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Decree of the State Council of the People's Republic of China

No. 499

The Regulations for the Implementation of the Law of the People's Republic of China on Administrative Reconsideration, adopted at the 177th Executive Meeting of the State Council on May 23, 2007, are hereby promulgated and shall be effective as of August 1, 2007.

Premier, Wen Jiabao

May 29, 2007

Regulations for the Implementation of the Law of the People's Republic of China on Administrative Reconsideration

Chapter I General Provisions

Article 1 These Regulations are formulated in accordance with the Law of the People's Republic of China on Administrative Reconsideration (hereinafter referred to as the Administrative Reconsideration Law) for the purpose of giving greater play to the role of the administrative reconsideration system in the settlement of administrative disputes, the development of a government ruled by law and the building of a harmonious socialist society.

Article 2 Administrative reconsideration organs at all levels shall conscientiously perform their administrative reconsideration responsibilities, lead and support their respective departments responsible for legislative affairs (hereinafter referred to as administrative reconsideration departments) in dealing with administrative reconsideration affairs in accordance with law, and appoint, assign and transfer full-time personnel for administrative reconsideration in accordance with the

relevant provisions, in order to ensure that the capacity of administrative reconsideration departments for handling cases is commensurate with their tasks.

Article 3 In addition to the responsibilities specified in Article 3 of the Administrative Reconsideration Law, administrative reconsideration departments shall perform the following responsibilities:

(1) referring relevant applications for administrative reconsideration to other organs in accordance with the provisions of Article 18 of the Administrative Reconsideration Law;

(2) handling matters involving administrative compensation as prescribed in Article 29 of the Administrative Reconsideration Law;

(3) urging the acceptance of applications for administrative reconsideration and the execution of administrative reconsideration decisions according to their duties and the limits of their power;

(4) keeping statistics on administrative reconsideration cases and cases of responding to administrative lawsuits and maintaining records of major administrative reconsideration decisions;

(5) handling or organizing the handling of matters on responding to administrative lawsuits brought directly without administrative reconsideration; and

(6) studying problems found in the work of administrative reconsideration, promptly submitting improvement proposals to the relevant organs, and promptly reporting major problems to the administrative reconsideration organs.

Article 4 Full-time personnel for administrative reconsideration shall exhibit proper morals and possess professional knowledge and ability that meet the requirements for performing their administrative reconsideration responsibilities, and shall possess the corresponding qualifications. The specific measures shall be formulated by the legislative affairs department of the State Council jointly with the relevant departments of the State Council.

Chapter II Application for Administrative Reconsideration

Section 1 Applicants

Article 5 All citizens, legal persons and other organizations that apply for administrative reconsideration in accordance with the provisions of the Administrative Reconsideration Law and these Regulations are applicants.

Article 6 Where a partnership enterprise applies for administrative reconsideration, the enterprise as registered shall be the applicant, and the partner that manages partnership affairs shall represent the enterprise in administrative reconsideration; where a partnership organization other than an enterprise applies for administrative reconsideration, all partners shall jointly submit the application.

Where an organization not incorporated as a legal person, other than those specified in the preceding paragraph, applies for administrative reconsideration, the principal responsible person of the organization shall represent the organization in administrative reconsideration; where there is no principal responsible person, a member jointly selected for the purpose shall represent the organization in administrative reconsideration.

Article 7 The shareholders' general meeting, shareholder representatives' meeting or board of directors of a joint-stock enterprise may apply for administrative reconsideration on behalf of the enterprise, if it considers that a specific administrative act taken by an administrative organ infringes upon the enterprise's lawful rights and interests.

Article 8 Where there are more than five applicants in an administrative reconsideration case, one to five of them shall be selected as representatives in administrative reconsideration.

Article 9 Where, during an administrative reconsideration process, the administrative reconsideration department considers that a citizen, legal person or any other organization that is not an applicant has an interest in the specific administrative act under reconsideration, it may notify the citizen, legal person or organization of the opportunity to participate in administrative reconsideration as a third party.

