

中华人民共和国行政许可法 (2019修订)
Law of the People's Republic of China on Administrative Licensing (Revised in 2019)

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(2003年8月27日第十届全国人民代表大会常务委员会第四次会议通过 根据2019年4月23日第十三届全国人民代表大会常务委员会第十次会议《关于修改〈中华人民共和国建筑法〉等八部法律的决定》修正)

第一章 总则
第一条

为了规范行政许可的设定和实施，保护公民、法人和其他组织的合法权益，维护公共利益和社会秩序，保障和监督行政机关有效实施行政管理，根据宪法，制定本法。

第二条

本法所称行政许可，是指行政机关根据公民、法人或者其他组织的申请，经依法审查，准予其从事特定活动的行为。

第三条

行政许可的设定和实施，适用本法。

有关行政机关对其他机关或

Chapter 1 General Principles

Article 1 This Law is formulated in accordance with the Constitution to standardise establishment and implementation of administrative licensing, protect the legal rights and interests of citizens, legal persons and other organisations, safeguard public interest and social order, and ensure efficient supervision by administrative authorities.

Article 2 "Administrative licensing" mentioned hereinafter shall refer to the conduct of granting permission to citizens, legal persons or other organisations for undertaking of specific activities in accordance with their applications and upon an examination in accordance with laws by administrative authorities.

Article 3 This Law shall apply to the establishment and implementation of administrative licensing.

This Law shall not apply to the examination and approval by any administrative authority of personnel, finance and foreign affairs etc of other authorities or direct subordinate institutions

<p>者对其直接管理的事业单位的人 事、财务、外事等事项的审批，不 适用本法。</p>	<p>of the said administrative authority.</p>
<p>第四条 设定和实施行政许可，应当 依照法定的权限、范围、条件和程 序。</p>	<p>Article 4 Establishment and implementation of administrative licensing shall be handled in accordance with statutory authority, scope, conditions and procedures.</p>
<p>第五条 设定和实施行政许可，应当 遵循公开、公平、公正、非歧视的 原则。 有关行政许可的规定应当公 布；未经公布的，不得作为实施行 政许可的依据。行政许可的实施和 结果，除涉及国家秘密、商业秘密 或者个人隐私的外，应当公开。未 经申请人同意，行政机关及其工作 人员、参与专家评审等的人员不得 披露申请人提交的商业秘密、未披 露信息或者保密商务信息，法律另 有规定或者涉及国家安全、重大社 会公共利益的除外；行政机关依法 公开申请人前述信息的，允许申请 人在合理期限内提出异议。</p>	<p>Article 5 Establishment and implementation of administrative licensing shall adhere to the principles of transparency, fairness, equitableness and non-discrimination.</p> <p>The relevant provisions on administrative licensing shall be announced; provisions which are not announced shall not serve as the basis for implementation of administrative licensing. The implementation and outcome of administrative licensing shall be made public, except where State secrets, commercial secrets or personal privacy are involved. Without the consent of the applicant, the administrative agency and its staff, persons participating in expert review etc shall not disclose commercial secrets, undisclosed information or confidential business information submitted by the applicant, unless otherwise stipulated by the laws or where national security or significant public interest is involved; where the administrative agency announces the aforesaid information of the applicant pursuant to the law, the applicant shall be allowed to raise an objection within a reasonable period.</p>
<p>符合法定条件、标准的，申 请人有依法取得行政许可的平等权 利，行政机关不得歧视任何人。</p>	<p>An applicant who satisfies the statutory criteria and standards shall have equal rights to obtain administrative licensing pursuant to the law, the administrative agency shall not discriminate against any one.</p>
<p>第六条 实施行政许可，应当遵循便 民的原则，提高办事效率，提供优 质服务。</p>	<p>Article 6 Implementation of administrative licensing shall comply with the principles of convenience for the people, improved efficiency and provision of quality service.</p>
<p>第七条 公民、法人或者其他组织对 行政机关实施行政许可，享有陈述 权、申辩权；有权依法申请行政复 议或者提起行政诉讼；其合法权益</p>	<p>Article 7 Citizens, legal persons or other organisations shall have the right to make statements regarding the implementation of administrative licensing by administrative authorities and the right to defend themselves. They shall also have the right to apply for administrative review or initiate administrative litigation in accordance with laws. Where such legal rights and interests are infringed in the event of violation of laws by any administrative authority in the implementation of administrative licensing, compensation may be sought in accordance with laws.</p>

因行政机关违法实施行政许可受到损害的，有权依法要求赔偿。

第八条

公民、法人或者其他组织依法取得的行政许可受法律保护，行政机关不得擅自改变已经生效的行政许可。

行政许可所依据的法律、法规、规章修改或者废止，或者准予行政许可所依据的客观情况发生重大变化的，为了公共利益的需要，行政机关可以依法变更或者撤回已经生效的行政许可。由此给公民、法人或者其他组织造成财产损失

第九条

依法取得的行政许可，除法律、法规规定依照法定条件和程序可以转让的外，不得转让。

第十条

县级以上人民政府应当建立健全对行政机关实施行政许可的监督制度，加强对行政机关实施行政许可的监督检查。

行政机关应当对公民、法人或者其他组织从事行政许可事项的活动实施有效监督。

第二章 行政许可的设定

第十一条

设定行政许可，应当遵循经济和社会发展规律，有利于发挥公民、法人或者其他组织的积极性、主动性，维护公共利益和社会秩序，促进经济、社会和生态环境协调发展。

第十二条

Article 8 Administrative licenses granted to citizens, legal persons or other organisations in accordance with laws shall be protected by the laws, and no administrative authority may alter a valid administrative license without authorisation.

Where the laws, rules and regulations based upon by administrative licensing are revised or repealed, or where there has been a significant change in the circumstances under which administrative licenses were granted, the administrative authority may alter or revoke such administrative licenses in view of public interest and in accordance with laws. Where such alteration or revocation causes a citizen, legal person or other organisation to suffer financial losses, the administrative authority may grant compensation in accordance with laws.

Article 9 Administrative licenses obtained in accordance with laws shall not be transferred, except where laws or regulations provide for such transfer under special circumstances and procedures.

Article 10 The people's governments at county level and above shall establish and develop a supervisory system for implementation of administrative licensing by administrative authorities, and strengthen supervision and inspection of the implementation of administrative licensing by administrative authorities.

Administrative authorities shall implement effective supervision of citizens, legal persons and other organisations engaging in activities relating to administrative licenses.

Chapter 2 Establishment of Administrative Licensing

Article 11 Establishment of administrative licensing shall be consistent with economic and social development, beneficial to encouragement of positive development and initiative of citizens, legal persons and other organisations, safeguard public interest and social order, and promote the integrated development of the economy, society and ecological environment.

Article 12 Administrative licensing may be established for any of the following matters:

<p>下列事项可以设定行政许可：</p> <p>（一）直接涉及国家安全、公共安全、经济宏观调控、生态环境保护以及直接关系人身健康、生命财产安全等特定活动，需要按照法定条件予以批准的事项；</p> <p>（二）有限自然资源开发利用、公共资源配置以及直接关系公共利益的特定行业的市场准入等，需要赋予特定权利的事项；</p> <p>（三）提供公众服务并且直接关系公共利益的职业、行业，需要确定具备特殊信誉、特殊条件或者特殊技能等资格、资质的事项；</p> <p>（四）直接关系公共安全、人身健康、生命财产安全的重要设备、设施、产品、物品，需要按照技术标准、技术规范，通过检验、检测、检疫等方式进行审定的事项；</p> <p>（五）企业或者其他组织的设立等，需要确定主体资格的事项；</p> <p>（六）法律、行政法规规定可以设定行政许可的其他事项。</p>	<p>(1) matters relating directly to State security, public safety, macro-economic control, ecological environmental protection or specific activities relating directly to personal health and security of life and property, for which approval shall be obtained in accordance with statutory requirements;</p> <p>(2) matters relating to development and exploitation of limited natural resources, distribution of public resources and matters relating directly to the approval of market access of specific industries in view of public interest, for which specific rights shall be obtained;</p> <p>(3) matters relating to professions and industries providing public services and of direct relation to public interest, and matters relating to determination of qualifications which require specific credentials, conditions and technical skills;</p> <p>(4) matters relating directly to important equipment, facilities, products and goods for public safety, personal health, security of life and property, for which examination shall be conducted in the form of inspection, test or quarantine in accordance with technical standards and norms;</p> <p>(5) matters relating to the establishment etc. of enterprises or other such organisations, for which qualifications of the principal entities require confirmation; and</p> <p>(6) any other matters for which administrative licensing may be established in accordance with provisions of laws or administrative regulations.</p>
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第十三条

