumstance. After verification, the social insurance operating agency shall cease the payment of the corresponding social insurance benefits.

Article 26 — Social insurance operating agencies shall verify the eligibility for the enjoyment of social insurance benefits through information comparison, self-service authentication, and other means. Where the eligibility for the enjoyment of social insurance benefits cannot be confirmed through information comparison, self-service authentication, or other means, the social insurance operating agency may entrust the employer or a third-party institution to carry out verification.

Where a person is suspected of continuing to enjoy benefits after losing eligibility, the social insurance operating agency shall investigate and verify. Where it is confirmed through investigation that the person does not meet the eligibility for the enjoyment of social insurance benefits, the payment of benefits shall be ceased.

Chapter IV — Social Insurance Operations Services and Management

Article 27 — Social insurance operating agencies shall realize cross-departmental and cross-overall-planning-area social insurance operations by relying on social insurance public service platforms, medical security information platforms, and other platforms.

Article 28 — Social insurance operating agencies shall promote the coordinated handling of social insurance operation items and related government service items. Social insurance operation windows shall be set up within government service centers to provide one-stop services to employers and individuals.

Human resources and social security administrative departments and medical security administrative departments shall strengthen the capacity for social insurance operation services and realize full coverage at the province, city, county, township (subdistrict), and village (community) levels.

Article 29 — Employers and individuals may handle social insurance matters through service channels such as government websites, mobile terminals, and self-service terminals, or handle them on-site at social insurance operation windows.

Article 30 — Social insurance operating agencies shall strengthen the construction of a barrier-free environment, provide barrier-free information exchange, improve barrier-free service facilities and equipment, and adopt methods such as authorized handling and home visits to provide convenience to the elderly, persons with disabilities, and other special groups.

Article 31 — Where a social insurance operating agency requires an employer or an individual handling social insurance matters to provide evidentiary materials other than identity documents, there shall be a basis in laws, regulations, or decisions of the State Council.

Article 32 — Social insurance operating agencies shall provide employers and individuals, free of charge, with services such as inquiry and verification of records of social insurance premium payment and enjoyment of social insurance benefits, and social insurance consultation.

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Article 33 — Social insurance operating agencies shall, in accordance with operational needs, negotiate and sign service agreements with qualified institutions to regulate social insurance service conduct. Human resources and social security administrative departments and medical security administrative departments shall strengthen supervision over the conclusion and performance of service agreements.

Article 34 — Social insurance operating agencies subordinate to medical security administrative departments shall improve fund payment and settlement services, strengthen the management of service agreements, and establish and improve collective consultation and negotiation mechanisms.

Article 35 — Social insurance operating agencies shall properly preserve social insurance operation information to ensure that the information is complete, accurate, and secure.

Article 36 — Social insurance operating agencies shall establish and improve internal control systems for business, finance, security, and risk management.

Social insurance operating agencies shall regularly inspect and evaluate the formulation and implementation of internal control systems, and rectify the problems discovered.

Article 37 — Social insurance operating agencies shall clearly define the powers and responsibilities of posts, and implement graded examination and approval for key business and high-risk business.

Article 38 — Social insurance operating agencies shall strengthen the management of the application of information systems, improve information verification mechanisms, and record the process of business operations.

Article 39 — Social insurance operating agencies shall specifically prepare the draft budget for social insurance funds for the next year and submit it to the human resources and social security administrative department and the medical security administrative department at the same level for examination and aggregation. The draft revenue budget for social insurance funds shall be specifically prepared by social insurance operating agencies jointly with social insurance premium collection institutions.

Article 40 — Social insurance operating agencies shall establish social insurance fund expenditure accounts for receiving funds transferred from the special financial account, paying fund expenditures, remitting funds to higher-level operating agencies, and allocating funds to lower-level operating agencies.

Article 41 — Social insurance operating agencies shall conduct accounting and account reconciliation for social insurance funds in accordance with the State’s unified accounting system.

