



# YUNNAN PROVINCE'S PROVISIONAL REGULATIONS STANDARDIZING THE ACTIVITIES OF OVERSEAS NON-GOVERNMENTAL ORGANIZATIONS

## 关于印发云南省规范境外非政府组织活动暂行规定的通知

Issued: 2009

关于印发云南省规范境外非政府组织活动暂行规定的通知

各州、市人民政府，省直各委、办、厅、局：

《云南省规范境外非政府组织活动暂行规定》已经省人民政府同意，现印发给你们，请结合实际，认真贯彻执行。

云南省人民政府办公厅  
2009年12月29日

### 总则

第一条 为进一步规范境外非政府组织在本省活动，促进本省有关组织与境外非政府组织的友好合作，保护合作双方的合法权益，结合本省实际，制定本暂行规定。

第二条 本规定所称境外非政府组织是指在境外依法成立的协会、学会、商会、联合会、联盟、基金会、研究院（所、中心）等非政府、非营利或者慈善公益性组织。

本规定所称有关组织是指本省依法设立的公益性事业单位、社会团体、基金会和民办非企业单位。

第三条 省民政厅是境外非政府组织进入本省的备案机关。

省外事办是境外非政府组织与本省有关组织开展合作事项的备案机关。

省直有关部门是与其业务范围有联系的境外非政府组织的业务指导单位。

第四条 境外非政府组织在本省行政区域内应当遵守我国宪法、法律、法规、规章和国家

Notice Regarding Yunnan Province's Provisional Regulations Standardizing the Activities of Overseas Non-Governmental Organizations

To the autonomous prefecture and city People's Governments, and the commissions, offices, departments, and bureaus directly under the line management of the province:

Yunnan Province's Provisional Regulations Standardizing the Activities of Overseas Non-Governmental Organizations>> has the approval of the Yunnan Province People's Government and is being issued to you. Please take into consideration the realistic conditions, and carefully carry out the regulation.

Yunnan Province People's Government Office  
December 29, 2009

### Chapter I General Principles

**Article 1** This provisional regulation was issued In order to better standardize the activities of overseas non-governmental organizations (NGOs) within this province, to further friendly cooperation between relevant organizations within this province and overseas NGOs, and to protect the legal rights of the two cooperating parties, while taking in consideration the realistic conditions of this province.

**Article 2** The term "overseas NGO" mentioned herein refers to associations, institutes, chambers of commerce, federations, leagues, foundations and research institutes (or centers) and other non-governmental, non-profit or public interest organizations that have been legally established overseas.

The term "Relevant Organizations" mentioned herein refers to organizations legally founded in this province, including public interest public service units, social associations, foundations and civil

政策，尊重当地生活习俗和民族习惯，不得危害我国国家安全、统一和民族团结，不得损害我国国家利益和社会公共利益，不得破坏社会公共秩序以及公民、法人或者其他组织的合法权益，不得违背社会道德风尚，不得影响我省社会稳定和边疆发展。

第二章 境外非政府组织 的备案

第五条 境外非政府组织进入本省，应当向省民政厅申请备案。

第六条 境外非政府组织申请备案应当具备下列条件：

（一）有在本省开展项目活动的意愿，该意愿 应当是实质性的并有书面文件；

- （二）经业务指导单位审查同意；
- （三）与本省有关组织合作；
- （四）境外政府依法批准设立或者注册；
- （五）项目活动有利于本省经济社会建设与发展。

第七条 境外非政府组织向省民政厅申请备案时，应当提交下列材料：

（一）境外非政府组织总部负责人签署的《云 南省境外非政府组织备案申请表》（可从省民政厅政府信息公开网站下载）；

（二）境外非政府组织登记注册证书或者批准 文本复印件，该复印件须经所在国（地区）公证机构公证并出具中、英文公证书；

（三）业务指导单位的批准文件；

（四）境外非政府组织章程或者行动纲领，并 经所在国（地区）公证机构公证后出具中、英文公证书；

（五）境外非政府组织在本省设立代表机构 的，应当出具该代表机构住所使用权证明（产权证或有效期 12 个月以上的租用、使用协议）；

（六）境外非政府组织外籍工作人员身份证 明，并经所在国（地区）公证机构公证后出具中、英文公证书；

non-enterprise units[1].