Where, during an administrative reconsideration process, a citizen, legal person or any other organization that is not an applicant has an interest in the specific administrative act under reconsideration, he or it may apply to the administrative reconsideration department to participate in administrative reconsideration as a third party.

Failure of a third party to participate in administrative reconsideration shall not affect the handling of the administrative reconsideration case.

Article 10 Either an applicant or a third party may appoint one or two agents in administrative reconsideration. Where an applicant or a third party appoints his or its agent, he or it shall submit a power of attorney to the administrative reconsideration department. A power of attorney shall specify the matters entrusted to the agent, the powers conferred on the agent and the expiration date. A citizen may appoint an agent orally if it is impossible to do so in writing under special circumstances. In the case of an agent orally appointed, the administrative reconsideration department shall verify the fact and put it on record. Where an applicant or a third party revokes or changes a power of attorney, he or it shall report the revocation or change in writing to the administrative reconsideration department.

Section 2 Respondents

Article 11 Where a citizen, legal person or any other organization disagrees with a specific administrative act taken by an administrative organ and applies for administrative reconsideration in accordance with the provisions of the Administrative Reconsideration Law and these Regulations, the administrative organ

that takes the specific administrative act is the respondent.

Article 12 Where an administrative organ and an organization authorized by laws or regulations jointly take a specific administrative act, the said administrative organ and organization authorized by laws or regulations are co-respondents.

Where an administrative organ and an organization other than those authorized by laws or regulations jointly take a specific administrative act, the said administrative organ is the respondent.

Article 13 Where an administrative organ at a lower level takes a specific administrative act with approval of an administrative organ at a higher level, as prescribed by laws, regulations or rules, the approving organ is the respondent.

Article 14 Where an office dispatched by an administrative organ, or an internal division or any other organization set up by an administrative organ takes a specific administrative act in its own name without authorization by laws or regulations, the said administrative organ is the respondent.

Section 3 Time Limits for Application for Administrative Reconsideration

Article 15 The time limit for an application for administrative reconsideration specified in the first paragraph of Article 9 of the Administrative Reconsideration Law shall be determined as follows:

(1) where a specific administrative act is taken on the spot, the time limit begins on the date such specific administrative act is taken;

(2) where the legal document prescribing a specific administrative act is served in person, the time limit begins on the date the recipient signs for receipt of the document;

(3) where the legal document prescribing a specific administrative act is served

by mail, the time limit begins on the date the recipient signs the receipt of the mail; if there is no receipt for the mail, the time limit begins on the date the recipient signs the receipt for service of the document;

(4) where a specific administrative act is notified to the recipient in accordance with law through a public announcement, the time limit begins on the date the duration specified in the public announcement expires;

(5) where an administrative organ takes a specific administrative act but fails to notify the citizen, legal person or other organization and issues a later notice, the time limit begins on the date the said citizen, legal person or other organization receives the later notice of the administrative organ; and

(6) where the respondent can prove that the citizen, legal person or other organization is aware of the specific administrative act, the time limit begins on the date he or it becomes aware of the specific administrative act as shown by evidence.

Where an administrative organ takes a specific administrative act but fails to serve a legal document on the relevant citizen, legal person or other organization as required by law, the said citizen, legal person or other organization shall be considered as being unaware of the specific administrative act.

Article 16 Where a citizen, legal person or any other organization applies to an administrative organ for the performance of its statutory duties in accordance with the provisions of subparagraph (8), (9) or (10) of Article 6 of the Administrative Reconsideration Law, but the said administrative organ fails to do so, the time limit for an application for administrative reconsideration shall be determined as follows:

(1) where a period is specified for the performance of such duties, the time limit begins on the date the period for the performance expires; or

(2) where no period is specified for the performance of such duties, the time limit begins on the date following the 60th day after the administrative organ receives the application for performance.