Article 42 — Social insurance operating agencies shall verify the following matters:

(1) the circumstances of social insurance registration and enjoyment of benefits;

(2) the performance of service agreements by social insurance service institutions and the implementation of expense settlement items and standards; and

(3) other matters prescribed by laws and regulations.

Article 43 — Where a social insurance operating agency discovers that a social insurance service institution has violated a service agreement, it may urge the institution to perform the service agreement and, in accordance with the service agreement, suspend or withhold the payment of expenses, recover improperly paid expenses, suspend the social insurance services of the responsible personnel or the department involved that concern the use of social insurance funds, and may even terminate the service agreement. Social insurance service institutions and their responsible personnel shall have the right to make statements and pleadings.

Article 44 — Where a social insurance operating agency discovers that an employer, an individual, or a social insurance service institution has violated social insurance laws, regulations, or rules, it shall order rectification. Where the party refuses to rectify, or the matter shall be handled by the human resources and

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social security administrative department or the medical security administrative department in accordance with law, the matter shall be promptly transferred to the human resources and social security administrative department or the medical security administrative department for handling.

Article 45 — The human resources and social security administrative department and the medical security administrative department of the State Council shall, jointly with relevant departments, establish a social insurance credit management system and specify the standards for identifying subjects on the list of seriously dishonest entities in the field of social insurance.

Social insurance operating agencies shall truthfully record the dishonest conduct of employers, individuals, social insurance service institutions, and their staff who violate social insurance laws and regulations.

Article 46 — Where an individual has received social insurance benefits in excess, the social insurance operating agency shall order the individual to return the excess. Where a one-time return is difficult, the individual may sign a repayment agreement to return the excess in installments, or the excess may be deducted from the social insurance benefits that the individual subsequently enjoys or from the balance of his or her individual account.

Chapter V — Supervision of Social Insurance Operations

Article 47 — Human resources and social security administrative departments and medical security administrative departments shall, in accordance with their respective duties, supervise and inspect the following matters of social insurance operating agencies:

(1) the implementation of social insurance laws, regulations, and rules;

(2) operations such as social insurance registration and benefit payment;

(3) the management of social insurance funds;

(4) the conclusion and performance of service agreements with social insurance service institutions; and

(5) other matters prescribed by laws and regulations.

Financial departments and audit organs shall, in accordance with their respective duties, supervise the relevant work of social insurance operating agencies in accordance with law.

Article 48 — Human resources and social security administrative departments and medical security administrative departments shall, in accordance with their respective duties, strengthen supervision and inspection over the compliance of social insurance service institutions, employers, and individuals with social insurance laws, regulations, and rules. Social insurance service institutions, employers, and individuals shall cooperate, truthfully provide materials related to social insurance, and shall not refuse inspection or make false reports or conceal information.

Where the human resources and social security administrative department or the medical security administrative department discovers that a social insurance service institution or an employer has violated social insurance laws, regulations, or rules, it shall, in accordance with its respective duties, put forward handling opinions, urge rectification, and may interview the relevant persons in charge.

Article 49 — Human resources and social security administrative departments, medical security administrative departments, social insurance operating agencies, and their staff shall protect the information of employers and individuals in accordance with law and shall not disclose it in any form.

Article 50 — Human resources and social security administrative departments and medical security administrative departments shall keep supervision channels open and encourage and support all sectors of society in supervising social insurance operations.

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Social insurance operating agencies shall regularly publish to the public the circumstances of social insurance participation and the revenue, expenditure, balance, and earnings of social insurance funds, listen to the opinions and suggestions of employers and individuals, and accept public supervision.

Trade unions and enterprise representative organizations shall promptly reflect the opinions and suggestions of employers and individuals on social insurance operations.

Article 51 — Any organization or individual shall have the right to report or complain about conduct that violates social insurance laws, regulations, or rules.

Human resources and social security administrative departments and medical security administrative departments shall handle the reports and complaints received concerning social insurance in accordance with law.

Article 52 — Where an employer or an individual considers that a social insurance operating agency has infringed upon his, her, or its social insurance rights and interests in the course of social insurance operations, he, she, or it may apply for administrative reconsideration or file an administrative lawsuit in accordance with law.

