

## LAW LIBRARY OF CONGRESS

### CHINA

#### TRANSLATION OF NATIONAL LEGISLATION INTO ENGLISH

The primary source of law of the People's Republic of China is statutory law. Significant Chinese legislation, policies, and treaties are published in the government gazettes, in official compilations, or on the website of the Xinhua News Agency (official government-affiliated news agency).<sup>1</sup> Official English translations of national legislation are mostly organized and compiled by the Legislative Affairs Commission of the Standing Committee of the National People's Congress (NPCLAC) and the Legislative Affairs Office of the State Council (SCLAO). In a notice<sup>2</sup> issued in 2003, the General Office of the State Council standardized the working procedure of translating administrative regulations into English by granting the right to final review and approval of official English translations to SCLAO, in order to guarantee the quality and consistency of official translations. In cases of conflict, however, the Chinese edition prevails over the English version.<sup>3</sup>

Judicial precedents are not legally binding in China. However, judicial interpretations issued by the Supreme Court are broadly seen as an additional source of Chinese law. Such interpretations provide guidance for court trials and are applicable nationally according to the Resolution of the Standing Committee of the National People's Congress (NPC) on Providing an Improved Interpretation of the Law.<sup>4</sup> Official versions of judicial interpretations are not available to date, but some commercial databases do offer a portion of the interpretations translated into English.

#### I. Official Publications (Not Exclusive)

- THE LAWS OF THE PEOPLE'S REPUBLIC OF CHINA (1987–), LC Call No. KNQ 12.C484. This is an English-language collection of translations compiled by the NPLAC, published by the Foreign Languages Press (Waiwen Chuban She, Beijing). The first edition was issued in 1987 and began with laws enacted in

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<sup>1</sup> XINHUANET, [http://news.xinhuanet.com/english2010/special/2011-11/28/c\\_131274495.htm](http://news.xinhuanet.com/english2010/special/2011-11/28/c_131274495.htm).

<sup>2</sup> GUWUYUAN BANGONGTING GUANYU ZUOHAO XINGZHENG FAGUI YINGWEN ZHENGSHI YIBEN SHENDING GONGZUO DE TONGZHI [NOTICE OF THE GENERAL OFFICE OF THE STATE COUNCIL ON COMPLETION OF THE REVIEW AND APPROVAL OF THE ENGLISH TRANSLATIONS OF ADMINISTRATIVE REGULATIONS], [http://www.gov.cn/xxgk/pub/govpublic/mrlm/200803/t20080328\\_32265.html](http://www.gov.cn/xxgk/pub/govpublic/mrlm/200803/t20080328_32265.html) (last accessed Mar. 2, 2012; in Chinese).

<sup>3</sup> *Id.*

<sup>4</sup> Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui Guanyu Jiaqiang Falü Jieshi Gongzuo de Jueyi art. 2, [http://law.hhtz.gov.cn/news\\_det.asp?info\\_kind=002001&ID=4216](http://law.hhtz.gov.cn/news_det.asp?info_kind=002001&ID=4216) (last accessed Feb. 28, 2012; in Chinese).

1982. An annual update has been published since 1995 containing laws and decisions made by the NPC and its committee in the immediately preceding year(s).

- LAWS AND REGULATIONS OF THE PEOPLE’S REPUBLIC OF CHINA GOVERNING FOREIGN-RELATED MATTERS [ZHONGHUA RENMIN GONGHEGUO SHEWAI FAGUI HUIBIAN], LC Call No. KNQ3405.A27 Z4872. This is a bilingual (Chinese-English) publication compiled by SCLAO and covers an extensive number of domestic laws and regulations. It has been published by the China Legal Publishing House (Zhongguo Fazhi Chuban She, Beijing) since 1991. Last updated 2011.
- LAWS AND REGULATIONS OF THE PEOPLE’S REPUBLIC OF CHINA (ZHONGHUA RENMIN GONGHEGUO FALÜ FAGUI HUIBIAN). This is the most recent bilingual (Chinese-English) collection compiled by the SCLAO. It was published by the China Legal Publishing House (Zhongguo Fazhi Chuban She, Beijing) in January 2012 and is made up of eight volumes covering a wide range of domestic laws and regulations in various areas, including constitutional, criminal, civil, business, military, and administrative laws. Translated laws adopted by the NPC and its standing committee are provided by the NPCLAC.

