

The People's Republic of China's Law on the Management of the Activities of Overseas NGOs within Mainland China

中华人民共和国境外非政府组织 境内活动管理法

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第一章 总则

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，促进交流与合作，制定本法。

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，是指在境外合法成立的基金会、社会团体、智库机构等非营利、非政府的社会组织。

第三条 境外非政府组织依照本法可以在经济、教育、科技、文化、卫生、体育、环保等领域和济困、救灾等方面开展有利于公益事业发展的活动。

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。

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、社会公共利益和公民、法人以及其他组织的合法权益。

境外非政府组织在中国境内不得从事或者资助营利性活动、政治活动，不得非法从事或者资助宗教活动。

Chapter 1. General Principles

Article 1. This law is designed to standardize and guide all activities carried out by overseas NGOs within China, and protect their rights and interests, while promoting communication and cooperation.

Article 2. This law concerns overseas NGOs carrying out activities within China.

‘Overseas NGOs’ refers to non-profit, non-governmental social organizations such as foundations, social groups and think tanks that have been lawfully established outside of mainland China.

Article 3. Overseas NGOs that work in fields such as the economy, education, science and technology, culture, health, sports, environmental protection and in areas such as poverty alleviation and disaster relief may carry out activities that legally aid the development of public welfare in accordance with this law.

Article 4. Overseas NGOs that conduct legal activities within China will receive the protection of the law.

Article 5. Overseas NGOs that conduct activities in China shall operate according to Chinese laws; not threaten China's security or national and ethnic unity; and not harm China's national interests, societal public interests, and the legal rights of citizens, legal persons and other groups.

Furthermore overseas NGOs that conduct activities in mainland China must not engage in or fund for-profit activities or political activities. They must also not illegally conduct or fund religious activities.

第六条 国务院公安部门 and 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。

国务院有关部门和单位、省级人民政府有关部门和单位，是境外非政府组织在中国境内开展活动的相应业务主管单位。

第七条 县级以上人民政府公安机关和有关部门在各自职责范围内对境外非政府组织在中国境内开展活动依法实施监督管理、提供服务。

国家建立境外非政府组织监督管理工作协调机制，负责研究、协调、解决境外非政府组织在中国境内开展活动监督管理和服务便利中的重大问题。

第八条 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。

第二章 登记和备案

第九条 境外非政府组织在中国境内开展活动，应当依法登记设立代表机构；未登记设立代表机构需要在中国境内开展临时活动的，应当依法备案。

境外非政府组织未登记设立代表机构、开展临时活动未经备案的，不得在中国境内开展或者变相开展活动，不得委托、资助或者变相

Article 6. 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 within China.

The relevant departments and units of the State Council and provincial level governments are the Professional Supervisory Units (业务主管单位) for overseas NGOs conducting activities in mainland China.

Article 7. Within the scope of their authority, the public security authorities of local governments at the county level or above are responsible for supervision, management, and service provision for the activities of overseas NGOs within China.

The state will establish mechanisms to manage overseas NGOs and be responsible for researching, coordinating, and resolving significant problems regarding supervision, management, and service provision for the activities of overseas NGOs in mainland China.

Article 8. The state will commend those overseas NGOs that provide outstanding contributions to the development of Chinese public welfare.

Chapter 2. Registration and Filing

Article 9. Overseas NGOs that conduct activities in China shall legally register and establish a representative office. Unregistered overseas NGOs that wish to conduct temporary activities in China shall legally file a record.

It is prohibited for overseas NGOs that have not registered and established a representative office or filed for temporary activities to conduct or covertly conduct activities within China, or commission or covertly commission any domestic Chinese units or individuals to conduct