Article 13 Administrative licensing may not be established for matters listed in Article 12 where such matters can be regulated by the following methods:

<p>本法第十二条所列事项，通过下列方式能够予以规范的，可以不设行政许可：</p> <p>（一）公民、法人或者其他组织能够自主决定的；</p> <p>（二）市场竞争机制能够有效</p>	<p>(1) where citizens, legal persons or other organisations are capable of independent decisions;</p> <p>(2) where the market competition mechanism is capable of effective regulation;</p> <p>(3) where trade organisations or intermediary organisations are</p>
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效调节的；

(三) 行业组织或者中介机构能够自律管理的；

(四) 行政机关采用事后监督等其他行政管理方式能够解决的。

第十四条

本法第十二条所列事项，法律可以设定行政许可。尚未制定法律的，行政法规可以设定行政许可。

必要时，国务院可以采用发布决定的方式设定行政许可。实施后，除临时性行政许可事项外，国务院应当及时提请全国人民代表大会及其常务委员会制定法律，或者自行制定行政法规。

第十五条

本法第十二条所列事项，尚未制定法律、行政法规的，地方性法规可以设定行政许可；尚未制定法律、行政法规和地方性法规的，因行政管理的需要，确需立即实施行政许可的，省、自治区、直辖市人民政府规章可以设定临时性的行政许可。临时性的行政许可实施满一年需要继续实施的，应当提请本级人民代表大会及其常务委员会制定地方性法规。

地方性法规和省、自治区、直辖市人民政府规章，不得设定应当由国家统一确定的公民、法人或者其他组织的资格、资质的行政许可；不得设定企业或者其他组织的设立登记及其前置性行政许可。其

capable of self-regulated management; and

(4) where the administrative authority is capable of solving the problem by way of post-supervision or other administrative measures.

Article 14 Administrative licensing may be established by laws for matters listed in Article 12. Where no laws have been formulated, administrative regulations may be used to establish administrative licensing.

Where necessary, administrative licensing can be established by the State Council by way of announcement of a decision.

With the exception of provisional administrative licensing, the State Council shall submit a proposal promptly to the National People's Congress and its Standing Committee upon implementation for the formulation of a law or proceed to formulate the administrative regulations directly.

Article 15 Where no laws or administrative regulations have been formulated for establishment of administrative licensing for matters listed in Article 12, local rules may be used to establish administrative licensing. Where no laws, administrative regulations or local rules have been formulated and where administrative licensing must be implemented immediately due to administrative requirements, the government rules of the people's governments of provinces, autonomous regions or centrally administered municipalities may be used to establish provisional administrative licensing. Where provisional administrative licensing has been implemented for a full year and requires a renewal, a proposal shall be submitted to the local People's Congress and its Standing Committee for the formulation of local rules.

Local rules and government rules of the people's governments of provinces, autonomous regions and centrally administered municipalities shall not be used to establish administrative licensing which requires unified confirmation of the qualifications of citizens, legal persons or other organisations by the State, or for confirmation of registration or preliminary licensing in relation to establishment of enterprises or other organisations. Such administrative licensing established by local rules and government rules shall not restrict individuals or enterprises from other administrative regions engaging in production and operation or provision of services within its

设定的行政许可，不得限制其他地区的个人或者企业到本地区从事生产经营和提供服务，不得限制其他地区的商品进入本地区市场。

第十六条

行政法规可以在法律设定的行政许可事项范围内，对实施该行政许可作出具体规定。

地方性法规可以在法律、行政法规设定的行政许可事项范围内，对实施该行政许可作出具体规定。

规章可以在上位法设定的行政许可事项范围内，对实施该行政许可作出具体规定。

法规、规章对实施上位法设定的行政许可作出的具体规定，不得增设行政许可；对行政许可条件作出的具体规定，不得增设违反上位法的其他条件。

第十七条

除本法第十四条、第十五条规定的外，其他规范性文件一律不得设定行政许可。

第十八条

设定行政许可，应当规定行政许可的实施机关、条件、程序、期限。

第十九条

起草法律草案、法规草案和省、自治区、直辖市人民政府规章草案，拟设定行政许可的，起草单位应当采取听证会、论证会等形式听取意见，并向制定机关说明设定该行政许可的必要性、对经济和社会可能产生的影响以及听取和采纳

jurisdiction, or importation of products from other administrative regions into the local market under its jurisdiction.

Article 16 Administrative regulations may make specific provisions for implementation of administrative licensing in accordance with the scope of administrative licensing established by laws.

Local rules may make specific provisions for implementation of administrative licensing in accordance with the scope of administrative licensing established by laws and administrative regulations.

Governmental rules may be used to make specific provisions for implementation of administrative licensing in accordance with the scope of superior laws on establishment of administrative licensing.

Specific provisions made under rules and regulations on implementation of superior laws governing the establishment of administrative licensing shall not create additional administrative licensing. Specific provisions for administrative licensing requirements shall not establish other requirements which violate the superior laws.

Article 17 Except for the requirements stipulated in Article 14 and Article 15, administrative licensing shall not be required for other normative documents.

Article 18 Implementation authorities for administrative licensing, conditions, procedures and time limits shall be stipulated for establishment of administrative licensing.

Article 19 In the drafting of laws, rules or regulations of the people's governments of provinces, autonomous regions or centrally administered municipalities for establishment of administrative licensing, the drafting authority shall hold a hearing or discussion to collect suggestions and inform the formulating authority of the imperativeness of the establishment of administrative licensing, possible economic and social effects thereupon and those suggestions collected.

意见的情况。

第二十条

行政许可的设定机关应当定期对其设定的行政许可进行评价；对已设定的行政许可，认为通过本法第十三条所列方式能够解决的，应当对设定该行政许可的规定及时予以修改或者废止。

行政许可的实施机关可以对已设定的行政许可的实施情况及存在的必要性适时进行评价，并将意见报告该行政许可的设定机关。

公民、法人或者其他组织可以向行政许可的设定机关和实施机关就行政许可的设定和实施提出意见和建议。

第二十一条

省、自治区、直辖市人民政府对行政法规设定的有关经济事务的行政许可，根据本行政区域经济社会发展情况，认为通过本法第十三条所列方式能够解决的，报国务院批准后，可以在本行政区域内停止实施该行政许可。

第三章 行政许可的实施机关
第二十二条

行政许可由具有行政许可权的行政机关在其法定职权范围内实施。

第二十三条

法律、法规授权的具有管理公共事务职能的组织，在法定授权范围内，以自己的名义实施行政许可。被授权的组织适用本法有关行政机关的规定。

第二十四条

Article 20 Authorities in charge of establishment of administrative licensing shall conduct regular appraisal of the establishment of administrative licensing. Where the authorities in charge of establishment of administrative licensing are of the opinion that a prevailing administrative licensing may be resolved through one of the methods stipulated in Article 13, the provisions on establishment of such administrative licensing shall be promptly revised or repealed.

Authorities in charge of implementation of administrative licensing may conduct appraisals of implementation conditions of prevailing administrative licensing promptly and provide feedback to the relevant authorities in charge of establishment of administrative licensing.

Citizens, legal persons and other organisations may submit suggestions and recommendations relating to the granting and implementation of administrative licensing to the authorities in charge of granting and implementation of administrative licensing.

Article 21 Where the people's government of a province, autonomous region or centrally administered municipality is of the opinion that an administrative licensing relating to economic affairs established under administrative regulations may be resolved through one of the methods stipulated in Article 13 subject to economic and social development conditions of the locality, the implementation of such administrative licensing in the locality may be terminated upon approval from the State Council.

