

《江苏省慈善事业促进条例》

第一章 总 则

第一条 为了弘扬慈善文化，规范慈善活动，保障慈善活动当事人的合法权益，促进慈善事业健康发展，根据《中华人民共和国公益事业捐赠法》等法律、行政法规的规定，结合本省实际，制定本条例。

第二条 本省行政区域内的慈善活动适用本条例。

红十字会、基金会的慈善活动，法律、法规已有规定的，从其规定。

公民、法人和其他组织的慈善志愿服务活动，依照《江苏省志愿服务条例》的规定进行。

第三条 本条例所称慈善活动，是指公民、法人和其他组织以捐赠财产或者提供服务等方式，自愿、无偿开展的扶老、助残、救孤、济困、赈灾等活动。

本条例所称慈善组织，是指依法登记成立，以慈善为唯一宗旨的非营利性社会组织。

第四条 发展慈善事业，应当遵循政府推动、民间运作、社会参与、各方协作的方针。

鼓励和支持公民、法人和其他组织开展慈善活动。

第五条 地方各级人民政府应当支持慈善事业发展，将其作为社会保障体系建设和精神文明建设的重要内容，纳入国民经济和社会发展规划。

第六条 县级以上地方人

**Regulations on Promotion of the Public Welfare Cause in Jiangsu Province**

**CHAPTER I GENERAL PROVISIONS**

**Article 1** In order to promote charitable culture, regulate charitable activities, protect the legitimate rights and interests of the parties involved in the charitable activities and promote the sound development of the public welfare cause, the Regulations are formulated pursuant to laws such as the Law of the People's Republic of China on Donation for Public Welfare Undertakings and other administrative laws and regulations and in the light of the concrete circumstances in the Province.

**Article 2** The Regulations shall be applicable to any charitable activities within the administrative region of this Province.

But for the charitable activities of the Red Cross and any foundations, if any rules have already been provided in any law and regulation, such rules shall prevail.

The philanthropic and volunteering activities of any citizens, legal entities and other organizations should observe the provisions stipulated in Jiangsu Province Volunteer Service Rules.

**Article 3** Charitable activities mentioned herein refer to the voluntary and free-charge activities of citizens, legal entities and other organizations with the aim of helping the elderly, the disabled, the orphaned and the poor and relieving the people in disaster, etc., in the form of property donation and service provision.

Charity organizations mentioned herein refer to non-profit social organizations which are registered and established according to law with the sole purpose of charity.

**Article 4** The policy of government promotion, folk operation, social participation and cooperation between multi-parties should be adopted in developing the public welfare cause.

Charitable activities by citizens, legal entities and other organizations shall be encouraged and supported.

**Article 5** Local people's government at various levels should support the development of public welfare cause, take it as the major theme of constructing social security system and socialist culture and ethics and incorporate it into the plan of the national economy and social development.

**Article 6** The departments of civil affairs of local

民政府民政部门负责本行政区域内慈善事业的发展和监督管理工作。

县级以上地方人民政府民政部门应当会同有关部门，依法对慈善组织的慈善活动、内部管理等进行监督。

第七条 公民、法人和其他组织应当依法开展慈善活动，不得违背社会公德，不得损害公共利益和他人合法权益。

第八条 公民、法人和其他组织可以对慈善活动进行监督，可以向有关行政主管部门和慈善组织反映情况、提出意见和建议。

## 第二章 慈善组织

第九条 公民、法人和其他组织可以依法申请成立慈善组织。

第十条 慈善组织根据本组织的条件和能力，在下列范围内开展慈善活动：

（一）减轻突发事件造成的损失和影响；

（二）帮助困难群体改善生活和健康状况；

（三）帮助残疾人等特殊群体实现基本的生存和发展权利；

（四）支持经济薄弱地区发展教育、文化、卫生等社会事业；

（五）符合慈善宗旨的其他活动。

第十一条 慈善组织应当依法设立理事会、监事会，实行民主管理、民主监督。

慈善组织依法自主管理、自我发展，其内部事务不受任何组织和个人的非法干涉。

第十二条 慈善组织受赠

People's Governments at or above the county level shall be responsible for the development of and the supervision and administration over the public welfare undertakings.