**Article 3** Yunnan Province Department of Civil Affairs (YDCA) is the document filing[2] agency in charge of registering overseas non-governmental organizations entering into the province..

The Yunnan Province Foreign Affairs Office (YFAO) is the document filing agency in charge of registering cooperation efforts between overseas non-governmental organizations and relevant organizations of this province.

Relevant departments directly under the line management of the Yunnan Provincial Government are departments providing sectoral guidance relevant to the overseas NGOs’ area of work.

**Article 4** Overseas NGOs in the province shall abide by our country’s constitution, laws, rules, regulations and national policies; and respect local customs and ethnic habits. They shall not endanger the national security, unity and ethnic unity of People’s Republic of China; threaten the national interests or public interests of People’s Republic of China; disrupt social public order; infringe on the legal rights and interests of Chinese citizens, legal persons, or other organizations; act against social ethics; or affect the province’s social stability and development.

Chapter II Document Filing for Overseas NGOs

**Article 5** Overseas NGOs entering the province should apply to the YDCA to file their documents.

**Article 6** Overseas NGOs applying to file their documents shall satisfy the following conditions:

Having the intention to conduct project activities in this province; the intention should be substantive and be supported by written documents;

Having been reviewed and approved by departments providing sectoral guidance;

Cooperating with relevant organizations in the province;

Lawfully registered or approved by an overseas government;

Project activities are beneficial to the construction and development of the province’s economy and society.

**Article 7** When overseas NGOs apply to the YDCA for document filing, they should provide the following documents:

*An Application Form for Document Filing for Overseas NGOs in Yunnan*

<p>(七) 省民政厅要求提交的其他材料。</p> <p>第八条 省民政厅收到全部有效材料后，应当在 30 个工作日内作出答复。30 个工作日不能作出答复的，可延期 20 个工作日，但应当书面告知。同意备案的，发给《备案 通知书》；不同意备案的，应当书面告知。</p> <p>第九条 备案事项发生变更的，应当向省民政厅申请变更备案。</p> <p>第十条 省民政厅办理备案情况，应当在办理完结之日起 30 个工作日内，书面向有关部门通报情况。</p> <p>第十一条 已依法在民政部登记设立代表机构的境外非政府组织，按照其业务主管单位批准的年度工作计划在本省开展活动，本省有关单位应当及时将项目及活动情况报省外事 办和省民政厅。如有超出合作范围活动，省民政厅可将有关情况通报民政部和其业务主管单位。</p>	<p>Province (available for downloading at YDCA's public information website) signed by the responsible individual at the overseas NGO headquarters;</p> <p>A photocopy of the overseas NGO registration and enrollment document or a copy of the document of approval supported by Chinese and English statements of authenticity provided by a notary office in the NGO's country (region) of origin;</p> <p>An approval document issued by the department providing sectoral guidance;</p> <p>Organizational by-laws or action guidelines of the overseas NGO supported by Chinese and English statements of authenticity provided by a notary office in the NGO's country (region) or origin;</p> <p>The overseas NGO that seeks to establish a representative office in Yunnan should provide evidence of the representative office's real estate use rights (ownership certificate of real estate, or a lease with a minimum effective term of 12 months, an agreement for the use of the property);</p> <p>;</p> <p>Personal IDs of the overseas NGO foreign staff members, and Chinese and English statements of authenticity provided by a notary public of the staff members' country (region) of origin;</p> <p>Any other documents requested by YDCA.</p>
<p><b>第三章 合作事项的备案</b></p> <p>第十二条 本省有关组织接受境外非政府组织资金援助、物资捐助、技术咨询，单独或者共同开展项目，以及其他虽未接受资金援助或者物资捐助，但与境外非政府组织基于共 同的项目目标，共同协作实施项目等合作事项，应当向省外事办申请备案。</p> <p>第十三条 境外非政府组织与本省有关组织进行合作应当签订书面合作协议。合作协议不得附加政治、宗教、民族等或者违反我国法律法规规定的条件。合作协议应当由双方法 定代表人或者被授权者签署。</p> <p>协议应当包括下列内容：</p> <p>(一) 项目名称；</p> <p>(二) 项目概况、合作范围和地域；</p> <p>(三) 合作双方享有的权利和承担的义务；</p> <p>(四) 资金或者物资来源、管理和使用规定；</p> <p>(五) 关于项目终止的规定和项目终止后</p>	<p><b>Article 8</b> YDCA will provide feedback to the applicant within 30 work days after receipt of all valid documents. If YDCA is unable to provide the feedbacks within 30 work days, it may postpone the deadline to 20 work days later, but shall provide the applicant with written notice. When the application is approved, the applicant will receive the <i>Notice of Document Filing</i>; if it not approved, the applicant will receive written notice.</p> <p><b>Article 9</b> For any change in the document filing application, an application shall be made to YDCA in order to modify the filing.</p> <p><b>Article 10</b> Relevant departments shall be notified in writing about the handling and processing of the document filing within 30 work days from when the case is finished.</p> <p><b>Article 11</b> Overseas NGOs that have already legally registered with the Ministry of Civil Affairs to establish their representative offices shall conduct activities in Yunnan Province according to their annual work plans approved by their professional supervising unit. Relevant organizations in Yunnan should report in a timely manner the projects and activities to YFAO and YDCA. YDCA may report any activity that falls</p>

