

## Overseas NGO Management Law (Second draft)

<p>中华人民共和国境外非政府组织管理法（草案）（二次审议稿）</p> <p><b>目录</b></p> <p>第一章 总则</p> <p>第二章 代表机构</p> <p>第三章 临时活动</p> <p>第四章 行为规范</p> <p>第五章 便利措施</p> <p>第六章 监督管理</p> <p>第七章 特别规定</p> <p>第八章 法律责任</p> <p>第九章 附则</p> <p><b>第一章 总则</b></p> <p>第一条 为了规范、引导境外非政府组织在中国境内的活动，保障其合法权益，促进交往与合作，制定本法。</p> <p>第二条 境外非政府组织在中国境内开展活动适用本法。本法所称境外非政府组织，是指在</p>	<p><b>The Overseas NGO Management Law of the People's Republic of China (Draft) (Second reading)</b></p> <p><b>CONTENTS</b> (contains links)</p> <p>Chapter 1. General Principles</p> <p>Chapter 2. Representative Offices</p> <p>Chapter 3. Temporary Activities</p> <p>Chapter 4. Regulation of Conduct</p> <p>Chapter 5. Favorable Policies</p> <p>Chapter 6. Supervision and Management</p> <p>Chapter 7. Special Regulations</p> <p>Chapter 8. Legal Responsibility</p> <p>Chapter 9. Supplementary Provisions</p> <p><b>Chapter 1. General Principles</b></p> <p><b>Article 1.</b> This law is designed to standardize and guide all activities carried out by overseas NGOs within China, and to protect their rights and interests, while promoting exchange and cooperation.</p> <p><b>Article 2.</b> This law concerns overseas NGOs carrying out activities within China. ‘Overseas NGO’ refers to non-profit, non-government social organizations that have been established</p>
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<p>境外成立的非营利、非政府的社会组织。</p> <p>第三条 境外非政府组织可以在经济、教育、科技、卫生、文化、体育、环保、慈善等领域依法开展有利于公益事业发展的活动。</p> <p>第四条 境外非政府组织在中国境内依法开展活动，受法律保护。</p> <p>第五条 境外非政府组织在中国境内开展活动应当遵守中国法律，不得危害中国的国家统一、安全和民族团结，不得损害中国国家利益、社会公共利益以及其他组织和公民的合法权益，不得违反公序良俗。境外非政府组织不得从事或者资助营利性活动、政治活动，不得非法从事宗教活动或者非法资助宗教活动。</p> <p>第六条 境外非政府组织在中国境内开展活动，应当通过依法登记的代表机构进行；未登记代表机构需要开展活动的，应当事先取得临时活动许可。境外非政府组织未登记代表机构、未取得临时活动许可的，不得在中国境内开展活动，不得委托、资助中国境内个人、法人或者其他组织在中国境内开展活动。</p> <p>第七条 国务院公安部门及省级人民政府公安机关是境外非政府组织在中国境内开展活动的登记管理机关。国务院有关部门、省级人民政府有关部门、国务院或者省级人民政府授权的</p>	<p>outside of mainland China.</p> <p><b>Article 3.</b> Overseas NGOs that work in fields such as economic, education, science and technology, health, culture, sports, environmental protection and charity may carry out activities that legally develop public welfare.</p> <p><b>Article 4.</b> Overseas NGOs that conduct legal activities within China will receive the protection of the law.</p> <p><b>Article 5.</b> Overseas NGOs that conduct activities in China shall operate according to Chinese laws; not threaten China's security or national and ethnic unity; must not harm China's national interests, societal public interests, or the legal rights of other groups and citizens; and must not disrupt public order and morality. Furthermore overseas NGOs must not engage in or fund for-profit activities or political activities. They also must not illegally conduct or fund religious activities.</p> <p><b>Article 6.</b> Overseas NGOs that conduct activities in China shall do so in the name of a legally registered representative office (代表机构). Unregistered representative offices that wish to conduct activities shall obtain a temporary activity permit (临时活动许可) in advance. It is prohibited for overseas NGOs that are unregistered or have not legally obtained a temporary activity permit to conduct activities within China, or commission domestic Chinese individuals, legal persons, or organizations to conduct activities within China.</p> <p><b>Article 7.</b> The Public Security departments of the State Council and provincial level public security authorities are in charge of the registration and management of overseas NGOs that conduct activities in China. The relevant</p>
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<p>组织是境外非政府组织在中国境内开展活动的业务主管单位。</p> <p>国务院有关部门和县级以上地方人民政府有关部门在职责范围内负责境外非政府组织管理工作。国家建立境外非政府组织管理工作协调机制，负责研究、协调、解决境外非政府组织管理的重大问题。</p>	<p>departments of the State Council and provincial level governments, as well as organizations authorized by the State Council or provincial level governments, are the Professional Supervisory Units (业务主管单位) of overseas NGOs conducting activities in China.</p> <p>Within the scope of their authority, the relevant departments of the State Council and local governments at the county level or above are responsible for the management of overseas NGOs. The state will establish mechanisms to manage overseas NGOs and be responsible for researching, coordinating, and resolving significant problems.</p>
<p>第八条 国家建立境外非政府组织管理信息系统和境外非政府组织统计制度。</p>	<p><b>Article 8.</b> The state will establish information management and statistical systems to collect data about overseas NGOs.</p>
<p>第九条 国家对为中国公益事业发展做出突出贡献的境外非政府组织给予表彰。</p>	<p><b>Article 9.</b> The state will commend those overseas NGOs that provide outstanding contributions to the development of Chinese public welfare.</p>
<h2>第二章 代表机构</h2>	<h2>Chapter 2. Representative Offices</h2>
<p>第十条 境外非政府组织符合下列条件的，可以申请在中国境内设立代表机构：</p> <ul style="list-style-type: none"><li>(一) 在境外依法成立；</li><li>(二) 能够独立承担民事责任；</li><li>(三) 宗旨和业务范围有利于公益事业发展；</li><li>(四) 在境外存续二年以上并开展实质性活动；</li><li>(五) 法律、行政法规规定的其他条件。境外非政府组织只能在中国境内设立一个代表机</li></ul>	<p><b>Article 10.</b> Overseas NGOs that meet the following requirements may apply to establish a representative office (代表机构) in China:</p> <ul style="list-style-type: none"><li>(1) The NGO was lawfully established outside of mainland China;</li><li>(2) The NGO is independently able to assume civil liability;</li><li>(3) The NGO's aims and scope of activities are beneficial to the development of the public welfare sector;</li><li>(4) The NGO has been existent for a continuous period of at least two years outside of mainland</li></ul>

