

Regulations on Administration of Internet News Information Services

(Promulgated by the Press Office of the State Council and Ministry of Information Industry on 25 September 2005 and effective as of date of promulgation.)

PART ONE

GENERAL PROVISIONS

Article 1 These Provisions have been formulated in order to standardize internet news information services, satisfy the needs of the public for internet news information, safeguard national security and public interests, protect the lawful rights and interests of internet news information service units and promote the healthy and orderly development of internet news information services.

Article 2 These Provisions shall apply to the provision of internet news in services in the People's Republic of China.

For the purposes of these Provisions, the term "news information" means news information about current and political affairs, including reports and commentaries on social and public affairs such as political, economic, military and foreign affairs, as well as reports and commentaries on sudden social events.

For the purposes of these Provisions, the term "internet news information services" includes publication of news information, provision of electronic bulletin board services for current and political affairs and distribution of communications of current and political affairs to the public, through the internet.

Article 3 When engaging in internet news information services, internet news information service units shall abide by the Constitution and laws and regulations, stay the course of serving the people and socialism, adhere to a correct guidance for public opinion and safeguard national and public interests.

The State encourages internet news information service units to disseminate healthy and civilized news information favourable to enhancing the quality of the nation, driving economic development and promoting social progress.

Article 4 The Press Office of the State Council is in charge of nationwide supervision and regulation of internet news information services. The press office of each province,

autonomous region and municipality directly under the central government is in charge of regulating the internet news information services within its administrative region.

PART TWO

ESTABLISHMENT OF INTERNET NEWS INFORMATION SERVICE UNITS

Article 5 Internet news information service units shall be divided into the following three types:

(1) internet news information service units that are established by press work units and that publish news information beyond the scope of what has been published or released by the press work unit and that provides electronic bulletin board services on current and political affairs and distributes communications of current and political affairs to the public;

(2) internet news information service unit that is established by a non-press work unit and that republishes news information, provides electronic bulletin board services on current and political affairs and distributes communications of current and political affairs to the public; and

(3) internet news information service unit that is established by a press work unit and that publishes news information which has been published or released by the press work unit.

According to the Setting of Administrative Licensing by the State Council for Administrative Examination and Approval Items That Truly Need to Be Retained Decision and the relevant administrative regulations, the establishment of an internet news information service unit specified in Item (1) or (2) of the preceding paragraph shall be subject to the examination and approval by the Press Office of the State Council.

The establishment of an internet news information service unit specified in Item (3) of Paragraph One of this Article shall be filed with the Press Office of the State Council or with the press office of the province, autonomous region or municipality directly under the central government.

Article 6 An internet news information service unit established by a press work unit and a non-press work unit in cooperation in which the press work unit owns not less than 51% of equity interests shall be deemed an internet news information service unit established by a press work unit. If the press work unit owns less than 51% of equity interests, it shall be deemed an internet news information service unit established by a non-press work unit.

Article 7 To establish an internet news information service unit specified in Item (1) of Paragraph of Article 5 hereof, the following conditions shall be met:

(1) it has sound rules and systems for administration of internet news information services;

(2) it has five or more full-time news editors who have engaged in journalism for three or more years in press work units; and

(3) it has the necessary premises, equipment and funds, and the source of the funds shall be legal.

An institution that may apply for establishment of an internet news information service unit specified in the preceding paragraph shall be a press work unit of the central government, a press work unit directly administered by the government of a province, autonomous region or municipality directly under the central government, or a press work unit directly administered by the municipality in which the people's government of a province or autonomous region is located.

In the examination and approval of establishment of internet news information service units specified in the preceding paragraph, in addition to fulfilling the conditions specified in this Article, the requirements of the Press Office of the State Council on the total number, structure and the distribution in the development of the internet news information services sector shall also be fulfilled.

Article 8 To establish an internet news information service unit specified in Item (2) of Paragraph One of Article 5 hereof, in addition to fulfilling the conditions specified in Items (1) and (3) of Paragraph One of Article 7 hereof, there shall also be 10 or more dedicated news editors of whom five or more shall have engaged in journalism for three or more years in press work units.

An organization that may apply for establishment of an internet news information service unit specified in the preceding paragraph shall be a legal person that has been established according to law to engage in internet information services for two or more years and that has not been subject to administrative penalty for violation of the provisions of laws, regulations or rules on the administration of internet information services. If the applying organization is an enterprise legal person, its registered capital shall not be less than Rmb 10 million.

