

国家国际发展合作署  
中华人民共和国外交部  
中华人民共和国商务部

令

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《对外援助管理办法》

China International Development Cooperation Agency  
Ministry of Foreign Affairs of People's Republic of China  
Ministry of Commerce of People's Republic of China  
Order (No. 1, 2021)

*Measures for the Administration of Foreign Aid*

《对外援助管理办法》已经国家国际发展合作署、外交部、商务部审议通过，现予公布，自 2021 年 10 月 1 日起施行。

*The Measures for the Administration of Foreign Aid* have been reviewed and approved by the China International Development Cooperation Agency, the Ministry of Foreign Affairs, and the Ministry of Commerce. They are hereby promulgated and will come into force on October 1, 2021.

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## 对外援助管理办法

### Measures for the Administration of Foreign Aid

#### 第一章 总则

##### Chapter One General Provisions

**第一条** 为了加强对外援助的战略谋划和统筹协调，规范对外援助管理，提升对外援助效果，依据有关法律、行政法规制定本办法。

**Article 1** In order to strengthen strategic planning and overall coordination of foreign aid, standardize the management and enhance the effectiveness thereof, these Measures are formulated in accordance with relevant laws and administrative regulations.

**第二条** 本办法所称对外援助是指使用政府对外援助资金向受援方提供经济、技术、物资、人才、管理等支持的活动。

**Article 2** The term “foreign aid”, as used in these Measures, refers to the use of government funds for foreign aid to provide supportive activities to the recipients, including economic, technical, material, talented personnel, and management support.

**第三条** 对外援助的受援方主要包括与中华人民共和国已经建立外交关系且有接受援助需要的发展中国家，以及以发展中国家为主的国际组织。

在人道主义援助等紧急或者特殊情况下，发达国家或者与中华人民共和国无外交关系的发展中国家也可以作为受援方。

**Article 3** The recipients of foreign aid mainly include developing countries that have already established diplomatic relations with the People's Republic of China and that are in need of aid; and international organizations with the majority of members being developing countries.

In case of emergency or under special circumstances such as humanitarian assistance, developed countries or developing countries that

have not established diplomatic relations with the People's Republic of China can also be recipients of China's aid.

**第四条** 对外援助致力于帮助受援方减轻与消除贫困，改善受援方民生和生态环境，促进受援方经济发展和社会进步，增强受援方自主可持续发展能力，巩固和发展与受援方的友好合作关系，促进高质量共建“一带一路”，推动构建新型国际关系，推动构建人类命运共同体。

**Article 4** Foreign aid shall be committed to helping recipients alleviate and eliminate poverty, improving their livelihoods and ecological environment, promoting their economic development and social progress, strengthening their capabilities to achieve independent sustainable development, and consolidating and developing friendly and cooperative relations with recipients, so as to promote the joint construction of a high-quality Belt and Road Initiative, to enhance the construction of a new form of international relations and a community with a shared future for mankind.

**第五条** 对外援助应当坚持正确义利观和真实亲诚理念，相互尊重，平等相待，合作共赢；尊重受援国主权，不干涉他国内政，不附加任何政治条件；量力而行，尽力而为，重信守诺，善始善终；因国施策，共商共建，形式多样，注重实效。

**Article 5** Foreign aid shall adhere to principles of justice, selflessness, authenticity, sincerity, mutual respect, equality, and win-win cooperation;

respect the sovereignty of recipient countries, not interfere in their internal affairs, and not attach any political conditions; foreign aid should not exceed one's abilities; and policies should be implemented according to a country's needs and following negotiations, with a focus on delivering results.

**第六条** 国家国际发展合作署（以下简称国际发展合作署）负责拟订对外援助方针政策，推进对外援助方式改革，归口管理对外援助资金规模和使用方向，编制对外援助项目年度预决算，确定对外援助项目，监督评估对外援助项目实施情况，组织开展对外援助国际交流合作。

**Article 6** China International Development Cooperation Agency (hereinafter referred to as "CIDCA") is responsible for formulating foreign aid guidelines and policies, promoting the reform of foreign aid methods, centralizing the management of the scale and usage of foreign aid funds, compiling annual budgets and final accounts for foreign aid projects, deciding foreign aid projects, supervising and evaluating the implementation of foreign aid projects, and carrying out international foreign aid exchanges and cooperation.