Chapter VI — Legal Liability

Article 53 — Where a social insurance operating agency or any of its staff commits any of the following acts, the human resources and social security administrative department or the medical security administrative department shall, in accordance with its respective duties, order rectification; where losses are caused to social insurance funds, employers, or individuals, liability for compensation shall be borne in accordance with law; and the responsible leading personnel and directly responsible personnel shall be subject to sanctions in accordance with law:

(1) failing to perform statutory social insurance duties;

(2) requiring the provision of evidentiary materials in violation of provisions;

(3) withholding or failing to pay social insurance benefits on time;

(4) losing or tampering with social insurance data and individual rights and interests records such as payment records and records of enjoyment of social insurance benefits; or

(5) violating the internal control system for social insurance operations.

Article 54 — Where a human resources and social security administrative department, a medical security administrative department, a social insurance operating agency, or any of their staff discloses the information of employers or individuals, the responsible leading personnel and directly responsible personnel shall be subject to sanctions in accordance with law; where losses are caused to employers or individuals, liability for compensation shall be borne in accordance with law.

Article 55 — Where a party obtains social insurance fund expenditures by fraud, by forging evidentiary materials, or by other means, the human resources and social security administrative department or the medical security administrative department shall, in accordance with its respective duties, order the return of the funds and impose a fine of not less than two times but not more than five times the amount fraudulently obtained; where the party is a designated medical institution or pharmaceutical institution, it shall be ordered to suspend the social insurance services of the relevant responsible department concerning the use of social insurance funds for not less than six months but not more than one year, and the social insurance operating agency may even terminate the service agreement; where the party is another social insurance service institution, the social insurance operating agency shall terminate the service agreement. Where the responsible leading personnel and directly responsible personnel hold practicing qualifications, the relevant competent department shall revoke their practicing qualifications in accordance with law.

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Article 56 — Where a party conceals, transfers, misappropriates, or embezzles social insurance funds, or makes investment operations in violation of provisions, the human resources and social security administrative department, the medical security administrative department, the financial department, or the audit organ shall, in accordance with its respective duties, order recovery; where there are illegal gains, the illegal gains shall be confiscated; and the responsible leading personnel and directly responsible personnel shall be subject to sanctions in accordance with law.

Article 57 — Where a social insurance service institution refuses supervision and inspection by the human resources and social security administrative department or the medical security administrative department, or makes false reports or conceals relevant circumstances, the human resources and social security administrative department or the medical security administrative department shall, in accordance with its respective duties, order rectification and may interview the relevant persons in charge; where rectification is refused, a fine of not less than 10,000 yuan but not more than 50,000 yuan shall be imposed.

Article 58 — Where a public official abuses his or her power, neglects his or her duties, or engages in malpractice for personal gain in the course of social insurance operations, he or she shall be subject to sanctions in accordance with law.

Article 59 — Where a violation of these Regulations constitutes a violation of public security administration, public security administration penalties shall be imposed in accordance with law; where a crime is constituted, criminal liability shall be pursued in accordance with law.

Chapter VII — Supplementary Provisions

Article 60 — For the purposes of these Regulations, “social insurance operating agencies” means the agencies subordinate to human resources and social security administrative departments that operate basic old-age insurance, work-related injury insurance, unemployment insurance, and other social insurance, and the agencies subordinate to medical security administrative departments that operate basic medical insurance, maternity insurance, and other social insurance.

Article 61 — For the purposes of these Regulations, “social insurance service institutions” means medical institutions, pharmaceutical business entities, assistive device allocation institutions, unemployment insurance entrusted training institutions, and other institutions that have signed service agreements with social insurance operating agencies and provide social insurance services.

Article 62 — Social security cards may be loaded with financial functions, and areas where conditions permit may expand the scope of application of social security cards to improve the effectiveness of livelihood services. Electronic medical insurance certificates may be loaded with relevant service functions as needed.

Article 63 — These Regulations shall be effective from December 1, 2023.

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