Chapter 3 Implementation Authorities for Administrative Licensing

Article 22 Administrative licensing shall be implemented by administrative authorities with administrative licensing authority within their powers of office.

Article 23 Organisations responsible for the management of public affairs and authorised by laws or regulations shall implement administrative licensing in their own name within the scope of their authority. Authorised organisations shall be subject to the provisions of this Law governing the administrative authorities.

Article 24 Administrative authorities may commission other administrative authorities to implement administrative licensing in accordance with the scope of their authority and subject to the

行政机关在其法定职权范围内，依照法律、法规、规章的规定，可以委托其他行政机关实施行政许可。委托机关应当将受委托行政机关和受委托实施行政许可的内容予以公告。

委托行政机关对受委托行政机关实施行政许可的行为应当负责监督，并对该行为的后果承担法律责任。

受委托行政机关在委托范围内，以委托行政机关名义实施行政许可；不得再委托其他组织或者个人实施行政许可。

第二十五条

经国务院批准，省、自治区、直辖市人民政府根据精简、统一、效能的原则，可以决定一个行政机关行使有关行政机关的行政许可权。

第二十六条

行政许可需要行政机关内设的多个机构办理的，该行政机关应当确定一个机构统一受理行政许可申请，统一送达行政许可决定。

行政许可依法由地方人民政府两个以上部门分别实施的，本级人民政府可以确定一个部门受理行政许可申请并转告有关部门分别提出意见后统一办理，或者组织有关部门联合办理、集中办理。

第二十七条

行政机关实施行政许可，不得向申请人提出购买指定商品、接受有偿服务等不正当要求。

provisions of laws, rules and regulations. The commissioning administrative authority shall make a public announcement of the commissioned administrative authority and the scope of commissioned implementation of administrative licensing.

The commissioning administrative authority shall be responsible for supervision of the conduct of the commissioned administrative authority in the implementation of administrative licensing, and shall be liable for the consequences of such conduct.

Commissioned administrative authorities shall implement administrative licensing in the name of the commissioning administrative authority in accordance with the scope of commission. Commissioned administrative authorities must not commission other organisations or individuals to implement the commissioned administrative licensing.

Article 25 Upon approval from the State Council, the people's governments of provinces, autonomous regions and centrally administered municipalities may appoint an administrative authority to exercise the administrative licensing authority on their behalf in accordance with the principles of simplicity, uniformity and efficiency.

Article 26 In the event of an administrative licensing application being processed by several organisations established within the administrative authority, the administrative authority shall appoint one of such organisations to accept the applications and deliver the decision in a unified manner.

In the event of administrative licensing being implemented separately by two or more departments of a local people's government in accordance with laws, the people's government shall appoint a department to accept administrative licensing applications and forward the applications to the relevant departments for comment before processing the applications in a unified manner or organise the relevant departments to process the applications jointly in a unified manner.

Article 27 Administrative authorities shall not make improper requests such as asking the applicants to purchase designated products or make payment for services in the course of implementation of administrative licensing.

Officers of administrative authorities responsible for processing of administrative licensing applications shall not extort or

<p>行政机关工作人员办理行政许可，不得索取或者收受申请人的财物，不得谋取其他利益。</p>	<p>accept money or goods from applicants or seek any other benefits.</p>
<p>第二十八条 对直接关系公共安全、人身健康、生命财产安全的设备、设施、产品、物品的检验、检测、检疫，除法律、行政法规规定由行政机关实施的外，应当逐步由符合法定条件的专业技术组织实施。专业技术组织及其有关人员对所实施的检验、检测、检疫结论承担法律责任。</p>	<p>Article 28 Inspection, examination and quarantine of equipment, facilities, products and goods relating directly to public safety, personal health and security of life and property shall be implemented progressively by specific technical organisations which qualify under statutory requirements, unless the laws and administrative regulations stipulate implementation by administrative authorities. The specific technical organisations and their personnel shall be liable for the outcome of their inspection, examination and quarantine.</p>
<p>第四章 行政许可的实施程序 第一节 申请与受理 第二十九条 公民、法人或者其他组织从事特定活动，依法需要取得行政许可的，应当向行政机关提出申请。申请书需要采用格式文本的，行政机关应当向申请人提供行政许可申请书格式文本。申请书格式文本中不得包含与申请行政许可事项没有直接关系的内容。</p>	<p>Chapter 4 Implementation Process for Administrative Licensing Section 1 Submission and Acceptance of Applications Article 29 Citizens, legal persons or other organisations engaging in specific activities which require administrative licensing in accordance with laws shall apply to the administrative authority for an administrative license. Administrative authorities shall provide applicants with the standard application form where the application is required to be made in such standard form. The application shall not contain any content which is irrelevant to the administrative licensing application. Applicants may commission an agent to apply for an administrative license, unless the law requires the applicants to submit their application personally at the office of the administrative authority.</p>
<p>申请人可以委托代理人提出行政许可申请。但是，依法应当由申请人到行政机关办公场所提出行政许可申请的除外。</p>	<p>Administrative licensing applications may be submitted by post, telegram, telex, facsimile, electronic data exchange, e-mail etc.</p>
<p>行政许可申请可以通过信函、电报、电传、传真、电子数据交换和电子邮件等方式提出。</p>	
<p>第三十条 行政机关应当将法律、法规、规章规定的有关行政许可的事项、依据、条件、数量、程序、期限以及需要提交的全部材料的目录和申请书示范文本等在办公场所公</p>	<p>Article 30 Administrative authorities shall display a catalogue of information on subject matters, bases, requirements, quantities, procedures, deadlines etc in relation to administrative licensing applications and documents to be submitted as stipulated by laws, rules and regulations and the standard application form. Administrative authorities shall provide explanation and accurate reliable information in respond to requests from applicants for clarification and explanation of the displayed</p>

示。

catalogue.

申请人要求行政机关对公示内容予以说明、解释的，行政机关应当说明、解释，提供准确、可靠的信息。

第三十一条

申请人申请行政许可，应当如实向行政机关提交有关材料和反映真实情况，并对其申请材料实质内容的真实性负责。行政机关不得要求申请人提交与其申请的行政许可事项无关的技术资料和其他材料。

行政机关及其工作人员不得以转让技术作为取得行政许可的条件；不得在实施行政许可的过程中，直接或者间接地要求转让技术。

第三十二条

行政机关对申请人提出的行政许可申请，应当根据下列情况分别作出处理：

（一）申请事项依法不需要取得行政许可的，应当即时告知申请人不受理；

（二）申请事项依法不属于本行政机关职权范围的，应当即时作出不予受理的决定，并告知申请人向有关行政机关申请；

（三）申请材料存在可以当场更正的错误的，应当允许申请人当场更正；

（四）申请材料不齐全或者不符合法定形式的，应当当场或者

Article 31 Applicants for administrative licensing shall provide the administrative authority with relevant materials and true and accurate information. Applicants shall be accountable for the veracity of the contents of application documents. Administrative authorities shall not request for applicants to provide technical information and other materials irrelevant to the subject of administrative licensing application.

The administrative agency and its staff shall not set technology transfer as a condition for granting administrative licensing; shall not make direct or indirect request of technology transfer in the course of implementation of administrative licensing.