商务部等对外援助执行部门（以下简称援外执行部门）负责根据对外工作需要提出对外援助相关建议，承担对外援助具体执行工作，与受援方协商和办理对外援助项目实施具体事宜，负责项目组

织管理，选定对外援助项目实施主体或者派出对外援助人员，管理本部门的对外援助资金。

The Ministry of Commerce and other foreign aid implementing departments (hereinafter referred to as “the aid implementing departments”) are responsible for making foreign aid-related suggestions based on the needs of foreign work, undertaking concrete implementation work, negotiating with the recipients and handling specific matters concerning the implementation of foreign aid projects, organizing and managing projects, selecting the entities to implement foreign aid projects or dispatch foreign aid personnel, and managing foreign aid funds of the department.

外交部负责根据外交工作需要提出对外援助相关建议。驻外使领馆（团）统筹管理在驻在国（国际组织）的对外援助工作，协助办理对外援助有关事务，与受援方沟通援助需求并进行政策审核，负责对外援助项目实施的境外监督管理。

The Ministry of Foreign Affairs is responsible for proposing foreign aid work according to the needs of diplomatic affairs. Chinese embassies and consulates (or missions) shall coordinate and manage the foreign aid work in their host countries (or international organizations), assist in foreign aid-related matters, communicate with the recipients about their aid needs and conduct policy reviews, and be responsible for

the on-the-ground supervision and administration of the implementation of foreign aid projects.

**第七条** 国际发展合作署会同有关部门建立对外援助部际协调机制，统筹协调对外援助重大问题。

**Article 7** CIDCA shall, in conjunction with relevant departments, establish an interdepartmental coordination mechanism in order to coordinate major foreign aid issues.

**第八条** 国际发展合作署制定统一的中国政府对外援助标识，负责标识使用的监督管理。

**Article 8** CIDCA shall establish a unified foreign aid logo for the Chinese government, and be responsible for the supervision and administration of the use of this logo.

## **第二章 对外援助政策规划**

### **Chapter Two Foreign Aid Policy Planning**

**第九条** 国际发展合作署会同有关部门拟订对外援助的战略方针和中长期政策规划，按照程序报批后执行。

**Article 9** CIDCA shall, in conjunction with relevant departments, formulate strategic guidelines and medium- and long-term policy plans for foreign aid, which shall be implemented upon approval in accordance with procedures.

**第十条** 国际发展合作署会同有关部门制定分国别的对外援助政策，按照程序报批后执行。

**Article 10** CIDCA shall, in conjunction with relevant departments, formulate country-specific foreign aid policies, which shall be implemented upon approval in accordance with procedures.

**第十一条** 国际发展合作署会同有关部门拟订对外援助总体方案和年度计划，按照程序报批后执行。

**Article 11** CIDCA shall, in conjunction with relevant departments, formulate overall strategies and annual plans for foreign aid, which shall be implemented upon approval in accordance with procedures.

**第十二条** 国际发展合作署会同有关部门研究对外援助方式的改革措施，并推动改革措施落实。

**Article 12** CIDCA shall, in conjunction with relevant departments, conduct research on measures for the reform of foreign aid methods, and drive the practical implementation of those reform measures.

**第十三条** 国际发展合作署牵头推进对外援助法制化建设，与援外执行部门根据职责分工制定相应的对外援助管理制度。

**Article 13** CIDCA shall take the lead in advancing the legalization of foreign aid, and formulate corresponding management systems together with the aid implementing departments in accordance with the division of responsibilities.

**第十四条** 国际发展合作署建立对外援助项目储备制度，搜集、审核和确定具体国别的对外援助储备项目，并对储备项目实行动态管理。

**Article 14** CIDCA shall establish a system for reserving foreign aid projects, to collect, review and determine foreign aid reserve projects in specific countries, and implement dynamic management of those reserve projects.

对外援助储备项目是编制对外援助资金计划和预算，以及对外援助项目立项的主要依据。

Foreign aid reserve projects are the main basis for the compiling of foreign aid fund plans and budgets, as well as the initiation of foreign aid projects.