Where, in an emergency, a citizen, legal person or any other organization

requests that an administrative organ perform its statutory duties of protecting the right of the person or the property right, but the administrative organ fails to do so, the time limit for an application for administrative reconsideration is not subject to the provisions of the preceding paragraph.

Article 17 Where a specific administrative act taken by an administrative organ might adversely affect the rights or obligations of a citizen, legal person or any other organization, the administrative organ shall notify him or it of his or its right to apply for administrative reconsideration, the administrative reconsideration organ and the time limit for application for administrative reconsideration.

Section 4 Submission of Applications for Administrative Reconsideration

Article 18 An applicant that applies in writing for administrative reconsideration may submit an application for administrative reconsideration in person, by mail or by fax.

An administrative reconsideration department may accept applications for administrative reconsideration submitted by e-mail where conditions permit.

Article 19 An applicant that applies in writing for administrative reconsideration shall clearly state the following items in his or its application:

(1) basic information on the applicant, including the name, sex, age, identity card number, employer, domicile and postal code in the case of a citizen; or the name, domicile, postal code, and the name and title of the legal representative or principal responsible person in the case of a legal person or any other organization;

(2) the name of the respondent;

(3) the claims for administrative reconsideration, and the main facts and grounds in support of the application for administrative reconsideration;

(4) the signature or seal of the applicant; and

(5) the date the application for administrative reconsideration is submitted.

Article 20 Where an applicant applies orally for administrative reconsideration, the administrative reconsideration department shall, according to the items prescribed in Article 19 of these Regulations, transcribe the application for administrative reconsideration on the spot, allow the applicant to check the transcript or read it to the applicant, and the transcript shall be signed by the applicant for confirmation.

Article 21 An applicant shall provide probative materials under one of the following circumstances:

(1) materials proving that the applicant has previously requested that the respondent perform its statutory duties and the respondent fails to do so, where the applicant considers that the respondent fails to perform its statutory duties;

(2) materials proving that the applicant incurs damage as a result of a specific administrative act, where the applicant requests administrative compensation along with an application for administrative reconsideration; or

(3) other circumstances where the applicant provides probative materials as required by laws or regulations.

Article 22 Where an applicant for administrative reconsideration names a wrong party as the respondent, the administrative reconsideration department shall notify the applicant that a change of the respondent is required.

Article 23 Where an applicant disagrees with a specific administrative act taken jointly by two or more departments of the State Council, he or it may, in accordance with the provisions of Article 14 of the Administrative Reconsideration Law, apply to any of such departments for administrative reconsideration, and all such departments that take the specific administrative act shall jointly make a decision after administrative reconsideration.

Article 24 Where an applicant disagrees with a specific administrative act

taken by a department that, with approval by the State Council, is under vertical leadership at or below the provincial level, he or it may apply for administrative reconsideration either to the local people's government at the level of the department or to the competent department at the next higher level; if a province, autonomous region or municipality directly under the Central Government provides otherwise, the said provisions shall prevail.

Article 25 Where an applicant applies for administrative reconsideration in accordance with the provisions of the second paragraph of Article 30 of the Administrative Reconsideration Law, he or it shall submit his or its application to the people's government of the province, autonomous region or municipality directly under the Central Government.

Article 26 Where an applicant considers that the provisions on which a specific administrative act is based are illegal, he or it may, in accordance with the provisions of Article 7 of the Administrative Reconsideration Law, apply for the examination of such provisions when applying for administrative reconsideration of the specific administrative act; if the applicant is unaware of the provisions on which the specific administrative act is based when applying for administrative reconsideration of the said act, he or it may apply for the examination of such provisions to the administrative reconsideration organ before the organ makes a decision after administrative reconsideration.

Chapter III Acceptance of Applications for Administrative Reconsideration

Article 27 Where a citizen, legal person or any other organization considers that a specific administrative act taken by an administrative organ infringes upon his or its lawful rights and interests and applies for administrative reconsideration of the said act, the administrative reconsideration organ must accept the application, unless the application does not meet the requirements specified by the Administrative Reconsideration Law or these Regulations.