Article 32 Administrative authorities shall process administrative licensing applications submitted by applicants in accordance with the following provisions:

(1) where administrative licensing is not required for the subject of application, the applicant shall be informed promptly of non-acceptance of the application;

(2) where the subject of application do not fall within the scope of the function and power of the administrative authority, a decision for non-acceptance of the application shall be made promptly, and the applicant shall be directed to the relevant administrative authority for the application;

(3) where there is a mistake in the application documents which may be corrected on the spot, the applicant shall be allowed to make correction on the spot;

(4) where the application documents are incomplete or not in the standard form, the applicant shall be asked to supplement the information or make correction at the time of submission or within 5 days from submission; where the applicant is not

在五日内一次告知申请人需要补正的全部内容，逾期不告知的，自收到申请材料之日起即为受理；

(五) 申请事项属于本行政机关职权范围，申请材料齐全、符合法定形式，或者申请人按照本行政机关的要求提交全部补正申请材料的，应当受理行政许可申请。

行政机关受理或者不予受理行政许可申请，应当出具加盖本行政机关专用印章和注明日期的书面凭证。

第三十三条

行政机关应当建立和完善有关制度，推行电子政务，在行政机关的网站上公布行政许可事项，方便申请人采取数据电文等方式提出行政许可申请；应当与其他行政机关共享有关行政许可信息，提高办事效率。

第二节 审查与决定

第三十四条

行政机关应当对申请人提交的申请材料进行审查。

申请人提交的申请材料齐全、符合法定形式，行政机关能够当场作出决定的，应当当场作出书面的行政许可决定。

根据法定条件和程序，需要对申请材料的实质内容进行核实的，行政机关应当指派两名以上工作人员进行核查。

第三十五条

依法应当先经下级行政机关

informed within the time limit, the application shall be deemed to have been accepted from the date of receipt of the application; and

(5) where the subject of application falls within the scope of the functions and powers of the administrative authority and the application documents are complete and made in the standard form or where the applicant has submitted the supplementary and corrected application documents requested by the administrative authority, the administrative licensing application shall be accepted.

The administrative authority shall issue a certificate in writing, dated and affixed with the seal of the administrative authority regardless if the application is accepted or rejected.

Article 33 Administrative authorities shall establish and improve the relevant systems for electronic administration, publish administrative licensing matters on the administrative authority's website and facilitate electronic submission of administrative licensing applications by applicants. Administrative authorities shall share relevant administrative licensing information with other administrative authorities for the purpose of improving work efficiency.

Section 2 Examination and Decision
Article 34 Administrative authorities shall examine application documents submitted by applicants.

Where the applicant has submitted complete application documents made in the standard form and the administrative authority is capable of making a decision on the spot, the administrative authority shall issue a decision in writing on the spot in respect of the administrative licensing application.

Where the contents of application documents require verification in accordance with statutory requirements and procedures, the administrative authority shall appoint 2 or more officers to carry out such verification.

Article 35 Where an administrative licensing application requires examination by a subordinate administrative authority prior to submission to the superior administrative authority for a decision in accordance with laws, the subordinate administrative authority shall submit its preliminary examination opinion and complete application

审查后报上级行政机关决定的行政许可，下级行政机关应当在法定期限内将初步审查意见和全部申请材料直接报送上级行政机关。上级行政机关不得要求申请人重复提供申请材料。

第三十六条

行政机关对行政许可申请进行审查时，发现行政许可事项直接关系他人重大利益的，应当告知该利害关系人。申请人、利害关系人有权进行陈述和申辩。行政机关应当听取申请人、利害关系人的意见。

第三十七条

行政机关对行政许可申请进行审查后，除当场作出行政许可决定的外，应当在法定期限内按照规定程序作出行政许可决定。

第三十八条

申请人的申请符合法定条件、标准的，行政机关应当依法作出准予行政许可的书面决定。

行政机关依法作出不予行政许可的书面决定的，应当说明理由，并告知申请人享有依法申请行政复议或者提起行政诉讼的权利。

第三十九条

行政机关作出准予行政许可的决定，需要颁发行政许可证件的，应当向申请人颁发加盖本行政机关印章的下列行政许可证件：

(一) 许可证、执照或者其他许可证书；

(二) 资格证、资质证或者其他合格证书；

documents directly to the superior administrative authority. The superior administrative authority shall not request for applicants to re-submit application documents.

Article 36 Administrative authorities which discovered that the subject of administrative licensing involve significant interests of other parties in the course of examination of the administrative licensing application shall inform such affected parties. The applicant and affected parties shall have the right to state their views and argue in their own defence. The administrative authority shall consider the opinions of the applicant and affected parties.

Article 37 Except for decisions on administrative licensing made on the spot, administrative authorities shall decide on administrative licensing applications within a stipulated time limit and in accordance with statutory procedures following examination of the applications.

Article 38 Administrative authorities shall issue an approval decision in writing for administrative licensing applications which satisfy statutory requirements and standards in accordance with laws.

Administrative authorities issuing a rejection decision in writing shall indicate the reason(s) for the rejection and inform the applicant of their right to apply for administrative review or to initiate administrative litigation in accordance with laws.

Article 39 Administrative authorities issuing an approval decision for administrative licensing shall issue one of the following administrative licensing certificates affixed with the seal of the administrative authority:

(1) permit, license or other forms of certificates;

(2) qualification certificate, credentials or other certification;

(3) approval document or certificate issued by the administrative authority; and

(4) any other administrative licenses stipulated by laws and

regulations.

(三) 行政机关的批准文件或者证明文件；

Administrative authorities conducting inspection, examination or quarantine may attach a label or affix a seal to the equipment, facilities, products or goods which have passed inspection, examination or quarantine.

(四) 法律、法规规定的其他行政许可证件。

行政机关实施检验、检测、检疫的，可以在检验、检测、检疫合格的设备、设施、产品、物品上加贴标签或者加盖检验、检测、检疫印章。

第四十条

Article 40 Decisions made by the administrative authority to grant administrative licensing shall be announced and the public shall have the right to view the decisions.

行政机关作出的准予行政许可决定，应当予以公开，公众有权查阅。

第四十一条

Article 41 Where the scope of an administrative licensing established under laws or administrative regulations is not restricted to any particular area, the administrative license granted to the applicant shall be valid nation-wide.

法律、行政法规设定的行政许可，其适用范围没有地域限制的，申请人取得的行政许可在全国范围内有效。

第三节 期限
第四十二条

Section 3 Deadlines

Article 42 Except for administrative licensing decisions made on the spot, administrative authorities shall decide on an administrative licensing application within 20 days from acceptance of the application. Where a decision cannot be made within 20 days, the period may be extended for another 10 days with the approval of the person-in-charge of the administrative authority, and the applicant shall be informed of the reasons for extension. Where the laws or regulations provide otherwise, such provisions shall prevail.

除可以当场作出行政许可决定的外，行政机关应当自受理行政许可申请之日起二十日内作出行政许可决定。二十日内不能作出决定的，经本行政机关负责人批准，可以延长十日，并应当将延长期限的理由告知申请人。但是，法律、法规另有规定的，依照其规定。

Where an administrative licensing application is processed in a unified manner or jointly and collectively in accordance with the provisions of Article 26, the processing shall be completed within 45 days. Where the processing cannot be completed within 45 days, the period may be extended for another 15 days with the approval of the person-in-charge of the people's government at the corresponding level, and the applicant shall be informed of the reasons for extension.

依照本法第二十六条的规定，行政许可采取统一办理或者联合办理、集中办理的，办理的时间不得超过四十五日；四十五日内不能办结的，经本级人民政府负责人批准，可以延长十五日，并应当将延长期限的理由告知申请人。