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| <p>委托、资助中国境内任何单位和个人在中国境内开展活动。</p> <p>第十条 境外非政府组织符合下列条件的，根据业务范围、活动地域和开展活动的需要，可以申请在中国境内登记设立代表机构：</p> <p>（一）在境外依法成立；</p> <p>（二）能够独立承担民事责任；</p> <p>（三）章程规定的宗旨和业务范围有利于公益事业发展；</p> <p>（四）在境外存续二年以上并实质开展活动；</p> <p>（五）法律、行政法规规定的其他条件。</p> <p>第十一条 境外非政府组织申请登记设立代表机构，应当经业务主管单位同意。</p> <p>业务主管单位的名录由国务院公安部门和省级人民政府公安机关会同有关部门公布。</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>activities within China.</p> <p>Article 10. Overseas NGOs that meet the following requirements may apply to register and establish a representative office in China according to the scope of their work and the location and needs of their activities.</p> <p>(1) The NGO was lawfully established outside of Mainland China;</p> <p>(2) The NGO is independently able to assume civil liability;</p> <p>(3) The NGO's aims and scope of activities as stipulated in the organizational charter are beneficial to the development of the public benefit sector;</p> <p>(4) The NGO has been in existence for a continuous period of at least two years outside of mainland China and has conducted substantial activities during that time;</p> <p>(5) Conditions provided by other laws or regulations.</p> <p>Article 11. Overseas NGOs that apply to register and establish a representative office shall have received the consent of a Professional Supervisory Unit (业务主管单位).</p> <p>The list of Professional Supervisory Units will be published by the public security department of the State Council, the public security authorities of provincial people's governments and other relevant departments.</p> <p>Article 12. Overseas NGOs shall apply to register a representative office with 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> |
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| <p>(二) 符合本法第十条规定的证明文件、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或者声明;</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>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。</p> <p>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, 并向社会公告。登记事项包括:</p> <p>(一) 名称;</p> <p>(二) 住所;</p> <p>(三) 业务范围;</p> | <p>(2) Documentation and other evidence that the overseas NGO meets the conditions set out in Article 10 of this law;</p> <p>(3) Identification documents for the chief representative of the proposed overseas NGO representative office, a CV and proof or a statement 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> <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 this is deemed necessary.</p> <p>The registration management authorities shall issue a decision within 60 days of receiving an application.</p> <p>Article 13. The registration management authorities shall grant a certificate of registration to the overseas NGO representative offices to which they give approval, and make a public announcement of that registration. Registration information shall include:</p> <p>(1) Name;</p> <p>(2) Address;</p> <p>(3) Scope of activities;</p> |
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| <p>(四) 活动地域;</p> <p>(五) 首席代表;</p> <p>(六) 业务主管单位。</p> <p>境外非政府组织代表机构凭登记证书依法办理税务登记, 刻制印章, 在中国境内的银行开立银行账户, 并将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>第十四条 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>第十五条 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, 并向社会予以公告:</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依法被撤销登记或者吊销登记证书的;</p> <p>(四) 由于其他原因终止的。</p> <p>境外非政府组织代表机构注销登记后, 设立该代表机构的境外非政府组织应当妥善办理善后事宜。境外非政府组织代表机构不具有法人资格, 涉及相关法律责任的, 由该境外非政府组织承担。</p> | <p>(4) Location of activities;</p> <p>(5) Chief representative;</p> <p>(6) Professional Supervisory Unit.</p> <p>The representative office of an overseas NGO will use their registration certificate to 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>Article 14. 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>Article 15. The representative office of an 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 overseas NGO has its registration certificate withdrawn in accordance with law;</p> <p>(4) The activities of the NGO are no longer permitted due to other reasons;</p> <p>If an overseas NGO's representative office has been deregistered, the overseas NGO that established the representative office shall deal with outstanding issues. As the overseas NGO's representative office is not a legal person, the overseas NGO will bear any relevant legal responsibility.</p> |
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第十六条 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，应当与在中国的国家机关、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。

第十七条 境外非政府组织开展临时活动，中方合作单位应当按照国家规定办理审批手续，并在开展临时活动十五日前向其所在地的登记管理机关备案。备案应当向登记管理机关提交下列文件、材料：