资产 的处理。  
合作协议有效期不超过 2 年。超过 2 年应当按照本规定另行备案。

第十四条 本省社会团体、基金会、民办非企业单位应当在合作前将拟合作事项报业务主管单位同意后，由业务主管单位报省外事办备案。

厅局级的公益性事业单位应当在合作前将拟合作事项报省外事办备案；其他公益性事业单位，应当在合作前将拟合作事项报上一级主管部门同意后，由上一级主管部门报省外事办备案。

第十五条 有关组织向省外事办备案时应当提交下列材料：

- （一）省民政厅发给境外非政府组织的《备案 通知书》复印件；
- （二）与境外非政府组织合作申请表（可从省 外事办网站下载）。申请表内容包括：拟合作项目名称、活动地域、活动领域、项目概况、经费来源等；
- （三）拟签署的合作协议；
- （四）合作事项涉及非本单位主管业务的，应 当提交有关业务单位的意见；
- （五）省外事办要求提交的其他材料。

第十六条 省外事办在收到全部有效材料后，应当在 20 个工作日内作出下列 3 类书面备案决定：

- （一）发给《同意备案书》；
  - （二）提出对合作事项的调整意见；
  - （三）不同意合作。
- 不同意合作决定应当向备案方书面说明理由。

第十七条 合作事项发生变更的，应当向省外事办变更备案。

第十八条 省外事办办理备案情况，应当在办理完结之日起 30 个工作日内，书面向有关部门通报情况。

第四章 服务与管理

第十九条 省外事办应当建立本省有关组织的诚信档案，开展涉外合作能力评价，适时为境外非政府组织推介信誉好、项目执

outside the scope of cooperation to the Ministry of Civil Affairs and the relevant department in charge.

Chapter III Document Filing for Cooperative Projects

**Article 12** Relevant organizations in Yunnan receiving financial assistance, in-kind support and technical consultation from overseas NGOs to carry out independent or cooperative projects, or carrying out projects with overlapping goals with overseas NGOs but not receiving financial or in-kind support from them, should apply to the YFAO for document filing.

**Article 13** Overseas NGOs cooperating with relevant organizations in Yunnan shall sign written cooperative agreements. Terms of the cooperative agreements should not include conditions relating to politics, religion, or ethnic issues or be in conflict with Chinese laws and regulations. The agreements shall be signed by legal representatives or authorized persons of the cooperating parties.