<p>构。</p> <p>第十一条 境外非政府组织申请设立代表机构，应当经业务主管单位同意。</p> <p>第十二条 境外非政府组织应当自业务主管单位同意之日起三十日内，向登记管理机关申请设立代表机构登记。申请设立代表机构登记，应当向登记管理机关提交下列文件、材料：</p> <p>（一）申请书；</p> <p>（二）符合本法第十条第一款规定的证明文件、材料；</p> <p>（三）拟设代表机构首席代表的身份证明、简历及其无犯罪记录证明材料；</p> <p>（四）拟设代表机构的住所证明材料；</p> <p>（五）资金来源证明材料；</p> <p>（六）业务主管单位的同意文件；</p> <p>（七）法律、行政法规规定的其他文件、材料。</p>	<p>China and has conducted substantial activities during that time.</p> <p>(5) Conditions provided by other laws or regulations.</p> <p>Overseas NGOs may only establish one representative office within China.</p> <p><b>Article 11.</b> Overseas NGOs that apply to establish a representative office shall have received the consent of a Professional Supervisory Unit (业务主管单位).</p> <p><b>Article 12.</b> Overseas NGOs shall apply to register a representative office from the registration management authorities within 30 days of formally identifying and getting approval from a Professional Supervisory Unit. To apply for a registration permit for a representative office, overseas NGOs shall submit the following documents to the registration management authorities:</p> <p>(1) A completed application form;</p> <p>(2) Documentation and other evidence that the overseas NGO meets the conditions set out in Article 10, Paragraph 1 of this law;</p> <p>(3) Identification documents for the chief representative of the proposed overseas NGO representative office, a CV and proof that shows that he or she has no criminal record;</p> <p>(4) Documentation that states the address of the overseas NGO's proposed representative office.</p> <p>(5) Documentation that shows the funding sources of the overseas NGO;</p> <p>(6) Documentation that shows an agreement from a Professional Supervisory Unit to supervise the overseas NGO's proposed representative office;</p> <p>(7) Any documentation and material required by other laws or regulations.</p>
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<p>登记管理机关审查境外非政府组织代表机构设立申请，根据需要可以组织专家进行评估。登记管理机关应当自受理申请之日起六十日内作出准予登记或者不予登记的决定。</p> <p>第十三条 对准予登记的境外非政府组织代表机构，登记管理机关发给登记证书，并予以公告。登记事项包括：</p> <ul style="list-style-type: none"><li>（一）名称；</li><li>（二）住所；</li><li>（三）业务范围；</li><li>（四）活动地域；</li><li>（五）首席代表；</li><li>（六）业务主管单位；</li><li>（七）驻在期限。</li></ul> <p>境外非政府组织代表机构凭登记证书依法办理组织机构代码、税务登记，刻制印章，在中国境内的银行开立银行账户，并将组织机构代码、税务登记证件复印件、印章式样以及银行账号报登记管理机关备案。</p> <p>境外非政府组织代表机构不具有法人资格。</p> <p>第十四条 境外非政府组织申请设立代表机构有下列情形之一的，登记管理机关不予登记：</p> <ul style="list-style-type: none"><li>（一）不符合本法第三条、第五条、第十条规</li></ul>	<p>The registration management authorities that review the application of overseas NGOs to establish a representative office in China, may commission experts to conduct a review if deemed necessary. The registration management authorities shall issue a decision within 60 days after receiving an application.</p> <p><b>Article 13.</b> The registration management authorities shall give a certificate of registration for those overseas NGOs' representative offices that they approve and make public announcement of that registration. Registration information shall include:</p> <ul style="list-style-type: none"><li>(1) Name;</li><li>(2) Address;</li><li>(3) Scope of activities;</li><li>(4) Location of activities;</li><li>(5) Chief representative;</li><li>(6) Professional Supervisory Unit;</li><li>(7) Duration of residence.</li></ul> <p>The representative office of an overseas NGO will use their registration certificate to obtain an organizational code, register for taxes, get an official seal, and establish a bank account at a bank in mainland China. They shall file copies of the above documents with the registration management authorities.</p> <p>The representative office of an overseas NGO does not have the status of a legal person.</p> <p><b>Article 14.</b> The registration management office will not give approval to an application from a overseas NGO to establish a representative office if:</p>
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<p>定的；</p> <p>(二) 申请时隐瞒真实情况或者提供虚假材料的；</p> <p>(三) 拟设代表机构首席代表有犯罪记录的；</p> <p>(四) 法律、行政法规规定的其他情形。</p> <p>第十五条 境外非政府组织代表机构驻在期限不超过五年，期满需要继续开展活动的，应当在期限届满六十日前经业务主管单位同意后，向登记管理机关重新申请登记。</p> <p>第十六条 境外非政府组织代表机构需要变更登记事项的，应当自业务主管单位同意之日起三十日内，向登记管理机关申请变更登记。</p> <p>第十七条 有下列情形之一的，境外非政府组织代表机构由登记管理机关注销登记，并予以公告：</p> <p>(一) 境外非政府组织撤销代表机构的；</p> <p>(二) 境外非政府组织终止的；</p> <p>(三) 境外非政府组织代表机构驻在期限届满未办理重新登记的；</p> <p>(四) 境外非政府组织代表机构依法被撤销登记或者吊销登记证书的；</p>	<p>(1) The provisions stated in articles 3, 5, and 10 of this law are not met.</p> <p>(2) Actual circumstances are hidden or false information is provided in the application process</p> <p>(3) The chief representative candidate has a criminal record;</p> <p>(4) There are other outstanding issues related to other laws or regulation</p> <p><b>Article 15.</b> An overseas NGOs' representative offices can receive approval for a maximum of five years. If, when the registration period has expired the NGO wishes to continue activities in China, they shall apply for a new registration. This new application shall be delivered to the registration management office within 60 days before the expiration of the existing registration, after getting approval from its Professional Supervisory Unit.</p> <p><b>Article 16.</b> When the representative office of an overseas NGO wishes to alter their registration information, they shall apply within 30 days of getting approval from their Professional Supervisory Unit.</p> <p><b>Article 17.</b> The representative office of a overseas NGO may be publically de-registered by the registration management authorities if:</p> <p>(1) The overseas NGO closes its representative office in China;</p> <p>(2) The overseas NGO ceases operations;</p> <p>(3) The representative office fails to complete a new registration application before the existing duration of residence ends;</p> <p>(4) The overseas NGO has its registration certificate withdrawn in accordance with law;</p> <p>(5) The activities of the NGO are no longer permitted due to other reasons;</p>
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(五) 由于其他原因终止的。

