

中华人民共和国境外非政府组织境内活动管理法（英译文本）

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No. 44

The Law of the People’ s Republic of China on the Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China, adopted at the 20th Meeting of the 12th Standing Committee of the National People’ s Congress on April 28, 2016, is hereby promulgated and shall come into force on January 1, 2017.

Xi Jinping

President of the People’ s Republic of China

April 28, 2016

Law of the People’ s Republic of China on Administration
of Activities of Overseas Nongovernmental Organizations
in the Mainland of China

Adopted at the 20th Meeting of the 12th Standing Committee of the National People’ s Congress on April 28, 2016, promulgated by Order No. 44 of the President of the People’ s Republic of China, and effective on January 1, 2017

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Chapter I

General Provisions

Article 1 This Law has been formulated for the purposes of regulating and guiding the activities in the mainland of China of nongovernmental organizations from outside China’ s mainland (hereinafter referred to as “overseas NGOs”), as well as protecting their legitimate rights and interests and facilitating communication and cooperation.

Article 2 This Law shall apply to the activities in the mainland of China of all overseas NGOs.

“Overseas NGOs,” as referred to in this Law, shall mean foundations, social groups,

think tanks and other non-profit, nongovernmental social organizations legally established overseas.

Article 3 Overseas NGOs may, in accordance with the provisions of this Law, engage in undertakings of benefit to the public in the areas of the economy, education, science, culture, health, sports and environmental protection, as well as in the areas of poverty and disaster relief.

Article 4 Overseas NGOs that carry out activities in the mainland of China in accordance with the law shall be protected by the law.

Article 5 Activities of overseas NGOs in the mainland of China shall abide by Chinese laws and shall not threaten China's national reunification and security or ethnic unity, nor harm China's national and social interests or the legitimate rights and interests of citizens, legal persons and other organizations.

Overseas NGOs shall not engage in or finance profit-making or political activities in the mainland of China, and they shall not illegally engage in or finance religious activities.

Article 6 The Ministry of Public Security under the State Council and public security organs of provincial-level people's governments shall be the registration authorities for activities of overseas NGOs in the mainland of China.

Relevant departments and offices of the State Council and of provincial-level people's governments shall be in charge of corresponding activities of overseas NGOs in China's mainland.

Article 7 Public security organs and relevant departments of people's governments at and above the county level shall, in accordance with the law and within the scope of their respective duties, oversee and supervise, and provide services to assist, the activities of overseas NGOs in the mainland of China.

The State shall establish a coordination mechanism to oversee and supervise overseas NGOs and be responsible for researching, coordinating and solving major problems in the course of overseeing and supervising, as well as providing services to assist, the activities of overseas NGOs in the mainland of China.

Article 8 The State shall reward overseas NGOs that make outstanding contributions to the development of public welfare in China.

Chapter II

Registration and Submitting Documents for the Record

Article 9 An overseas NGO engaging in activities in the mainland of China shall, in accordance with the law, register an established representative office. Where an overseas NGO has not registered an established representative office but needs to carry out temporary activities in the mainland of China, it shall submit documents for the record to this effect in accordance with the law.

Where an overseas NGO has not registered an established representative office, nor submitted documents for the record stating that it intends to carry out temporary activities, it shall not carry out or covertly engage in any activities, nor shall it entrust or finance, or covertly entrust or finance, any organization or individual to carry out activities in the mainland of China on its behalf.

Article 10 Overseas NGOs that meet the following conditions may, depending on the scope of their operations, areas of activities and the need to carry out activities, apply to register and establish representative offices in the mainland of China:

- (1) Legally established overseas;
- (2) Able to independently bear civil liability;
- (3) Purposes and business scopes specified in the articles of association that benefit public welfare;
- (4) Existed and engaged in substantive activities overseas for more than two years;

(5) Other conditions stipulated by laws and administrative regulations.

Article 11 Overseas NGOs that apply to register and establish representative offices in the mainland of China shall seek the approval of organizations in charge of their operations.

Directories of organizations in charge of operations shall be made public by the Ministry of Public Security under the State Council and public security organs of provincial-level people's governments together with relevant departments.