In the examination and approval of establishment of internet news information service units specified in Paragraph One of this Article, in addition to fulfilling the conditions specified in this Article, the requirements of the Press Office of the State Council on the total number, structure and distribution in the development of the internet news information services sector shall also be fulfilled.

Article 9 No organization may establish internet news information service units in the form of Sino-foreign equity joint venture, Sino-foreign cooperative joint venture or wholly foreign-owned enterprise.

Cooperation between an internet news information service unit and any domestic or overseas Sino-foreign equity joint venture, Sino-foreign cooperative joint venture or wholly

foreign-owned enterprise involving the business of internet news information services shall be reported to the Press Office of the State Council for security assessment.

Article 10 To apply for establishment of an internet news information service unit specified in Item (1) or (2) of Paragraph One of Article 5 hereof, an application form shall be completed and the following materials shall be submitted:

- (1) rules and systems for administration of internet news information services;
- (2) proof of ownership or use rights of the premises and the proof of the source and amount of funds; and
- (3) proof of the professional qualifications of the news editors.

An institution that applies for establishment of an internet news information service unit specified in Item (1) of Paragraph One of Article 5 hereof shall also submit the proof of its press work unit qualifications. An institution that applies for establishment of an internet news information service unit specified in Item (2) of Paragraph One of Article 5 hereof shall also submit the proof of its legal person status.

Article 11 To apply for establishment of an internet news information service unit specified in Item (1) or (2) of Paragraph One of Article 5 hereof, a press work unit of the central government shall submit the application to the Press Office of the State Council; a press work unit as well as non-press work unit directly administered by the government of a province, autonomous region or municipality directly under the central government or a press work unit directly administered by the municipality in which the people's government of a province or autonomous region is located shall submit the application to the Press Office of the State Council through the press office of the people's government of the province, autonomous region or municipality directly under the central government.

If an application is submitted through the press office of the people's government of the province, autonomous region or municipality directly under the central government, the press office of the people's government of the province, autonomous region or municipality directly under the central government shall, within 20 days of receipt of the application, conduct on-site inspection, give a preliminary examination opinion and submit the same to the Press Office of the State Council. The Press Office of the State Council shall make a decision within 40 days of receipt of the preliminary examination opinion. If an application is submitted to the Press Office of the State Council, the Press Office of the State Council shall conduct on-site inspection and make a decision within 40 days of receipt of the application. If the application is approved, an internet news information service licence shall be issued. If it is not approved, the applicant shall be notified in writing and the reasons therefor shall be stated.

Article 12 If an internet news information service unit specified in Item (3) of Paragraph One of Article 5 hereof is established by a press work unit of the central government, it shall file a record with the Press Office of the State Council within one month of engaging in internet news information services. If it is established by other press

work units, it shall file a record with the press office of the people's government of the province, autonomous region or municipality directly under the central government in which it is located within one month of engaging in internet news information services.

When handling record filing, it shall complete a record filing registration form and submit its rules and systems for administration of internet news information services and the proof of press work unit qualifications.

Article 13 Upon establishment in accordance with these Provisions, an internet news information service unit shall complete the relevant formalities with the authority in charge of telecommunications in accordance with the administrative regulations on the administration of internet information services.

Article 14 If an internet news information service unit specified in Item (1) or (2) of Paragraph One of Article 5 hereof changes its name, domicile, legal representative or principal person in charge, equity structure, service items or the uniform resource locator (URL) of the website, it shall apply to the Press Office of the State Council for replacement of the internet news information service licence. Where it is required under the relevant provisions on telecommunications administration to apply to the authority in charge of telecommunications for approval or to obtain a licence from or file the change with the authority in charge of telecommunications, it shall handle the matters according to the relevant provisions.

If an internet news information service unit specified in Item (3) of Paragraph One of Article 5 hereof changes its name, domicile, legal representative or principal person in charge, equity structure, services or the URL of the website, it shall file handle record filing anew with the original record filing authority. If, following a change in the equity structure, the equity interests owned by the press work unit falls below 51%, it shall complete the licensing procedures in accordance with these Provisions. Where it is required under the relevant provisions on telecommunications administration to apply to the authority in charge of telecommunications for approval or to obtain a licence from or file the change with the authority in charge of telecommunications, it shall handle the matters in accordance with the relevant provisions.

PART THREE

STANDARDS OF INTERNET NEWS INFORMATION SERVICES

Article 15 An internet news information service unit shall provide internet news information services according to the approved scope of services.