<p>第四十三条</p> <p>依法应当先经下级行政机关审查后报上级行政机关决定的行政许可，下级行政机关应当自其受理行政许可申请之日起二十日内审查完毕。但是，法律、法规另有规定的，依照其规定。</p>	<p>Article 43 Where an administrative licensing application is required to be examined by a subordinate administrative authority prior to submission to a superior administrative authority for decision in accordance with laws, the subordinate administrative authority shall complete examination of the administrative licensing application within 20 days from acceptance of the application. Where the laws or regulations provide otherwise, such provisions shall prevail.</p>
<p>第四十四条</p> <p>行政机关作出准予行政许可的决定，应当自作出决定之日起十日内向申请人颁发、送达行政许可证件，或者加贴标签、加盖检验、检测、检疫印章。</p>	<p>Article 44 Administrative authorities shall issue and despatch an administrative license to the applicant or attach a label or affix an inspection, examination or quarantine seal within 10 days from the decision to grant administrative licensing.</p>
<p>第四十五条</p> <p>行政机关作出行政许可决定，依法需要听证、招标、拍卖、检验、检测、检疫、鉴定和专家评审的，所需时间不计算在本节规定的期限内。行政机关应当将所需时间书面告知申请人。</p>	<p>Article 45 Where a hearing, tendering, auction, inspection, examination, quarantine, evaluation or expert appraisal and examination is required following the decision of the administrative authority on administrative licensing, the required time shall be excluded from the time limits stipulated in this section. The administrative authority shall inform the applicant in writing of the time required.</p>
<p>第四节 听证</p> <p>第四十六条</p> <p>法律、法规、规章规定实施行政许可应当听证的事项，或者行政机关认为需要听证的其他涉及公共利益的重大行政许可事项，行政机关应当向社会公告，并举行听证。</p>	<p>Section 4 Hearings</p> <p>Article 46 Where a hearing is required in accordance with laws, rules or regulations for matters relating to implementation of administrative licensing or where the administrative authority is of the opinion that a hearing is required for important administrative licensing matters relating to public interest, the administrative authority shall make a public announcement of the hearing prior to such hearing.</p>
<p>第四十七条</p> <p>行政许可直接涉及申请人与他人之间重大利益关系的，行政机关在作出行政许可决定前，应当告知申请人、利害关系人享有要求听证的权利；申请人、利害关系人在被告知听证权利之日起五日内提出听证申请的，行政机关应当在二十日内组织听证。</p>	<p>Article 47 For administrative licensing applications which involve significant interests of the applicant and other parties, the administrative authority shall, prior to making a decision on administrative licensing, inform the applicant and other affected parties of their rights to request for a hearing. The administrative authority shall organise a hearing within 20 days from acceptance of an application by the applicant or the affected parties within 5 days from being informed of their rights to a hearing.</p> <p>Applicants and affected parties shall not be liable for costs of the hearing organised by the administrative authority.</p>

申请人、利害关系人不承担

行政机关组织听证的费用。

第四十八条

Article 48 Hearings shall be conducted in accordance with the following procedures:

听证按照下列程序进行：

(1) the administrative authority shall inform the applicant and

(一) 行政机关应当于举行听证的七日前将举行听证的时间、地点通知申请人、利害关系人，必要时予以公告；

the affected parties of the time and location of the hearing 7 days in advance of the hearing, and make public

announcements where necessary;

(2) hearings shall be conducted openly;

(二) 听证应当公开举行；

(3) the administrative authority shall appoint an officer who is

(三) 行政机关应当指定审查该行政许可申请的工作人员以外的人员为听证主持人，申请人、利害关系人认为主持人与该行政许可事项有直接利害关系的，有权申请回避；

not involved in examination of administrative licensing applications to chair the hearing; an applicant or affected party who is of the opinion that the chairperson has a direct conflict of interest with the subject administrative licensing matter shall have the right to request for withdrawal of the chairperson;

(4) officers responsible for examination of the subject

(四) 举行听证时，审查该行政许可申请的工作人员应当提供审查意见的证据、理由，申请人、利害关系人可以提出证据，并进行申辩和质证；

administrative licensing application shall provide evidence and reasons for their examination opinion for the hearing, and the applicant or the affected parties may submit evidence to argue in their own defence and engage in cross examination; and

(5) minutes shall be taken during the hearing, and all parties

(五) 听证应当制作笔录，听证笔录应当交听证参加人确认无误后签字或者盖章。

participating in the hearing shall review the minutes for accuracy before signing or affixing their seal on the minutes.

The administrative authority shall use the minutes of the

行政机关应当根据听证笔

hearing as a basis for decision on such administrative licensing applications.

录，作出行政许可决定。

第五节 变更与延续

第四十九条

Section 5 Alterations and Renewals

被许可人要求变更行政许可事项的，应当向作出行政许可决定的行政机关提出申请；符合法定条件、标准的，行政机关应当依法办理变更手续。

Article 49 Administrative licensees requesting for amendment(s) to an administrative license shall apply to the original administrative authority which has granted the administrative license. The administrative authority shall process the amendment(s) in accordance with laws where the application satisfies statutory requirements and standards.

第五十条

Article 50 Administrative licensee requesting for renewal of an administrative license shall apply to the original administrative authority which has granted the administrative license 30 days in advance of the expiry of the administrative license. Where the laws or regulations provide otherwise, such provisions shall prevail.

被许可人需要延续依法取得

的行政许可的有效期的，应当在该行政许可有效期届满三十日前向作出行政许可决定的行政机关提出申请。但是，法律、法规、规章另有规定的，依照其规定。

行政机关应当根据被许可人的申请，在该行政许可有效期届满前作出是否准予延续的决定；逾期未作决定的，视为准予延续。

第六节 特别规定
第五十一条

实施行政许可的程序，本节有规定的，适用本节规定；本节没有规定的，适用本章其他有关规定。

第五十二条

国务院实施行政许可的程序，适用有关法律、行政法规的规定。

第五十三条

实施本法第十二条第二项所列事项的行政许可的，行政机关应当通过招标、拍卖等公平竞争的方式作出决定。但是，法律、行政法规另有规定的，依照其规定。

行政机关通过招标、拍卖等方式作出行政许可决定的具体程序，依照有关法律、行政法规的规定。

行政机关按照招标、拍卖程序确定中标人、买受人后，应当作出准予行政许可的决定，并依法向中标人、买受人颁发行政许可件。

行政机关违反本条规定，不采用招标、拍卖方式，或者违反招

Administrative authorities shall decide on grant of renewal based on the licensee's application submitted in advance of the expiry of the administrative license. Where the administrative authority does not make a decision before the expiry date of the administrative license, renewal shall be deemed as granted.

Section 6 Special Provisions

Article 51 The provisions of this Section shall apply to implementation of administrative licensing. Other provisions of this Chapter shall apply to matters not covered by provisions of this Section.

Article 52 The procedures for implementation of administrative licensing by the State Council shall be subject to the provisions of relevant laws and administrative regulations.

Article 53 Administrative licensing for matters set out in Item (2) of Article 12 shall be decided by the administrative authority through tender, auction or other methods of fair competition. Where the laws or regulations provide otherwise, such provisions shall prevail.

Specific decision-making procedures for administrative licensing through tender, auction or other methods shall be stipulated by relevant laws and administrative regulations.

Upon award of tender or winning bid to the successful bidder or buyer in accordance with the tender or auction results, the administrative authority shall decide on grant of administrative licensing and issue an administrative license to the successful bidder or buyer in accordance with laws.

Where the failure of an administrative authority to conduct tender or auction or violation of tender or auction procedures is in breach of the provisions of this Article and damaging to the legal rights and interests of the applicant, the applicant may apply for administrative review or initiate administrative litigation in accordance with laws.

标、拍卖程序，损害申请人合法权益的，申请人可以依法申请行政复议或者提起行政诉讼。

第五十四条

实施本法第十二条第三项所列事项的行政许可，赋予公民特定资格，依法应当举行国家考试的，行政机关根据考试成绩和其他法定条件作出行政许可决定；赋予法人或者其他组织特定的资格、资质的，行政机关根据申请人的专业人员构成、技术条件、经营业绩和管理水平等的考核结果作出行政许可决定。但是，法律、行政法规另有规定的，依照其规定。

公民特定资格的考试依法由行政机关或者行业组织实施，公开举行。行政机关或者行业组织应当事先公布资格考试的报名条件、报考办法、考试科目以及考试大纲。但是，不得组织强制性的资格考试的考前培训，不得指定教材或者其他助考材料。

第五十五条

实施本法第十二条第四项所列事项的行政许可的，应当按照技术标准、技术规范依法进行检验、检测、检疫，行政机关根据检验、检测、检疫的结果作出行政许可决定。

行政机关实施检验、检测、检疫，应当自受理申请之日起五日内指派两名以上工作人员按照技术标准、技术规范进行检验、检测、检疫。不需要对检验、检测、检疫结果作进一步技术分析即可认定设

Article 54 State examination shall be held in accordance with laws for awarding of special credentials to citizens for administrative licensing matters set out under Item (3) of Article 12. The administrative authority shall decide on grant of administrative licensing in accordance with the examination results and other statutory requirements. In the event of award of special credentials or qualifications to legal persons or other organisations, the administrative authority shall decide on grant of administrative licensing in accordance with the results of assessment of composition of specialist staff, technical conditions, operational achievements and management standards of the applicant. Where the laws or regulations provide otherwise, such provisions shall prevail.