（一）境外非政府组织合法成立的证明文件、材料；

（二）境外非政府组织与中方合作单位的书面协议；

（三）临时活动的名称、宗旨、地域和期限等相关材料；

（四）项目经费、资金来源证明材料及中方合作单位的银行账户；

（五）中方合作单位获得批准的文件；

（六）法律、行政法规规定的其他文件、材料。

在赈灾、救援等紧急情况下，需要开展临时活动的，备案时间不受前款规定的限制。

临时活动期限不超过一年，确实需要延长期限的，应当重新备案。

登记管理机关认为备案的临时活动不符合本法第五条规定的，应当及时通知中方合作单

Article 16. Overseas NGOs without a representative office in China that wish to carry out temporary activities in China shall cooperate with Chinese state authorities, mass organizations, public institutions, and social organizations (hereafter referred to as the Chinese partner organizations, or 中方合作单位).

Article 17 When overseas NGOs wish to conduct temporary activities, the Chinese partner organizations shall go through approval procedures according to national regulations and file documents to local registration management authorities within 15 days, and shall submit the following documents to the registration management authorities:

(1) Proof of the legal establishment of the overseas NGO;

(2) A written agreement between the overseas NGO and the Chinese partner organization;

(3) Documents showing the name, aim, location and period of the temporary activity;

(4) Project funding, proof of funding sources and the bank account of the Chinese partner organization;

(5) Approval documents acquired by the Chinese partner organization;

(6) Other documentation required by other laws or regulations.

Where temporary activities are required due to emergencies such as disaster relief, the filing period is not limited by the previous article.

The duration of the temporary activities shall not be more than one year. Where there is a genuine need for an extension, a new filing must be made.

When finding that the temporary activity fails to conform to the requirement of article 5 of this law, the registration management authority

位停止临时活动。

第三章 活动规范

第十八条 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，在登记的业务范围和活动地域内开展活动。

境外非政府组织不得在中国境内设立分支机构，国务院另有规定除外。

第十九条 境外非政府组织代表机构应当于每年12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，业务主管单位同意后十日内报登记管理机关备案。特殊情况下需要调整活动计划的，应当及时向登记管理机关备案。

第二十条 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的条件。

第二十一条 境外非政府组织在中国境内活动资金包括：

must notify the Chinese partner organization to cease the activity.

Chapter 3. Regulation of Activities

Article 18. If an overseas NGO has established a representative office within China, all of that NGO's activities that take place within China should be managed by the representative office.

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

Unless otherwise regulated for by the State Council, overseas NGOs shall not establish any branch office in China.

Article 19. 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 December 30th every year. After it has been approved, the representative office shall submit it to the registration management authorities for filing within 10 days. Where there is a need to adjust the activity plan due to special circumstances, a filing should be made timely with the registration management authorities.

Article 20. 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.

Article 21. Funding for activities run by overseas NGOs in China include:

(1) Money that has been legally raised abroad

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| <p>(一) 境外合法来源的资金;</p> <p>(二) 中国境内的银行存款利息;</p> <p>(三) 中国境内合法取得的其他资金。</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以外的资金。</p> <p>境外非政府组织及其代表机构不得在中国境内进行募捐。</p> <p>第二十二条 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、中方合作单位和个人不得以其他任何形式在中国境内进行项目活动资金的收付。</p> <p>第二十三条 境外非政府组织应当按照代表机构登记的业务范围、活动地域或者与中方合作单位协议的约定使用资金。</p> <p>第二十四条 境外非政府组织代表机构应当执行中国统一的会计制度，聘请具有中国会计从业资格的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。</p> | <p>(2) Interests 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 sources other than those described above for their activities in China.</p> <p>Overseas NGOs and their representative offices in China shall not conduct fundraising activities within China.</p> <p>Article 22. An overseas NGO that has established its representative office shall use the bank account that was filed with the registration management authorities to handle money within 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, Chinese partner organizations and individuals must not use alternative methods to give or receive funds for project activities within China, other than those described above.</p> <p>Article 23. Overseas NGOs shall use funds according to the operational scope and location of activities that was approved when they registered their representative office, or as described in their agreement with their Chinese partner organization.</p> <p>Article 24. The representative office of an overseas NGO shall manage their finances according to standard 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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第二十五条 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。

第二十六条 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。

第二十七条 境外非政府组织代表机构在中国境内聘用应当遵守法律、行政法规，并将聘用的工作人员信息报业务主管单位和登记管理机关备案。

第二十八条 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会员，国务院另有规定的除外。

第二十九条 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。

有下列情形之一的，不得担任首席代表、代表：

（一）无民事行为能力或者限制民事行为能力的；

（二）有犯罪记录的；

（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；

（四）法律、行政法规规定的其他情形。

Article 25. Overseas NGOs that run activities in China shall make bank transfers in accordance with China's existing regulations that deal with foreign exchange.