The departments of civil affairs of local People's Governments at or above the county level should supervise the charitable activities, inner management, etc., of Charity organizations together with the departments concerned.

**Article 7** Charitable charities by citizens, legal entities and other organizations shall be carried out in compliance with laws and regulations, not against the code of social conduct, nor to the detriment of public interests and the lawful rights and interests of others.

**Article 8** Citizens, legal entities and other organizations may supervise the charitable charities and provide relevant information, bring up suggestions and ideas for relevant competent administrative departments.

## CHAPTER II CHARITY ORGANIZATIONS

**Article 9** Citizens, legal entities and other organizations may apply for the establishing of Charity organizations according to law enforcement.

**Article 10** Charity organizations shall conduct charitable charities within the following scope with a view to the conditions and abilities of the organization:

(1) Reduce the loss and influence resulting from emergencies;

(2) Help the disadvantaged groups improve their living and physical conditions;

(3) Help the disabled and other special groups fulfill their basic right to subsistence and development;

(4) Support the development of education, culture and public health and other social undertakings in economically weak areas;

(5) Other activities as conform to the purpose of charity.

**Article 11** Charity organizations shall set up board of directors and board of supervisors according to law and practice democratic management and supervision.

Charity organizations shall self-govern and self-develop in accordance with the law and their internal affairs shall subject to no illegal interference by any organizations or individuals.

**Article 12** The donated properties of Charity organizations and their appreciation are public

的财产及其增值为社会公共财产，受国家法律保护，不得私分、侵占、挪用和损毁。

慈善组织应当建立受赠财产的管理制度，保障慈善财产的安全。

第十三条 慈善组织开展慈善活动，可以根据实际需要，列支必要的工作经费和工作人员的工资。

慈善组织应当厉行节约，降低工作成本，除必要的工作经费和工作人员的工资外，慈善组织受赠的财产及其增值应当全部用于慈善事业。

第十四条 慈善组织应当依法建立健全财务管理制度，按照国家规定设置会计账簿，设立独立账户，实行专户管理，独立核算，并接受审计监督。

第十五条 慈善组织应当每年向社会公布下列信息，接受社会监督：

（一）法定代表人、理事会、监事会和办事机构的基本情况；

（二）慈善财产状况，慈善募捐和受赠财产的使用和管理情况；

（三）实施慈善项目以及开展其他重大活动的情况和效果；

（四）年度工作报告、财务报告 and 审计报告；

（五）工作经费和工作人员工资的列支情况；

（六）法律、法规和章程规定的其他内容。

捐赠人要求查询前款规定信息的，慈善组织应当提供。

第十六条 慈善组织终止，应当按照章程规定的程序表决

properties, which shall be protected by the law of the state and cannot be privately divided, seized, appropriated or damaged.

Charity organizations should establish a system for the management of donated properties so as to guarantee the security of charity property.

**Article 13** Necessary work funds and staff wages of Charity organizations may, depending on actual needs, be disbursed from the cost and expenses.

Charity organizations should practice strict economy and reduce work cost. The donated properties and their appreciation of Charity organizations should be entirely spent on charities, except necessary work funds and staff wages.

**Article 14** Charity organizations should establish and improve the financial management system in accordance with the law and set account books with separate accounts, practice special account management and independent accounting and accept supervision through auditing according to national regulations.

**Article 15** Charity organizations should annually make the following information public and accept social supervision:

(1) General information of the legal representative, board of directors, board of supervisors and working organization;

(2) Conditions of charity property and the use and administration of charitable property donated and solicited;

(3) The condition and effectiveness of charitable programs and other significant activities;;

(4) The annual work report, financial statement and audit report;

(5) The disbursement of work funds and staff wages;

(6) Other guide stipulated in laws, regulations and articles of association.

In case the donor claims to inquire the information as prescribed above , Charity organizations should comply.

