

Decree of the Ministry of Foreign Affairs of the People's Republic of China

No. 2

Measures for Consular Legalization, approved by the State Council on November 6, 2015, is hereby promulgated and shall come into effect as of March 1, 2016.

Minister Wang Yi

November 19, 2015

Measures for Consular Legalization

Chapter 1 General Provisions

Article 1 The purposes of formulating Measures for Consular Legalization (hereinafter referred to as the "Measures") are to regulate consular legalization practice, maintain credibility of consular legalization, promote external exchanges, and protect legitimate rights and interests of natural persons, legal persons as well as other organizations.

Article 2 The Measures are applicable to the legalization of documents issued by Chinese agencies to be delivered to and used in a foreign country and those issued by foreign agencies to be delivered to and used in China.

Article 3 The consular legalization mentioned in the Measures refers to the practice of confirming the authenticity of the last seal or signature on the foreign-related notarial deeds and other certificates issued in China or relevant documents issued by other countries, performed by consular legalization agencies upon the application of natural persons, legal persons or other organizations.

The above-mentioned consular legalization agencies refer to agencies applying the Measures to conduct consular legalization, including the Ministry of Foreign Affairs of China, foreign affairs offices of local people's governments authorized by the Ministry of Foreign Affairs (hereinafter referred to as "local foreign affairs offices"), Chinese embassies and consulates in other countries, as well as other overseas institutions authorized by the Ministry of Foreign Affairs of China.

When an institution is authorized by the consular legalization agencies to handle affairs such as case acceptance, data entry and consultancy, the institution shall conduct relevant activities within the scope of the authorization.

Article 4 When conducting consular legalization, the legalization agencies shall abide by the law, stick to the principle of being objective and truthful, and refrain from damaging national interests or social public interests.

Article 5 The Ministry of Foreign Affairs is responsible for consular legalization affairs of the country.

Article 6 Consular legalization is divided into consular legalization of Chinese documents and consular legalization of foreign documents.

The Ministry of Foreign Affairs and local foreign affairs offices are responsible for conducting consular legalization for Chinese documents.

Chinese embassies and consulates in other countries, as well as other overseas institutions authorized by the Ministry of Foreign Affairs are responsible for conducting consular legalization for foreign documents.

Article 7 Consular legalization personnel include the signatories and assisting staff for consular legalization.

Consular legalization signatories are responsible for the examination and signature.

Consular legalization assisting staff are responsible for the clerical work of case acceptance, accreditation, charging, etc.

Article 8 Consular legalization signatories working for the Ministry of Foreign Affairs, Chinese embassies and consulates in other countries, as well as other overseas institutions authorized by the Ministry of Foreign Affairs shall be personnel with diplomatic positions of attache or above or with consular positions of consular attache or above.

Consular legalization signatories working for local foreign affairs offices shall be principal staff members or above.

Consular legalization signatories shall have at least three years of diplomatic or foreign affairs related working experience, professional knowledge and capacity

required by the consular legalization signatory work, and shall attend relevant training courses held by the Ministry of Foreign Affairs.

Consular legalization signatories working for Chinese embassies and consulates in other countries, other overseas institutions authorized by the Ministry of Foreign Affairs, and local foreign affairs offices shall be kept on record with the Ministry of Foreign Affairs, and any special circumstance shall be reported to and approved by the Ministry of Foreign Affairs.

Article 9 Consular legalization signatories shall not:

(1) Handle the consular legalization affairs for himself/herself or his/her close relatives, or when himself/herself or one of his/her close relatives is an interested party;

(2) Issue consular legalization certificates in a way not conforming to established procedure;

(3) Deliberately destroy or falsify consular legalization certificates or archives;

(4) Occupy or embezzle anti-fake paper, seals or other articles of exclusive use of consular legalization;

(5) Ask for money or property or seek other illegal benefits by taking advantage of the position of handling consular legalization affairs or;

(6) Other behaviors prohibited by laws and administrative regulations.

Article 10 Applicants for consular legalization or other personnel or organizations shall not:

(1) Use consular legalization certificates to engage in illegal activities;

(2) Forge or alter the consular legalization certificates or;

(3) Forge, or alter or change without authorization the notarial deeds or other certificates that have been legalized.

Chapter 2 Record Keeping of the Seal and Signature

Article 11 Consular legalization agencies shall put relevant seals and signatures on record according to the Measures before performing consular legalization.

Article 12 Chinese notary organizations and other certifying agencies shall put relevant seals and the signatures of the notaries and signatories on record with the Ministry of Foreign Affairs or local foreign affairs offices.

Article 13 Local foreign affairs offices shall put the seals for consular legalization, as well as the names, positions and signature patterns of consular legalization signatories on record with the consulates of relevant countries in China.

Article 14 The Ministry of Foreign Affairs shall put the seals for consular legalization, as well as the names, titles and signature patterns of consular legalization signatories on record with the embassies of relevant countries in China.

Article 15 Chinese embassies and consulates in other countries, as well as other overseas institutions authorized by the Ministry of Foreign Affairs shall keep record of the seals of consular legalization agencies, as well as the names, positions and signature patterns of consular legalization signatories of the host countries.

Article 16 Chinese embassies and consulates in other countries, other overseas institutions authorized by the Ministry of Foreign Affairs and local foreign affairs offices shall put the names, titles (positions) and signature patterns of consular legalization signatories on record with the Ministry of Foreign Affairs.

Article 17 Seals and signature patterns come into effect after 10 working days since the day they are put on record.