Article 16 When an internet news information service unit specified in Item (1) or (2) of Paragraph One of Article 5 hereof republishes news information or distributes communications of current and political affairs to the public, it shall republish or distribute

the news information published by the press work units of the central government or the press work units directly administered by the government of a province, autonomous region or municipality directly under the central government and indicate the source of the news information, and may not distort the contents of the original news information.

An internet news information service unit specified in Item (2) of Paragraph One of Article 5 hereof may not publish news information collected and edited by itself.

Article 17 An internet news information service unit specified in Item (1) or (2) of Paragraph One of Article 5 hereof that republishes news information shall enter into a written agreement with a press work unit of the central government or a press work unit directly administered by the government of a province, autonomous region or municipality directly under the central government. An internet news information service unit established by a press work unit of the central government shall file a copy of the agreement with the Press Office of the State Council. Other internet news information service units shall file a copy of the agreement with the press office of the people's government of the province, autonomous region or municipality directly under the central government in which it is located.

When entering into an agreement pursuant to the preceding paragraph, the press work unit of the central government or the press work unit directly administered by the government of a province, autonomous region or municipality directly under the central government shall verify the internet news information service licence of the other party, and may not provide news information to any work unit without an internet news information service licence.

Article 18 If a press work unit of the central government enters into internet news business cooperation other than news provision with an internet news information service unit specified in Item (2) of Paragraph One of Article 5 hereof, it shall report the matter to the Press Office of the State Council at least 10 days before carrying out such cooperation. If any other press work unit enters into internet news business cooperation other than news provision with an internet news information service unit specified in Item (2) of Paragraph One of Article 5 hereof, it shall report the matter to the press office of the people's government of the province, autonomous region or municipality directly under the central government in which it is located at least 10 days before carrying out such cooperation.

Article 19 The news information published or distributed by an internet news information service unit or the electronic bulletin board services on current and political affairs provided by it shall not contain content that:

- (1) violates the basic principles determined in the Constitution;
- (2) compromises national security, discloses State secrets, subverts State power or undermines national unity;
- (3) harms the reputation and interests of the State;
- (4) incites ethnic hatred or ethnic discrimination or undermines inter-ethnic unity;

- (5) undermines State policies on religion or propagates evil cults or feudal superstitions;
- (6) disseminates rumours, disturbs the social order or destabilize society;
- (7) propagates obscenity, pornography, gambling, violence or fear or instigates the commission of crimes;
- (8) insults or slanders a third party or infringes upon the lawful rights and interests of a third party;
- (9) incites illegal gathering, association, march, demonstration or mob and disturbs the social order;
- (10) acts in the name of an illegal private organization; or
- (11) is otherwise prohibited by laws or administrative regulations.

Article 20 An internet news information service unit shall set up an accountability system for the administration of news information contents. It may not publish or distribute any news information containing contents that violate Paragraph One of Article 3 and Article 19 hereof. Where it finds that the electronic bulletin board services on current and political affairs provided by it contain contents that violate Paragraph One of Article 3 and Article 19 hereof, it shall remove such contents immediately and keep the relevant records thereof, which shall be provided upon inquiry by the relevant authority in accordance with the law.

Article 21 An internet news information service unit shall record the contents of the news information it publishes or distributes, and the time and internet address of publication or distribution, and shall keep for at least 60 days a backup copy of the record, which shall be provided upon inquiry by the relevant authority in accordance with the law.

PART FOUR

SUPERVISION AND ADMINISTRATION

Article 22 The Press Office of the State Council and the press office of each province, autonomous region and municipality directly under the central government shall carry out supervision and inspection on internet news information service units. The relevant work units and individuals shall cooperate with such supervision and inspection in accordance with the law.

The working personnel of the Press Office of the State Council and the press office of each province, autonomous region and municipality directly under the central government

shall produce their enforcement documents when carrying out on-site inspection in accordance with the law.

Article 23 The Press Office of the State Council and the press office of each province, autonomous region and municipality directly under the central government shall carry out supervision on internet news information services. If it discovers that the news information published or distributed by an internet news information service unit or the electronic bulletin board services for current and political affairs provided contain contents that violate Paragraph One of Article 3 and Article 19 hereof, it shall notify the unit of the removal of such contents. The internet news information service unit shall remove the contents immediately and keep the relevant records thereof, and provide the records upon inquiry by the relevant authority in accordance with the law.

