

Guide for the Registration of Representative Offices and

Submitting Documents for the Record Temporary

Activities of Overseas Nongovernmental Organizations

In line with the regulations of the Law of the People's Republic of China on the Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China, the guide is formulated for registration of established representative offices and temporary activities of submitting documents for the record of overseas Nongovernmental organizations (hereafter referred to as overseas NGOs) within the mainland of China.

I. Registration of Established Representative Offices of overseas NGOs

1. Registration

1) Conditions of Registration

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. 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. Overseas NGOs that meet the following conditions may, apply to register and establish representative offices in the mainland of China:

a) Legally established overseas;

- b) Able to independently bear civil liability;
- c) Purposes and scope of operations specified in the articles of association that benefit public welfare;
- d) Existed and engaged in substantive activities overseas for more than two years;
- e) Other conditions stipulated by laws and administrative regulations.

2) Procedure of Registration

a) In line with the Directories of Fields of Activity, Categories of Projects, Organizations in charge of operations for Overseas Nongovernmental Organizations, an overseas NGO submits its application, in light of its scope of operations, area and need of activity, to the corresponding department for the latter to be its organizations in charge of operations.

b) With the approval of the organizations in charge of operations, the overseas NGOs submit the required documents for registration to the administration office of overseas NGOs of the provincial public security department of the region where the representative office is intended to be established.

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

d) 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: Name, Address, Scope of operations, Area of activities, Chief representative and the organizations in charge of operations.

e) 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.

3) Documents Required for Registration

a) Application Form for Representative Offices of Overseas Nongovernmental Organizations (Form 1);

b) Registration Details of Representative Offices of Overseas Nongovernmental Organizations (Form 2);

c) Registration of Person in Charge of the Proposed Representative Office of Overseas Nongovernmental Organizations (Form 3);

d) Authorization for Registration of the Representative Office from the Overseas NGO;

e) Certificate Documents of Legally Established the Overseas NGO outside the Mainland of China;

f) Charter of the Overseas NGO;

g) Certificate Documents of Existed and Engaged in Substantive Activities Overseas for more than Two Years;

h) ID and the Curriculum Vitae of the Person in Charge of the Proposed Representative Office;

i) Evidence or A Statement Proving the Person in Charge of the Proposed Representative Office of Overseas Nongovernmental Organizations has No Criminal Record (Form 4);

j) Proof of Premises of the Proposed Representative Office;

k) Evidence of the Source of Supporting Funds of the Overseas NGO;

l) Document of approval from the Organization in charge of Operations.

4) Documents for Registration of Representative Offices of overseas NGOs to be Notarized & Authenticated and Procedures

The documents submitted by the overseas NGO, including all the proofs, documents, the charter and the identity of the foreign citizen and the resident of Hong Kong, Macao or Taiwan appointed to be chief

representative of the representative office of the overseas NGO, must be authorized according to the following procedures:

a) The identity of the non-Chinese citizen, the proof / documents of legal registration of the overseas NGO outside the mainland of China, the charter, certificate documents of existed and engaged in substantive activities overseas for more than two years shall be notarized by the notary public or departments of the country of which he / she is a citizen (unless stipulated otherwise by law of that country), and authenticated by authorities concerned, before authenticated by the Chinese embassy / consulate in that country.

b) The identity of the Hong Kong resident, the proof of legal registration of the overseas NGO in Hong Kong, the charter and certificate documents of existed and engaged in substantive activities in Hong Kong for more than two years shall be notarized by the notary public recognized by mainland China.

c) The identity of the Macao resident, the proof of legal registration of the overseas NGO in Macao, the charter and certificate documents of existed and engaged in substantive activities in Macao for more than two years shall be notarized by the official notary departments of Macao Special Administrative Region or by the notary public recognized by mainland China.

d) The Taiwan resident shall submit The Mainland Travel Permit for Taiwan Residents to prove his / her identity of the Taiwan resident, the proof of legal registration of the overseas NGO in Taiwan, the charter, certificate documents of existed and engaged in substantive activities in Taiwan for more than two years shall be notarized by the notary public recognized by mainland China.

5) Determination of Name of Representative Offices of overseas NGOs

The name of the representative office of the overseas NGO shall consist of the following parts in the order of “the name of the overseas NGO” , “the site of office” and “the representative office (or agency, liaison office, etc.)” .

“Site of office” refers to the name of the administrative division at or above the county level where the representative office of the overseas NGO is located.

The overseas NGO not identifying the original site (country or region) of registration in its name shall specify the name of the original site (country or region) of registration, i.e., “the name of the overseas NGO” , “the original site of registration in brackets” , “the site of office” and “the representative office (or agency, liaison office, etc.)” .