Examination for confirmation of special credentials of citizens shall be established and conducted openly by administrative authorities or industrial organisations in accordance with laws. Prior to the examination, the administrative authorities or industrial organisations shall make public announcements of the registration requirements for the examination and the, format, subject content and outline of the examination.

Provided that, the administrative authorities and industrial organisations shall not organise compulsory pre-examination training for accreditation examinations or stipulate teaching materials or other study-aid materials.

Article 55 Inspection, examination and quarantine shall be conducted in accordance with technical criteria and standards for administrative licensing matters set out under Item (4) of Article 12. Administrative authorities shall decide on administrative licensing in accordance with the results of the inspection, examination and quarantine.

Administrative authority implementing inspection, examination or quarantine shall appoint 2 officers to conduct the inspection, examination or quarantine in accordance with technical criteria and standards. Where further technical analysis of the results of inspection, examination or quarantine is not required to determine if the equipment, facilities, products or goods satisfy the technical criteria or standards, the administrative authority shall decide on grant of administrative licensing on the spot.

Administrative authorities which decide against granting of administrative licensing in accordance with the results of

备、设施、产品、物品是否符合技术标准、技术规范的，行政机关应当当场作出行政许可决定。

inspection, examination or quarantine shall give a written explanation of the technical criteria and standards for which the decision is based upon.

行政机关根据检验、检测、检疫结果，作出不予行政许可决定的，应当书面说明不予行政许可所依据的技术标准、技术规范。

第五十六条

Article 56 Administrative authorities shall grant registration on the spot for administrative licensing applications set out under Item (5) of Article 12 which are complete and comply with the statutory format. Where required, application documents shall be verified by administrative authorities in accordance with the provisions of Paragraph 3 of Article 34.

实施本法第十二条第五项所列事项的行政许可，申请人提交的申请材料齐全、符合法定形式的，行政机关应当当场予以登记。需要对申请材料的实质内容进行核实的，行政机关依照本法第三十四条第三款的规定办理。

第五十七条

Article 57 Administrative authorities shall decide on administrative licensing in accordance with the order of acceptance of applications in the event of a quota and where there are two or more applications which satisfy statutory requirements and standards. Where the laws or regulations provide otherwise, such provisions shall prevail.

有数量限制的行政许可，两个或者两个以上申请人的申请均符合法定条件、标准的，行政机关应当根据受理行政许可申请的先后顺序作出准予行政许可的决定。但是，法律、行政法规另有规定的，依照其规定。

第五章 行政许可的费用

第五十八条

Chapter 5 Administrative Licensing Fees

Article 58 Administrative authorities shall not collect fees for implementation of administrative licensing and supervision and inspection of administrative licensing matters. Where the laws or regulations provide otherwise, such provisions shall prevail.

行政机关实施行政许可和对行政许可事项进行监督检查，不得收取任何费用。但是，法律、行政法规另有规定的，依照其规定。

Administrative authorities shall not collect fees for provision of standard application form for administrative licensing applications.

行政机关提供行政许可申请书格式文本，不得收费。

Funds needed by an administrative authority for implementation of administrative licensing shall be included in the budget of the administrative authority, and guaranteed and allocated by the treasury department of counterpart level in accordance with the approved budget.

行政机关实施行政许可所需经费应当列入本行政机关的预算，由本级财政予以保障，按照批准的预算予以核拨。

第五十九条

Article 59 Fee collection by administrative authorities for implementation of administrative licensing in accordance with the provisions of laws and administrative regulations shall comply with

行政机关实施行政许可，依照法律、行政法规收取费用的，应当按照公布的法定项目和标准收费；所收取的费用必须全部上缴国库，任何机关或者个人不得以任何形式截留、挪用、私分或者变相私分。财政部门不得以任何形式向行政机关返还或者变相返还实施行政许可所收取的费用。

第六章 监督检查
第六十条

上级行政机关应当加强对下级行政机关实施行政许可的监督检查，及时纠正行政许可实施中的违法行为。

第六十一条

行政机关应当建立健全监督制度，通过核查反映被许可人从事行政许可事项活动情况的有关材料，履行监督责任。

行政机关依法对被许可人从事行政许可事项的活动进行监督检查时，应当将监督检查的情况和处理结果予以记录，由监督检查人员签字后归档。公众有权查阅行政机关监督检查记录。

行政机关应当创造条件，实现在与被许可人、其他有关行政机关的计算机档案系统互联，核查被许可人从事行政许可事项活动情况。

第六十二条

行政机关可以对被许可人生产经营的产品依法进行抽样检查、检验、检测，对其生产经营场所依法进行实地检查。检查时，行政机关可以依法查阅或者要求被许可人报送有关材料；被许可人应当如实

statutory rates and fees items which are announced. Fees collected shall be turned over to the State treasury, and no authority or individual shall withhold, divert, appropriate or covertly appropriate such fees. The finance department shall not refund such fees to the administrative authority directly or covertly in any manner.

Chapter 6 Supervision and Inspection

Article 60 Superior administrative authorities shall reinforce supervision and inspection of the implementation of administrative licensing by subordinate administrative authorities, and promptly redress any misconduct in the implementation of administrative licensing.

Article 61 Administrative authorities shall establish and improve supervision systems, and conduct supervision by way of examination of relevant materials which reflect administrative licensing activities undertaken by licensees.

Administrative authorities shall record the conditions and results of supervision and inspection in the course of implementing supervision and inspection of administrative licensing activities undertaken by licensees in accordance with laws. Supervision and inspection officials shall file such records after signing them. The public shall have the right to view the supervision and inspection records of administrative authorities.

Administrative authorities shall facilitate exchange of computer archives with licensees and other relevant administrative authorities for the purposes of conducting examination of the conditions of administrative licensing activities undertaken by licensees.

Article 62 Administrative authorities may conduct inspection, examination and tests on random samples of the products of licensees, and may conduct on-site inspection at production sites in accordance with laws. During inspection, the administrative authority may consult or request licensees to submit, relevant materials in accordance with laws and the licensees shall provide the relevant information and materials truthfully.

Administrative authorities shall conduct regular examination of key equipment and facilities which involve matters of public safety, personal health and the security of life and property

<p>提供有关情况和材料。</p> <p>行政机关根据法律、行政法规的规定，对直接关系公共安全、人身健康、生命财产安全的重要设备、设施进行定期检验。对检验合格的，行政机关应当发给相应的证明文件。</p>	<p>directly, in accordance with the provisions of laws and administrative regulations. A certificate shall be issued where the inspection is cleared.</p>
<p>第六十三条</p> <p>行政机关实施监督检查，不得妨碍被许可人正常的生产经营活动，不得索取或者收受被许可人的财物，不得谋取其他利益。</p>	<p>Article 63 Administrative authorities shall not obstruct normal production and operational activities of licensees, extort or accept money or goods from licensees or seek any other benefit in the course of supervision and inspection.</p>
<p>第六十四条</p> <p>被许可人在作出行政许可决定的行政机关管辖区域外违法从事行政许可事项活动的，违法行为发生地的行政机关应当依法将被许可人的违法事实、处理结果抄告作出行政许可决定的行政机关。</p>	<p>Article 64.</p> <p>Licensees engaging in illegal administrative licensing activities outside the jurisdiction of the original administrative authority which has granted the administrative license shall be reported by the administrative authority at the place where the illegal activities are conducted to the original administrative authority which has granted the administrative license in accordance with laws.</p>
<p>第六十五条</p> <p>个人和组织发现违法从事行政许可事项的活动，有权向行政机关举报，行政机关应当及时核实、处理。</p>	<p>Article 65 Individuals or organisations aware of any illegal administrative licensing activity shall have the right to report such activity to the administrative authority and the administrative authority shall promptly verify the situation and resolve the issues.</p>
<p>第六十六条</p> <p>被许可人未依法履行开发利用自然资源义务或者未依法履行利用公共资源义务的，行政机关应当责令限期改正；被许可人在规定期限内不改正的，行政机关应当依照有关法律、行政法规的规定予以处理。</p>	<p>Article 66 Licensees which failed to perform the obligation of utilisation of natural resources or public resources in accordance with laws shall be ordered by the administrative authority to make correction by a stipulated deadline. Licensees which failed to make correction by the stipulated deadline shall be dealt with by the administrative authority in accordance with the provisions of relevant laws and administrative regulations.</p>
<p>第六十七条</p> <p>取得直接关系公共利益的特 定行业的市场准入行政许可的被许可人，应当按照国家规定的服务标</p>	<p>Article 67 Licensees granted with an administrative license which relates directly to the approval for entrance to special industries involving public interest shall provide safe, convenient, stable and reasonably priced services to the users and perform service obligations in accordance with statutory standards for services and fees and the conditions stipulated by administrative authorities in accordance with laws. Business operations shall not be stopped or suspended without</p>