Article 26. The representative office of an overseas NGO shall legally make a tax registration and tax declarations, and pay taxes.

Article 27. If the representative office of an overseas NGO wishes to recruit staff in China, they shall obey laws and administrative regulations and file information about their staff and personnel arrangements with their Professional Supervisory Unit and the registration management authorities.

Article 28. Representative offices of an overseas NGOs and overseas NGOs conducting temporary activities must not openly recruit members within China, unless otherwise regulated for by the State Council.

Article 29. The representative office of an overseas NGO should have a chief representative. They can also recruit up to three other representatives if needed.

A person cannot serve as chief representative or representative if:

(1) They have limited or no capacity for civil conduct;

(2) Possess a criminal record;

(3) Have been a chief representative or representative for the representative office of an overseas NGO that has been deregistered or had registration certificates withdrawn within the last five years;

(4) They fail to meet the conditions of other laws or regulations.

第三十条 开展临时活动的境外非政府组织，应当以经备案的名称开展活动。

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登记管理机关。

第三十一条 境外非政府组织代表机构应当每年1月31日前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。

年度工作报告应当包括经审计的财务会计报告、开展活动的情况以及人员和机构变动的情况等内容。

第三十二条 中国境内任何单位和个人不得接受未登记代表机构、开展临时活动未经备案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在中国境内开展活动。

第四章 便利措施

第三十三条 国家保障和支持境外非政府组织在中国境内依法开展活动。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的便利和服务。

Article 30. Overseas NGOs that conduct temporary activities in China shall do so using the name that was filed.

Once a project has concluded, overseas NGOs and their Chinese partner organizations shall submit reports to 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.

Article 31. The representative office of an overseas NGO shall submit an annual work report to their Professional Supervisory Unit before January 31st. After the Professional Supervisory Unit has given its feedback, the report shall be sent to the registration management authorities by March 31st for annual inspection.

The annual work report shall include an audited accounting report and descriptions of the activities and changes in staff or in the organizational structure.

Article 32. Units or individuals in China shall not be hired by, accept financial support from, or represent or covertly represent overseas NGOs that have not legally registered a representative office or filed temporary activities within China.

Chapter 4. Favorable Policies

Article 33. The country safeguards and supports overseas NGOs to conduct lawful activities in China. Relevant departments at all levels of government shall enable overseas NGOs to carry out lawful activities and services within China.

第三十四条 国务院公安部门 and 省级人民政府公安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，公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。

第三十五条 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统一的网站，公布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。

第三十六条 境外非政府组织代表机构依法享受税收优惠等政策。

第三十七条 对境外非政府组织代表机构进行年度检查不得收取费用。

第三十八条 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就业等工作手续。

第五章 监督管理

第三十九条 境外非政府组织在中国境内开展活动，应当接受公安机关和有关部门和业务主管单位的监督管理。

Article 34. The Public Security department of the State Council and provincial level public security authorities, together with the 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 35. 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 unified websites to make public the process of overseas NGOs applying for representative offices or temporary work permits.

Article 36. Overseas NGO representative offices shall enjoy tax benefits and other favorable policies in accordance with the law.

Article 37. Fees cannot be charged for the annual inspection of overseas NGOs' representative offices.

Article 38. 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 material to apply for work permits in accordance with the law.

Chapter 5. Supervision And Management

Article 39. Overseas NGOs conducting activities within China shall be supervised and managed by public security authorities, relevant departments, and Professional Supervisory Units.