Article 18 When a consular legalization signatory terminates his/her duty of signing consular legalization, the relevant agency shall promptly notify the original record-keeping institution of the name and title (position) of the said signatory as well as the date of revoking his/her signing authority.

Chapter 3 Consular Legalization Procedure

Article 19 When a document issued in China is to be delivered and used abroad and the foreign country concerned requires consular legalization, the document shall be first notarized by a Chinese notary or certified by a Chinese certifying institution, then delivered to the Ministry of Foreign Affairs or a local foreign affairs office for consular legalization before being delivered to the embassy or consulate of the said country in China for legalization.

The case where it is otherwise stipulated by an international treaty to which China is a signatory or member or by a regulation of the Ministry of Foreign Affairs shall be taken as an exception.

Article 20 When a document issued in a foreign country is to be delivered and used in China and legalization is required by the Chinese laws and regulations or the user institution of the document, the document shall be first notarized or legalized by relevant authorities of the issuing country, then delivered to the Chinese embassy or consulate in that country, or another overseas institution authorized by the Ministry of Foreign Affairs for consular legalization.

The case where it is otherwise stipulated by an international treaty to which China is a signatory or member, or by a regulation of the Ministry of Foreign Affairs will be taken as an exception.

Article 21 The following documents shall be submitted when applying for consular legalization:

- (1) Lawful and valid identity documents;
- (2) Truthfully, fully and correctly filled application form;
- (3) Documents to be legalized and;
- (4) Other materials required by the consular legalization agencies.

Article 22 Consular legalization agencies may, if necessary, verify with the applicant the purpose of applying for consular legalization and usage of consular legalization certificate, and may require, if necessary, the submission of relevant proof documents by the applicant.

Article 23 The consular legalization agencies will not perform consular legalization if any of the following circumstances exists:

(1) The seal or signature of the document is false;

(2) The seal or signature of the document is not kept on record, or not conforming to the recorded one;

(3) The seal, signature, binding, or time limit, of the document does not conform to the regulations and requirements of the issuing or user organizations of the document;

(4) It may harm national interests or social public interests or;

(5) Other circumstances under which consular legalization shall not be performed.

Article 24 If the document submitted by the applicant for legalization contains more than one page, it shall be bound as a volume by applying sealing wax, paging seal or steel seal to avoid any substitution.

Article 25 After examination, if the consular legalization agency finds the document eligible, the agency shall issue the consular legalization certificate within 10 working days of the acceptance of the application.

Time delayed by force majeure, for supplementation of proof documents or for fact verification shall not be counted within the above-mentioned time limit.

Article 26 The consular legalization certificate shall contain the following information:

(1) Serial number of the consular legalization certificate;

(2) Consular legalization testimony;

(3) Name of the agency issuing the consular legalization certificate;

(4) Signature of the consular legalization signatory and;

(5) Date of issuing the consular legalization certificate.

Article 27 The consular legalization certificate comes into effect on the day it is issued.

The consular legalization certificate shall take the form of pasting consular legalization sticker on the legalized document . The Ministry of Foreign Affairs is responsible for setting specific patterns and content for the sticker.

Article 28 The consular legalization certificate shall use standardized Chinese characters.

Article 29 When applying for consular legalization, the applicant shall pay the fees as required by the regulations of the financial and price administration departments of the State Council.

Article 30 After examination, if the consular legalization agency finds the documents, formalities or other materials are not complete, the agency shall inform the applicant on one occasion of all the necessary formalities or proof documents to be completed or supplemented.

Chapter 4 Consular Legalization Effectiveness and Dispute Handling

Article 31 Consular legalization refers to the act of a consular legalization agency to legalize a document on behalf of the country, and the purpose of consular legalization is to ensure that a document issued in one country can be acknowledged in another country, and its legal effect outside the issuing country will not be affected due to doubts on authenticity of the seal or signature thereon.

Consular legalization does not undertake the responsibility of certifying the matters certified by the notarial deeds or other certificates, and it is not responsible for the authenticity and validity of the document's content, which shall be the responsibility of the issuing institution.

Article 32 If the content of a legalized document is changed or substituted, the consular legalization certificate will become invalid.

Article 33 If the applicant or an interested party of the content of a legalized document raises an objection to the consular legalization certificate, he/she can submit an application to the legalization agency for reexamination.

Article 34 After receiving the reexamination application, the consular legalization agency shall conduct reexamination and verification. If an error exists in the content of the certificate, such as the certificate serial number, testimony, date of issue, etc., it shall be corrected in time.

Article 35 If the notarial deeds or other certificates that have been legalized are confirmed according to legal procedure as mistaken and need to be corrected, the consular legalization certificates on the original notarial deeds or other certificates shall become invalid automatically. The applicant can take the corrected notarial deeds or other certificates to apply again for consular legalization.

If the notarial deeds or other certificates that have been legalized are revoked according to legal procedure, the consular legalization certificates on the original notarial deeds or other certificates shall become invalid automatically on the same day.

Chapter 5 Legal Responsibilities

Article 36 If any of the consular legalization personnel has one of the behaviors contained in Article 9 of the Measures, relevant authorities shall give him/her corresponding administrative punishment according to the law; whereas the case constitutes a crime, criminal responsibilities shall be affixed.

Article 37 If the applicant or another individual or organization has one of the behaviors contained in Article 10 of the Measures, he/she or it shall undertake corresponding legal liabilities.

Chapter 6 Supplementary Provisions

Article 38 The documents mentioned in the Measures include all the certificates and written materials such as birth certificates, marriage certificates, academic certificates, certificates of origin, commercial invoices and documents containing non-paper materials.

Article 39 The Measures shall come into effect as of March 1, 2016.