Article 12 Overseas NGOs shall, within 30 (thirty) days of receiving permission from an organization in charge of operations, apply to the registration authority to register a representative office. When applying to register a representative office, overseas NGOs shall provide the registration authority with the following documentation and information:

- (1) A completed application form;
- (2) Documents to support information specified in Article 10 of this Law;
- (3) ID and the curriculum vitae of the person in charge of the proposed representative office as well as evidence or a statement proving he or she has no criminal record;
- (4) Proof of premises of the proposed representative office;
- (5) Evidence of the source of supporting funds;
- (6) Letter of approval from the organization in charge of operations;
- (7) Other documentation and information stipulated in laws and administrative regulations.

The registration authority shall review applications of overseas NGOs to establish representative offices and may arrange expert assessments where necessary.

The registration authority shall decide whether to grant or refuse the registration request within 60 (sixty) days of receiving an application.

Article 13 Where the application to establish a representative office of an overseas NGO is accepted, the registration authority shall issue a registration certificate and publicly announce the acceptance. Registration items shall include the following:

- (1) Name;
- (2) Address;
- (3) Scope of operations;
- (4) Area of activities;
- (5) Chief representative;
- (6) Organization in charge of operations.

Overseas NGOs shall, in accordance with the law, use the certificate of registration to register for tax, obtain an engraved seal and open a bank account in the mainland of China, and they shall submit a copy of their tax registration certificate, a sample of their seal and their bank account details to the registration authority for their records.

Article 14 Where representative offices of overseas NGOs need to alter registration details, they shall apply to do so with their registration authority within 30 (thirty) days of receiving the approval of the organization in charge of operations.

Article 15 Where any of the following circumstances occur, registration authorities shall cancel the registration of representative offices of overseas NGOs and publically announce the cancellation:

- (1) The overseas NGO withdraws the representative office;
- (2) The overseas NGO ceases operations;
- (3) Registration of the overseas NGO's representative office is revoked or its registration certificate is suspended;
- (4) The representative office ceases operations for other reasons.

After the registration of a representative office of an overseas NGO is cancelled, the overseas NGO that established the representative office shall properly deal with the aftermath. Representative offices of overseas NGOs do not have legal person status, and overseas NGOs bear any related legal liability.

Article 16 Overseas NGOs that have not established representative offices but need to

conduct temporary activities in the mainland of China shall do so in cooperation with State organs, people's organizations, public institutions and social organizations (hereinafter referred to as "Chinese partners").

Article 17 Chinese partners of overseas NGOs conducting temporary activities shall handle examination and approval procedures in accordance with State regulations and submit to local registration authorities the following documentation and information for their records 15 (fifteen) days before temporary activities commence:

- (1) Documentary and material evidence of the legal establishment of the overseas NGO;
- (2) A written agreement between the overseas NGO and its Chinese partner;
- (3) Relevant information including the name, purpose, location and duration of temporary activities;
- (4) Evidence of costs and funding sources as well as the bank account details of the Chinese partner;
- (5) Approval documents obtained by the Chinese partner;
- (6) Other documentation and information specified by laws and administrative regulations.

In emergency situations, such as disaster relief and rescue operations, where an overseas NGO needs to carry out temporary activities in the mainland of China, the timeframe for filing records mentioned in the preceding article shall not apply; however, the duration of temporary activities shall not exceed 1 (one) year. Where there is a need to extend this deadline, documentation and information shall be re-submitted for the record.

Where registration authorities believe that the temporary activities on record do not conform to the provisions of Article 5 of this Law, they shall immediately notify the Chinese partner to cease temporary activities.

Chapter III

Activity Specifications

Article 18 Representative offices of overseas NGOs shall operate under their registered names when carrying out activities within their operational scope and area.

Overseas NGOs shall not establish branch organizations, unless otherwise specified by the State Council.

Article 19 Each year before December 31, representative offices of overseas NGOs shall submit to organizations in charge of their operations a plan for their activities in the following year, including projects and use of funds, and shall submit the same to registration authorities within 10 (ten) days following approval by organizations in charge of operations. Where it is necessary to alter an activity plan under special circumstances, this shall be told to the registration authority immediately for the record.

Article 20 Overseas NGOs carrying out activities in the mainland of China shall not impose on Chinese partners and beneficiaries conditions that violate Chinese laws and regulations.

Article 21 Funding for activities of overseas NGOs in the mainland of China include the following:

- (1) Legal sources of funds overseas;
- (2) Interest on bank deposits in the mainland of China;
- (3) Other funds legally acquired in the mainland of China.