第四十条 业务主管单位负责对境外非政府组织设立代表机构、变更登记事项、年度工作报告提出意见，指导、监督境外非政府组织及其代表机构依法开展活动，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。

第四十一条 公安机关负责对境外非政府组织代表机构的登记、年度检查，境外非政府组织开展临时活动的备案，对境外非政府组织及其代表机构的违法行为进行查处。

公安机关履行监督管理职责，发现涉嫌违反本法规定行为的，可以依法采取下列措施：

（一）约谈境外非政府组织代表机构的首席代表以及其他负责人；

（二）进入境外非政府组织在中国境内的住所、活动场所进行现场检查；

（三）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；

（四）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；

（五）查封或者扣押涉嫌违法活动的场所、设施或者财物。

第四十二条 公安机关可以查询与被调查事件

Article 40. Professional Supervisory Units shall provide advice to overseas NGOs on setting up a representative office, changing registration status, and annual work reports; they shall guide and oversee the activities of overseas NGOs and their representative offices according to the law; and assist public security authorities and other departments in investigating and punishing illegal activities by overseas NGOs and their representative offices.

Article 41. Public security authorities are responsible for the registration of the representative offices of overseas NGOs, annual inspections and the filing of temporary activities by overseas NGOs; and for investigating and punishing illegal activities by overseas NGOs and their representative offices.

When performing their supervision and management responsibilities, the public security authorities may legally take the following measures if activities suspected of breaking this law are detected:

(1) Arrange meetings with chief representatives and other responsible persons from overseas NGOs' representative offices;

(2) Enter overseas NGOs' residences and venues of activity within China to carry out on-site inspections;

(3) Question organizations and individuals related to the investigation, and request an explanation of related issues;

(4) 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;

(5) Close down or seize venues, equipment, or property related to activities suspected of breaking the law.

Article 42. Public security authorities may access the bank accounts of organizations or individuals related to an investigation, and

有关的单位和个人的银行账户，有关金融机构、金融监督管理机构应当予以配合。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。

第四十三条 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。

第四十四条 国务院反洗钱行政主管部门对境外非政府组织代表机构、中方合作单位以及接受境外非政府组织资金的中国境内单位和个人开立、使用银行账户过程中遵守反洗钱和反恐怖主义融资法律规定的情况进行监督管理。

第六章 法律责任

第四十五条 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；情节严重的，由登

related financial institutions and financial supervision and management institutions shall cooperate. 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 43. Departments of national security, diplomatic and overseas affairs, fiscal and financial supervision and management, 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 areas of work.

Article 44. The anti-money laundering departments under the State Council shall supervise and manage the opening and use of bank accounts by the representative offices of overseas NGOs and their Chinese partners, and also the opening and use of bank accounts by individuals and organizations within China receiving funding from overseas NGOs, for compliance with laws and regulations against money laundering and terrorism financing.

Chapter 6. Legal Responsibility

Article 45. Public security authorities at the municipal level and above (under which administrative districts are established) shall give warnings or orders to stop activities within a given period to the representative offices of overseas NGOs, overseas NGOs carrying out temporary activities or their Chinese partners; confiscate illegal assets or unlawful gains; and in serious cases, revoke the registration certificates or temporary activity approval