Article 28 An application for administrative reconsideration shall be accepted if it meets the following requirements:

(1) there is a definite applicant and a respondent that conforms to the provisions;

(2) the applicant has an interest in the specific administrative act;

(3) there are specific claims and grounds for administrative reconsideration;

(4) the application is submitted within the statutory time limit;

(5) the application falls within the scope of administrative reconsideration as prescribed by the Administrative Reconsideration Law;

(6) the decision on the application for administrative reconsideration falls within the responsibilities of the administrative reconsideration department receiving the application; and

(7) no other administrative reconsideration organ has accepted the same application for administrative reconsideration, and no people's court has entertained an administrative lawsuit brought by the same party based on the same facts.

Article 29 Where an application for administrative reconsideration is incomplete or ambiguous, the administrative reconsideration department may, within five days from the date of receipt of the application, notify the applicant in writing that he or it is required to supplement or correct the application. The notification requiring supplementation or correction shall indicate the matters required to be supplemented or corrected and a reasonable time limit for such supplementation or correction. If the applicant fails to supplement or correct the application within the specified time limit without justification, the applicant shall be considered as having abandoned the application for administrative reconsideration. The time for supplementation or correction of an application shall not be included in the time for administrative reconsideration.

Article 30 Where an applicant applies for administrative reconsideration of one and the same issue to two or more competent administrative organs, the organ

that first receives the application shall entertain the application; if the administrative organs receive the application at the same time, they shall determine through consultation within ten days the organ that entertains the application; if consultation fails, the administrative organ immediately superior to all of those organs shall designate within ten days the organ that entertains the application. The time for determining through consultation or designating the organ that entertains an application shall not be included in the time for administrative reconsideration.

Article 31 Where, in accordance with the provisions of Article 20 of the Administrative Reconsideration Law, an administrative organ at a higher level considers that it is unfounded for an administrative reconsideration organ to refuse to accept an application for administrative reconsideration, it may first urge the administrative reconsideration organ to accept the application or, if the administrative reconsideration organ still refuses to accept the application after being thus urged, shall order it to accept the application within a specified time limit or may accept the application itself if necessary; if it considers that the application for administrative reconsideration does not meet the statutory requirements for being accepted, it shall notify the applicant of that reason.

Chapter IV Decisions Made after Administration Reconsideration

Article 32 When an administrative reconsideration department handles an administrative reconsideration case, there shall be two or more administrative reconsideration personnel assigned to the work.

Article 33 An administrative reconsideration department may conduct an on-the-spot investigation to verify evidence if it considers necessary; hearings may be held to handle a major or complicated case if the applicant so requests or the administrative reconsideration department considers necessary.

Article 34 When conducting investigations among and collecting evidence from the relevant organizations or persons, administrative reconsideration personnel

may consult, reproduce or collect the relevant documents and materials, and make inquires of the persons concerned.

There shall be at least two administrative reconsideration personnel present when conducting investigations and collecting evidence, and they shall show their credentials to the parties or persons concerned. The units and persons under investigation shall cooperate with administrative reconsideration personnel and may not refuse or obstruct the investigation.

Where an on-the-spot inspection is required, the time for such inspection shall not be included in the time for administrative reconsideration.

Article 35 An administrative reconsideration organ shall provide the necessary conditions for applicants and third parties to consult relevant information.

Article 36 For cases in which applicants apply for administrative reconsideration at the same level in accordance with the provisions of Article 14 of the Administrative Reconsideration Law, the departments or authorities that handle affairs relating to the specific administrative acts shall give written replies and provide the evidence and basis on which the said specific administrative acts are taken, and other relevant materials.

Article 37 Where a specialized matter is involved and needs to be evaluated during an administrative reconsideration process, the party may entrust the evaluation to an evaluation institution on his or its own or apply to the administrative reconsideration department for appointing an evaluation institution for the evaluation. The expenses for the evaluation shall be borne by the party. The time for evaluation shall not be included in the time for administrative reconsideration.

