

Guideline for the Registering Temporary Activities of Foreign NGO

	Steps	Special Notes
1	Find one or multiple Chinese partners	The Chinese Partner must obtain approval documents. <ul style="list-style-type: none"> • The approval documents must be provided by the supervising department of the Chinese Partner depending on its nature. In the case of OSHWA, the supervising department is likely the National Intellectual Property Administration and its provincial administrations.¹ • If the Chinese Partner is a university which has foreign affairs approval rights (such as Tsinghua University or Peking University), it may not need to seek approval from the Department of Education.²
2	Documents preparation: Five documents are required for submitting for temporary activities: ³ <ol style="list-style-type: none"> 1) Documents prepared by both parties: <ul style="list-style-type: none"> • Documents for the Record for 	Form 11 is a standardized form provided by the National Ministry of Public Security Department. ⁴ <p>Documents and evidence of legality of the overseas NGO may include:</p> <ul style="list-style-type: none"> • Evidence that the NGO is legally founded. For example, a

¹ See index for Areas, Sub-areas, Projects and Supervising Departments (2017) provided by the National Ministry of Public Security on December 20, 2016, <http://www.mps.gov.cn/n2254314/n2254409/n4904353/c5579013/content.html>.

² See Practice Note, Temporary Activities, Answer 7.

³ See Guide for the Registration of Representative Offices and Submitting Documents for the Record Temporary Activities of Foreign Nongovernmental Organizations (hereinafter “Guide”), Section II(II), <http://www.chinafile.com/ngo/laws-regulations/guide-registration-of-representative-offices-and-submitting-documents-record>.

⁴ See Form 11, available to be downloaded from the official website of National Ministry of Public Security Department, www.mps.gov.cn/n2254314/n2254409/n4904353/c5556625/part/5556663.docx.

	<p>Temporary Activities of Overseas Nongovernmental Organizations (“Form 11”);</p> <ul style="list-style-type: none"> • Written agreement between the overseas NGO and its Chinese partner (hereinafter “Agreement”); • Evidence of costs and funding sources and the bank account details of the Chinese partner; <p>2) Documents prepared by the NGO:</p> <ul style="list-style-type: none"> • Documentary and material evidence of the legal establishment of the overseas NGO; <p>3) Documents prepared by the Chinese Partner:</p> <ul style="list-style-type: none"> • Approval documents obtained by the Chinese partner. <p>All the documents concerning the overseas NGO submitted above shall be notarized and authenticated.</p>	<p><i>complete</i> copy of its articles of association. The term “non-profit” is strongly favored if included in its articles.⁵</p> <ul style="list-style-type: none"> • Evidence that the NGO is nonprofit in accordance to its tax liability.⁶ <p>Authority to notarize and authenticate documents:</p> <ul style="list-style-type: none"> • Each city or county has its notary office and provides notary service. It is recommended to have documents prepared by the Chinese partner or both parties notarized in the same location where the Office is located for convenience and reducing costs. • It is recommended to use the original copy for each document.⁷ However, since the original copy of documents that establish the legality of the NGO is significantly important, the NGO can provide certified copies and have them notarized and authenticated at its local authority. The documents must be translated into Chinese.⁸
3	Deadline: The Chinese Partner shall handle	The Registrar Office that reviews the documents is the office at the

⁵ See Practice Note for Law on Administration of Activities of Overseas NGO in the Mainland China (hereinafter “Practice Note”), Temporary Activities, Answer 3, <http://www.chinadevelopmentbrief.org.cn/news-19440.html>. Note that this practice note is only an observation for practices, thus non-binding.

⁶ See Practice Note, Temporary Activities, Answer 1.

⁷ See Q&A on the official website of Guangdong Province Administration Office of Overseas NGO (hereinafter Guangdong Q&A), Answer 8, http://www.gdga.gov.cn/ngos/bszn/201812/t20181229_866309.html. Note that an administration office of overseas NGO in other states may have its own rule.

⁸ See Practice Note, Temporary Activities, Answer 2.



<p>examination and approval procedures in accordance with local regulations and submit documents to the Administration Office of overseas NGO of the public security department of the provincial government (hereinafter “Registrar Office”) 15 days before temporary activities commence.⁹</p>	<p>provincial level <u>where the Chinese Partner is located</u>. The location of an organization is <u>its principle place of business</u>.</p> <p>If there are multiple Chinese Partners in a single temporary activity, it is highly recommended to submit documents to each Registrar Office where each Chinese Partner is located, subject to the interpretation of each Registrar Office.¹⁰</p>
<p>4 Preliminary Review: The Chinese Partner shall submit electronic copy of the documents for preliminary review.</p> <p>(a) Access the platform The online registration can be accessed through the following means:</p> <ul style="list-style-type: none"> • The official website of the Registrar Office; • The official website of overseas NGO service platform of the National Ministry of Public Security Department (http://ngo.mps.gov.cn/ngo/portal/index.do). <p>(b) Register online After entering the online platform, the Chinese Partner shall provide an available mobile phone number, select “Chinese Partner,” create a password and type in the verification code which is sent to the provided mobile phone number.</p> <p>(c) Select the service</p>	

⁹ See Guide, Section II(I)(2).

¹⁰ See Practice Note, Temporary Activities, Answer 2, <http://www.chinadevelopmentbrief.org.cn/news-19440.html>.

<p>After log-in, select “temporary activities” and type in the relevant information on the form in accordance with the instructions.</p>	
<p>(d) Submit the electronic copies of the five documents listed in Step 2 After completing the form, the system will generate the Form 11. The Chinese Partner shall print the Form 11, have it notarized or authenticated and scan as a PDF document. Then, the Chinese Partner shall submit the electronic copy of the Form 11 and all documents listed in Step 2. All five documents must be submitted together at the same time.</p>	
<p>(e) Receive the result by text notification The result of the preliminary review will be sent as a text message to the registered mobile phone number. Reasons for failing the preliminary review will be provided and the documents can be resubmitted after corrections.</p>	
<p>5 Registration: After passing the preliminary review, the Chinese Partner shall make an appointment with the Registrar Office through its online service platform. The Chinese Partner then must <u>personally deliver</u> the paper copies of the five documents to the Registrar Office at the appointment time and <u>obtain the certification of delivery</u> from the registry officer.</p>	
<p>6 Report after the conclusion of the activities: The Chinese Partners shall report in writing to registration authorities within 30 days of the conclusion of their</p>	

activities detailing their activities and use of funds. ¹¹	
---	--

¹¹ See Guide Section II(I)(5).