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| <p>记管理机关吊销登记证书、取缔临时活动：</p> <p>（一）未按照规定办理变更登记、备案相关事项的；</p> <p>（二）未按照登记或者备案的名称、业务范围、活动地域开展活动的；</p> <p>（三）从事、资助营利性活动的，进行募捐或者违反规定发展会员的；</p> <p>（四）违反规定取得、使用资金的，未按照规定开立、使用银行账户或者进行会计核算的；</p> <p>（五）未按照规定报送年度活动计划、报送或者公开年度工作报告的；</p> <p>（六）拒不接受或者不按照规定接受监督检查的。</p> <p>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以提供虚假材料等非法手段，取得代表机构登记证书或者进行临时活动备案的，或者有伪造、变造、买卖、出租、出借登记证书、印章行为的，依照前款规定处罚。</p> <p>第四十六条 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或责令停止违法行为；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，处十日以下拘留：</p> | <p>documents if any of the following situations occur:</p> <p>(1) Modifications to the registration or filings are not completed in accordance with the law;</p> <p>(2) The name, scope of operations and location of the activities identified on the registration or filing documents are not followed in carrying out the activities;</p> <p>(3) The organization carries out or funds for-profit activities, raises funds or develops its membership in violation of the law;</p> <p>(4) The organization obtains or uses funds in violation of the law, and fails to set up and use bank accounts or conduct accounting in accordance with the law;</p> <p>(5) Annual activity plans are not submitted, or annual work reports are not submitted or disclosed as required by the law;</p> <p>(6) The organization refuses to accept inspections or fails to accept inspections that are required by the law;</p> <p>Where the representative offices of overseas NGOs, overseas NGOs' carrying out temporary activities, or their Chinese partners use illegal methods such as providing false information to obtain registration certificates for representative offices or to file for carrying out temporary activities; or where there are acts of counterfeiting, altering, buying and selling, renting or loaning registration certificates or seals, sanctions shall be given in accordance with the preceding provisions of this article.</p> <p>Article 46. If any of the following situations occur, organizations shall be banned or illegal activities stopped by the public security authorities at the municipal level and above (in cities that have administrative districts established underneath them); illegal properties and gains shall be confiscated; individual(s) directly in charge will be warned, and in serious cases, detained for up to 10 days:</p> |
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| <p>(一) 未经登记、备案，以境外非政府组织代表机构、境外非政府组织名义开展活动的；</p> <p>(二) 被撤销登记、吊销登记证书以及注销登记后以境外非政府组织代表机构名义开展活动的；</p> <p>(三) 境外非政府组织临时活动期限届满或者临时活动被取缔后在中国境内开展活动的；</p> <p>(四) 境外非政府组织未登记代表机构、临时活动未备案，委托、资助中国境内单位和个人在中国境内开展活动的。</p> <p>中国境内单位和个人明知境外非政府组织未登记代表机构、临时活动未备案，与其合作的，或接受其委托、资助，代理或者变相代理其开展活动的，进行项目活动资金收付的，按照前款规定处罚。</p> <p>第四十七条 境外非政府组织、境外非政府组织代表机构有下列情形之一的，由登记管理机关吊销登记证书或取缔临时活动；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责任人员处十五日以下拘留：</p> <p>(一) 煽动抗拒法律、法规实施的；</p> <p>(二) 非法获取国家秘密的；</p> <p>(三) 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>(1) Carrying out activities in the name of overseas NGOs or representative offices of overseas NGOs without registration or filing;</p> <p>(2) Continuing 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>(3) Continuing to carry out activities within China after the temporary activity period has expired or temporary activities have been shut down;</p> <p>(4) An overseas NGO without a registered representative office or without a filing of its temporary activity commissions or funds units and individuals within China to carry out activities within China.</p> <p>Where units and individuals within China work with overseas NGOs despite knowing that these overseas NGOs have not registered or filed their temporary activities; accept their authorizations or funds; work directly or indirectly as their agents; or help process program operation funds for them, sanctions shall be given according to the preceding provisions of this article.</p> <p>Article 47. If any of the following situations occur, overseas NGOs and the representative offices of overseas NGOs shall have their registration certificates revoked or their temporary activities shall be shut down by the registration and management authorities; and where violations do not constitute a criminal offense, the public security authorities at the municipal level and above (in cities that have administrative districts established underneath them) may authorize a detention of no more than 15 days for the persons directly responsible:</p> <p>(1) Inciting resistance against the enforcement of laws and regulations;</p> <p>(2) Collecting state secrets in violation of the</p> |
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(四) 从事或者资助政治活动，非法从事或资助宗教活动的；

(五) 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。

境外非政府组织、境外非政府组织代表机构有分裂国家、破坏国家统一、颠覆国家政权等犯罪行为的，由登记管理机关依照前款规定处罚，对直接责任人员依法追究刑事责任。

第四十八条 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被取缔的，自被撤销、吊销、取缔之日起五年内，不得在中国境内再设立代表机构或者开展临时活动。