Article 38 Where an applicant voluntarily withdraws his or its application for administrative reconsideration before an administrative reconsideration decision is made, he or it may do so with approval of the administrative reconsideration department.

An applicant that has withdrawn his or its application for administrative reconsideration shall not apply again for administrative reconsideration based on the

same facts and grounds, unless the applicant can prove that the withdrawal of his or its application is against his or its true intention.

Article 39 Change of a specific administrative act by the respondent during an administrative reconsideration process shall not prevent the handling of the administrative reconsideration case, unless the applicant withdraws his or its application for administrative reconsideration in accordance with law.

Article 40 Where a citizen, legal person or any other organization disagrees with a specific administrative act taken by an administrative organ at its discretion as prescribed by laws or regulations and applies for administrative reconsideration, and if the applicant and respondent reach a settlement on their own before an administrative reconsideration decision is made, they shall submit a written settlement agreement to the administrative reconsideration department; provided that the agreement does not jeopardize public interests and the lawful rights and interests of another person, the administrative reconsideration department shall allow the agreement.

Article 41 An administrative reconsideration process shall be suspended if the handling of the administrative reconsideration case is affected in one of the following circumstances:

(1) the applicant that is a natural person dies and none of his close relatives has decided whether or not to participate in administrative reconsideration;

(2) the applicant that is a natural person loses his capacity to participate in administrative reconsideration and his legal agent has not been appointed yet to represent him in administrative reconsideration;

(3) the applicant that is a legal person or any other organization dissolves and the successor to its rights and obligations has not been determined yet;

(4) the whereabouts of the applicant that is a natural person are unknown or he has been declared as missing;

(5) the applicant or respondent is unable to participate in administrative

reconsideration due to *force majeure*;

(6) the issue concerning the application of law to the case needs to be interpreted or confirmed by the competent authorities;

(7) the decision in the case depends on a decision of another case that is still pending; or

(8) other circumstances that warrant the suspension of administrative reconsideration.

An administrative reconsideration process shall be resumed promptly after the causes of the suspension of administrative reconsideration have been eliminated.

An administrative reconsideration department shall notify the parties concerned of the suspension or resumption of the administrative reconsideration process.

Article 42 An administrative reconsideration process shall be terminated in one of the following circumstances:

(1) the applicant requests the withdrawal of his or its application for administrative reconsideration and the administrative reconsideration department approves the request;

(2) the applicant that is a natural person dies without a close relative or his close relatives waive the right to administrative reconsideration;

(3) the applicant that is a legal person or any other organization dissolves and the successor to its rights and obligations waives the right to administrative reconsideration;

(4) the applicant and respondent have reached a settlement allowed by the administrative reconsideration department, in accordance with the provisions of Article 40 of these Regulations; or

(5) after the applicant disagrees with the imposition of administrative detention on him or the compulsory administrative measure restricting his freedom of the

person and applies for administrative reconsideration, the imposition of administrative detention or the compulsory administrative measure is changed to the imposition of criminal detention for the same illegal act that the applicant commits and has been suspected of being a crime.

Where an administrative reconsideration process is suspended in accordance with the provisions of subparagraph (1), (2) or (3) of the first paragraph of Article 41 of these Regulations, and if the causes of the suspension have not been eliminated within 60 days, the administrative reconsideration process shall be terminated.

Article 43 Where, as prescribed in subparagraph (1) of the first paragraph of Article 28 of the Administrative Reconsideration Law, a specific administrative act is based on clearly established facts, conclusive evidence, correct legal reasoning, due process, and appropriateness of content, the administrative reconsideration organ shall make a decision to affirm the act.

Article 44 Where, as prescribed in subparagraph (2) of the first paragraph of Article 28 of the Administrative Reconsideration Law, the respondent fails to perform its statutory duties, the administrative reconsideration organ shall make a decision for it to perform its statutory duties within a specified time limit.