6) Specification of the Area of Activity of Representative Offices of overseas NGOs

The overseas NGOs, upon the registration of its representative office, shall specify its area of activity within the mainland of China, within or across a particular provincial administrative division, and the area of activity shall be in line with its scope of operations and the need of its actual activity. In case of an overseas NGO with two or more representative offices, there shall be no overlapping in the specified location of activity among its representative offices.

2. Alteration of Registration

1) Conditions and Procedures

In case of alteration of the name, chief representative, areas of office, scope of operations, areas of activity, organizations in charge of operations of the overseas NGO, the overseas NGO shall apply to do so with their registration authority which will issue timely approval to the overseas NGO that meets the requirements, within 30 days of receiving the approval of the organization in charge of operations.

2) Required Documents

a) Alteration of Name

In case of alteration of the name of the overseas NGO, the overseas NGO shall make corresponding alteration in the name of its representative office:

§ Approval of the organizations in charge of operations;

§ A copy of Registration Certificate of the representative office of the overseas NGO;

§ Application for Alteration of Registration of Representative Offices of Overseas Nongovernmental Organizations (Form 6);

§ Proof of alteration of the name of the overseas NGO (with notarization and authentication).

Upon completion of alteration of registration of its name, the representative office of the overseas NGO shall submit its certificate of tax registration, its seal pattern and bank accounts for submitting documents for the record again.

b) Alteration of Chief Representative

§ Approval of the organizations in charge of operations;

§ A copy of Registration Certificate of the representative office of the overseas NGO;

§ Alteration of Registration of Representative Offices of Overseas Nongovernmental Organizations (Form 6);

§ Document of Appointment of the chief representative of the overseas NGO to be appointed (with notarization and authentication);

§ Registration of Person in Charge of the Proposed Representative Office of Overseas Nongovernmental Organizations (Form 3);

§ In case of the position of chief representative taken by a foreign citizen or resident of Hong Kong, Macao or Taiwan, his / her identity certificate should be submitted with notarization and authentication;

§ Evidence or A Statement Proving the Person in Charge of the Proposed Representative Office of Overseas Nongovernmental Organizations has No Criminal Record (Form 4).

c) Alteration of Location of Office

§ Approval of the organizations in charge of operations;

§ A copy of the Certificate of Registration of the representative office of the overseas NGO;

§ Alteration of Registration of Representative Offices of Overseas Nongovernmental Organizations (Form 6);

§ Proof of the new location of office.

d) Alteration of Scope of Operations and Areas of Activity

§ Approval of the organizations in charge of operations;

§ A copy of the Certificate of Registration of the representative office of the overseas NGO;

§ Alteration of Registration of Representative Offices of Overseas Nongovernmental Organizations (Form 6).

In case of alteration of the organizations in charge of operations as a result of alteration of scope of operations, the overseas NGO shall submit the applications for both.

e) Alteration of Organizations in Charge of Operations

§ A copy of the Certificate of Registration of the representative office of the overseas NGO;

§ Alteration of Registration of Representative Offices of Overseas Nongovernmental Organizations (Form 6);

§ Approval of the previous organizations in charge of operations;

§ Approval of the intended organizations in charge of operations.

In case of alterations of two or more items, there is no need to submit the same required documents.

3. Submit Documents for the Record for Annual Activity Plan and Annual Review

1) submit documents for the record for Annual Activity Plan

a) 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 Annual Activity Plan of Representative Offices of Overseas Nongovernmental Organizations (Form 7) and the Plan of Activities in the following year to registration authorities for the record within 10 days following approval by organizations in charge of operations.

b) Where it is necessary to alter an activity plan under special circumstances, the representative office of the overseas NGO shall fill out the form of Alteration of Annual Activity Plan of Representative Offices of Overseas Nongovernmental Organizations (Form 8) to the registration administration department for submitting documents for the record.

2) Annual Inspection

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, fill out the Year 20** Annual Work Report of Representative Offices of Overseas Nongovernmental Organizations (Form 9) and report it to registration authorities before March 31 for an annual inspection.

Annual work reports should include an audited financial report of unified national standard and audited by the accounting firm within the mainland of China, details of activities and personnel or organizational changes. The annual report shall be available to the public on the centralized website of registration authorities.

4. Cancellation

1) Conditions of Cancellation

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

- a) The overseas NGO withdraws the representative office;
- b) The overseas NGO ceases operations;
- c) Registration of the overseas NGO' s representative office is revoked or its registration certificate is suspended;
- d) The representative office ceases operations for other reasons.