**Article 16** Charity organizations shall vote through its termination in accordance with the regulated procedure stipulated in the articles of association and apply for

通过，经业务主管单位同意后，向登记管理机关申请注销登记。慈善组织终止前，应当成立清算组织，在政府有关部门的指导下，清理债权债务。终止后的剩余财产，按国家有关规定，用于发展相关慈善事业或者转入其他慈善组织，并向社会公告。

第十七条 建立慈善组织评估制度，促进慈善组织规范管理，提高社会公信力。具体评估办法由省人民政府民政部门制定。

鼓励慈善组织自愿申请评估。

### 第三章 慈善捐赠和募捐

第十八条 捐赠人捐赠的财产，应当是其有权处分的合法财产。

捐赠人有权约定其捐赠财产的使用方向、实施项目和受益人。受赠人应当按照约定的用途使用捐赠财产，不得擅自改变捐赠财产的用途。

捐赠人有权查询其捐赠财产的使用情况，提出意见和建议。

第十九条 捐赠人捐赠的物品应当具有使用价值，符合安全、卫生、环保等标准；捐赠批量产品的，应当提供产品质量检验证书或者相关证明材料。

捐赠人捐赠知识产权等无形资产的，应当提供有关证明。

对捐赠财产的价值需要进行评估的，应当由专业评估机构进行。

第二十条 慈善组织和其他组织对捐赠人的个人信息应当依法保密。未经捐赠人同意，

write-off registration with the registration administrative authority after the consent of relevant governing units. Before the termination of the charity organization, a liquidation organization shall be established to settle claims and debts under the guidance of the departments concerned. According to relevant regulations of the state, the residual properties shall be earmarked for the development of relevant charities or shifted to other Charity organizations and be announced to the public.

**Article 17** A charities appraisal system shall be established so as to promote the standard management of Charity organizations and improve social credibility. The specific evaluation method shall be formulated by the civil affairs department of the provincial people's government.

Charity organizations are encouraged to apply for appraisals voluntarily.

### CHAPTER III CHARITABLE CONTRIBUTION AND COLLECTION

**Article 18** The properties donated should be lawful properties to which they have the right of disposal.

The donors shall have the right to arrange the direction for the use of the donated property, the project implemented and the beneficiary. The donees shall use the donated property according to the purposes agreed upon, and shall not take the liberty to alter the use of the donated property.

The donors shall have the right to inquire the use of the donated property and put forward suggestions and opinions.

**Article 19** The donated materials shall have use value, measure up to safety, health, environmental protection standard. Donors donating batch products shall provide quality inspection certificate or relevant documents.

Donors donating intangible assets such as the intellectual properties shall provide quality relevant certifications.

Donated properties requiring value assessment should be evaluated by the professional assessment agency.

**Article 20** Charity organizations and other organizations should keep the donor's personal information confidential and cannot to make it public without the consent of the donor.

不得向社会公开。

捐赠人对捐赠行为、捐赠财产和其他有关事项要求保密的，受赠的慈善组织和其他组织应当保密。

第二十一条 本条例所称慈善募捐，是指本条第二款、第三款规定的组织（以下称具有募捐主体资格的组织）基于慈善宗旨面向社会开展的募集捐赠活动。

慈善组织和法律、行政法规规定可以开展慈善募捐活动的组织在其宗旨、业务范围内开展慈善募捐活动。

前款规定以外的其他组织依照本条例规定取得慈善募捐活动许可证后，可以在特定的时间和地域范围内以规定的方式开展慈善募捐活动。

为帮助特定对象在本单位或者本社区等特定范围内开展的互助性募捐活动，不需要经过行政许可。

第二十二条 申请慈善募捐许可的组织应当具备下列条件：

（一）依法登记成立的公益性社会团体和公益性非营利的事业单位；

（二）具备开展慈善募捐活动和救助的能力；

（三）决策、执行、信息公开制度健全规范；

（四）财务管理符合法律、法规和规章的规定。

第二十三条 申请慈善募捐许可的组织应当在开展募捐活动之前，向拟开展募捐活动地区的县级地方人民政府民政部门提交组织登记证书、募捐活动申请书、募捐活动计划、所募款物用途的说明以及法

Charity organizations and other organizations should keep the donation behavior, donated property and other matters pertinent confidential as required by the donors.

