

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

中华人民共和国境外非政府组织境内活动管理法

The National People's Congress Standing Committee

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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。

Chapter I: General Provisions

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

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。

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

"Overseas NGOs," as referred to in this Law, shall mean foundations, social groups, think tanks and other non-profit, nongovernmental social organizations legally established overseas.

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。

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

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。

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

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。

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

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

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。

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

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

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。

Article 7 Within the scope of their authority, the public security organs 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.

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。

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

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、资助或者变相委托、资助中国境内任何单位和个人在中国境内开展活动。

Chapter II: Registration and Submitting Documents for the Record

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

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

第十条 境外非政府组织符合下列条件，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：

- (一) 在境外合法成立；
- (二) 能够独立承担民事责任；
- (三) 章程规定的宗旨和业务范围有利于公益事业发展；
- (四) 在境外存续二年以上并实质性开展活动；
- (五) 法律、行政法规规定的其他条件。

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

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

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。

业务主管单位的名录由国务院公安部门 and 省级人民政府公安机关会同有关部门公布。

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

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

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：

- (一) 申请书；
- (二) 符合本法第十条规定的证明文件、材料；
- (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；
- (四) 拟设代表机构的住所证明材料；
- (五) 资金来源证明材料；
- (六) 业务主管单位的同意文件；
- (七) 法律、行政法规规定的其他文件、材料。

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。

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

- (1) A completed application form;
- (2) Documents to support information specified in Article 10 of this Law;
- (3) ID and the curriculum vitae of the person in charge of the proposed representative office as well as evidence or a statement proving he or she has no criminal record;
- (4) Proof of premises of the proposed representative office;
- (5) Evidence of the source of supporting funds;

- (6) Letter of approval from the organization in charge of operations;
- (7) Other documentation and information stipulated in laws and administrative regulations.

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

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

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：

- (一) 名称；
- (二) 住所；
- (三) 业务范围；
- (四) 活动地域；
- (五) 首席代表；
- (六) 业务主管单位。

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户报登记管理机关备案。

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

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

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

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。

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

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，并向社会公告：

- (一) 境外非政府组织撤销代表机构的；
- (二) 境外非政府组织终止的；
- (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；
- (四) 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，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。

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

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

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

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。

Article 16 Overseas NGOs that have not established representative offices but need to conduct temporary activities in the mainland of China shall do so in cooperation with State organs, people's organizations, public institutions and social organizations (hereinafter referred to as "Chinese partners").

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位停止临时活动。

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

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

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

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

第三章 活动规范

第十八条 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，国务院另有规定的除外。

Chapter III: Activity Specifications

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

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

第十九条 境外非政府组织代表机构应当于每年12月31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。

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

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。

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

第二十一条 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；
- (三) 中国境内合法取得的其他资金。

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。

境外非政府组织及其代表机构不得在中国境内进行募捐。

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

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

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

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

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。

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。

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。

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

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

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

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。

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

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。

Article 24 Representative offices of overseas NGOs shall adopt the Chinese unified accounting system and employ accounting personnel with Chinese accounting qualifications

to carry out accounting in accordance with the law. Financial accounting reports shall be audited by an accounting firm in the mainland of China.

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。

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

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。

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

第二十七条 境外非政府组织代表机构在中国境内聘用工作人员应当遵守法律、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。

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

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。

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

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

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

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

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。

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

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

第三十一条 境外非政府组织代表机构应当于每年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。

境外非政府组织代表机构应当将年度工作报告在登记管理机关统一的网站上向社会公开。

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

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

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

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。

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

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必要的便利和服务。

Chapter IV: Facilitation Measures

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

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。

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

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。

登记管理机关应当通过统一的网站，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备案的程序，供境外非政府组织查询。

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

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

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。

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

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。

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

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。

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

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、有关部门和业务主管单位的监督管理。

Chapter V: Oversight and Supervision

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

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。

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

第四十一条 公安机关负责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。

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

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

- (1) Interview the chief representative and other representatives of the representative office of an overseas NGO;
- (2) Enter the premises or site of the activities of the overseas NGO in the mainland of China to carry out an inspection;
- (3) Question organizations and individuals related to the incident being investigated and require them to clarify matters related to the incident being investigated;
- (4) Consult and copy documents and materials relevant to the incident being investigated and seal up for safekeeping documents or materials that could otherwise be moved, destroyed, concealed or altered;
- (5) Shut down premises and facilities, or seize property, suspected of involvement in illegal activities.

第四十二条 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，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。

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

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。

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

第四十四条 国务院反洗钱行政主管部门依法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。

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

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，由登记管理机关吊销登记证书、取缔临时活动：

- (一) 未按照规定办理变更登记、备案相关事项的；
- (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；
- (三) 从事、资助营利性活动，进行募捐或者违反规定发展会员的；
- (四) 违反规定取得、使用资金，未按照规定开立、使用银行账户或者进行会计核算的；
- (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；
- (六) 拒不接受或者不按照规定接受监督检查的。

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。

Chapter VI: Legal Liability

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

- (1) Failing to update relevant details on their registration documents or documents on record in accordance with provisions;

(2) Failing to carry out activities under the name or within the operational scope or area of activities stated on the registration documents or documents on record;

(3) Engaging in or funding profit-making activities, fundraising or recruiting members in violation of provisions;

(4) Obtaining or using funds in violation of provisions, or failing to open or use a bank account or carry out accounting in accordance with provisions;

(5) Failing to submit an annual activity plan and to submit or make public an annual work report in accordance with provisions;

(6) Refusing to accept an inspection, or not accepting one in accordance with provisions.

Any representative offices of overseas NGOs and overseas NGOs carrying out temporary activities in the mainland of China, or their Chinese partners, that use illegal means, such as providing false information, to obtain a representative office registration certificate or when submitting documents for the record, or that forge, alter, sell, rent or lend a registration certificate or seal, shall be punished in accordance with the provisions of the preceding paragraph.

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者责令停止违法行为；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：

（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；

（二）被撤销登记、吊销登记证书或者注销登记后以境外非政府组织代表机构名义开展活动的；

（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；

（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。

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，或者接受其委托、资助，代理或者变相代理其开展活动、进行项目活动资金收付的，依照前款规定处罚。

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

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

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

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者取缔临时活动；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：

- (一) 煽动抗拒法律、法规实施的；
- (二) 非法获取国家秘密的；
- (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；
- (四) 从事或者资助政治活动，非法从事或者资助宗教活动的；
- (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。

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

- (1) Inciting resistance to laws and regulations;

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

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

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。

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

An unregistered representative office of an overseas NGO or an overseas NGO that has not submitted the necessary documents for the record to carry out temporary activities shall not establish a representative office or carry out temporary activities in the mainland of China again for a period of 5 (five) years from the date on which its activities are prohibited.

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

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。

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

its registration certificate is suspended, the registration authority shall confiscate and nullify its registration certificate and seal.

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。

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

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。

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

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。

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

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理。

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。

Chapter VII: Supplementary Provisions

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

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

第五十四条 本法自2017年1月1日起施行。

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

Translation from [The Ministry of Public Security of the People's Republic of China](#).

Alternate Translations

[China Development Brief](#)

[China Law Translate](#)