Contents of the agreements shall include:

Name of the project

Project profile, the scope of cooperation, and location of the project

The rights enjoyed by both cooperating parties and the duties they are responsible for.

Rules regarding the source, management, and the use of funds or material resources.

Rules regarding project termination and the handling of assets after the termination fo the project.

The effective term of the cooperative agreement shall be no longer than 2 years. If the effective term of an agreement is longer than 2 years, the cooperating parties shall apply for document filing in accordance with these regulations.

**Article 14** Social organizations, foundations and civil non-enterprise units shall submit the cooperation proposals to the department in charge for approval before the cooperation and the department in charge will send the proposals to YFAO for document filing.

Public welfare service units at the department or bureau level shall submit cooperation proposals to the YFAO for document filing before the cooperation. Other public welfare service units shall submit their cooperation proposals to the higher-level management department for approval before the cooperation and the higher-level management department will send the proposals to YFAO for document filing.

**Article 15** When relevant organizations apply for document filing with

行能力强、有一定规模和实力的合作方。

各级外事部门应当积极发挥协调作用，深入实际，调研境外非政府组织活动情况，倾听其诉求，了解其困难，及时协调解决合作中出现的困难和纠纷。

各级民政部门应当做好境外非政府组织的备案服务工作，做好政策、法规的咨询解答和宣传工作

各业务指导单位应当储备一批社会效益好的项目，根据境外非政府组织的特点有针对性地向其推介，并指导所主管的社会团体、基金会、民办非企业单位开展与境外非政府组织的合作。

第二十条 境外非政府组织应当及时将合作项目执行期间的重大情况向业务指导单位报告，并在每年 10 月 31 日前向省外事办、民政厅及业务指导单位书面报告年度工作情况（项目进展、经费使用和工作人员变动等）。

聘用中方雇员的，应当一并报告用工情况。

第二十一条 合作双方应当依照国家有关规定，建立健全财务会计制度，加强对财物的使用管理。必要时，业务指导单位及政府有关部门可对财务进行审计。

第二十二条 合作项目终止，合作双方应当及时作出评估并向省外事办、民政厅和业务指导单位报告。必要时，可由省外事办组织评估。

第二十三条 境外非政府组织结束在本省活动时，应当办理有关税务登记、发票缴销、银行账户、有关许可的注销手续，了结债权债务，并向省民政厅缴销《备案通知书》、印章等。

## 第五章 责任追究

第二十四条 境外非政府组织进入本省或开展项目合作未按照本规定备案的，由备案机关将违规行为记录在案，责令纠正违规行为。

第二十五条 本省社会团体、基金会、民办

YAFO, they shall provide the following documents:

A photocopy of the *Document Filing Notice issued by the YDCA* to the overseas NGO;

Application form of cooperating with international NGOs (can be downloaded from YFAO website). Contents of the form will include the name of the proposed cooperative project, project location, project areas, project profile, sources of funds, etc.

Signed agreement of the proposed cooperation

Where project activities fall out of the business scope of the organization, suggestions from relevant departments whose business scope covers the activities should be provided.

Other documents as required by YFAO.

**Article 16** Upon receiving all of the application documents, YFAO shall, within 20 work days, provide one of the following three types of written decisions regarding the document filing:

Issuing *Approval of Record*;

Providing recommendations on revising the cooperation proposal;

Rejecting the cooperation.

Reasons shall be explained in writing to the applicant if a decision rejecting the cooperation is made.

**Article 17** Any changes in relation to the cooperative project shall be reported to YFAO in order to alter the record.

**Article 18** Relevant departments shall be informed in writing of the processing of the document filing by the YFAO within 30 work days of the completion of a case

## Chapter IV Service and Management

**Article 19** YFAO shall keep accountability records of the relevant organizations in this province, evaluate their capacity to cooperate with overseas organizations, and, as appropriate, recommend to overseas NGOs a cooperating party with a good reputation, strong project implementation capacities, and a certain scale and capability as a cooperating party.