**Article 21** Charitable donation solicitations mentioned herein refers to the public-oriented charitable donation solicitations activities conducted by Organizations (hereinafter referred to organizations qualified as principal for donation solicitation) specified in the second and third clause of this article.

Charity organizations and organizations that may, according to laws administrative laws and regulations, conduct donation solicitation activities for charities shall raise fund within their scope of business conduct and with a view to their missions.

Organizations not included in the provisions of the preceding clause may, after obtaining the permit for charitable donation solicitations according to these rules, may conduct donation solicitation activities within a particular time and region in a in a manner prescribed by law .

Reciprocal donation solicitation, which is conducted within a particular region with the purpose of helping a particular target, for example in a particular work place or community, may require no administrative permission.

**Article 22** Organizations applying for the permit of charitable donation solicitations should meet the following requirements:

(1) Any community public welfare or nonprofit public welfare institutions of legal establishment;

(2) Capable of launching donation solicitation activities for charities and relieving;

(3) With sound and standard decision-making, implementation and information publicity system;

(4) Whose financial control confirms with the provisions of laws and regulations.

**Article 23** Before carrying out donation solicitation activities for charities, organizations applying for the permit of charitable donation solicitations should submit certificate of registration, application form for donation solicitation, donation solicitation activity plan, explanations of the use of the donated property and other materials as provided by laws, rules and regulation to the departments of civil affairs of local

规、规章规定的其他材料。

跨行政区域开展慈善募捐活动的，应当向所在行政区域的共同上级地方人民政府民政部门申请许可。

民政部门应当于收到申请材料之日起十五个工作日内作出是否许可的决定。准予开展慈善募捐活动的，应当向申请人核发慈善募捐活动许可证。许可证应当载明开展募捐活动的组织名称、募捐活动的地域、期限等内容。不予许可的，应当书面通知申请人，并说明理由。

**第二十四条** 具有募捐主体资格的组织可以开展社会募捐、协议募捐、定向募捐、网络募捐、公益信托、冠名基金等形式的慈善募捐。

在发生重大或者特别重大突发事件时，县级以上地方各级人民政府可以要求相关组织面向社会开展定向慈善募捐。

**第二十五条** 开展慈善募捐应当遵循自愿、无偿的原则，不得摊派或者变相摊派。

**第二十六条** 具有募捐主体资格的组织在开展慈善募捐前，应当将组织登记证书或者慈善募捐活动许可证等能够证明具有募捐主体资格的材料，以及募捐的目的、时间和地点、方式、救助对象、使用范围以及其他有关事项在媒体上或者通过其他有效方式向社会公告。

具有募捐主体资格的组织接受捐赠后，应当向捐赠人出具合法、有效的凭证。

募捐结束后十五日内，具有募捐主体资格的组织应当将募捐情况向社会公告。

People's Governments at the county level where the activities are to be conducted.

Where donation solicitation activities are conducted cross administrative divisions, permit should be applied for from the common superior Local People's Government in the administrative area.

The civil administration departments shall make a decision on whether to approve within 15 working days upon receipt of the application materials. In the case of approval, a permit for donation solicitation activities for charities, which specifies matters such as the name of organization, the donation solicitation region and time limit shall be issued to the applicant; In the case of disapproval, it shall give the applicant a written notice and make an explanation.

**Article 24** Organization qualified as principal for donation solicitation may conduct charitable donation solicitations in the form of social donation solicitation, agreement based donation solicitation, oriented donation solicitation, network donation solicitation, charitable trust, presented fund, etc.

In the event of serious or extraordinarily serious accidents, local People's Governments at or above the county level may require that relevant organizations conduct oriented donation solicitation towards society.

**Article 25** All donations must be voluntary and with consent, apportions or apportions in disguised form are not allowed.

**Article 26** Organizations qualified as principal for donation solicitation shall, prior to the donation solicitation activities, publicize through the media or via other effective ways materials that may testify their qualifications as fund-raising principal (such as their registration certificate, permit for donation solicitation activities for charities), the purpose, time, site, ways and means, rescue targets, range of application of the donation solicitation and other matters pertinent.