**第十五条** 国际发展合作署拟订对外提供援助的援款协议草案，与受援方进行谈判，并以中国政府名义签署协议。

**Article 15** CIDCA shall draw up draft agreements of foreign aid details, negotiate with the recipients, and sign agreements in the name of the Chinese government.

### **第三章 对外援助方式**

#### **Chapter Three Methods of Foreign Aid**

**第十六条** 对外援助资金主要包括无偿援助、无息贷款和优惠贷款三种类型。

**Article 16** Foreign aid funds mainly include three types: grants, interest-free loans and concessional loans.

无偿援助主要用于受援方在减贫、减灾、民生、社会福利、公共服务、人道主义等方面的援助需求。

Grants shall mainly be used to meet the recipients' needs in areas such as poverty alleviation, disaster reduction, people's livelihoods, social welfare, public services, and humanitarian aid.

无息贷款主要用于受援方在公共基础设施、工农业生产等方面的援助需求。

Interest-free loans shall mainly be used to meet the recipients' needs in areas such as public infrastructure, and industrial and agricultural production.

优惠贷款主要用于受援方在具有经济效益的生产型项目、资源能源开发项目、较大规模的基础设施建设项目等方面的援助需求。

Concessional loans shall mainly be used to support the recipients in areas such as projects with economic benefits, resource and energy development projects, and large-scale infrastructure construction projects.

**第十七条** 国际发展合作署通过南南合作援助基金等方式创新对外援助形式。

**Article 17** CIDCA shall innovate foreign aid forms through methods such as the South-South Cooperation Assistance Fund.

**第十八条** 对外援助以项目援助为主。

在人道主义援助等紧急或者特殊情况下，可以向受援方提供现汇援助。

**Article 18** Foreign aid shall be carried out mainly in the form of project aid.

In case of emergency or under special circumstances such as humanitarian assistance, cash payments to aid recipients shall be permitted.

**第十九条** 对外援助项目主要包括以下类型：

**Article 19** Foreign aid projects mainly include the following types:

（一）成套项目，即通过组织或者指导施工、安装和试生产全过程或者其中部分阶段，向受援方提供生产生活、公共服务等成套设备和工程设施，并提供长效质量保证和配套技术服务的项目；

(1) Complete sets of projects: by organizing and guiding the whole or part process of construction, installation and trial production, China provides the recipients with complete sets of equipment and project

facilities in areas such as production and living, and public services; and provides long-term quality assurance and supporting technical services;

(二) 物资项目, 即向受援方提供一般生产生活物资、技术性产品或者单项设备, 并承担必要配套技术服务的项目;

(2) Goods and material projects: providing the recipients with general materials for production and living, technical products or single-item equipment, and undertaking necessary supporting technical services;

(三) 技术援助项目, 即综合采用选派专家、技术工人或者提供政策和技术咨询、设备等手段帮助受援方实现某一特定政策、管理或者技术目标的项目;

(3) Technical assistance projects: comprehensively employing such methods as dispatching experts and technicians, or providing policy and technical consultants and equipment to assist recipients in reaching certain policy, management or technical goals;

(四) 人力资源开发合作项目, 即为受援方人员提供各种形式的学历学位教育、研修培训、人员交流以及高级专家服务的项目;

(4) Human resource development cooperation projects: providing personnel from the recipient countries or organizations with various forms of academic degree education, advanced studies and training, personnel exchanges and senior expert services;

(五) 志愿服务项目，即选派志愿者到受援方从事公益性服务的项目；

(5) Volunteer service projects: selecting volunteers to engage in public welfare services in recipient countries or organizations;

(六) 援外医疗队项目，即选派医务服务人员，并无偿提供部分医疗设备和药品，在受援方进行定点或者巡回医疗服务的项目；

(6) Medical team projects: dispatching healthcare staff, providing part of the medical equipment and medicines free of charge, and providing fixed-point or itinerant medical services in recipient countries or organizations;

(七) 紧急人道主义援助项目，即在有关国家遭受人道主义灾难的情况下，通过提供紧急救援物资、现汇或者派出救援人员等实施救助的项目；

(7) Emergent humanitarian assistance projects: providing emergency relief materials, transferring cash, or dispatching rescue personnel when any country concerned suffers from humanitarian disasters;

(八) 南南合作援助基金项目，即使用南南合作援助基金，支持国际组织、社会组织、智库等实施的项目。

(8) The South-South Cooperation Assistance Fund Projects: using the South-South Cooperation Assistance Fund to support projects

implemented by, for example, international organizations, social organizations, and think tanks.