Operations of overseas NGOs in the mainland of China shall not involve the acquisition or use of funds other than those stipulated in this article.

Overseas NGOs and their representative offices shall not solicit donations in the mainland of China.

Article 22 Overseas NGOs that have representative offices shall manage the funds for use in the mainland of China through the representative offices' bank accounts put on the

records of registration authorities.

Overseas NGOs carrying out temporary activities in the mainland of China shall manage the funds for use in the mainland of China through their Chinese partners' bank accounts, implement separate accounting and earmark funds for specific purposes.

Overseas NGOs, Chinese partners and individuals shall not use any means except the banks accounts specified in the preceding two paragraphs to receive or make payments of funds for their activities in the mainland of China.

Article 23 Overseas NGOs shall use funds in accordance with their operational scopes and areas as registered by representative offices or in accordance with their agreements with Chinese partners.

Article 24 Representative offices of overseas NGOs shall adopt the Chinese unified accounting system and employ accounting personnel with Chinese accounting qualifications to carry out accounting in accordance with the law. Financial accounting reports shall be audited by an accounting firm in the mainland of China.

Article 25 Overseas NGOs carrying out activities in the mainland of China shall process foreign exchange revenues and expenditures in accordance with relevant Chinese foreign exchange controls.

Article 26 Representative offices of overseas NGOs shall handle tax registration, declaration and payment procedures in accordance with the law.

Article 27 Representative offices of overseas NGOs that employ staff in the mainland of China shall abide by laws and administrative regulations and report workers' information to organizations in charge of operations and registration authorities for their records.

Article 28 Representative offices of overseas NGOs and overseas NGOs that are carrying out temporary activities in the mainland of China shall not recruit members in the mainland of China, unless otherwise specified by the State Council.

Article 29 Representative offices of overseas NGOs shall appoint a chief representative and between one and three other representatives based on their operational requirements.

A person who meets any of the following criteria may not serve as a chief representative or representative:

- (1) Lacks legal capacity or has limited legal capacity;
- (2) Has a criminal record;
- (3) Has been chief representative or representative of a representative office that has had its registration revoked or its registration certificate suspended in accordance with the law for not more than five years;
- (4) Other circumstances stipulated by laws and administrative regulations.

Article 30 An overseas NGO carrying out temporary activities in the mainland of China shall engage in activities under the name it filed on record.

Overseas NGOs and Chinese partners shall report in writing to registration authorities within 30 (thirty) days of the conclusion of their activities detailing their activities and use of funds.

Article 31 Representative offices of overseas NGOs shall, before January 31 each year, submit a report to the organization in charge of their operations detailing their previous year' s work and, having received their comments, and report the same to registration authorities before March 31 for an annual inspection.

Annual work reports should include an audited financial report, details of activities and personnel or organizational changes.

Representative offices of overseas NGOs shall make annual work reports available to the public on the centralized website of registration authorities.

Article 32 No organization or individual in the mainland of China shall be entrusted or financed by an unregistered representative office of an overseas NGO or an overseas NGO that has not submitted the necessary documents for the record to carry out temporary activities in the mainland of China, nor shall they agree to act in the capacity of an agent or

agent in any other form of the aforementioned for such a purpose.

Chapter IV

Facilitation Measures

Article 33 The State shall safeguard and support overseas NGOs in carrying out activities in accordance with the law in the mainland of China. Relevant departments of people's governments at all levels shall provide the necessary assistance and services for overseas NGOs to carry out activities in accordance with the law in the mainland of China.

Article 34 The Ministry of Public Security under the State Council and public security organs of provincial-level people's governments shall, together with relevant departments, compile lists of the areas and projects of overseas NGOs, publish lists of organizations in charge of their operations and provide guidance to overseas NGOs in carrying out their activities.

Article 35 Relevant departments of people's governments at or above the county level shall provide policy advice and guidance and services for the activities of overseas NGOs in accordance with the law.

Registration authorities shall, via a centralized website, make public the procedures for overseas NGOs to apply to establish representative offices and submit the necessary documents for the record to carry out temporary activities.

Article 36 Representative offices of overseas NGOs may benefit from tax incentives and other preferential policies in accordance with the law.

Article 37 No charge shall be levied for the annual inspections of representative offices of overseas NGOs.

