

Several Provisions on the Administration of Foreign-Invested Logistics Enterprises 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 Provisions are formulated in accordance with the relevant laws and regulations on foreign investment and the administrative regulations on the logistics industry to promote the development of the logistics industry and regulate the establishment and operation of foreign-invested logistics enterprises.

Article 2 — For the purposes of these Provisions, the term "foreign-invested logistics enterprise" means an enterprise established within the territory of China by foreign investors, solely or jointly with Chinese investors, that engages in logistics business such as the transportation, storage, loading and unloading, processing, packaging, distribution, and delivery of goods, as well as related information processing and consulting services.

Article 3 — Foreign investors establishing a foreign-invested logistics enterprise shall satisfy the following conditions: (1) the foreign investor shall have good business reputation and operational capability; (2) the foreign investor shall have at least three years of experience in the logistics business or a related industry; (3) the total investment amount shall satisfy the requirements as prescribed by the state; (4) the enterprise shall have a fixed business place and the facilities and equipment necessary for conducting logistics business; and (5) other conditions as prescribed by laws and administrative regulations.

Article 4 — The establishment of a foreign-invested logistics enterprise shall be subject to the approval of the Ministry of Commerce or its authorized local commerce departments. The applicant shall submit the following documents: (1) an application letter; (2) a feasibility study report; (3) the contract and articles of association of the enterprise; (4) a creditworthiness certificate of the foreign investor; (5) proof of the foreign investor's business registration and a certification of the legal representative; (6) proof of the foreign investor's experience in the logistics business; and (7) other documents as required by laws and administrative regulations.

Article 5 — The commerce department that receives the application shall complete the examination and make a decision on whether to approve within 90 days from the date of receipt of all required application documents. Where approval is granted, a Certificate of Approval for Foreign-Invested Enterprise shall be issued; where approval is denied, the reasons shall be explained in writing.

Article 6 — After obtaining the Certificate of Approval for Foreign-Invested Enterprise, the foreign-invested logistics enterprise shall complete the registration formalities with the relevant administrative departments for industry and commerce, taxation, foreign exchange, customs, and other matters.

Article 7 — Where a foreign-invested logistics enterprise establishes branch offices, it shall file with the commerce department of the place where the branch office is located and complete the relevant registration formalities.

Article 8 — A foreign-invested logistics enterprise may engage in all or part of the following logistics services: (1) international and domestic freight forwarding; (2) third-party logistics services; (3) supply chain management services; (4) warehousing and distribution services; (5) packaging, processing, and value-added services for goods; (6) logistics consulting and information services; and (7) other logistics services approved by the commerce department.

Article 9 — Where a foreign-invested logistics enterprise engages in international freight forwarding or international express delivery services, it shall also satisfy the conditions as prescribed by the relevant laws and regulations and obtain the corresponding qualifications or licenses.

Article 10 — Where a foreign-invested logistics enterprise engages in the transportation of goods, it shall satisfy the conditions as prescribed by the laws and regulations on road transport, waterway transport, railway transport, air transport, and other modes of transport and obtain the corresponding transport operation permits.

Article 11 — Commerce departments shall supervise and administer foreign-invested logistics enterprises in accordance with the law and shall conduct annual inspections. Foreign-invested logistics enterprises shall truthfully report their operational status and submit an annual report within the prescribed time limit.

Article 12 — Where a foreign-invested logistics enterprise changes its business scope, term of operation, investment amount, or equity structure, or undergoes division, merger, or other material changes, it shall apply to the original approving authority for approval or filing.

Article 13 — Where a foreign-invested logistics enterprise ceases operations or terminates its business, it shall undergo the relevant formalities in accordance with the law, including liquidation, cancellation of registration, and other procedures.

Article 14 — These Provisions shall apply, *mutatis mutandis*, to logistics enterprises established by investors from the Hong Kong Special Administrative Region, the Macao Special Administrative Region, and the Taiwan region in Mainland China.

Article 15 — These Provisions shall come into force on the date of issuance.

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