Provisions of the State Council on the Presentation and Acceptance of Gifts in Foreign-Related Official Activities

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

Promulgated by State Council Order No. 133 on December 5, 1993; effective on the date of promulgation.

Article 1 — These Provisions are formulated for the purpose of strengthening the administration of the presentation and acceptance of gifts by staff of state administrative organs in foreign-related official activities, enforcing strict discipline in foreign affairs, and maintaining probity.

Article 2 — For the purposes of these Provisions, “gifts” means presents, cash gifts and negotiable securities.

Article 3 — In accordance with international practice and the needs of foreign-affairs work, gifts may be presented abroad when necessary. The standards for the value of gifts shall be prescribed separately.

Article 4 — The presentation of gifts abroad must implement the principle of economy and simplicity. Gifts shall consist mainly of souvenirs with national characteristics, traditional handicrafts and practical articles.

Article 5 — Gifts shall not be presented on our own initiative to visiting foreign guests. Where a foreign guest presents a gift to our side, an appropriate return gift may be presented.

Article 6 — The presentation of gifts abroad or of return gifts must be approved by a department under the State Council or by the people’s government of a province, autonomous region or municipality directly under the Central Government, or by an organ authorized by them. Approval shall be strictly controlled.

Article 7 — Gifts accepted in foreign-related official activities shall be properly handled. Where the value, converted at China’s market price, is RMB 200 or more, a gift declaration form shall be filled in within one month from the date of acceptance (or from the date of return to China, for gifts accepted abroad), and the gift required to be handed over shall be handed over to the gift administration department or to the unit where the recipient works; where the value is less than RMB 200, the gift shall belong to the recipient or to the unit where the recipient works.

In foreign-related official activities, where the other party presents cash gifts or negotiable securities, they shall be declined; where it is genuinely difficult to decline them, all cash gifts and negotiable securities accepted must be turned over to the state treasury.

Article 8 — In foreign-related official activities, gifts may not be privately given and accepted, and gifts may not be solicited expressly or by implication.

Article 9 — The Government Offices Administration of the State Council shall be responsible for keeping and handling the gifts turned over by the departments under the State Council.

The local people’s governments at or above the county level shall designate special units to be responsible for keeping and handling the gifts turned over by the departments of the people’s government at the corresponding level.

Article 10 — The gift administration departments and relevant departments shall register, properly keep and promptly handle the gifts collected. The gift keeping departments shall report the handling of gifts to the recipient units every year. The recipient units shall inform the recipients of the handling of the gifts.

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Article 11 — The state administrative supervisory organs shall, in accordance with the relevant provisions, be responsible for supervising and inspecting the presentation and acceptance of gifts in foreign-related activities.

Article 12 — Where a staff member of a state administrative organ violates these Provisions, administrative sanctions shall be imposed on the leaders of the organ bearing direct responsibility and the directly responsible persons; where the circumstances constitute a crime, criminal responsibility shall be pursued by the judicial organs in accordance with law.

Administrative sanctions against staff of state administrative organs shall be handled in accordance with the limits of authority for cadre management and the prescribed procedures.

Article 13 — Where staff of state administrative organs present gifts to, or accept gifts from, overseas Chinese and residents of the Hong Kong, Macao and Taiwan regions in official activities, these Provisions shall apply.

Article 14 — These Provisions shall be interpreted by the General Office of the State Council.

Article 15 — These Provisions shall take effect on the date of promulgation.

Disclaimer: This translation is provided for reference and informational purposes only. In the event of any discrepancy, the official Chinese text issued by the State Council of the People's Republic of China shall prevail. This translation does not constitute legal advice.