**第二十条** 对外援助项目一般通过政府间援助方式实施，主要有以下方式：

**Article 20** Foreign aid projects shall generally be implemented through intergovernmental assistance, which are mainly in the following forms:

(一) 中方负责实施；

(1) China bears responsibility for implementation;

(二) 中方与受援方按商定分工合作实施；

(2) Joint cooperative implementation by China and the aid recipient based on agreed division of responsibilities;

(三) 在落实中方外部监督的前提下由受援方自主实施；

(3) Independent implementation by the aid recipient under China's external supervision;

(四) 中方也可以同其他国家、国际组织、非政府组织等合作实施。

(4) Cooperative implementation by China, other countries, international organizations, and non-governmental organizations.

**第二十一条** 加强对外援助资金管理、援外优惠贷款管理，有关规定另行制定。

**Article 21** Relevant regulations shall be formulated separately to strengthen the management of foreign aid funds and foreign aid concessional loans.

## **第四章 对外援助项目立项**

### **Chapter Four Initiation of Foreign Aid Projects**

**第二十二条** 受援方有援助需求时，应当将项目建议通过驻外使领馆（团）向中方提出，驻外使领馆（团）对受援方提出的项目建议进行国别政策审核并形成明确意见后报外交部和国际发展合作署，并抄报援外执行部门。

援外执行部门可以根据工作需要向国际发展合作署提出项目建议。

**Article 22** When any recipient calls for aid, it shall submit a project proposal to China through the Chinese embassy or consulate (mission). The embassy or consulate (mission) shall conduct a country-specific policy review of the proposal, and report clear opinions to the Ministry of Foreign Affairs and the CIDCA, and send an identical copy to all aid implementing departments at the same time.

The aid implementing departments can make project proposals to the CIDCA in accordance with their work requirements.

**第二十三条** 对外援助项目在立项前应当经过可行性研究。

中方可以要求受援方提供拟立项项目的相关资料，作为进行可行性研究的前提。

**Article 23** A feasibility study shall be conducted before any foreign aid project is initiated.

China can request the recipient to provide materials related to the project to be initiated, as a prerequisite for the feasibility study.

**第二十四条** 国际发展合作署组织项目前期论证，根据可行性研究结果确定项目，并按照程序批准立项。

**Article 24** The CIDCA shall organize preliminary demonstration of any project. Projects shall be determined based on the results of feasibility study, and approved to be initiated in accordance with procedures.

**第二十五条** 对外援助项目立项后，国际发展合作署一般应当与受援方商签政府间立项协议，明确协议各方的权利和义务，主要包括项目内容、资金安排、实施配套条件、相关税收减免、安全保障等。

**Article 25** After a foreign aid project is initiated, the CIDCA shall generally negotiate with the recipient to sign an intergovernmental

agreement, with the rights and obligations of both parties stipulated, which mainly include the content of the project, funding arrangements, supporting conditions for project implementation, relevant tax reduction and exemption policies, and safety and security guarantees.

**第二十六条** 对外援助项目实施过程中涉及立项协议内容重大调整的，国际发展合作署按照程序报批后可以进行调整并与外方签订补充立项协议。

援外执行部门可以向国际发展合作署提出调整的建议。

**Article 26** Should major adjustments to the project's initiation agreement be made during the implementation of the project, the CIDCA can make corresponding adjustments and sign a supplement to the agreement with the recipient after submitting for approval in accordance with procedures.

The aid implementing departments can submit adjustment suggestions to the CIDCA.

**第二十七条** 中方同其他国家、国际组织、非政府组织等合作实施的对外援助项目，国际发展合作署一般应当与合作方商签合作协议，明确各方权利义务。

**Article 27** For foreign aid projects co-implemented by China and other countries, international organizations, or non-governmental organizations, the CIDCA shall generally negotiate and sign cooperation

agreements with the partners to clarify the rights and obligations of each party.