境外非政府组织代表机构注销登记后，未尽事宜涉及相关法律责任的，由设立该代表机构的境外非政府组织承担。

### 第三章 临时活动

第十八条 境外非政府组织未在中国境内设立代表机构，在中国境内开展临时活动的，应当事先取得临时活动许可。临时活动期限不超过一年。

境外非政府组织开展临时活动应当与在中国境内的国家机关、人民团体、事业单位、社会组织（以下称中方合作单位）合作进行。

第十九条 境外非政府组织开展临时活动，应当经业务主管单位同意。但是，国家机关或者经国务院公安部门确定的单位为中方合作单位的，可以按照国家规定办理审批手续。

第二十条 境外非政府组织应当自业务主管单位或者有关部门同意之日起三十日内，向登记管理机关申请临时活动许可。申请临时活动许可，应当向登记管理机关提交下列文件、材料：

If, after an overseas NGOs' representative office has been deregistered, there are related outstanding issues or legal liability, the overseas NGO will bear responsibility.

### Chapter 3 Temporary Activities

**Article 18.** Overseas NGOs without a representative office in China that wish to carry out temporary activities in China should first secure a temporary activity permit. The duration of a temporary activity can not exceed one year.

Overseas NGOs that wish to conduct temporary activities in China shall cooperate with state authorities, mass organizations, public institutions, and social organizations (hereafter referred to as the Chinese partner organization (中方合作单位)).

**Article 19.** Overseas NGOs that wish to conduct temporary activities shall first obtain the approval of a Professional Supervisory Unit. However, state authorities or units that have been approved by the Public Security departments of the State Council (国务院公安部门) as the Chinese partner organization may also go through approval procedures according to national regulations.

**Article 20.** Overseas NGOs shall apply for a temporary activities permit within 30 days of receiving approval from the Professional Supervisory Unit or relevant department. Applications for a temporary activities permit shall include:

(1) A completed application form;

<p>(一) 申请书;</p> <p>(二) 符合本法第十条第一款规定的证明文件、材料;</p> <p>(三) 境外非政府组织与中方合作单位的书面协议;</p> <p>(四) 资金来源证明及中方合作单位的银行账户;</p> <p>(五) 业务主管单位或者有关部门的同意文件;</p> <p>(六) 法律、行政法规规定的其他文件、材料。</p> <p>登记管理机关审查境外非政府组织临时活动申请, 根据需要可以组织专家进行评估。</p> <p><b>第二十一条</b> 境外非政府组织可以委托中方合作单位向业务主管单位和登记管理机关申请办理相关手续。</p> <p><b>第二十二条</b> 登记管理机关应当自受理申请之日起三十日内作出准予许可或者不予许可的决定。准予许可的, 发给临时活动许可证明文件。</p> <p>临时活动的许可事项包括: 境外非政府组织中文名称、中方合作单位、活动项目、活动地域、活动期限、活动资金。</p>	<p>(2) Documentation showing that the applicant overseas NGO meets the requirements stipulated in Article 10, Paragraph 1 of this law;</p> <p>(3) A written agreement between the overseas NGO and the Chinese partner organization;</p> <p>(4) Proof of funding sources and the bank account of the Chinese partner organization (中方合作单位);</p> <p>(5) Approval documents provided by a Professional Supervisory Unit or relevant department;</p> <p>(6) Other documentation required by other laws or regulations.</p> <p>The registration management authorities may arrange for experts to review the application of an overseas NGO to conduct temporary activities, if deemed necessary.</p> <p><b>Article 21.</b> Overseas NGOs may arrange for a Chinese partner organization to assist in dealing with the Professional Supervisory Unit and registration management authorities.</p> <p><b>Article 22.</b> The registration management authorities shall issue a decision within 30 days of receiving an application to carry out temporary activities. If approval is given, a temporary activity permit will be issued.</p> <p>Information that is required in the application for temporary activities includes: the overseas NGOs' Chinese name, the name of the Chinese partner organization, the activity they are applying to run, the regional scope of the activity, the duration of the activity, and the funding for the activity.</p>
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## 第四章 行为规范

第二十三条 设立代表机构的境外非政府组织在中国境内的活动应当由其代表机构办理。

境外非政府组织代表机构应当以登记的名称，在核准的业务范围和活动地域内开展活动。

除国务院另有规定外，境外非政府组织及其代表机构不得在中国境内设立分支机构。

第二十四条 境外非政府组织代表机构应当于每年 11 月 30 日前将包含项目实施、资金使用等内容的下一年度活动计划报业务主管单位同意，业务主管单位同意后十日内报登记管理机关备案。

境外非政府组织实施项目前应当将登记证书、临时活动许可证明文件和活动内容等事项报项目实施地设区的市级人民政府公安机关备案。

第二十五条 境外非政府组织在中国境内开展活动不得对中方合作单位、受益人附加违反中国法律法规和公序良俗的条件。

第二十六条 境外非政府组织在中国境内活动资金包括：

- (一) 境外合法来源的资金；
- (二) 中国境内的银行存款利息；

## Chapter 4. Regulation Of Conduct

**Article 23.** If an overseas NGO has established a representative office in China, all of that NGO's activities that take place in China should be managed by the representative office.

The representative office of an overseas NGO shall operate activities using their registered name, and within the operational boundaries that have been approved.

Unless otherwise regulated for by the State Council, overseas NGOs and their representative offices must not establish any branch office in China.