准、资费标准和行政机关依法规定的条件，向用户提供安全、方便、稳定和价格合理的服务，并履行普遍服务的义务；未经作出行政许可决定的行政机关批准，不得擅自停业、歇业。

被许可人不履行前款规定的义务的，行政机关应当责令限期改正，或者依法采取有效措施督促其履行义务。

第六十八条

对直接关系公共安全、人身健康、生命财产安全的重要设备、设施，行政机关应当督促设计、建造、安装和使用单位建立相应的自检制度。

行政机关在监督检查时，发现直接关系公共安全、人身健康、生命财产安全的重要设备、设施存在安全隐患的，应当责令停止建造、安装和使用，并责令设计、建造、安装和使用单位立即改正。

第六十九条

有下列情形之一的，作出行政许可决定的行政机关或者其上级行政机关，根据利害关系人的请求或者依据职权，可以撤销行政许可：

（一）行政机关工作人员滥用职权、玩忽职守作出准予行政许可决定的；

（二）超越法定职权作出准予行政许可决定的；

（三）违反法定程序作出准

approval of the original administrative authority which has granted the administrative license.

Licensees which do not perform their obligations as stipulated in the preceding paragraph shall be ordered by the administrative authority to make correction by a stipulated deadline. The administrative authority may take effective measures to supervise the performance of such obligations in accordance with laws.

Article 68 Administrative authorities shall supervise and promote the design, construction, installation and use of self-check system established by the users of key equipment and facilities which involve directly matters concerning public safety, personal health and the security of life and property.

Administrative authority discovering a hidden danger in the course of supervision and inspection of key equipment or facilities which involve directly public safety, personal health or the security of life and property shall order that the construction, installation and use of such dangerous equipment or facilities be suspended and that the design, creation, installation and use be corrected immediately.

Article 69 Under any of the following circumstances, the original administrative authority which has granted the administrative license or the superior administrative authority may revoke the administrative license at the request of affected parties or in accordance with its powers of office:

(1) officers of the administrative authority have abused their powers of office or neglect their duties in making decisions on administrative licensing;

(2) officers of the administrative authority have decided on administrative licensing beyond their statutory powers of office;

(3) statutory procedures of decision-making for administrative licensing are violated;

(4) granting of administrative licenses to applicants which do

予行政许可决定的；

(四) 对不具备申请资格或者不符合法定条件的申请人准予行政许可的；

(五) 依法可以撤销行政许可的其他情形。

被许可人以欺骗、贿赂等不正当手段取得行政许可的，应当予以撤销。

依照前两款的规定撤销行政许可，可能对公共利益造成重大损害的，不予撤销。

依照本条第一款的规定撤销行政许可，被许可人的合法权益受到损害的，行政机关应当依法给予赔偿。依照本条第二款的规定撤销行政许可的，被许可人基于行政许可取得的利益不受保护。

第七十条

有下列情形之一的，行政机关应当依法办理有关行政许可的注销手续：

(一) 行政许可有效期届满未延续的；

(二) 赋予公民特定资格的行政许可，该公民死亡或者丧失行为能力的；

(三) 法人或者其他组织依法终止的；

(四) 行政许可依法被撤销、撤回，或者行政许可证件依法被吊销的；

not satisfy application criteria or applications which do not satisfy statutory requirements; and

(5) other circumstances in which the administrative license may be revoked in accordance with laws.

Licensees guilty of using deception, bribery or any other improper means to obtain an administrative licence shall have their administrative license revoked.

Where the revocation of administrative licences stipulated in the preceding paragraphs may have a detrimental effect on public interest, the administrative license shall not be revoked.

Administrative authorities shall grant compensation in accordance with laws where the legal rights and interests of the licensee are damaged by the revocation of administrative license in accordance with the provisions of Paragraph 1 of this Article. The interests of licensees based on the administrative license shall not be protected in the event of revocation of the administrative license in accordance with the provisions of Paragraph 2 of this Article,

Article 70 Under any of the following circumstances, the administrative authority shall cancel the administrative license in accordance with laws:

(1) expiry of the administrative license and no application for renewal has been made;

(2) death or loss of capacity of a citizen who was granted credentials for the administrative license;

(3) termination of a legal person or an organisation in accordance with laws;

(4) expiry or withdrawal of the administrative license in accordance with laws or revocation of the administrative license in accordance with laws;

(5) the administrative license cannot be implemented due to occurrence of a force majeure event; and

(6) other circumstances in which the administrative license is to

<p>(五) 因不可抗力导致行政许可事项无法实施的；</p>	<p>be cancelled in accordance with the provisions of laws and regulations.</p>
<p>(六) 法律、法规规定的应当注销行政许可的其他情形。</p>	
<p>第七章 法律责任 第七十一条</p>	<p>Chapter 7 Legal Liability Article 71 Where the establishment of administrative licensing is in violation of the provisions of Article 17, the relevant authority shall order the administration authority which has established the administrative licensing to make correction or revoke the administrative licensing in accordance with laws.</p>
<p>违反本法第十七条规定设定的行政许可，有关机关应当责令设定该行政许可的机关改正，或者依法予以撤销。</p>	
<p>第七十二条</p>	<p>Article 72 Where an administrative agency and its staff violate the provisions of this Law in committing any of the following acts, the higher-level administrative agency or supervision agency shall order the offender to make correction; in serious cases, the directly accountable persons-in-charge and other directly accountable personnel shall be subject to administrative punishment pursuant to the law:</p>
<p>行政机关及其工作人员违反本法的规定，有下列情形之一的，由其上级行政机关或者监察机关责令改正；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予行政处分：</p>	
<p>(一) 对符合法定条件的行政许可申请不予受理的；</p>	<p>(1) does not accept an application for administrative licensing which satisfies the statutory criteria;</p>
<p>(二) 不在办公场所公示依法应当公示的材料的；</p>	<p>(2) does not announce the list of materials required by law to be announced at its office premises;</p>
<p>(三) 在受理、审查、决定行政许可过程中，未向申请人、利害关系人履行法定告知义务的；</p>	<p>(3) does not perform statutory notification obligation towards an applicant or a stakeholder in the process of accepting, examining and deciding on the application for administrative licensing;</p>
<p>(四) 申请人提交的申请材料不齐全、不符合法定形式，不一次告知申请人必须补正的全部内容的；</p>	<p>(4) does not notify the applicant in a one-off manner of all the contents to be supplemented or corrected when the application materials submitted by an applicant are incomplete or do not comply with the statutory format;</p>
<p>(五) 违法披露申请人提交的商业秘密、未披露信息或者保密商务信息的；</p>	<p>(5) violate the law in disclosing commercial secrets, undisclosed information or confidential business information submitted by an applicant;</p>
<p>(六) 以转让技术作为取得行政许可的条件，或者在实施行政许可的过程中直接或者间接地要求</p>	<p>(6) set technology transfer as a condition for granting administrative licensing; or make direct or indirect request of technology transfer in the course of implementation of administrative licensing;</p>
<p></p>	<p>(7) does not state pursuant to the law the reason for non-</p>

转让技术的；

acceptance of an application for administrative licensing or non-approval for administrative licensing; or

(七) 未依法说明不受理行政许可申请或者不予行政许可的理由的；

(8) does not convene a hearing as required by the law.