**第二十八条** 优惠贷款项下的对外援助项目，国际发展合作署应当在承办金融机构出具评审意见后按照程序批准立项，并与受援方签署优惠贷款框架协议。

**Article 28** For foreign aid projects supported by concessional loans, the decision as to whether to approve initiating the project shall be made by the CIDCA in accordance with procedures based on the assessments of the undertaking financial institution; a concessional loan framework agreement shall be signed with the recipient.

**第二十九条** 人道主义灾难发生后，国际发展合作署会同有关部门拟订紧急援助方案，并办理立项。

**Article 29** In case of humanitarian disasters, the CIDCA shall work with relevant departments to formulate emergency assistance plans and go through project initiation procedures.

## **第五章 对外援助实施管理**

### **Chapter Five Implementation Management of Foreign Aid**

**第三十条** 国际发展合作署根据现行部门分工统筹安排援外执行部门组织实施项目。

**Article 30** The CIDCA shall, in accordance with the current division of responsibilities, make overall arrangements to guide the aid implementing departments to organize and implement projects.

援外执行部门依据立项批准内容组织实施对外援助项目，对外援助项目的安全、质量、进度、投资控制等负责，可以委托有关机构组织实施管理。

The aid implementing departments shall organize and implement projects based on the approved content, and bear responsibilities for the projects' security, quality, progress, and investment control. Entrusting management to relevant agencies or organizations shall be permitted.

**第三十一条** 国际发展合作署会同有关部门推动重大项目实施，协调解决项目实施中的问题。

**Article 31** The CIDCA shall, in conjunction with relevant departments, promote the implementation of major projects, and coordinate and solve any problems that may occur.

**第三十二条** 国际发展合作署和商务部按照职责分工对对外援助项目实施主体资格进行管理，制定有关管理制度。

**Article 32** The CIDCA and the Ministry of Commerce shall, in accordance with the division of responsibilities, manage the qualifications of the implementing entities of foreign aid projects, and formulate relevant management systems.

**第三十三条** 对外援助项目由中方负责实施的，援外执行部门依照相关法律法规选定具体项目实施主体。

**Article 33** For foreign aid projects implemented by the Chinese side, the aid implementing departments shall select specific project implementing entities in accordance with relevant laws and regulations.

**第三十四条** 对外援助项目实施主体不得将所承担的任务转包或者违法分包。

**Article 34** Project implementing entities shall not transfer or illegally subcontract their tasks to others.

**第三十五条** 对于无偿援助和无息贷款项下的援助项目，援外执行部门一般应当与受援方商签对外援助项目实施协议，明确规定对外援助项目实施的具体事宜和双方权利义务。

**Article 35** For granted projects or projects supported by interest-free loans, the aid implementing departments shall generally negotiate with the recipient to sign a foreign aid project implementation agreement, with specific matters of implementation as well as the rights and obligations of both parties clearly stipulated.

**第三十六条** 对于无偿援助和无息贷款项下的援助项目，援外执行部门一般应当与实施主体商签对外援助项目实施合同，明确规定对外援助项目实施的具体事宜和双方权利义务。

**Article 36** For granted projects or projects supported by interest-free loans, the aid implementing departments shall generally negotiate with

the implementing entity to sign a foreign aid project implementation agreement, with specific matters of implementation as well as the rights and obligations of both parties clearly stipulated.

**第三十七条** 因外交、国家安全或者承担的国际义务等原因，或者因不可抗力导致对外援助项目无法实施时，国际发展合作署按照程序报批后可以中断或者终止对外援助项目。

援外执行部门可以向国际发展合作署提出中断或者终止对外援助项目的建议。

**Article 37** When a foreign aid project cannot be implemented due to diplomacy, national security or international obligations reasons, or due to force majeure, the CIDCA can suspend or terminate the project after submitting for approval in accordance with procedures.

The aid implementing departments can submit suggestions to the CIDCA on suspending or terminating such projects.

**第三十八条** 对外援助项目执行完毕后，中方一般应当与受援方办理政府间交接手续，商签政府间交接证书。

**Article 38** After the completion of a foreign aid project, the Chinese side shall generally go through the intergovernmental handover procedures with the recipient, and negotiate and sign the intergovernmental handover certificate.

**第三十九条** 国际发展合作署、援外执行部门会同有关部门建立对外援助出口物资口岸验放机制。

**Article 39** The CIDCA, the aid implementing departments, together with relevant departments, shall establish a port inspection and release mechanism for foreign aid exports.