2) Required Documents

- a) Application for Cancellation of Representative Offices of Overseas Nongovernmental Organizations (Form 10);
- b) Liquidation report (including the liquidation of social insurance);
- c) Proof of tax cancellation, or proof of no tax registration, issued by tax authorities;
- d) Proof of closure of relevant affairs, or proof of no relevant registration, issued by foreign exchange authorities;
- e) Proof of cancellation of bank accounts;
- f) Proof of return of seals;
- g) The original and a duplicate of Registration Certificate;
- h) Other documents required to be submitted by the registration administration department.

After the registration of a representative office of an overseas NGO is canceled, the overseas NGO that established the representative office shall bear any related legal liability and properly deal.

II. Submit Documents for the Record for Temporary Activities of overseas NGOs

1. Conditions and Procedures of Submit Documents for the Record

1) 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").

2) Chinese partners of overseas NGOs conducting temporary activities shall handle examination and approval procedures in accordance with State regulations and submit document to the Administration Office of overseas NGO of the public security department of the provincial government for their records 15 days before temporary activities commence. 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.

3) Where registration authorities believe that the temporary activities on record do not conform to the provisions of Article 5 of the Law of the People' s Republic of China on the Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China, they shall immediately notify the Chinese partner to cease temporary activities.

4) The Chinese partners shall report in writing to registration authorities within 30 days of the conclusion of their activities detailing their activities and use of funds.

5) The duration of temporary activities shall not exceed 1 year, where there is a need to extend this deadline, documentation and information shall be re-submitted for the record.

2. Documents Required for Submitting for Temporary Activities

1) Submit Documents for the Record for Temporary Activities of Overseas Nongovernmental Organizations (Form 11);

2) Documentary and material evidence of the legal establishment of the overseas NGO;

3) A written agreement between the overseas NGO and its Chinese partner;

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.

All the documents concerning the overseas NGO submitted above shall be notarized and authenticated.

III. Notice

1. The organizations in charge of operations of the representative office of the overseas NGO shall be determined in accordance with the Directories of Fields of Activity, Categories of Projects, Organizations in charge of operations of Overseas Nongovernmental Organizations (2017); in case of the activity of the representative office involving multiple fields of activities, the organizations in charge of operations should be determined based on its major fields of activities.

2. The forms attached to this guide are available for fill-out, download, and printout on the official website of the registration administration department of the overseas NGOs' service platform: www.mps.gov.cn.

3. All documents submitted shall be in A4 size, and documents in languages other than Chinese shall be attached with their corresponding authorized Chinese versions.

4. Exchange and cooperation between overseas schools, hospitals, research institutes or academic organizations in natural science and engineering technology and their Chinese counterparts shall be in accordance with the relevant provisions of the state.

5. The phone number of the Administration Office of overseas NGOs of Ministry of Public Security : 010-58186465、 58186464.

6. According to this guide and local conditions, the Administration Offices of overseas NGOs' Affairs of public security departments of the provincial governments shall formulate their own guide to provide guidance and service for the registration and submitting documents for the record of overseas NGOs.

IV. Appendices (Forms of Registration and Submitting Documents for the Record & Procedures)

1. Corresponding Forms of Registration and Submitting Documents for the Record;

Form 1: Application for Representative Offices of Overseas Nongovernmental Organizations;

Form 2: Registration Details of Representative Offices of Overseas Nongovernmental Organizations;

Form 3: Registration of Person in Charge of the Proposed Representative Offices of Overseas Nongovernmental Organizations;

Form 4: Evidence or A Statement Proving the Person in Charge of the Proposed Representative Office of Overseas Nongovernmental Organizations has No Criminal Record ;

Form 5: Submitting Information for the Record for Representative Offices of Overseas Nongovernmental Organizations;

Form 6: Alteration of Registration of Representative Offices of Overseas Nongovernmental Organizations;

Form 7: Annual Activity Plan of Representative Offices of Overseas Nongovernmental Organizations;

Form 8: Alteration of Annual Activity Plan of Representative Offices of Overseas Nongovernmental Organizations;

Form 9: Annual Work Report of Representative Offices of Overseas Nongovernmental Organizations;

Form 10: Application for Cancellation of Representative Offices of Overseas Nongovernmental Organizations;

Form 11: Submitting Documents for the Record for Temporary Activities of Overseas Nongovernmental Organizations;

Form 12: Report on Temporary Activities of Overseas Nongovernmental Organizations;

Form 13: Registration of Representatives of Representative Offices of Overseas Nongovernmental Organizations.

2. Procedures for Registration & Submitting Documents for the Record