Article 45 Where a specific administrative act is found in one of the circumstances prescribed in subparagraph (3) of the first paragraph of Article 28 of the Administrative Reconsideration Law, the administrative reconsideration organ shall make a decision to annul, change or declare illegal the act; if the said organ makes a decision to annul or declare illegal the act, it may order the respondent to take another specific administrative act within a specified time limit.

Article 46 Where the respondent fails to give a written reply or provide the evidence and basis on which it takes a specific administrative act, or other relevant materials in accordance with the provisions of Article 23 of the Administrative Reconsideration Law, the specific administrative act shall be considered as having no evidence or basis, and the administrative reconsideration organ shall make a decision to annul the act.

Article 47 Where a specific administrative act is found in one of the following circumstances, the administrative reconsideration organ may make a decision to change the act:

(1) the facts are clearly established, the evidence is conclusive and due process is carried out, but the act is obviously inappropriate or the legal basis is used incorrectly; or

(2) the facts are not clearly established and the evidence is inadequate, but after the hearing by the administrative reconsideration organ, the facts are clearly ascertained and the evidence is conclusive.

Article 48 An administrative reconsideration organ shall make a decision to reject an application for administrative reconsideration in one of the following circumstances:

(1) the applicant applies for administrative reconsideration when he or it considers that an administrative organ fails to perform its statutory duties, but the administrative reconsideration organ finds upon acceptance of the application, that the administrative organ has no such statutory duties, or that it has performed such statutory duties before the application is accepted; or

(2) upon acceptance of the application for administrative reconsideration, it is found that the application fails to meet the requirements for being accepted as prescribed in the Administrative Reconsideration Law and these Regulations.

If an administrative organ at a higher level considers that it is unfounded for an administrative reconsideration organ to reject an application for administrative reconsideration, it shall order the administrative reconsideration organ to resume the administrative reconsideration process.

Article 49 Where an administrative reconsideration organ orders the respondent to take another specific administrative act in accordance with the provisions of Article 28 of the Administrative Reconsideration Law, the respondent shall do so within the time limit specified by laws, regulations or rules; in the absence of a time limit so specified, the time limit for taking another specific administrative

act shall be 60 days.

A citizen, legal person or any other organization that disagrees with another specific administrative act taken by the respondent may apply for administrative reconsideration or bring an administrative lawsuit in accordance with law.

Article 50 An administrative reconsideration organ may conduct mediation on the principle of voluntariness and legality in one of the following circumstances:

(1) a citizen, legal person or any other organization disagrees with a specific administrative act taken by an administrative organ at its discretion as prescribed by laws or regulations and applies for administrative reconsideration; or

(2) a dispute arises between the parties over administrative compensation or remedy.

Where the parties reach an agreement through mediation, the administrative reconsideration organ shall prepare a written administrative reconsideration mediation statement, which shall specify the claims, facts and grounds for administrative reconsideration and mediation results and to which the administrative reconsideration organ shall affix its seal. An administrative reconsideration mediation statement shall become legally binding once it is signed by both parties.

If no agreement is reached through mediation or if one of the parties retracts his or its agreement before the mediation statement becomes legally binding, the administrative reconsideration organ shall make an administrative reconsideration decision in a timely manner.

Article 51 With regard to the claims in an application for administrative reconsideration, the administrative reconsideration organ may not make an administrative reconsideration decision more unfavorable to the applicant.

Article 52 Where a third party neither brings a lawsuit nor carries out an administrative reconsideration decision within a specified time limit, Article 33 of the Administrative Reconsideration Law shall apply.

Chapter V Guidance and Supervision on Administrative Reconsideration

Article 53 Administrative reconsideration organs shall improve their leadership role in the administrative reconsideration work.

Administrative reconsideration departments shall supervise and guide the administrative reconsideration work under the leadership of administrative reconsideration organs at their respective levels and according to their duties and the limits of their power.