除涉及国家实施出口管制的货物、技术、服务等物项外，对外援助物资出口不纳入配额和许可证管理。

Except for goods, technologies and services that are subject to the country's export controls, the export of foreign aid goods and materials shall not be included in quota and licensing administration.

**第四十条** 对外援助资金应当专款专用、单独核算，任何单位和个人不得挪作他用。

**Article 40** Foreign aid funds shall be used for designated purposes only, and be subject to separate accounting. No entity or individual shall misappropriate the funds.

**第四十一条** 对外援助人员是指政府或者对外援助项目实施主体派遣执行对外援助任务的人员。对外援助人员在外执行对外援助任务期间享有国家规定的待遇保障。对外援助人员在受援方当地执行对外援助任务期间应当遵守中国和受援方的法律法规，尊重受援方的风俗习惯。

**Article 41** “Foreign aid personnel” refers to personnel designated by the government or the project implementing entities to carry out foreign aid missions. Foreign aid personnel shall enjoy benefits stipulated by the Chinese government during the project mission overseas. Foreign aid personnel shall abide by the laws and regulations of China and the recipient country, and respect their customs and traditions during the project mission.

对外援助项目实施主体应当加强对对外援助人员的管理和监督，按照有关规定保证其派遣的对外援助人员在外执行对外援助任务期间享有相应的工作和生活待遇及人身意外伤害保障。

The project implementing entities shall strengthen the management and supervision of foreign aid personnel, and ensure they enjoy appropriate working and living conditions and personal accidental insurance, in accordance with relevant regulations.

对外援助人员在执行对外援助任务期间作出突出贡献的，国际发展合作署和援外执行部门可以依法给予表彰。在执行对外援助任务期间牺牲的，国际发展合作署和援外执行部门可以依法报请有关部门评定为烈士。

Foreign aid personnel who have made outstanding contributions during a project mission can be awarded by the CIDCA and the aid implementing departments in accordance with the law. Those who have

sacrificed their lives during the mission can be reported to relevant departments by the CIDCA and the aid implementing departments to be granted the title of “martyrs”.

**第四十二条** 对于对外援助项目实施主体的违法违规行为，任何单位和个人可以依法向国际发展合作署和援外执行部门投诉或者举报。

**Article 42** If any project implementing entity violates any laws or regulations, any entity or individual shall complain or report to the CIDCA and the aid implementing departments in accordance with the law.

## **第六章 对外援助监督和评估**

### **Chapter Six**

#### **Supervision and Evaluation of Foreign Aid**

**第四十三条** 国际发展合作署会同援外执行部门建立对外援助项目监督制度，对对外援助项目的实施情况进行监督。

**Article 43** The CIDCA, in conjunction with aid implementing departments, shall establish a supervision system to supervise the implementation of foreign aid projects.

**第四十四条** 国际发展合作署会同援外执行部门建立对外援助项目评估制度，制定对外援助项目实施情况评估标准，组织开展评估。

**Article 44** The CIDCA, in conjunction with aid implementing departments, shall establish an evaluation system for the implementation of foreign aid projects, formulate evaluation standards, and conduct evaluation work.

**第四十五条** 国际发展合作署会同援外执行部门建立对外援助项目实施主体诚信评价体系，按照职责分工对实施主体参与对外援助项目过程中的行为进行信用评价和管理。

**Article 45** The CIDCA, in conjunction with the aid implementing departments, shall establish a credit rating system for the project implementing entities, and assess and manage the conduct of such entities during their missions in accordance with the division of responsibilities.

**第四十六条** 国际发展合作署会同援外执行部门建立对外援助项目信息报送制度。

援外执行部门向国际发展合作署报送对外援助项目组织实施情况，以及项目组织实施过程中出现的质量、安全、进度和投资控制等重大问题。

驻外使领馆（团）向国际发展合作署、外交部和援外执行部门报送对外援助项目境外监管中发现的质量、安全、进度和投资控制等重大问题。

**Article 46** The CIDCA, in conjunction with the aid implementing departments, shall establish an information reporting system for foreign aid projects.