(八) 依法应当举行听证而

不举行听证的。

第七十三条

行政机关工作人员办理行政许可、实施监督检查，索取或者收受他人财物或者谋取其他利益，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

Article 73 Officers of administrative authorities guilty of extorting or accepting money and goods from another party or seeking other benefits in the course of processing administrative licensing applications or implementation of supervision and inspection which constitutes a criminal offence shall be liable to prosecution for criminal liability in accordance with laws. Where the conduct does not constitute a criminal offence, an administrative sanction shall be imposed in accordance with laws.

第七十四条

行政机关实施行政许可，有下列情形之一的，由其上级行政机关或者监察机关责令改正，对直接负责的主管人员和其他直接责任人员依法给予行政处分；构成犯罪的，依法追究刑事责任：

Article 74 Under any of the following circumstances in the course of implementation of administrative licensing by administrative authorities, the superior administrative authority or supervising authority shall order for correction to be made, and impose administrative sanctions in accordance with laws on the person-in-charge and other officers directly responsible; where the conduct constitutes a criminal offence, criminal liability shall be pursued in accordance with laws:

(1) granting of administrative licenses to applicants which do not satisfy statutory requirements or granting of administrative licenses beyond statutory powers of office;

(一) 对不符合法定条件的申请人准予行政许可或者超越法定职权作出准予行政许可决定的；

(2) failure to grant administrative licenses to applicants which satisfy statutory requirements or failure to decide on administrative licensing applications within the statutory time limit; and

(二) 对符合法定条件的申请人不予行政许可或者不在法定期限内作出准予行政许可决定的；

(3) failure to decide on administrative licensing applications based on the outcome of tender or auction or examination results in accordance with laws or failure to hold tender, auction or examination where the decision on administrative licensing applications is required to be based on the outcome of tender or auction or examination results.

(三) 依法应当根据招标、拍卖结果或者考试成绩择优作出准予行政许可决定，未经招标、拍卖或者考试，或者不根据招标、拍卖结果或者考试成绩择优作出准予行政许可决定的。

第七十五条

行政机关实施行政许可，擅

Article 75 Where the fee collection by an administrative authority is unauthorised or do not comply with statutory rates and fee items in the course of implementation of administrative licensing, the superior administrative authority or supervising authority shall order that such fees be refunded. Administrative sanctions shall be imposed in

<p>自收费或者不按照法定项目和标准收费的，由其上级行政机关或者监察机关责令退还非法收取的费用；对直接负责的主管人员和其他直接责任人员依法给予行政处分。</p>	<p>accordance with laws on the person-in-charge and other officers directly responsible.</p> <p>Fees collected in accordance with laws in the course of implementation of administrative licensing which are withheld, diverted, appropriated or covertly appropriated shall be recovered. Administrative sanctions shall be imposed in accordance with laws on the person-in-charge and other officers directly responsible. Where the conduct constitutes a criminal offence, criminal liability shall be pursued in accordance with laws.</p>
<p>截留、挪用、私分或者变相私分实施行政许可依法收取的费用，予以追缴；对直接负责的主管人员和其他直接责任人员依法给予行政处分；构成犯罪的，依法追究刑事责任。</p>	<p>Article 76 Where an administrative authority violates the law in the course of implementation of administrative licensing and causes damage to the legal rights and interests of the parties concerned, compensation shall be granted in accordance with the provisions of State laws on compensation.</p>
<p>第七十六条</p> <p>行政机关违法实施行政许可，给当事人的合法权益造成损害的，应当依照国家赔偿法的规定给予赔偿。</p>	<p>Article 77 Where an administrative authority failed to perform supervision duties in accordance with law or failed to perform the supervision duties properly and thus resulting in serious consequences, the superior administrative authority or supervising authority shall order for correction to be made, and impose administrative sanctions in accordance with laws on the person-in-charge and other officers directly responsible. Where the conduct constitutes a criminal offence, criminal liability shall be pursued in accordance with laws.</p>
<p>第七十七条</p> <p>行政机关不依法履行监督职责或者监督不力，造成严重后果的，由其上级行政机关或者监察机关责令改正，对直接负责的主管人员和其他直接责任人员依法给予行政处分；构成犯罪的，依法追究刑事责任。</p>	<p>Article 78 Where an administrative licensing applicant is guilty of concealing relevant information or providing false materials in an administrative licensing application, the administrative authority shall not accept the application or grant administrative licensing, and issue a warning. Where the administrative licensing application involves directly matters concerning public safety, personal health or the security of life and property, the applicant shall not re-apply for such administrative licensing within a 1-year period.</p>
<p>第七十八条</p> <p>行政许可申请人隐瞒有关情况或者提供虚假材料申请行政许可的，行政机关不予受理或者不予行政许可，并给予警告；行政许可申请属于直接关系公共安全、人身健康、生命财产安全事项的，申请人在一年内不得再次申请该行政许可。</p>	<p>Article 79 The administrative authority shall impose an administrative sanction in accordance with laws on a licensee guilty of obtaining an administrative license through deception, bribery or any other improper means. Where the administrative license involves directly matters concerning public safety, personal health or the security of life and property, the applicant shall not re-apply for such administrative licensing within a 3-year period. Where the conduct constitutes a criminal offence, criminal liability shall be pursued in accordance with</p>
<p>第七十九条</p> <p>被许可人以欺骗、贿赂等不正当手段取得行政许可的，行政机关应当依法给予行政处罚；取得的</p>	

<p>行政许可属于直接关系公共安全、人身健康、生命财产安全事项的，申请人在三年内不得再次申请该行政许可；构成犯罪的，依法追究刑事责任。</p>	<p>laws.</p>
<p>第八十条</p> <p>被许可人有下列行为之一的，行政机关应当依法给予行政处罚；构成犯罪的，依法追究刑事责任：</p> <p>（一）涂改、倒卖、出租、出借行政许可证件，或者以其他形式非法转让行政许可的；</p> <p>（二）超越行政许可范围进行活动的；</p> <p>（三）向负责监督检查的行政机关隐瞒有关情况、提供虚假材料或者拒绝提供反映其活动情况的真实材料的；</p> <p>（四）法律、法规、规章规定的其他违法行为。</p>	<p>Article 80 Under any of the circumstances, the administrative authority shall impose an administrative sanction on the licensee in accordance with laws; where the conduct constitutes a criminal offence, criminal liability shall be pursued in accordance with laws:</p> <p>(1) the licensee is guilty of alteration, transfer, lease or lending of administrative license or illegal transfer of administrative license in any other way;</p> <p>(2) the licensee engages in activities beyond the scope of the administrative license;</p> <p>(3) the licensee is guilty of concealing information from or submitting false materials to the administrative authority in charge of supervision and inspection or refuses to submit accurate materials reflecting the activity conditions to the administrative authority; and</p> <p>(4) any other illegal conducts stipulated by laws, rules or regulations.</p>
<p>第八十一条</p> <p>公民、法人或者其他组织未经行政许可，擅自从事依法应当取得行政许可的活动的，行政机关应当依法采取措施予以制止，并依法给予行政处罚；构成犯罪的，依法追究刑事责任。</p>	<p>Article 81 Administrative authorities shall take measures in accordance with laws to stop any citizen, legal person or an organisation engaging in activities without an administrative license required by the law from continuing such activities and shall impose an administrative sanction in accordance with laws. Where the conduct constitutes a criminal offence, criminal liability shall be pursued in accordance with laws.</p>
<p>第八章 附则</p> <p>第八十二条</p> <p>本法规定的行政机关实施行政许可的期限以工作日计算，不含法定节假日。</p>	<p>Chapter 8 Supplementary Provisions</p> <p>Article 82 The time limits for implementation of administrative licensing by administrative authorities as stipulated by this Law shall be calculated in working days and shall exclude statutory holidays.</p>
<p>第八十三条</p> <p>本法自2004年7月1日起施行</p>	<p>Article 83 This Law shall be effective 1 July 2004.</p> <p>Regulations on administrative licensing existing prior to the</p>

行。

本法施行前有关行政许可的规定，制定机关应当依照本法规定予以清理；不符合本法规定的，自本法施行之日起停止执行。

promulgation of this Law shall be dealt with by the formulation authorities in accordance with the provisions of this Law.

Prevailing regulations which are inconsistent with the provisions of this Law shall be repealed on the date on which this Law takes effect.



扫一扫，手机阅读更方便