未登记代表机构或者临时活动未备案开展活动的境外非政府组织，自活动被取缔之日起五年内，不得在中国境内再设立代表机构或者开展临时活动。

有本法第四十七条规定情形之一的境外非政府组织，国务院公安部门可以将其列入不受欢迎的名单，不得在中国境内再设立代表机构或者开展临时活动。

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(3) Spreading rumors and defamation, or publishing and disseminating other harmful information that undermine state security or harm national interests;

(4) Carrying out or funding political activities, or illegally carrying out or funding religious activities;

(5) Other activities that undermine state security and harm national interests or societal public interests.

Where overseas NGOs or the representative offices of overseas NGOs engage in separatism, attempt to undermine national unity or subvert state power, or commit other such crimes, the registration and management authorities shall enact punishment in accordance with the preceding provisions of this article, and bring criminal charges against the persons directly responsible in accordance with law.

Article 48. Overseas NGOs and the representative offices of overseas NGOs that are deregistered, have their registration certificates revoked or their temporary activities shut down must not again set up representative offices or carry out temporary activities within China within five years from the date of deregistration, revocation, or shutting down.

Overseas NGOs that carry out activities without obtaining registration status or filing temporary activities must not again set up representative offices or carry out temporary activities within China within five years from the date of cancellation of their activities.

Overseas NGOs violating article 47 of this law may be added to a list of unwelcome NGOs by the public security department under the State Council, and must not again set up representative offices or carry out temporary activities within China

第四十九条 境外非政府组织代表机构被责令限期停止活动的，由登记管理机关封存其登记证书、印章和财务凭证。对被撤销登记、吊销登记证书的，由登记管理机关收缴其登记证书、印章并公告作废。

第五十条 境外人员违反本法规定的，有关机关可以依法限期出境、遣送出境或者驱逐出境。

第五十一条 公安机关、有关部门和业务主管单位及其工作人员在境外非政府组织监督管理工作中，不履行职责或者滥用职权、玩忽职守、徇私舞弊的，依法追究法律责任。

第五十二条 违反本法规定，构成违反治安管理行为的，由公安机关依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

第七章 附则

第五十三条 境外学校、医院、自然科学和工程技术的研究机构或者学术组织与境内学校、医院、自然科学和工程技术的研究机构或者学术组织开展交流合作，按照国家有关规定办

Article 49. Representative offices of overseas NGOs that are ordered to stop operations within a certain period of time shall have their registration certificates, official seals, and accounting documents 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 confiscate and publicly announce the cancellation of their documents and official seals.

Article 50. For foreigners violating this law, related departments may order their departure within a given period of time, have them repatriated, or deported.

Article 51. If public security authorities, related departments, professional supervisory units and their staff refuse to carry out their duty, abuse power, are negligent or corrupt in supervising and managing overseas NGOs, they shall be prosecuted for legal liability in accordance with the law.

Article 52. Where violations of provisions of this law constitute a violation of public security administration regulations, the public security authorities shall give public security administrative sanctions in accordance with the law; where a crime is constituted, criminal charges shall be brought in accordance with the law.

Chapter 7. Supplementary Provisions

Article 53. Where overseas schools, hospitals, scientific and engineering technology research institutions or academic organizations engage in exchange and cooperation activities with schools, hospitals, scientific and engineering technology research institutions or academic organizations within China, relevant state regulations shall be applied in handling such

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| <p>理。</p> <p>前款规定的境外学校、医院、机构和组织在中国境内的活动违反本法第五条规定的，依法追究法律责任。</p> <p>第五十四条 本法自 2017 年 1 月 1 日起施行。</p> | <p>activities.</p> <p>Where activities carried out by overseas schools, hospitals, institutions and organizations described in the preceding provision of this article violate Article 5 of this law, legal liability shall be pursued in accordance with law.</p> <p>Article 54. This law shall come into force on January 1, 2017.</p> |
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This 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](#). To suggest a correction to be made to this translation, please [contact us](#). For more updates on the Chinese civil society, sign up to our monthly newsletter [here](#).