The aid implementing departments shall update processes of aid projects to the CIDCA and report any major issues related to quality, safety, progress, and investment control during project implementation.

The Chinese embassies and consulates (missions) to foreign countries shall report to the CIDCA, the Ministry of Foreign Affairs and the aid implementing departments any major issues, if found, during the on-the-ground supervision of foreign aid projects, such as issues related to quality, safety, progress, and investment control.

**第四十七条** 国际发展合作署会同援外执行部门依法建立对外援助统计制度，收集、汇总和编制对外援助统计资料。

援外执行部门、省级人民政府有关部门、有关单位应当按照对外援助统计制度，定期向国际发展合作署报送统计数据及相关信息。

**Article 47** The CIDCA, in conjunction with the aid implementing departments, shall establish a statistical system for foreign aid in accordance with the law, and collect, aggregate and compile foreign aid statistical data.

All aid implementing departments, relevant departments of the provincial government, and relevant entities shall, in accordance with the foreign aid statistical system, regularly report statistical data and related information to the CIDCA.

## 第七章 法律责任

### Chapter Seven Legal Responsibilities

**第四十八条** 对外援助项目实施主体有下列行为之一的，国际发展合作署、援外执行部门依职权给予警告或者通报批评，可以并处人民币 3 万元以下罚款，并依法公开处罚决定：

**Article 48** If an implementing entity of a foreign aid project commits any of the following acts, the CIDCA and the aid implementing departments shall issue a warning or criticism, and may concurrently impose a fine of up to 30,000 yuan (\$4,650) and publicize the penalty decision in accordance with the law:

(一) 将所承担的对外援助项目任务转包或者违法分包的；

(1) Transferring or illegally subcontracting the tasks of the foreign aid project;

(二) 未按对外援助项目实施合同履行义务或者迟延履行义务，影响项目正常实施，造成严重不良影响的；

(2) Failing to fulfill or delaying the fulfillment of the obligations under the project implementation contract, which affects the normal implementation of the project and causes serious adverse effects;

(三) 挪用对外援助资金的；

(3) Misappropriating foreign aid funds;

(四) 未按规定保证外派对外援助人员工作和生活待遇，未提供人身意外伤害保障的。

(4) Failing to guarantee the working and living conditions of the foreign aid personnel in accordance with relevant regulations, or failing to provide personal accidental insurance for the personnel.

对外援助项目实施主体违反相关法律、行政法规规定的，依照规定给予行政处罚；构成犯罪的，依法追究刑事责任。

If any project implementing entity violates relevant laws or administrative regulations, it shall be subject to administrative penalties accordingly; where a crime is constituted, it shall be subject to criminal liability in accordance with the law.

#### **第四十九条** 国际发展合作署、援外执行部门和驻外使领馆

(团) 的工作人员在对外援助管理中有下列行为之一的，视情节轻重给予相应处分；构成犯罪的，依法追究刑事责任：

**Article 49** If any member of the CIDCA, the aid implementing departments, or the embassies and consulates (missions) in charge of foreign aid management commits any of the following transgressions, he/she shall be subject to the corresponding penalty according to the

severity of the action; where a crime is constituted, he/she shall be subject to criminal liability in accordance with the law.

(一) 利用职务便利索取他人财物，或者非法收受他人财物为他人谋取利益的；

(1) Taking advantage of one's position to extort profit, or illegally accepting money or property to seek benefits for others;

(二) 滥用职权、玩忽职守或者徇私舞弊，致使国家利益遭受损失的；

(2) Abusing power, neglecting duty, or malpractice for personal gain and favoritism, thus harming national interests;

(三) 泄露国家秘密的。

(3) Leaking State secrets.

## 第八章 附则

### Chapter Eight Supplementary Provisions

**第五十条** 对外军事援助，按照国家和军队有关规定执行。

**Article 50** Foreign military aid shall be implemented in accordance with the State's and the military's relevant regulations.

**第五十一条** 本办法自 2021 年 10 月 1 日起施行。商务部《对外援助管理办法（试行）》（商务部令 2014 年第 5 号）同时废止。

**Article 51** These Measures shall come into force on October 1, 2021. *The Measures for the Administration of Foreign Aid (for Trial Implementation)* (the Ministry of Commerce Order No. 5, 2014) shall be repealed at the same time.