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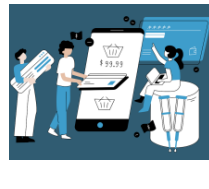
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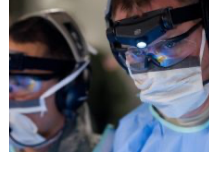
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China Proposes Strengthened Procedures for Formulating State Council Regulations

BY JAMIE HORSLEY ON 2025/06/16

China’s Ministry of Justice (MOJ) issued on June 5 for a 30-day public comment period a proposed revision ([the Revision](#)) [\[1\]](#) of the State Council’s Regulations on Procedures for Formulating Administrative Regulations (the **Procedures**).[\[2\]](#) The Procedures regulate the drafting and modification of nationally-applicable administrative regulations (*xingzheng fagui*) promulgated by the State Council. They and a similar set of procedures for formulating lower-level rules (*guizhang*), which are issued by State Council departments and by local governments and their departments, and which have also been designated by the State Council for future revision,[\[3\]](#) were adopted in 2001 and amended in 2017.[\[4\]](#) Both are legally binding and considered “legislation” under China’s Legislation Law.[\[5\]](#)

Following revisions to the Legislation Law in 2023, and the Chinese Communist Party’s Third Plenum call in July 2024[\[6\]](#) to deepen legislative reforms, further improve legislative quality and more thoroughly review the government’s legislative work, the State Council legislative plan for 2025[\[7\]](#) scheduled and promptly started the process for revision of the Procedures. Since the governmental reorganization in 2018,[\[8\]](#) the MOJ has served the State Council as the coordinator and reviewer, as well as occasional drafter, of State Council administrative regulations and lower-level rules.

The Revision proposes much new language, including the now obligatory affirmation of party leadership,[\[9\]](#) to be exercised through party committees.[\[10\]](#) It emphasizes better coordination between legislative priorities and the Party’s and State Council’s policies and plans and reform initiatives generally, as well as with matters of great concern to society, urgently needed in practice and with relatively mature conditions. Adding new provisions on and to implement “scientific, democratic, and law-based legislation,” the Revision strengthens initial assessments as to the necessity, relevance, feasibility and expected results of proposed legislation, as well as its responsiveness to the public’s demands; addresses the formulation of needed supporting provisions; and clarifies how to handle temporary adjustments or suspensions and repeals of administrative regulations. It also codifies a useful requirement, which was also added to the Legislation Law in 2015, to include a comparison of the original and revised texts, like the one Changhao Wei of NPC Observer prepared for the Revision,[\[11\]](#) when submitting proposed revisions of administrative regulations to the State Council.

However, most additions elaborate on and tighten specific requirements to better ensure the relevance, quality and efficacy of administrative regulations. The basic procedures for drafting administrative regulations remain the same. These include important procedural transparency provisions on soliciting public input through such mechanisms as grassroots investigations, symposia, expert appraisal meetings and public hearings in some cases, and require the publication of drafts and explanation thereof to solicit public input for at least 30 days, unless the State Council decides otherwise. While this rarely happens, the State Council recently promulgated an administrative regulation on government affairs data sharing[\[12\]](#) without releasing a draft for public comment. Presumably, a public process was deemed unnecessary, since the regulation concerns internal governmental procedures.

The Revision does add a new mechanism to broaden channels for public input, implementing a recent addition to the Legislation Law. The MOJ, referred to in the Procedures as the “legislative affairs institution of the State Council,” is authorized to establish government legislative contact points (outreach offices) to collect views on drafts and its work generally. It will be interesting to see how this new channel will operate.

Unlike the legislative system for laws, draft administrative regulations and rules are typically published for comment once rather than twice, and no statistics on the number of comments received are published, as is done on the National People’s Congress website.[\[13\]](#) Neither legislative process publishes the actual comments received.

[\[1\]](#) https://www.moj.gov.cn/pub/sfbgw/1fyjz/1f1fyjz/202506/t20250605_520514.html

[\[2\]](#) <https://www.chinalawtranslate.com/en/2025-draft-rev-admin-procedures-drafting/>

[\[3\]](#) https://www.gov.cn/zhengce/content/202505/content_7023697.htm

[\[4\]](#) <https://www.theregreview.org/2018/03/15/horsley-china-implements-participatory-rulemaking/>

[\[5\]](#) <https://www.chinalawtranslate.com/en/legislation-law-2023/>

[\[6\]](#) https://english.www.gov.cn/policies/latestreleases/202407/21/content_WS669d0255c6d0868f4e8e94f8.html

[\[7\]](#) https://www.gov.cn/zhengce/content/202505/content_7023697.htm

[\[8\]](#) <https://cset.georgetown.edu/publication/ccp-central-committee-publishes-plan-for-deepening-the-reform-of-party-and-state-agencies/>

[\[9\]](#) <https://www.bloomberg.com/news/articles/2024-10-15/xi-s-stronger-grip-on-legislature-shows-lack-of-checks-on-power>

[\[10\]](#) https://english.www.gov.cn/policies/latestreleases/202407/21/content_WS669d0255c6d0868f4e8e94f8.html

[\[11\]](#) https://npcobserver.com/wp-content/uploads/2025/06/Regulations-on-the-Procedures-for-Formulating-Administrative-Regulations-2025-Draft-Revision_Comparison.pdf

[\[12\]](#) https://www.gov.cn/zhengce/content/202506/content_7026294.htm

[\[13\]](#) <http://www.npc.gov.cn/flcaw/>

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