



Administrative Measures On The Intermediary Affairs Of Overseas Organizations Introducing Foreign Cultural And Educational Experts.

CHAPTER I

GENERAL PROVISIONS

Article 1 These measures are formulated with the purpose of regulating the activities of the foreign intermediaries introducing foreign cultural and educational experts, in accordance with such regulations as the Provisional Measures on the Administration of the Overseas Organizations and Domestic Intermediaries Introducing Foreign Cultural and Educational Experts to Work in China issued by the State Administration of Foreign Experts Affairs in June 1993 and the Provisional Administrative Measures on Intermediaries Introducing Foreign Professional Personnel to Work in China issued in October 1995.

Article 2 These measures apply to the overseas organizations introducing foreign cultural and educational experts to work in China (Hereinafter referred to as overseas organizations).

The term overseas organizations refers to overseas non-governmental organizations, social groups and corporations.

The term foreign cultural and educational expert refers to a foreign professional who is engaged in such areas as education, scientific research, press, publishing, culture, arts, healthcare and sports in China.

CHAPTER II

REGISTRATION

Article 3 Any foreign organization that attempts to appoint cultural and educational experts to China must apply to the provincial foreign affairs office in a province (autonomy or municipality directly under the central government) for the handling of temporary registration procedures.

Article 4 The fundamental conditions for application for temporary registration are:

1) A corporate body;

2) Not a religious communion;

3) Possessing the ability of introducing cultural and educational experts

Article 5 The following documents shall be submitted when applying for temporary registration:

1) Filled Temporary Registration Form for Foreign Organizations that Appoint Foreign Cultural and Educational Experts.

2) Background materials of the foreign organization, including the basic information, the business scale, resume of the principal and the working and correspondence address.

Article 6 After receiving the application for temporary registration, the foreign affairs office of the provincial level shall submit it to the State Administration of Foreign Experts Affairs for review and approval. Where the temporary registration is approved, the foreign affairs office of the provincial level shall grant the Temporary Registration Certificate and issue the Confirmation Letter of Foreign Expert and the invitation letter (or telegram) to the expert appointed by the organization. While, in case the foreign organization is not registered or not granted for the temporary registration, the procedures for the appointed expert's entering China shall not be handled.

Article 7 Conditions for application for formal registration include:

1) Two years after the temporary registration, a formal registration application may be submitted to the foreign affairs office of the provincial level. After the preliminary examination, the foreign affairs office of the provincial level shall submit the application together with a evaluation report to the State Administration of Foreign Experts Affairs for review and approval.

2) In accordance with the conditions stipulated in Article 4 of this Measures.

Article 8 The documents mentioned below shall be submitted in course of application for formal registration:

1) Filled Temporary Registration Form for Foreign Organizations that Appoint Foreign Cultural and Educational Experts.

2) Capital credit certificate (copy) issued by financial institutions.

3) Opening of business document (copy) issued by related authority of its country or district.

4) Comprehensive report on the business development within the two years, including such information as the quantity, the quality, the compliance with laws and disciplines and the cooperation of the appointed experts.

Article 9 State Administration of Foreign Experts Affairs shall commonly reply to the application within 60 days after receipt. Where the registration is approved, the Registration Certificate of Foreign Organization Engaging in Introducing Foreign Expert to Work in China shall be issued.

Article 10 In case the foreign organization intends to set up permanent office in China, the application shall be submitted to State Administration of Foreign Experts Affairs. After being examined by the State Administration of Foreign Experts Affairs, it shall be submitted to Ministry of Civil Administration for approval.

Appointment of coordinator and part-time coordinator shall be reported to the State Administration of Foreign Experts Affairs.

CHAPTER III

RESPONSIBILITIES

Article 11 Both temporarily registered and formally registered foreign organizations shall develop their agent activities in the area stipulated in the Registration Certificate of Foreign Organization Engaging in Introducing Foreign Expert to Work in China.

Activities exceeding the stipulated area shall be reported to the State Administration of Foreign Experts Affairs for approval.

Article 12 Foreign organizations may appoint the foreign expert through Chinese agencies that possess the Qualification Certificate of Domestic Agencies issued by the State Administration of Foreign Experts Affairs Alternatively, they may directly appoint the expert to the institutions that hold the Qualification Certificate of Employing Institutions for Foreign Cultural and Educational Experts and notify the list of appointed experts and the host institutions to the foreign affairs office of the provincial level and the competent authority of the industry in favor of the handling of the related procedures for the experts entering China

Article 13 The foreign organizations shall train the appointed experts before they take their offices The training program shall include such contents as the situation, culture, law, custom and related business of China.

Article 14 The expert appointed by foreign

organizations shall enter into the standard employment contract uniformly made by the State Administration of Foreign Experts Affairs with the host institutions and definitely stipulate such issues as working assignment, salary and living treatment in the attachment of the contract.

Article 15 The expert appointed is duty under the contract signed with the subject to the operational direction of the host institutions.

Article 16 The expert appointed shall make sure that self is in good health and his age is generally below the age is more than 60, he shall be provided with medical insurance.

Article 17 Where the expert can not perform the contract health reason or is not fit for working in China for other reasons the foreign organization is liable for repatriating him and appointing another expert to succeed.

CHAPTER IV

ANNUAL REVIEW AND EVALUATION

Article 18 The foreign affairs office of the provincial level, the authority of the industry and the public security organ are the local supervising and administrative department of the foreign organizations. The foreign affairs office of the provincial level shall organize related authority and host institution to evaluate the business of the foreign organizations every year in regulatory period The result of evaluation shall be reported to the State Administration of Foreign Experts Affairs.

Article 19 Foreign organization that holds the Certificate of Temporary Registration and has passed the annual review shall be allowed to continue its business in China. While, those who did not pass the annual review shall be deprived of the Certificate of Temporary Registration by the foreign affairs office of the provincial level and be prohibited to carry on business in China until reapplication after two years. Foreign organization that holds the Registration Certificate and has passed the annual review shall be allowed to continue its business in China. While those who failed to pass the annual review shall be subject to corresponding penalty by the State Administration of Foreign Experts Affairs in accord with Article 22 of this Measures.

Article 20 The foreign organization shall submit the annual working summary report and Registration Certificate to the State Administration of Foreign Experts Affairs before the end of November every year. The summary report shall cover such matters as

the training method, content, number and list of the experts appointed, their host institutions and the opinions and suggestions on the administration of foreign experts.

CHAPTER V

ENCOURAGEMENT AND PUNISHMENT

Article 21 State Administration of Foreign Experts Affairs will grant spoken and written praise to the foreign organizations according to their contributions to China.

Article 22 Where the foreign organization violates relevant articles mentioned above, the State Administration of Foreign Experts Affairs shall impose such punishments as warning, suspension of registration and even cancellation of qualification according to the circumstances.

SUPPLEMENTARY PROVISIONS

Article 23 The interpretation of the Measures shall be subject to the State Administration of Foreign Experts Affairs.

Article 24 This Measures shall enter into force as of the date of promulgation.