**Article 24.** The representative office of an overseas NGO shall submit an activity plan that details the projects that they intend to run and how they intend to use their funding in the coming year. This plan should be submitted to the Professional Supervisory Unit before November 30th every year. After it has been approved, the representative office shall submit it to the registration management authorities for filing within 10 days.

Before overseas NGOs begin a project they shall submit for filing their registration documents, temporary activity permit, and a description of their project to municipal level and above (under which administrative districts are established) public security authorities who administrate the district in which the project will be carried out.

**Article 25.** Overseas NGOs that run projects in China must not make additional conditions that require Chinese partner units or the project's beneficiaries to break Chinese laws and regulations, or disrupt public order or morality.

**Article 26.** Funding for activities run by overseas NGOs in China include:

- (1) Money that has been legally raised abroad

<p>(三) 依法取得的其他中国境内资金。</p> <p>境外非政府组织在中国境内活动不得取得或者使用前款规定之外的资金。</p> <p>除国务院另有规定外，境外非政府组织及其代表机构不得在中国境内进行募捐或者接受中国境内捐赠。</p> <p>第二十七条 设立代表机构的境外非政府组织应当通过代表机构在登记管理机关备案的银行账户管理用于中国境内的资金。</p> <p>开展临时活动的境外非政府组织应当通过中方合作单位的银行账户管理用于中国境内的资金，实行单独记账，专款专用。</p> <p>未经前两款规定的银行账户，境外非政府组织不得以其他任何形式在中国境内进行资金收付。</p> <p>第二十八条 境外非政府组织应当按照代表机构登记的业务范围或者与中方合作单位协议的约定使用资金。</p> <p>第二十九条 境外非政府组织代表机构应当执行中国会计制度，聘请具有中国会计从业资格的会计人员依法进行会计核算。财务会计报告应当经中国境内会计师事务所审计并予以公</p>	<p>(2) Interest gained from deposits made in Chinese banks;</p> <p>(3) Other money that has been lawfully acquired within China.</p> <p>Overseas NGOs in China must not use funds that come from other sources, other than those described above, for their activities in China.</p> <p>Unless otherwise approved by the State Council, overseas NGOs and their representative offices in China must not conduct fundraising activities or accept donations in China.</p> <p><b>Article 27.</b> The representative office of an overseas NGO shall use the bank account that was filed with the registration management authorities to handle money inside of China.</p> <p>Overseas NGOs that run temporary activities in China shall use their Chinese partner organization's bank account to handle funds in China. An independent account record should be kept, and the money used as agreed upon.</p> <p>Overseas NGOs must not use alternative methods to give or receive funds inside of China, other than those described above.</p> <p><b>Article 28.</b> Overseas NGOs shall use funds according to the operational scope that was approved when they registered their representative office or as described in their agreement with their Chinese partner organization.</p> <p><b>Article 29.</b> The representative office of an overseas NGO shall manage their finances according to Chinese accounting law and employ accountants that have been legally certified in China to manage its accounting. A Chinese accounting firm shall audit the financial records</p>
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<p>开。</p> <p>第三十条 境外非政府组织在中国境内开展活动，应当按照中国有关外汇管理的规定办理外汇收支。</p> <p>第三十一条 境外非政府组织代表机构应当依法办理税务登记、纳税申报和税款缴纳等事项。</p> <p>第三十二条 境外非政府组织代表机构在中国境内聘请工作人员或者招募志愿者，应当委托当地外事服务单位或者中国政府指定的其他单位办理。</p> <p>境外非政府组织代表机构应当将工作人员信息报业务主管单位和登记管理机关备案。</p> <p>境外非政府组织开展临时活动不得直接招募志愿者，确需志愿者的，应当由中方合作单位招募。</p> <p>第三十三条 境外非政府组织代表机构、开展临时活动的境外非政府组织不得在中国境内发展或者变相发展会员。</p> <p>第三十四条 境外非政府组织代表机构应当设一名首席代表，可以根据业务需要设一至三名代表。</p>	<p>and the results made public.</p> <p><b>Article 30.</b> Overseas NGOs that run activities in China shall make bank transfers in accordance with China's existing regulations that deal with foreign exchange.</p> <p><b>Article 31.</b> The representative office of an overseas NGO shall legally make a tax registration, tax declarations, and pay taxes.</p> <p><b>Article 32.</b> If the representative office of an overseas NGO wishes to recruit staff or volunteers in China, they shall commission a local foreign affairs service unit, or other unit as designated by the government, to carry out their employment matters</p> <p>The representative office of an overseas NGO shall file information about their staff and personnel arrangements with their Professional Supervisory Unit and the registration management authorities.</p> <p>Overseas NGOs that conduct temporary activities in China must not directly recruit volunteers. If they do require volunteers they shall do so through their Chinese partner organization.</p> <p><b>Article 33.</b> Representative offices of an overseas NGOs and overseas NGOs conducting temporary activities must not openly or covertly recruit members within China.</p> <p><b>Article 34.</b> The representative office of an overseas NGO should have a chief representative. They can also recruit up to 3 other representatives if needed.</p>
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<p>有下列情形之一的，不得担任首席代表、代表：</p> <p>（一）无民事行为能力或者限制民事行为能力的；</p> <p>（二）有犯罪记录的；</p> <p>（三）依法被撤销登记、吊销登记证书的代表机构的首席代表、代表，自被撤销、吊销之日起未逾五年的；</p> <p>（四）法律、行政法规规定的其他情形。</p> <p>第三十五条 境外非政府组织代表机构中的境外工作人员的比例不得超过工作人员总数的百分之五十。境外非政府组织代表机构的工作人员不得同时在其他境外非政府组织代表机构中任职。</p> <p>第三十六条 开展临时活动的境外非政府组织，应当以经许可的名称开展活动。</p> <p>境外非政府组织、中方合作单位应当于临时活动结束后三十日内将活动情况、资金使用情况等书面报送业务主管单位和登记管理机关。</p> <p>第三十七条 境外非政府组织代表机构应当每年向业务主管单位报送上一年度工作报告，经业务主管单位出具意见后，于3月31日前报送登记管理机关，接受年度检查。</p>	<p>A person cannot serve as chief representative or representative if:</p> <p>(1) They have limited or no capacity for civil conduct</p> <p>(2) Possess a criminal record</p> <p>(3) Have been the chief representative or representative in the representative office of an overseas NGO that has been deregistered or had registration certificates withdrawn within the last 5 years;</p> <p>(4) They fail to meet the conditions of other laws or regulations</p> <p><b>Article 35.</b> Overseas personnel must not account for more than 50% of the total number of staff employed at a representative office of an overseas NGO. Staff employed at one representative office of an overseas NGO cannot simultaneously work at the representative office of another overseas NGO.</p> <p><b>Article 36.</b> Overseas NGOs that conduct temporary activities in China shall do so using the name that was approved on their temporary activities permit.</p> <p>Once a project has concluded, overseas NGOs and their Chinese partner organizations shall submit reports to their Professional Supervisory Unit and the registration management authorities. The report shall include a description of the activity and its use of funds, and shall be submitted within 30 days of the cessation of the activity.</p> <p><b>Article 37.</b> The representative office of an overseas NGO shall submit an annual work report to their Professional Supervisory Unit. After the Professional Supervisory Unit has given its feedback, the report shall be sent to the registration management authorities by March</p>
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年度工作报告应当包括财务会计报告、审计报告、开展活动的情况以及人员和机构变动的情况等内容。

