Interim Regulations on the Offices of Special Commissioners of the Ministry of Foreign Economic Relations and Trade

Dan Young Business Consultancy — www.danyoungcpa.com

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

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Under the circumstances that China continues to implement the policy of opening to the outside world in the economic field and that a relatively large number of departments, localities and enterprises participate in foreign economic and trade activities, in order to both correctly mobilize the initiative of all quarters to vigorously develop foreign economic relations and trade, and prevent mutual competition and avoid chaos, it is necessary to strengthen the operational coordination and administrative management of foreign economic relations and trade so as to achieve unified and joint action in foreign trade. To this end, in addition to taking other coordination and management measures, it is decided to station special commissioners at major ports and establish offices of special commissioners.

I. Nature of the Offices of Special Commissioners

The office of special commissioners is a dispatched organ of the Ministry of Foreign Economic Relations and Trade, named “Office of Special Commissioners of the Ministry of Foreign Economic Relations and Trade in XX”. It is directly led by the Ministry of Foreign Economic Relations and Trade and is responsible to the Ministry. The special commissioner shall maintain close contact with the local Party and government, report on work conditions, obtain the support and assistance of the local Party and government, and promptly seek instructions from and report to the Ministry of Foreign Economic Relations and Trade.

II. Tasks of the Special Commissioner

(1) In accordance with the principles of unified policy, unified planning and unified action in foreign trade, and in a manner conducive to the development of foreign economic relations and trade, supervise and guide the implementation of the import and export commodity coordination schemes formulated by the import and export commodity coordination groups. Problems arising in the implementation of the import and export commodity coordination schemes, where they fall within the region under the jurisdiction of the special commissioner, may be assisted and resolved locally; where they are nationwide problems, such as major changes in market, quantity, price and customers, they shall still be resolved by the coordination groups of the head companies;

(2) strengthen administrative management and, in accordance with the scope of authorization of the Ministry of Foreign Economic Relations and Trade, be responsible for examining, approving and issuing licenses for certain import and export commodities;

(3) assist the specialized import and export head companies (including head companies integrating industry and trade, the same hereinafter) in gradually implementing unified operation and joint operation, by industry and centered on major ports, for major export commodities;

(4) in order to strengthen unified and joint action in foreign trade, convene as appropriate liaison meetings of the foreign economic and trade departments of the provinces, municipalities and autonomous regions at the port where it is located and within its jurisdiction, exchange information, and coordinate and resolve the relations between ports and inland areas. The relevant specialized head companies and relevant units of the Ministry of Foreign Economic Relations and Trade may send personnel to attend the meetings;

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(5) carry out investigation and research on the implementation of the guidelines and policies related to foreign economic relations and trade, and on issues such as strengthening import and export management and reforming the foreign economic and trade system, and put forward recommendations to the Ministry of Foreign Economic Relations and Trade;

(6) handle other matters assigned by the Ministry of Foreign Economic Relations and Trade.

III. Rights of the Special Commissioner

(1) It shall have the right to intervene in and stop the business activities of import and export enterprises that violate the division of operation of import and export commodities and the coordination schemes;

(2) for transactions that violate policies or relevant state laws, rules and regulations, the special commissioner shall have the right to stop them and to refuse to issue licenses;

(3) the import and export commodity coordination groups of the specialized head companies shall provide business materials (including coordination schemes, meeting minutes, briefings, statistical data and reports) to the special commissioner so that the special commissioner may inspect, supervise and adjudicate the coordination work;

(4) reports on administrative work by the foreign economic and trade administrative departments of the local provinces, municipalities and relevant inland provinces, municipalities and autonomous regions shall be copied to the special commissioner. For the needs of work, the special commissioner shall have the right to request the foreign economic and trade administrative and enterprise departments of the local and relevant provinces, municipalities and autonomous regions to provide information and materials on coordination and management;

(5) in order to perform the tasks and duties specified in these Regulations, the local departments of transportation, ports, banks, customs and commodity inspection shall actively cooperate with the work of the special commissioner.

IV. Appointment, Term, Organizational Relations, Rewards and Punishments of the Special Commissioner

(1) The office of special commissioners shall have one special commissioner and one deputy special commissioner, both nominated by the Ministry of Foreign Economic Relations and Trade and appointed after reporting to the State Council;

(2) the term of office of a special commissioner shall generally be two years, with rotation upon expiration, and may be appropriately extended when necessary. The staff of the office of special commissioners shall also implement a rotation system;

(3) the political and ideological work of the office of special commissioners shall be in the charge of the Ministry of Foreign Economic Relations and Trade. Party members and League members among the special commissioner and staff shall respectively establish Party and League organizations, directly led by the Party committee and League committee of the Ministry of Foreign Economic Relations and Trade. For urgent and important transmission reports and document reading, the local Party committee shall be requested to assist in making arrangements;

(4) rewards and punishments for the special commissioner and the staff of the office shall all be handled by the Ministry of Foreign Economic Relations and Trade.

V. Staffing, Funding and Livelihood of the Office of Special Commissioners

(1) The staffing shall be determined in accordance with the principle of streamlining, and cadres shall be dispatched by the Ministry of Foreign Economic Relations and Trade. The setup of internal organs shall be streamlined, with the aim of improving work efficiency;

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(2) the expenditures of the office shall be incorporated into the budget of the Ministry of Foreign Economic Relations and Trade;

(3) the daily life of the office staff shall be arranged with the assistance of the relevant departments of the local people's government.

VI. Work Style of the Special Commissioner and the Staff of the Office

The special commissioner and the staff of the office shall diligently study the Party's line, guidelines and policies, correctly implement the foreign economic and trade policies and the various provisions, and promote the development of foreign economic relations and trade; they shall strengthen investigation and research, humbly listen to the opinions of all parties, be practical and realistic, and strengthen the overall perspective; they shall be selfless and upright, work conscientiously, carry forward the Party's fine traditions, serve the people wholeheartedly, and do well all the work they undertake.

VII. Implementation

These Interim Regulations shall be implemented after approval by the State Council. Where supplementation or amendment is needed, it shall be proposed by the Ministry of Foreign Economic Relations and Trade and implemented after approval by the State Council.

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