

Regulations of the PRC on Sino-Foreign Cooperative Education

Dan Young Business Consultancy — www.danyoungcpa.com
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Chapter I — General Provisions

Article 1 — These Regulations are formulated in accordance with the Education Law of the People's Republic of China, the Vocational Education Law of the People's Republic of China, and the Higher Education Law of the People's Republic of China for the purposes of regulating Sino-foreign cooperative education activities, strengthening international educational exchanges and cooperation, and promoting the development of the educational undertaking.

Article 2 — These Regulations shall apply to Sino-foreign cooperative education activities carried out within the territory of the People's Republic of China by foreign educational institutions jointly with Chinese educational institutions (hereinafter referred to as "Sino-foreign cooperative education institutions") to provide education mainly to Chinese citizens.

Article 3 — Sino-foreign cooperative education is an integral part of China's educational undertaking. The State shall implement the policy of expanding openness, standardizing operations, exercising administration in accordance with the law, and promoting development in respect of Sino-foreign cooperative education. The State shall encourage the introduction of quality educational resources from abroad for Sino-foreign cooperative education.

Article 4 — The State shall encourage Sino-foreign cooperative education in the fields of higher education and vocational education, and encourage Sino-foreign cooperative education between Chinese higher education institutions and renowned foreign higher education institutions.

Article 5 — Sino-foreign cooperative education must comply with Chinese laws, implement China's educational policies, conform to China's public morality, and shall not impair China's sovereignty, security, or public interest.

Article 6 — The education administrative department under the State Council shall be responsible for the overall planning, comprehensive coordination, and macro-level administration of Sino-foreign cooperative education nationwide. The education administrative departments, labor administrative departments, and other relevant administrative departments under the State Council shall, within the scope of their duties prescribed by the State Council, be responsible for the relevant work on Sino-foreign cooperative education.

Article 7 — The establishment of Sino-foreign cooperative education institutions shall be subject to the examination and approval of the education administrative department under the State Council or the education administrative department of the people's government of the province, autonomous region, or municipality directly under the Central Government; where Sino-foreign cooperative education institutions applying to provide programs for academic qualifications, the examination and approval shall be conducted in accordance with relevant State provisions.

Chapter II — Establishment

Article 8 — To apply for the establishment of a Sino-foreign cooperative education institution, the Chinese and foreign parties shall have the appropriate qualifications for running schools and high-quality educational resources, and shall meet other conditions prescribed by the State.

Article 9 — An applicant for the establishment of a Sino-foreign cooperative education institution offering programs for academic qualifications shall submit an application with the following materials: 1. An application report; 2. An agreement or contract for cooperative education; 3. The articles of association of the Sino-foreign cooperative education institution; 4. Certificates of legal person status of the Chinese and foreign parties; 5. Proof of assets and sources of funds; 6. Other documents required by the State.

Article 10 — The education administrative department shall, within three months from the date of acceptance, decide whether to approve or disapprove the establishment. If approved, a permit for Sino-foreign cooperative education shall be issued.

Article 11 — The agreement or contract for cooperative education between the Chinese and foreign parties shall specify the cooperative program, term of cooperation, method of cooperation, investment, assignment of rights and obligations, dissolution of the cooperative education institution, liquidation of assets, dispute resolution, and other matters.

Chapter III — Organization and Administration

Article 12 — Sino-foreign cooperative education institutions shall establish a board of directors or a council as the decision-making body. The composition of the board of directors or council, the powers of the chairman, and the rules of procedure shall be stipulated in the articles of association.

Article 13 — The board of directors or council of a Sino-foreign cooperative education institution shall be composed of at least five members, with the Chinese members accounting for not less than half of the total. The chairman or council chair shall be appointed from among the Chinese members.

Article 14 — A Sino-foreign cooperative education institution shall have one president or principal, who shall be the legal representative of the institution. The president or principal shall be a person with Chinese nationality domiciled within the territory of China and shall have the qualifications prescribed by the State.