第三十八条 中国境内个人、法人或者其他组织不得接受未登记代表机构、未取得临时活动许可的境外非政府组织的委托、资助，代理或者变相代理境外非政府组织开展活动。

## 第五章 便利措施

第三十九条 各级人民政府有关部门应当为境外非政府组织在中国境内依法开展活动提供便利。

第四十条 登记管理机关会同有关部门制定境外非政府组织活动领域和项目目录，发布业务主管单位名录，为境外非政府组织开展活动提供指引。

第四十一条 县级以上人民政府有关部门应当依法为境外非政府组织提供政策咨询、活动指导服务。

登记管理机关应当建立互联网信息服务平台，公示境外非政府组织申请设立代表机构以及开展临时活动的程序，供境外非政府组织查询。

31<sup>st</sup> for annual inspection.

The annual work report shall include an accounting report, audit reports, and descriptions of the activities and changes to staff or organizational structure.

**Article 38.** Individuals, legal persons, and organizations in China must not be hired by, accept financial support from, or represent or covertly represent, overseas NGOs that have not legally registered a representative office or obtained a temporary activities permit.

## Chapter Five. Favorable Policies

**Article 39.** Relevant departments at all levels of government shall enable overseas NGOs to carry out lawful activities in China.

**Article 40.** The registration and management authorities together with relevant departments, shall stipulate areas of work and projects that overseas NGOs can work in, and publish a list of Professional Supervisory Units in order to guide the activities of the Overseas NGOs.

**Article 41.** Relevant government departments at the county level and above shall provide policy advice and activities guidance to overseas NGOs in accordance with the law.

The registration and management authorities shall set up online information service platforms to make public the process of overseas NGOs applying for representative offices or temporary work permits.

**Article 42.** Overseas NGO representative offices

第四十二条 境外非政府组织代表机构依法享受税收优惠等政策。

第四十三条 对境外非政府组织代表机构进行年度检查不得收取费用。

第四十四条 境外非政府组织代表机构首席代表和代表中的境外人员，可以凭登记证书、代表证明文件等依法办理工作手续。

## 第六章 监督管理

第四十五条 境外非政府组织在中国境内开展活动，应当接受业务主管单位、公安机关和有关部门的监督管理。

第四十六条 业务主管单位履行下列监督管理职责：

（一）负责对境外非政府组织设立代表机构、变更登记事项、开展临时活动、实施新项目提出意见；

（二）负责对境外非政府组织代表机构年度检查提出意见；

（三）指导、监督境外非政府组织代表机构和取得临时活动许可的境外非政府组织依法开展活动；

（四）协助公安机关等部门查处境外非政府组织及其代表机构的违法行为。

shall enjoy tax benefits and other favorable policies in accordance with law.

**Article 43.** Fees cannot be charged for the annual inspection of overseas NGOs' representative offices.

**Article 44.** Overseas chief representatives and other expatriate representatives of an overseas NGO's representative office, may use the organization's registration certificate, documents proving the representative's status, and other materials to apply for work permits in accordance with law.

## Chapter Six. Supervision And Management

**Article 45.** Overseas NGOs conducting activities in China shall be supervised and managed by Professional Supervisory Units, public security authorities, and relevant departments.

**Article 46.** Professional Supervisory Units will perform the following supervision and management responsibilities:

(1) Provide advice on setting up a representative office, changing registration status, carrying out temporary activities, and implementing new projects;

(2) Provide advice on the annual inspections of the representative offices of overseas NGOs;

(3) Guide and oversee representative offices of overseas NGOs and overseas NGOs with temporary permits to ensure that they carry out activities legally;

(4) Assist public security authorities and other departments in investigating and punishing illegal activities by overseas NGOs and their representative offices.

第四十七条 公安机关履行下列监督管理职责：

- （一）负责对境外非政府组织设立代表机构的登记；
- （二）负责对境外非政府组织开展临时活动的许可；
- （三）负责对境外非政府组织代表机构的年度检查；
- （四）负责对境外非政府组织及其代表机构的活动进行监督，对违法行为进行查处。

第四十八条 国家安全、外交外事、财政、金融监督管理、海关、税务、外国专家等部门按照各自职责对境外非政府组织及其代表机构依法实施监督管理。

第四十九条 公安机关履行监督管理职责时，可以依法采取下列措施：

- （一）进入境外非政府组织在中国境内的办公场所、活动场所进行现场检查；
- （二）询问与被调查事件有关的单位和个人，要求其对与被调查事件有关的事项作出说明；
- （三）查阅、复制与被调查事件有关的文件、资料，对可能被转移、销毁、隐匿或者篡改的文件、资料予以封存；
- （四）查封或者扣押与被调查事件有关的场所、设施或者财物。

**Article 47.** Public security authorities will have the following supervision and management responsibilities:

- (1) Register representative offices of overseas NGOs;
- (2) Approve overseas NGOs to carry out temporary activities;
- (3) Carry out annual inspections of the representative office of overseas NGOs.
- (4) Oversee activities carried out by overseas NGOs and their representative offices' and investigate and punish illegal activities.