Article 38 Chief representatives and the overseas representatives of representative offices of overseas NGOs who hold foreign nationality may use their registration certificates and documentary evidence of their positions to handle employment and other work formalities in accordance with the law.

Chapter V

Oversight and Supervision

Article 39 Overseas NGOs carrying out activities in the mainland of China shall accept the oversight and supervision of public security organs, relevant departments and organizations in charge of operations.

Article 40 Organizations in charge of operations shall be responsible for issuing comments to overseas NGOs on establishing representative offices, changing registered details and compiling annual work reports, for guiding and overseeing overseas NGOs and their representative offices in carrying out activities, and for assisting public security organs and other departments in investigations of illegal behavior by overseas NGOs and their representative offices.

Article 41 Public security organs shall be responsible for the registration and annual inspections of representative offices of overseas NGOs, ensuring the submission of necessary documents for the record by overseas NGOs wishing to carry out temporary activities in the mainland of China, and investigating and punishing illegal behavior by overseas NGOs and their representative offices.

Where public security organs discover behavior they suspect violates the provisions of this Law in the course of performing oversight and supervision, they may adopt the following measures in accordance with the law:

- (1) Interview the chief representative and other representatives of the representative office of an overseas NGO;
- (2) Enter the premises or site of the activities of the overseas NGO in the mainland of

China to carry out an inspection;

- (3) Question organizations and individuals related to the incident being investigated and require them to clarify matters related to the incident being investigated;
- (4) Consult and copy documents and materials relevant to the incident being investigated and seal up for safekeeping documents or materials that could otherwise be moved, destroyed, concealed or altered;
- (5) Shut down premises and facilities, or seize property, suspected of involvement in illegal activities.

Article 42 Public security organs may access the bank accounts of organizations and individuals related to the incident being investigated, and financial institutions and financial regulatory bodies shall submit to such requests. Where a bank account is suspected of involvement in illegal activities, having obtained the approval of the person in charge of the public security organ of the people's government at or above the level of a city divided into districts, a request may be made to a people's court to freeze the account in accordance with the law. The bank account suspected of criminal involvement shall be frozen in accordance with provisions of the Criminal Procedure Law of the People's Republic of China.

Article 43 Departments in charge of national security, foreign affairs, finance, financial regulation, customs, taxation and foreign experts shall oversee and supervise overseas NGOs and their representative offices according to their respective duties and in accordance with the law.

Article 44 The administrative department of the State Council in charge of anti-money laundering shall carry out oversight and supervision of compliance with provisions of anti-money laundering and anti-terrorism financing laws by representative offices of overseas NGOs, Chinese partners, and organizations and individuals in the mainland of China who accept funding from overseas NGOs, in the course of opening and operating bank accounts, in accordance with the law.

Chapter VI

Legal Liability

Article 45 Where representative offices of overseas NGOs, overseas NGOs carrying out temporary activities in the mainland of China or their Chinese partners are guilty of one of the following, the local public security organ of a people's government at or above the level of a city divided into districts, shall issue a warning or order them to cease their activities within a certain deadline, confiscate illegal gains and stolen property, and where circumstances are serious, have the registration authority suspend their registration certificate and prohibit temporary activities:

- (1) Failing to update relevant details on their registration documents or documents on record in accordance with provisions;
- (2) Failing to carry out activities under the name or within the operational scope or area of activities stated on the registration documents or documents on record;
- (3) Engaging in or funding profit-making activities, fundraising or recruiting members in violation of provisions;
- (4) Obtaining or using funds in violation of provisions, or failing to open or use a bank account or carry out accounting in accordance with provisions;
- (5) Failing to submit an annual activity plan and to submit or make public an annual work report in accordance with provisions;
- (6) Refusing to accept an inspection, or not accepting one in accordance with provisions.

Any representative offices of overseas NGOs and overseas NGOs carrying out temporary activities in the mainland of China, or their Chinese partners, that use illegal means, such as providing false information, to obtain a representative office registration

certificate or when submitting documents for the record, or that forge, alter, sell, rent or lend a registration certificate or seal, shall be punished in accordance with the provisions of the preceding paragraph.

