

Measures for the Filing and Registration of Foreign Trade Operators of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Article 1 — These Measures are formulated in accordance with the Foreign Trade Law of the PRC for the purposes of promoting the development of foreign trade, strengthening the administration of foreign trade operators, and standardizing the filing and registration procedures for foreign trade operators.

Article 2 — These Measures shall apply to the filing and registration of foreign trade operators engaged in the import and export of goods or technologies within the territory of the PRC. For the purposes of these Measures, "foreign trade operator" refers to a legal person, other organization or individual that has completed the filing and registration for foreign trade operators in accordance with the law and engages in foreign trade business activities.

Article 3 — The Ministry of Commerce shall be the competent authority for the filing and registration of foreign trade operators throughout the country. The commerce departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, and the commerce departments of cities under separate State planning shall be the filing and registration authorities for foreign trade operators (hereinafter referred to as "filing and registration authorities") and shall be responsible for the filing and registration of foreign trade operators within their respective administrative regions.

Article 4 — Foreign trade operators shall satisfy the following conditions for filing and registration: (1) being legally registered with the administrative department for industry and commerce; (2) having obtained the approval, permit or other approval documents required for specific imported or exported goods or technologies in accordance with the law, where such goods or technologies are subject to State restrictions or special administration; and (3) having filed a foreign trade operator record with the customs authorities and other relevant authorities.

Article 5 — A foreign trade operator applying for filing and registration shall submit the following materials to the filing and registration authority: (1) a completed application form for the filing and registration of a foreign trade operator, which shall be filled out in accordance with the prescribed format, with the content being truthful and complete; (2) a copy of the business license or practice license; (3) a copy of the approval certificate for a foreign-invested enterprise, if the applicant is a foreign-invested enterprise; (4) documents proving that the applicant has completed the relevant approval or filing procedures for the goods or technologies to be imported or exported, where such goods or technologies are subject to State restrictions or special administration; and (5) other materials required by the filing and registration authority.

Article 6 — The filing and registration authority shall, within five working days of receiving the application materials for filing and registration, complete the filing and registration and issue a Foreign Trade Operator Filing and Registration Form. If the application materials are incomplete or do not conform to the prescribed

format, the filing and registration authority shall, within five working days of receiving the application materials, notify the applicant in writing of all the materials that need to be supplemented or corrected.

Article 7 — The Foreign Trade Operator Filing and Registration Form shall specify the following: the name of the foreign trade operator, its address, the name of its legal representative, its registered capital, its business scope, the filing and registration number, the date of filing and registration, and other relevant matters. The Foreign Trade Operator Filing and Registration Form shall not be forged, altered, lent, leased, sold or otherwise transferred.

Article 8 — A foreign trade operator that has obtained the Foreign Trade Operator Filing and Registration Form shall, within 30 days, complete the relevant formalities with the local customs, inspection and quarantine, foreign exchange administration and tax authorities. A foreign trade operator that intends to import or export goods or technologies that are subject to an import or export State trading administration shall obtain the relevant authorization in accordance with the provisions of the State before engaging in such foreign trade business activities.

Article 9 — Where the content registered in the Foreign Trade Operator Filing and Registration Form changes, the foreign trade operator shall, within 30 days of the change, apply to the filing and registration authority for modification of the filing and registration. Where a foreign trade operator terminates its business operations, it shall, within 30 days of the termination, apply to the filing and registration authority for cancellation of the filing and registration.

Article 10 — The filing and registration authority shall maintain a database of the filing and registration of foreign trade operators and shall make the information on filing and registration available to the public, except for information that is required by law to be kept confidential. The filing and registration authority shall share information on the filing and registration of foreign trade operators with the customs, inspection and quarantine, foreign exchange administration, tax authorities and other relevant departments.

Article 11 — A foreign trade operator shall abide by the Foreign Trade Law of the PRC and other relevant laws and regulations and shall conduct its foreign trade business activities in accordance with the provisions of the State concerning foreign exchange administration, taxation, customs, inspection and quarantine, and other relevant matters.

Article 12 — Foreign trade operators shall establish and maintain truthful and complete records of their foreign trade business activities. A foreign trade operator shall, in accordance with the provisions of the Ministry of Commerce and other relevant authorities, submit statistical data and other information concerning its foreign trade business activities, and shall ensure that the data and information submitted are truthful, accurate and complete.

Article 13 — Foreign trade operators shall not engage in any of the following acts: (1) forging, altering, lending, leasing, selling or otherwise transferring the Foreign Trade Operator Filing and Registration Form; (2) submitting false materials or obtaining the filing and registration by fraudulent means; (3) engaging in foreign trade business activities beyond the approved or filed business scope; or (4) committing other acts in violation of the provisions of the Foreign Trade Law of the PRC and other relevant laws and regulations.

Article 14 — Where a foreign trade operator violates the provisions of these Measures, the filing and registration authority or other relevant authorities shall order it to make correction and may impose a warning, a fine, or other administrative penalties in accordance with the relevant laws and regulations. Where a foreign trade operator's violation constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 15 — These Measures shall apply, with appropriate modifications, to the filing and registration of foreign trade operators in the areas of the Hong Kong Special Administrative Region, the Macao Special Administrative Region and the Taiwan region that are subject to specific provisions of Chinese laws and

regulations.

Article 16 — These Measures shall enter into force on July 1, 2004.

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