**Article 48.** National security departments, diplomatic and overseas affairs departments, fiscal department, financial supervision and management departments, the customs, tax authorities, departments in charge of overseas experts and other relevant departments shall supervise and manage overseas NGOs and their representative offices according to the law and their respective responsibilities and area of work.

**Article 49.** When performing their supervision and management responsibilities, the public security authorities may legally take the following measures:

- (1) Enter the Chinese offices and venues of activities of overseas NGOs to carry out on-site inspections;
- (2) Question organizations and individuals related to the investigation, and request an explanation of related issues;
- (3) Access and copy documents and materials related to an investigation, and seal and keep documents and materials that might be removed, destroyed, hidden, or tampered with;
- (4) Close down or seize venues, equipment, or

第五十条 公安机关可以查询与被调查事件有关的单位和个人的银行账户。对涉嫌违法活动的银行账户资金，经设区的市级以上人民政府公安机关负责人批准，可以提请人民法院依法冻结；对涉嫌犯罪的银行账户资金，依照《中华人民共和国刑事诉讼法》的规定采取冻结措施。

第五十一条 国务院反洗钱行政主管部门对境外非政府组织代表机构、中方合作单位的银行账户开立和使用情况进行监督管理，对接受境外非政府组织资金的中国境内个人、法人或者其他组织的银行账户及其交易进行反洗钱和反恐怖融资监测。

外汇管理机关对公安机关查询有关境外非政府组织的外汇收支情况予以配合，并提供资金监测信息。

## 第七章 特别规定

第五十二条 境外非政府组织依照中国法律、行政法规在中国境内设立或者合作设立的基金会、民办社会机构，应当依法申请登记。登记办法参照本法第二章的有关规定办理。

第五十三条 境外非政府组织设立或者合作设

properties related to an investigation.

**Article 50.** Public security authorities may access the bank accounts of organizations or individuals related to an investigation. If the approval of a person in charge of a public security authority at the municipal level and above (under which administrative districts are established) is gained, bank accounts related to illegal activities may be frozen with permission from a court. The bank accounts can also be frozen according to the Criminal Procedure Law of the People's Republic of China, if they are related to suspected criminal activities,

**Article 51.** The anti-money laundering departments under the State Council shall supervise and manage the opening and use of bank accounts by representative offices of an overseas NGOs and by their Chinese partners. They may also conduct anti-money laundering and counter-terrorism monitoring of bank accounts of individuals, legal persons, and organizations in China that receive funding from overseas NGOs.

Overseas exchange management authorities shall cooperate with public security authorities on inquiries into overseas exchange transactions related to the activities of overseas NGOs, and provide monitoring information on those transactions.

## Chapter 7. Special Regulations

**Article 52.** Overseas NGOs seeking to found or co-found foundations or societal organizations (民办社会机构) shall apply for registration as required by Chinese laws and regulations. Refer to relevant provisions in Chapter 2 for methods of registration.

**Article 53.** The foundations or societal organizations founded or co-founded by



立的基金会、民办社会机构不得在中国境内从事下列活动：

- （一）违反本法第五条规定的活动；
- （二）以境外非政府组织名义开展活动、代理或者变相代理境外非政府组织开展活动；
- （三）未经批准，以中方合作单位名义与境外非政府组织开展活动；
- （四）开展募捐活动。

第五十四条 公安机关和有关部门对境外非政府组织设立或者合作设立的基金会、民办社会机构的监督管理，适用本法第四十九条、第五十条、第五十一条的规定。

## 第八章 法律责任

第五十五条 境外非政府组织在申请设立代表机构时提供虚假材料或者采取其他手段隐瞒真实情况取得登记的，以及境外非政府组织或者中方合作单位在申请临时活动许可时提供虚假材料或者采取其他手段隐瞒真实情况取得许可的，由登记管理机关给予警告，可以处二十万元以下罚款；情节严重的，由登记管理机关撤销登记或者吊销临时活动许可证明文件。

第五十六条 境外非政府组织代表机构、开展临时活动的境外非政府组织或者中方合作单位有下列情形之一的，由设区的市级以上人民政

overseas NGOs must not:

- (1) Conduct activities that violate Article 5 of this law;
- (2) Conduct activities in the name of overseas NGOs, or represent or indirectly represent overseas NGOs in carrying out activities within China;
- (3) Carry out activities with overseas NGOs in the name of their Chinese partners without proper permission;
- (4) Conduct fundraising activities

**Article 54.** Articles 49, 50 and 51 of this law apply to the supervision and management by public security authorities and relevant departments, of foundations and societal organizations founded or co-founded by overseas NGOs.

## Chapter 8: Legal Responsibility

**Article 55.** If overseas NGOs applying to set up a representative office in China provide falsified materials or use other methods to conceal the truth, and if overseas NGOs and their Chinese partner organizations applying for temporary activity permits provide falsified materials or use other methods to conceal the truth, the registration and management authority may impose a fine of no more than 200,000 RMB; In serious cases, the registration and management authority may revoke the registration certificate or temporary activity permit.

**Article 56.** Public security authorities of municipal level and above (under which administrative districts are established) shall give warnings or orders to stop activities within a given period to representative offices of overseas NGOs, overseas NGOs carrying out