Article 15 — Sino-foreign cooperative education institutions shall independently carry out education and teaching activities in accordance with the law and shall be subject to the supervision of the education administrative departments.

Chapter IV — Education and Teaching

Article 16 — Sino-foreign cooperative education institutions shall, in accordance with the provisions of the State, determine their enrollment plans and independently conduct enrollment activities. The enrollment publicity and admission work shall comply with the provisions of the State.

Article 17 — Sino-foreign cooperative education institutions shall offer courses in accordance with the teaching plan approved by the State and shall ensure the quality of education and teaching. They shall implement China's educational policies and cultivate talents with innovative spirit and practical ability.

Article 18 — Sino-foreign cooperative education institutions may offer foreign language courses and courses using original foreign-language teaching materials. They may employ foreign teachers in accordance with the relevant provisions of the State.

Article 19 — Sino-foreign cooperative education institutions offering programs for academic qualifications shall issue academic qualifications certificates or degree certificates in accordance with the provisions of the State. The academic certificates and degree certificates of Sino-foreign cooperative education institutions offering higher education programs for academic qualifications shall be consistent with the certificates issued by Chinese higher education institutions of the same level and category.

Chapter V — Assets and Finance

Article 20 — The Chinese and foreign parties to a Sino-foreign cooperative education institution shall invest funds, in kind, intellectual property rights, land use rights, or other assets in accordance with the agreement or contract.

Article 21 — Sino-foreign cooperative education institutions shall manage and use their assets independently in accordance with the law but shall not transfer or encumber their assets without authorization.

Article 22 — Sino-foreign cooperative education institutions shall establish financial and accounting systems and asset management systems in accordance with the relevant provisions of the State and shall set up account books in accordance with the law.

Article 23 — The fee items and standards of Sino-foreign cooperative education institutions shall be determined and publicized in accordance with the relevant State provisions on fee administration; fees may not be increased without approval.

Article 24 — The foreign party to a Sino-foreign cooperative education institution may remit the lawful proceeds it receives abroad in accordance with the provisions of the State.

Chapter VI — Change and Termination

Article 25 — Where a Sino-foreign cooperative education institution changes its name, level, or category, or changes its Chinese or foreign parties, it shall apply for approval from the original examination and approval authority. Changes in other matters shall be reported to the original examination and approval authority for record-filing.

Article 26 — A Sino-foreign cooperative education institution shall be dissolved upon the expiration of its term of cooperation, and shall carry out asset liquidation in accordance with the agreement or contract and the provisions of the State.

Article 27 — Upon dissolution, the Sino-foreign cooperative education institution shall properly settle its students and faculty in accordance with the law and protect their lawful rights and interests.

Chapter VII — Legal Liability

Article 28 — Where a Sino-foreign cooperative education institution engages in education activities without approval, the education administrative department shall ban it and, where there are illegal gains, confiscate the illegal gains.

Article 29 — Where a Sino-foreign cooperative education institution commits any of the following acts, the education administrative department shall order it to make corrections and impose a warning; where the circumstances are serious, it shall order it to cease enrollment or revoke its permit for Sino-foreign cooperative education: 1. Issuing false enrollment advertisements; 2. Charging fees in excess of the approved fee items and standards; 3. Issuing academic certificates or degree certificates in violation of provisions; 4. Serious deficiencies in education and teaching quality; 5. Other acts in violation of laws or administrative regulations.

Chapter VIII — Supplementary Provisions

Article 30 — These Regulations shall also apply to cooperative education activities carried out within the mainland by educational institutions from the Hong Kong Special Administrative Region, the Macao Special Administrative Region, and the Taiwan region jointly with mainland educational institutions, unless otherwise provided by laws and administrative regulations.

Article 31 — The specific measures for vocational training and vocational skill appraisal carried out through Sino-foreign cooperation shall be separately formulated by the State Council.

Article 32 — These Regulations shall take effect as of September 1, 2003.

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