Foreign affairs departments at various levels shall fulfill their coordination role and investigate the activities of overseas NGOs, understand their needs and difficulties and work in a timely manner to resolve any difficulties or disputes that arise in the cooperation.

Civil affairs departments at various levels shall provide quality document filing services to overseas NGOs. They should also help them with advising on, and publicizing of, policies and laws.

非企业单位擅自与境外非政府组织合作的，由其业务主管单位责令纠正。

公益性事业单位违反本规定擅自与境外非政府组织合作或者有其他违反本规定行为的，由其主管部门按照有关规定予以问责。

第二十六条 有关部门应当履行业务指导单位职责而拒不履行的，或者不依法履行服务与管理职责的，按照有关规定予以问责。

第二十七条 省民政厅、外事办等有关部门未按照规定履行职责的，按照有关规定予以问责。

第六章 附则

第二十八条 境外非政府组织在我省申请备案、印章刻制和项目活动过程中，应当使用规范名称，中文译名应当与其备案时使用的规范名称一致，若名称中未表明其总部所在国家或者地区的，应当在其中文译名后加括号注明。

第二十九条 法律、法规和规章对与境外非政府组织活动管理另有规定的，从其规定。

第三十条 本规定自 2010 年 1 月 1 日起施行。

Departments providing professional guidance shall build up a range of projects which bring about social benefits and recommend these projects to overseas NGOs in line with their distinctive features; they shall also provide guidance to their subordinate social organizations, foundations and civil non-enterprise units that are cooperating with overseas NGOs.

**Article 20** Overseas NGOs shall report important events in a timely manner during the cooperation project’s implementation to departments providing professional guidance, and submit written annual work reports (including project progress, use of funds, staffing changes, etc.) to YFAO, YDCA, and departments providing professional guidance before October 31<sup>st</sup> each year.

Where Chinese citizens are hired, the reports shall include the employment status of Chinese staff as well.

**Article 21** Cooperating parties shall establish a complete set of financial accounting system according to relevant Chinese regulations to strengthen the management of using funds and assets. Where necessary, departments providing professional guidance and relevant government departments may audit financial records of the cooperating parties.

**Article 22** Upon completion of a project, the cooperating parties shall conduct timely evaluations of the project and report the results to YFAO, YDCA, and departments providing professional guidance. Where necessary, YFAO may organize the project evaluation.

**Article 23** When an overseas NGO terminates its presence and activities in Yunnan, it shall handle the tax registration, cancellation of invoices, bank accounts, and submit any relevant licenses for cancellation. After settling its credits and debts, it shall return the *Document Filing Notice* and official seal to YDCA.

Chapter V Accountability

**Article 24** In cases where an oversea NGO enters Yunnan or conducts cooperative projects without going through the document filing process in accordance with this regulation , the document filing organ will make a record of the NGO’s infringement of these regulations and require the organization to make corrections accordingly.

**Article 25** Social organizations, foundations and civil non-enterprise units in this province that cooperate with overseas NGOs without prior approval and registration will be required by their professional supervising units to make corrections accordingly.

Public welfare service units cooperating with overseas NGOs without prior approval or having violated these regulations will be held

accountable by their supervising department.

**Article 26** Relevant departments that refuse to provide professional guidance in line with their duties or fail to play their service and management roles, will be held accountable according to the relevant regulations.

**Article 27** When YDCA, YFAO and other relevant departments fail to play their roles, they will be held accountable according to the relevant regulations.

## **Chapter VI Supplementary Provisions**

**Article 28** When overseas NGOs apply for document filing, make their official seals, and conduct project activities within this province, they shall use their standard official names. The Chinese translation of their official names shall be consistent with the standard name used on the record. Where the official name of an overseas NGO does not indicate its original country or region where its headquarter is based, the country or region shall be shown in brackets following its Chinese translated official name.

**Article 29** Where other laws, rules, and regulations on overseas NGOs exist, they shall prevail.

**Article 30** These regulations shall be effective from January 1<sup>st</sup>, 2010.