Article 24 If an internet news information service unit specified in Item (1) or (2) of Paragraph One of Article 5 hereof is established by a press work unit of the central government, it shall submit an annual business report to the Press Office of the State Council within the specified time limit each year. If it is established by other press work units or non-press work units, it shall submit an annual business report to the Press Office of the State Council through the press office of the people's government of the province, autonomous region or municipality directly under the central government in which it is located.

The Press Office of the State Council may conduct inspection on the administration system, personnel qualifications and service details of an internet news information service unit in the light of the details of the report.

Article 25 Internet news information service units shall accept public supervision.

The Press Office of the State Council shall announce a website and its URL, and a telephone number to receive public report of illegal acts and handle such acts in accordance with the law. Reports that fall within the jurisdiction of another authority shall be transferred to the relevant authority for handling.

PART FIVE

LEGAL LIABILITY

Article 26 If anyone, in violation of Paragraph Two of Article 5 hereof, engages in internet news information services without authorization, or, in violation of Article 15 hereof, engages in internet news information services beyond the approved scope of service items, the Press Office of the State Council or the press office of the province, autonomous region or municipality directly under the central government shall, pursuant to their respective authority, order rectification and impose a fine of not less than Rmb 10, 000 and not more than Rmb 30, 000. If the case is serious, the competent

telecommunications authority shall, on the basis of the written determination of the Press Office of the State Council or the press office of the province, autonomous region and municipality directly under the central government, terminate its internet information services or order the internet connection service provider to terminate the connection services in accordance with the provisions of the administrative regulations on the administration of internet information services.

Article 27 If the news information published or distributed by an internet news information service unit contains contents that are prohibited under Article 19 hereof, or refuses to perform its obligation of removal of such contents, the Press Office of the State Council or the press office of the province, autonomous region or municipality directly under the central government shall issue a warning and may also impose a fine of not less than Rmb 10, 000 and not more than Rmb 30, 000. If the case is serious, the competent telecommunications authority shall, on the basis of the written determination of the Press Office of the State Council or the press office of the province, autonomous region and municipality directly under the central government, terminate its internet information services or order the internet connection service provider to terminate the connection services in accordance with the provisions of the administrative regulations on the administration of internet information services.

If the news information published or distributed by an internet news information service unit contains contents that violate Paragraph One of Article 3 hereof, the Press Office of the State Council or the press office of the province, autonomous region or municipality directly under the central government shall, pursuant to their respective authority, impose penalty in accordance with types and extents of penalty stipulated in the preceding paragraph.

Article 28 If anyone, in violation of Article 16 hereof, republishes news information from illegal sources, or publishes news information collected and edited by itself, or distorts the contents of the original news information, the Press Office of the State Council or the press office of the province, autonomous region or municipality directly under the central government shall, pursuant to their respective authority, order rectification, issue a warning and impose a fine of not less than Rmb 5, 000 and not more than Rmb 30, 000.

If anyone, in violation of Article 16 hereof, does not indicate the source of news information, the Press Office of the State Council or the press office of the province, autonomous region or municipality directly under the central government shall, pursuant to their respective authority, order rectification, issue a warning and may also impose a fine of not less than Rmb 5, 000 and not more than Rmb 20, 000.

Article 29 If anyone has any of the following acts in violation of these Provisions, the Press Office of the State Council or the press office of the province, autonomous region or municipality directly under the central government shall, pursuant to their respective authority, order rectification, issue a warning and may also impose a fine of not more than Rmb 30, 000:

it fails to perform its record filing obligation;

it fails to perform its reporting obligation; or

it fails to perform its obligations to make records or backup records or provide records.

Article 30 If anyone, in violation of Paragraph Two of Article 17 hereof, provides news information to any work unit that does not have an internet news information service licence, the person in charge that is responsible and other directly responsible persons shall be subject to administrative penalty in accordance with the law.

Article 31 If the working personnel of the Press Office of the State Council, the press office of a province, autonomous region or municipality directly under the central government or the competent telecommunications authority neglect their duties, abuse their power or practise graft, thereby resulting in serious consequences and the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law. If the case does not constitute a criminal offence, the person in charge that is responsible and other directly responsible persons shall be subject to administrative penalty in accordance with the law.

PART SIX

SUPPLEMENTARY PROVISIONS

Article 32 For the purposes of these Provisions, “press work units” means the newspapers, radio stations, television stations and news agencies established in accordance with the law; and “press work units of the central government” includes the press work units established by the various departments of the central State authorities.

Article 33 These Provisions shall come into force as of the date of promulgation.