Organizations qualified as principal for donation solicitation shall receive donations from issue legal and effective vouchers to the donors after receipt of the donated properties.

Organizations qualified as principal for donation solicitation shall publicly announce the donations within 15 days after the end of the donation solicitation

募捐所得使用计划执行完毕后三十日内，具有募捐主体资格的组织应当将其使用情况向社会公告，并报所在地的民政部门备案，同时接受审计监督。

第二十七条 以义演、义赛、义卖、义拍等方式开展慈善捐赠的，应当会同具有募捐主体资格的组织进行，并向社会公告。义演、义赛、义卖、义拍等方式取得的收入，扣除必要的成本开支后，应当及时全部移交具有募捐主体资格的组织。

#### 第四章 慈善救助和服务

第二十八条 慈善救助应当符合慈善组织的宗旨，根据法律、法规的规定或者与捐赠人约定的合法方式开展。

慈善组织开展救助活动，应当坚持公开、公平、公正，规范救助程序，提高服务水平和工作效率，及时发放救助款物。

第二十九条 慈善组织应当制定年度救助计划。每年救助总支出不得低于上一年总收入的百分之七十。

慈善组织应当建立救助档案，确保救助工作规范有序、有效开展。

第三十条 慈善组织应当建立项目管理制度，根据实际情况确定救助项目，对项目实施进行跟踪监督。

与捐赠人约定的项目实施后，慈善组织应当及时向捐赠人反馈结果。

第三十一条 慈善组织应当制定突发事件应急响应预案，在突发事件发生时配合地方各级人民政府及其有关部门

activities.

Organizations qualified as principal for donation solicitation shall, with 30 days after the donation solicited program is implemented, make the use of donation solicited known to the public, report to the local civil administration department for records and accept supervision through auditing.

**Article 27** Charitable contributions in the form of charity performance, charity sale, charity competition, charity auction, etc shall be conducted jointly with other organizations qualified as principal for donation solicitation and shall be announced to the society. The income from such fund-raising activities, after deducting the necessary costs, shall be timely handed over to organizations qualified as principal for donation solicitation.

#### CHAPTER IV CHARITY RESCUE AND SERVICE

**Article 28** Charitable rescue shall comply with the mission of charities and be conducted according to the provisions of laws and regulations or in an agreed lawful way.

Charity organizations shall adhere to the open, fair, impartial and standard rescue procedures, improve the service quality and efficiency, and timely issue the relief funds and articles.

**Article 29** Charity organizations shall formulate an annual rescue plan, in which the total rescue expenditure shall not be 70 percent lower than the total income of the last year.

Charity organizations shall establish rescue archives and ensure that the rescue work shall be conducted in a standardized, orderly and effective way.

**Article 30** Charity organizations shall establish a project management system, determine rescue programs according to the actual situation, and track and supervise project implementation.

Charity organization shall timely feedback to the donor after the projects agreed upon are implemented.

**Article 31** Charity organizations shall formulate emergency response plans and cooperate with local people's governments at all levels and the relevant departments in case of emergencies to do relief work well.

做好救助工作。

第三十二条 慈善组织运用专业器材实施救助项目的，应当组织捐赠人或者生产、销售单位做好安装、调试和操作培训等后续服务工作。

第三十三条 慈善组织应当尊重被救助人的人格尊严，保护被救助人的隐私。

第三十四条 对慈善事业做出较大贡献的公民，其本人或者家庭生活遇有困难时，可以向当地慈善组织提出救助申请，慈善组织应当优先给予救助。

第三十五条 慈善组织以外的其他组织开展慈善救助和服务活动的，按照本章的有关规定执行。

**Article 32** Charity organizations using professional equipment for relief project shall organize donor or production, marketing units to render a good after service in installation, debugging and operation training, etc.

**Article 33** Charity organizations shall respect the personal dignity of the salvee and protect their privacy.

**Article 34** Citizens that have made great contributions to the charities may apply for rescue from local charity organizations in case that their families or they themselves are in need and relevant Charity organizations shall render preferential assistance.

**Article 35** Organizations other than Charities shall carry out charitable relief and service activities in accordance with relevant provisions prescribed in this chapter.