Article 54 The people's governments at or above the county level shall strengthen their supervision on the performance of administrative reconsideration responsibilities by their subordinate departments and the people's governments at lower levels.

Administrative reconsideration organs shall strengthen their supervision on the performance of administrative reconsideration responsibilities by their administrative reconsideration departments.

Article 55 The local people's governments at or above the county level shall establish and strengthen an administrative reconsideration responsibility system, and shall incorporate the administrative reconsideration work in the target responsibility system of the corresponding governments.

Article 56 The local people's governments at or above the county level shall, according to their duties and the limits of their power, organize regular or random inspections, or other forms of inspections, to inspect the administrative reconsideration work of their subordinate departments and the people's governments at lower levels, and shall notify the relevant parties of the inspection results in a timely manner.

Article 57 Where, during the administrative reconsideration process, an

administrative reconsideration organ finds that the relevant administrative act taken by the respondent or any other administrative organ at a lower level is illegal, or that there remain problems that need to be resolved, it may prepare a written opinion following administrative reconsideration. The relevant organ shall, within 60 days from the date of receipt of the written opinion following administrative reconsideration, notify the administrative reconsideration department of the correction of the illegal administrative act or the resolution of the remaining problems.

Where, during the administrative reconsideration process, an administrative reconsideration department finds any problems universally present in the implementation of laws, regulations and rules, it may prepare a written recommendation following administrative reconsideration, which contains proposals to the relevant organ for the improvement of its system and its administrative law enforcement efforts.

Article 58 The administrative reconsideration departments of the people's governments at or above the county level shall regularly submit reports on the analysis of their administrative reconsideration work to the people's governments at the corresponding levels.

Article 59 Administrative reconsideration organs at lower levels shall, in a timely manner, submit their major administrative reconsideration decisions to administrative reconsideration organs at higher levels for the record.

Article 60 Administrative reconsideration departments at all levels shall arrange for regular professional training for their administrative reconsideration personnel to improve their professional standards.

Article 61 Administrative reconsideration organs at all levels shall regularly review their administrative reconsideration work, and shall, in accordance with the relevant provisions, commend and reward units and individuals that have made outstanding achievements in the administrative reconsideration work.

Chapter VI Legal Liability

Article 62 A respondent that fails to take another specific administrative act within a specified time limit as required by an administrative reconsideration decision or takes another specific administrative act in violation of the provisions shall be investigated for legal liability in accordance with the provisions of Article 37 of the Administrative Reconsideration Law.

Article 63 Where a unit or person refuses to cooperate with or obstructs administrative reconsideration personnel in the process of conducting investigations, collecting evidence, or consulting, reproducing or collecting the relevant documents or materials, the relevant culpable persons shall be given a sanction or an administrative penalty for public security in accordance with law; if a crime is constituted, criminal liability shall be investigated for in accordance with law.

Article 64 Where an administrative reconsideration organ or administrative reconsideration department fails to perform its administrative reconsideration responsibilities prescribed in the Administrative Reconsideration Law and these Regulations, and fails to make corrections after being urged to do so by the competent supervising administrative organ, the persons in charge with competent accountability and other persons with competent accountability shall, by way of a sanction, be given a warning, or incur a demerit or a serious demerit record in accordance with law or, if serious consequences are entailed, shall be demoted, removed from office or dismissed in accordance with law.

Article 65 Where an administrative organ and any of its personnel violates the provisions of the Administrative Reconsideration Law or these Regulations, the administrative reconsideration department may suggest to the personnel or supervisory department that the culpable persons be given sanctions, or may directly refer the case file on the violators to the personnel or supervisory department; the department that accepts the referred case file shall handle the case in accordance with law and notify the results to the administrative reconsideration department that refers the case file.

Chapter VII Supplementary Provision

Article 66 These Regulations shall be effective as of August 1, 2007.

本译本仅供参考，若有歧义，请以中文版本为准。

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