<p>府公安机关给予警告或者责令限期停止活动；没收非法财物和违法所得；可以处二十万元以下罚款；情节严重的，由登记管理机关吊销登记证书、临时活动许可证明文件：</p> <p>（一）未按照本法第十三条、第二十四条、第三十二条规定备案的；</p> <p>（二）伪造、变造、出租、出借登记证书、印章、临时活动许可证明文件的；</p> <p>（三）超出代表机构登记的业务范围、活动地域以及临时活动的许可事项开展活动的；</p> <p>（四）从事或者资助营利性活动的；</p> <p>（五）违反本法第二十三条、第三十六条规定使用名称的；</p> <p>（六）违反规定取得、使用资金的；</p> <p>（七）未按照规定开立、使用银行账户的；</p> <p>（八）未按照规定进行会计核算的；</p> <p>（九）未按照规定报送资金使用计划、提交或者公开财务会计报告、审计报告的；</p> <p>（十）在中国境内进行募捐或者违反规定接受中国境内捐赠的；</p> <p>（十一）拒不接受或者不按照规定接受监督检查的；</p> <p>（十二）未按照规定办理变更登记的；</p> <p>（十三）在中国境内发展或者变相发展会员的；</p> <p>（十四）违反规定设立分支机构的；</p> <p>（十五）违反规定聘请工作人员或者招募志愿者的；</p> <p>（十六）违反本法其他规定的。</p>	<p>temporary activities, or their Chinese partners; confiscate illegal assets or unlawful gains; impose fines of no more than 200,000 RMB; and in serious cases, revoke registration certificates or temporary activity approval documents if any of the following situations is found:</p> <p>(1) Information is not submitted to be put on file kept by the registration and management authorities in accordance with articles 13, 24, and 32 of this law;</p> <p>(2) Falsify, fabricate, lease, or loan out registration certificates, stamps, or temporary activity approval permits;</p> <p>(3) Carry out activities exceeding registered scope of operations and regions, and activities beyond the boundaries of temporary activity permits;</p> <p>(4) Carry out or fund for-profit activities;</p> <p>(5) Use names in violation of Articles 23, and 36 of this law;</p> <p>(6) Obtain or use funds in violation of the law;</p> <p>(7) Set up or use bank accounts in violation of the law;</p> <p>(8) Accounting is not conducted as required by the law;</p> <p>(9) Spending plans, accounting and auditing reports are not submitted or disclosed as required by the law;</p> <p>(10) Conduct fundraising activities or accept donations in China against the law;</p> <p>(11) Refuse to accept inspections that are required by the law;</p> <p>(12) Fail to register any changes as required by the law;</p> <p>(13) Recruit or indirectly recruit members in China;</p>
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<p>第五十七条 有下列情形之一的，由设区的市级以上人民政府公安机关予以取缔；没收非法财物和违法所得；对直接责任人员给予警告，情节严重的，处十日以下拘留，并处五万元以下罚款：</p> <p>（一）未经登记或者未取得临时活动许可，以境外非政府组织、境外非政府组织代表机构名义开展活动的；</p> <p>（二）境外非政府组织代表机构驻在期限届满未重新登记，仍以境外非政府组织代表机构名义开展活动的；</p> <p>（三）被撤销登记、吊销登记证书以及注销登记后继续以境外非政府组织代表机构名义开展活动的；</p> <p>（四）境外非政府组织临时活动许可期限届满或者临时活动许可证明文件被吊销后仍在中国境内开展活动的；</p> <p>（五）违反规定以境外非政府组织分支机构名义开展活动的。</p> <p>第五十八条 有下列情形之一的，由设区的市级以上人民政府公安机关责令停止违法行为；没收非法财物和违法所得；对直接责任人员给予警告，情节严重的，处五日以下拘留，并处</p>	<p>(14) Set up illegal branch organizations in violation of the law;</p> <p>(15) Hire staff or recruit volunteers illegally;</p> <p>(16) Violate other provisions of this law.</p> <p><b>Article 57.</b> If any of the following situation occurs, organization shall be banned by the public security authorities at the municipal level and above (under which administrative districts are established). Have illegal properties and gains confiscated; Individual(s) directly in charge be warned , and in serious cases, be detained for up to 10 days and fined up to 50,000RMB:</p> <p>(1) Carry out activities in the name of overseas NGOs or representative offices of overseas NGOs without registrations or obtaining temporary activity permits;</p> <p>(2) Continue to carry out activities in the name of representative offices of overseas NGOs when registration certificates have expired and have not been renewed;</p> <p>(3) Continue to carry out activities in the name of representative offices of overseas NGOs after registration has been revoked, registration certificates have been suspended , or registration has been canceled ;</p> <p>(4) Continue to carry out activities in China after temporary activity permit has expired or been revoked;</p> <p>(5) Carry out activities in the name of branch offices of overseas NGOs against the law.</p> <p><b>Article 58.</b> If any of the following situations occurs, the public security authorities at the municipal level and above (under which administrative districts are established) can order illegal activities to be stopped; confiscate illegal properties and gains; warn individual(s) directly in charge, and in serious cases, detain</p>
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<p>五万元以下罚款：</p> <p>（一）境外非政府组织未登记代表机构、未取得临时活动许可，委托、资助中国境内个人、法人或者其他组织在中国境内开展活动的；</p> <p>（二）境外非政府组织设立或者合作设立的基金会、民办社会机构以境外非政府组织名义开展活动、代理或者变相代理境外非政府组织开展活动的；</p> <p>（三）境外非政府组织设立或者合作设立的基金会、民办社会机构违反本法规定在中国境内进行募捐，从事或者资助营利性活动的；</p> <p>（四）中国境内个人、法人或者其他组织明知境外非政府组织未登记代表机构、未取得临时活动许可，与其合作的；</p> <p>（五）中国境内个人、法人或者其他组织接受未登记代表机构、未取得临时活动许可的境外非政府组织委托、资助，代理或者变相代理境外非政府组织开展活动的，或者代为境外非政府组织进行资金收付的。</p> <p>第五十九条 境外非政府组织、境外非政府组织代表机构以及境外非政府组织设立或者合作设立的基金会、民办社会机构有下列情形之一的，由登记管理机关吊销登记证书、临时活动许可证明文件或者予以取缔；构成犯罪的，依法追究刑事责任；尚不构成犯罪的，由设区的市级以上人民政府公安机关对直接负责的主管人员和其他直接责任人员处十五日以下拘留：</p>	<p>them for up to 5 days and issue fines of a maximum of 50,000RMB:</p> <p>(1) Overseas NGOs without a registered representative office or a temporary activity permit commission or fund individuals, legal persons, or other organizations in China to carry out activities in China;</p> <p>(2) Foundations or societal organizations founded or co-founded by overseas NGOs carry out activities in the name of overseas NGOs, and work directly or indirectly as agents of overseas NGOs;</p> <p>(3) Foundations or societal organizations founded or co-founded by overseas NGOs carry out fundraising activities, be involved in, or fund for-profit activities;</p> <p>(4) Individuals, legal persons, or other organizations in China work with overseas NGOs despite knowing that these NGOs have not registered or obtained temporary activity permits;</p> <p>(5) Individuals, legal persons, or other organizations in China accept authorizations, fund, or work directly or indirectly as agents of overseas NGOs that are not registered or without temporary permits to carry out activities, or help processing funds for overseas NGOs.</p> <p><b>Article 59.</b> If any of the following situations occur, overseas NGOs, representative offices of overseas NGOs, and foundations and societal organizations founded or co-founded by overseas NGOs shall be revoked of their registration certificates or temporary activity permits, or banned by registration and management authorities; criminal charges shall be brought against them in cases where crimes are committed; and where violations do not constitute a criminal offense, the public security authorities of municipal level and above (under which administrative districts are established) may authorize detention of no more than 15</p>
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<p>(一) 颠覆国家政权的；</p> <p>(二) 破坏民族团结、分裂国家的；</p> <p>(三) 煽动抗拒国家法律、行政法规实施的；</p> <p>(四) 搜集国家秘密或者情报的；</p> <p>(五) 造谣、诽谤或者发表、传播其他有害信息，危害国家安全或者损害国家利益的；</p> <p>(六) 从事或者资助政治活动，非法从事宗教活动或者非法资助宗教活动的；</p> <p>(七) 有其他危害国家安全、损害国家利益或者社会公共利益情形的。</p> <p>第六十条 境外非政府组织、境外非政府组织代表机构违反本法规定被撤销登记、吊销登记证书或者临时活动许可证明文件，自被撤销、吊销之日起五年内，该境外非政府组织不得在中国境内设立机构或者开展临时活动。</p> <p>未经登记或者未取得临时活动许可开展活动的境外非政府组织，自活动被取缔之日起五年内，不得在中国境内设立机构或者开展临时活动。</p> <p>有本法第五十九条规定情形的境外非政府组织，不得在中国境内设立机构或者开展临时活</p>	<p>days for the person directly in charge and other individual(s) directly responsible:</p> <p>(1) Subvert state power;</p> <p>(2) Undermine ethnic solidarity and engage in separatism;</p> <p>(3) Incite resistance against enforcement of state laws and administrative regulations;</p> <p>(4) Collect state secrets or intelligence;</p> <p>(5) Spread rumors, defamation, or publish and disseminate other harmful information that undermine state security or harm national interests;</p> <p>(6) Carry out or fund political activities or illegally carry out or fund religious activities;</p> <p>(7) Other activities that undermine state security and harm national interests or societal public interests.</p> <p><b>Article 60.</b> Overseas NGOs and representative offices of overseas NGOs that are deregistered, revoked of registration certificates or temporary activity permits must not apply to set up offices in China or carry out temporary activities within 5 years from the date of deregistration or revocation.</p> <p>Overseas NGOs that carry out activities without registering or obtaining temporary activity permits may not apply to set up offices in China or carry out temporary activities within 5 years from the date of cancellation of their activities.</p> <p>Overseas NGOs violating article 59 of this law must not establish offices or carry out temporary activities in China.</p>
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境外非政府组织设立或者合作设立的基金会、民办社会机构被吊销登记证书的，自被吊销之日起五年内，不得再申请设立或者合作设立基金会、民办社会机构。