## II. Online Resources

### A. Official Government Resources

- Constitution of the People’s Republic of China and four amendments, THE NATIONAL PEOPLE’S CONGRESS OF THE PEOPLE’S REPUBLIC OF CHINA, [http://www.npc.gov.cn/englishnpc/Constitution/node\\_2824.htm](http://www.npc.gov.cn/englishnpc/Constitution/node_2824.htm).
- *Database of Laws and Regulations*, NPC.GOV.CN, [http://www.npc.gov.cn/englishnpc/Law/Integrated\\_index.html](http://www.npc.gov.cn/englishnpc/Law/Integrated_index.html). An online database affiliated with the NPC’s main website, this site offers a limited collection of laws in English translation adopted by the NPC and its standing committee, as well as the administrative regulations enacted by the State Council (Central People’s Government). Last updated in 2008.
- *Laws and Regulations*, CHINA COURT, <http://en.chinacourt.org/news/?location=0400000000>. Sponsored by the Supreme People’s Court of China, this is an online collection of Chinese laws and regulations. The entries are listed in reverse chronological order, from the most recent post in 2005 to the oldest ones in 2002.
- MINISTRY OF COMMERCE OF PRC (MOFCOM), <http://english.mofcom.gov.cn/policyrelease/policyrelease.html>. This website makes available English translations of a portion of notices and announcements issued by MOFCOM that have legal effect; English-language interpretations of measures and guiding opinions issued by MOFCOM are also available. Updated periodically, most recently on January 8, 2012.

- FDI: INVEST IN CHINA, [http://www.fdi.gov.cn/pub/FDI\\_EN/Laws/default\\_new.jsp](http://www.fdi.gov.cn/pub/FDI_EN/Laws/default_new.jsp). Operated by the Investment Promotion Agency of MOFCOM, this website offers a collection of English translations of legislation and cases dealing with foreign investment in China, though the translations are to be used for reference only. Updated periodically, most recently on December 12, 2011.
- STATE INTELLECTUAL PROPERTY OFFICE OF THE PRC (SIPO), <http://english.sipo.gov.cn/laws/>. This website provides translations of laws, regulations, policies, and reports; official plans related to patents, copyright, and trademarks are also available. Incomplete; last post on April 26, 2011.
- *White Papers*, ENGLISH.GOV.CN: CHINESE GOVERNMENT'S OFFICIAL WEB PORTAL, [http://english.gov.cn/official/2005-08/17/content\\_24165.htm](http://english.gov.cn/official/2005-08/17/content_24165.htm). An English-language collection of white papers issued by the State Council.

## B. Commercial Databases

- LAWINFOCHINA, <http://www.lawinfochina.com/>. A subscription-based database affiliated with the Legal Information Center of Beijing University, providing laws, regulations, judicial interpretations, court cases, law articles, and legal news. Updated daily.
- WESTLAW CHINA, [http://www.westlawchina.com/index\\_en.html](http://www.westlawchina.com/index_en.html). A Chinese law database launched by Thomson Reuters, in both English and Chinese. The database contains comprehensive laws, regulations, cases and legal contracts, journals, and the latest news. Updated daily.

## C. Other Sources

A few public interest organizations also provide free collections of unofficial translations of Chinese laws for reference use. However, many of them have not been updated for five years or longer. One resource worth mentioning is the Asian-LII database:

- *Laws of the People's Republic of China*, ASIAN LEGAL INFORMATION INSTITUTE (ASIANLII), <http://www.asianlii.org/cn/legis/cen/laws/>. A nonprofit and free-access website that provides an English collection of national laws in both an A–Z list and in chronological order. The latest compilation is of the 2007 laws of China.