Article 46 Where overseas NGOs or their representative offices are guilty of any of the following, the local public security organ of a people's government at or above the level of a city divided into districts shall issue a ban or order them to cease their illegal behavior, confiscate their illegal gains and property, issue a warning to those directly responsible, and where circumstances are serious, detain them for up to 10 (ten) days:

- (1) Carrying out activities in the name of the representative office of an overseas NGO or an overseas NGO without registering or submitting the necessary documents for the record;
- (2) Carrying out activities in the name of the representative office of an overseas NGO after their registration has been revoked, their registration certificates are suspended or their registration is cancelled;
- (3) Carrying out activities in the mainland of China after the deadline for temporary activities of an overseas NGO has expired or the temporary activities have been banned;
- (4) Entrusting or financing organizations or individuals in the mainland of China in carrying out activities in the mainland of China when an overseas NGO has not registered a representative office or has not submitted the necessary documents for the record to carry out temporary activities.

Organizations and individuals in the mainland of China who knowingly cooperate with an unregistered representative office of an overseas NGO or an overseas NGO that has not submitted the necessary documents for the record to carry out temporary activities, who are willfully entrusted or financed by them, or who act in the capacity of an agent or agent in any other form to carry out activities or receive or make payments of project funds shall be punished in accordance with the provisions of the preceding paragraph.

Article 47 Where an overseas NGO or representative office of an overseas NGO is guilty of any of the following, the registration authority shall suspend its registration certificate or prohibit temporary activities; if no crime is committed, the public security organ of the local people's government at or above the level of a city divided into districts may detain those directly responsible for up to 15 (fifteen) days:

- (1) Inciting resistance to laws and regulations;
- (2) Illegally obtaining State secrets;
- (3) Spreading rumors, slandering, or publishing or disseminating other harmful information that endangers national security or harms national interests;
- (4) Engaging in or funding political activities, or illegally engaging in or funding religious activities;
- (5) Engaging in other acts that endanger national security or harm national or public interests.

Where an overseas NGO or the representative office of an overseas NGO engages in criminal acts, such as those aimed at dividing the country, undermining national reunification or subverting State power, the registration authority shall punish them in accordance with the provisions of the preceding paragraph and investigate criminal liability against those directly responsible.

Article 48 Where an overseas NGO or the representative office of an overseas NGO violates the provisions of this Law and has its registration revoked, its registration certificate suspended or its temporary activities prohibited, it shall not establish a representative office or carry out temporary activities in the mainland of China again for a period of 5 (five) years from the date on which its registration is revoked or suspended or its activities prohibited.

An unregistered representative office of an overseas NGO or an overseas NGO that has not submitted the necessary documents for the record to carry out temporary activities shall

not establish a representative office or carry out temporary activities in the mainland of China again for a period of 5 (five) years from the date on which its activities are prohibited.

Where an overseas NGO is guilty of one of the acts listed in Article 47 of this Law, the Ministry of Public Security under the State Council may include it on an unwelcome list, and it shall not establish a representative office or carry out temporary activities in the mainland of China again.

Article 49 Where the representative office of an overseas NGO is ordered to cease its activities within a specific deadline, the registration authority shall seal up its registration certificate, seal and financial documents for safekeeping. Where its registration is revoked or its registration certificate is suspended, the registration authority shall confiscate and nullify its registration certificate and seal.

Article 50 Where overseas nationals violate the provisions of this Law, relevant authorities may order them to leave the country within a certain deadline or decide to expel or deport them.

Article 51 Where, in the course of their oversight and supervision work with overseas NGOs, public security organs, relevant departments and organizations in charge of operations, as well as their personnel, fail to perform their duties or abuse their authority, neglect their duties, or commit irregularities for private gains, criminal liability shall be investigated in accordance with the law.

Article 52 Where the provisions of this Law are violated in an act that constitutes a violation of public security, public security organs shall administer a punishment in respect to management of public security. Where they are violated in an act that constitutes a crime, the organization or individual responsible shall be investigated for criminal liability in accordance with the law.

Chapter VII

Supplementary Provisions

Article 53 Overseas schools, hospitals, natural sciences and engineering technology research institutes, or academic organizations wishing to engage in exchanges and cooperation with schools, hospitals, natural science and engineering technology research institutes, or academic organizations in the mainland of China shall do so in accordance with relevant regulations of the State.

Where the activities in the mainland of China of schools, hospitals, institutes and organizations specified in the preceding paragraph violate the provisions of Article 5 of this Law, they shall be investigated for criminal liability in accordance with the law.

Article 54 This Law shall come into force on January 1, 2017.

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