第六十一条 境外非政府组织代表机构被责令限期停止活动、撤销登记、吊销登记证书的，应当上缴登记证书、印章和财务凭证，由登记管理机关封存。对被撤销登记、吊销登记证书的，由登记管理机关公告作废其登记证书、印章。

第六十二条 对违反本法规定的境外人员，公安机关、国家安全机关可以依法限期出境、遣送出境或者驱逐出境。

第六十三条 国家工作人员在境外非政府组织管理工作中滥用职权、玩忽职守、徇私舞弊，尚不构成犯罪的，依法给予处分。

第六十四条 违反本法规定，构成犯罪的，依法追究刑事责任。

## 第九章 附则

第六十五条 本法所称民办社会机构，是指依法登记，由社会力量举办，从事社会服务活动

If the registration certificates of foundations or societal organizations founded or co-founded by overseas NGOs are revoked, the overseas NGOs cannot apply to found or co-found foundations or societal organizations in China within 5 years from the date the registration was revoked.

**Article 61.** Representative offices of overseas NGOs that are ordered to stop operations within a certain period of time, are de-registered, or have registration certificates revoked, shall turn in their registration certificates, official seals, and accounting documents to be sealed and stored by the registration and management authorities. For organizations that are deregistered or whose registration certificates have been revoked, the registration authorities shall publicly announce the cancellation of their documents and official seal.

**Article 62.** For foreigners violating this law, the public security authorities or state security departments may order their departure within a given period of time, have them repatriated, or deported.

**Article 63.** State employees who abuse power, are negligent, or corrupt in managing overseas NGOs shall be given disciplinary sanctions if their behavior does not constitute criminal offenses.

**Article 64.** Where violations of this law constitute a crime, criminal charges shall be brought in accordance with law.

## Chapter 9. Supplementary Provisions

**Article 65.** "Societal organizations" in this law refer to lawfully registered organizations organized by non-state resources, and engaged

<p>的社会组织。</p> <p>第六十六条 中外合作办学，适用《中华人民共和国民办教育促进法》、《中外合作办学条例》等法律、行政法规的规定。</p> <p>第六十七条 本法自 年 月 日起施行。</p>	<p>in social service activities.</p> <p><b>Article 66.</b> For Chinese and overseas cooperation in establishing educational institutions, laws and regulations such as the “Law on the Promotion Of Non-public Schools of the People’s Republic of China” and “Regulation of the People’s Republic of China on Chinese-Overseas Cooperation in Running Schools” shall apply.</p> <p><b>Article 67.</b> This law shall come into force on: _____</p>
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*This draft law was translated by China Development Brief. Also during the process of translating, we consulted various expert opinions and other sources of translations such as the [China Law Translate](#). For more translated laws and regulations, or to suggest a correction to be made to this translation, please visit our English-language website at [www.chinadevelopmentbrief.cn](http://www.chinadevelopmentbrief.cn)*