

ORGANISATION MONDIALE DU COMMERCE

S/C/N/220
24 décembre 2002

(02-7100)

Conseil du commerce des services

Original: anglais

NOTIFICATION AU TITRE DE L'ARTICLE III:3 DE L'ACCORD GÉNÉRAL SUR LE COMMERCE DES SERVICES

La délégation de la République populaire de Chine a fait parvenir au Secrétariat la notification ci-après.

1. Membre adressant la notification:

République populaire de Chine

2. Notification au titre de:

Article III, paragraphe 3 de l'Accord général sur le commerce des services

3. Date d'entrée en vigueur/durée:

25 octobre 2000

4. Organisme responsable de la mise en œuvre et de l'application de la mesure:

Administration nationale pour la radio, le cinéma et la télévision
Ministère du commerce extérieur et de la coopération économique

5. Description complète de la mesure* indiquant les modes de fourniture visés, l'effet sur le commerce des services (par exemple restrictions/mesures de libéralisation) et l'incidence de la mesure sur les engagements énoncés dans la liste du Membre et dans sa liste d'exemptions de l'article II (NPF), le cas échéant:

Règlement provisoire sur les sociétés d'exploitation de salles de cinéma à participation étrangère

On trouvera ci-joint le texte intégral en anglais de ce règlement provisoire.¹ Seule la version en chinois fait foi, la traduction en anglais n'étant fournie qu'à titre de référence.

6. Membres spécifiquement affectés, le cas échéant:

Tous les Membres

7. Les textes peuvent être obtenus auprès de:

- | | | |
|---|---|-------------------------------------|
| - | Point d'information | <input checked="" type="checkbox"/> |
| - | Secrétariat de l'OMC | <input checked="" type="checkbox"/> |
| - | Autres sources (adresse, télécopie et téléphone d'un autre organisme) | <input type="checkbox"/> |

* Y compris les accords internationaux, les mesures de reconnaissance ou d'autres types.

¹ En anglais seulement.

Provisional Regulations Governing the Foreign Invested Movie Theater

(Issued by the State Administration of Radio, Film and Television Ministry Of Foreign Trade and Economic Co-operation Ministry of Culture on October 25, 2000)

Article 1 The Provisions are formulated on the basis of the Law of the People's Republic of China on Sino-Foreign Equity Joint Ventures, the Law of the People's Republic of China on Chinese Foreign Contractual Joint Ventures and Film Management Regulation, in order to meet the demands of reform and opening up, absorb foreign investment, import advanced technology and equipment and develop the Chinese film undertaking.

Article 2 The Provisions shall be applied to the establishment of Sino-foreign equity joint venture or Sino-foreign co-operative enterprise within the territory of China (hereinafter referred to as the foreign-invested movie theater) between foreign companies, enterprises and other economic organizations or individuals (hereinafter referred to as the foreign partners) and the Chinese companies and enterprises (hereinafter referred to as the Chinese partners), on the reciprocal basis and with approval of the Chinese government to build, renovate the movie theaters and be engaged in film business.

Article 3 The solely foreign-invested movie theater is not allowed.

Article 4 The foreign-invested movie theater shall fulfil the following conditions:

- (1) conform to the layout and planning of local cultural facilities;
- (2) have a registered capital of no less than RMB 10 million;
- (3) have a fixed place for business operation;
- (4) the joint equity or co-operative movie theater shall never take the name of overseas movie theater, TV stations (media), etc;
- (5) for the joint equity movie theater, the Chinese partners must invest no less than 51% of the registered capital; for Sino-foreign co-operative movie theater, the Chinese partners must take the leading position in the operation;
- (6) have a business term of no more than 30 years for joint equity or co-operative movie theater;
- (7) abide by the Chinese laws, regulations and relevant provisions;

Article 5 If the Chinese partner makes investment with state-owned assets (except the investment by cash), the invested state-owned assets must be appraised in accordance with the relevant regulations of China on management of state-owned assets and confirmed by a department in charge of state-owned asset management at the provincial level or above.

Article 6 The approval procedure for establishment of the foreign-invested movie theater:

- (1) The Chinese partner must submit an application and the following documents to local department of foreign trade and economic co-operation at the provincial level:
 - (a) the project proposal to establish the foreign-invested movie theater;
 - (b) certificate of the Chinese partner's legal person status, documents granting it the right to use the land to build a movie theater and the bank credit certificate;
 - (c) the documents indicating qualifications of the foreign partner, bank credit certificate and certificate of its financial status produced by an accounting firm;
 - (d) the notice by the industrial and commercial department preliminarily permitting the use of name for the foreign-invested movie theater;

- (e) the feasibility study report, contract and articles of association;
 - (f) other materials as required by laws, regulations and the authorities in charge of examination and approval.
- (2) With the consent of the provincial film administrative departments, the provincial department of foreign trade and economic co-operation should submit a report to MOFTEC. MOFTEC will carry out appraisal work on the basis of Chinese laws and regulations on foreign investment. After getting the consent of the State Administration of Radio, Film and Television and the Ministry of Culture, MOFTEC, will issue the Approval Certificate for Foreign-Invested Enterprise for those qualified foreign-invested movie theaters.
- (3) For the foreign-invested movie theater with the approval for establishment, registration should be made at the State Administration of Industry and Commerce within 1 month after the receipt of the Approval Certificate for Foreign-Invested Enterprise issued by MOFTEC.
- (4) After the construction or renovation of the foreign-invested movie theater is completed, and checked qualified by relevant department, the foreign-invested movie theater can apply for the Operation Permit for Movie Theater at the film administrative department in the provincial people's government with its Approval Certificate for Foreign-Invested Enterprise and the Business License.

Article 7 Article 6 will govern the procedure for the changes in holdings of shares and investment amount in the established foreign-invested movie theater.

Article 8 The foreign-invested movie theater shall abide by the Chinese laws and regulations and carry out business activities in accordance with the Film Management Regulation and subject itself to the supervision and management of the relevant Chinese authorities. The films shown in the movie theater should have the Film Permit by the radio, film and TV administrative department under the State Council. Showing smuggled or pirated film, and showing video, VCD or DVD for commercial purposes are prohibited.

Article 9 The foreign-invested movie theaters shall conform to pertinent state regulations if it intends to offer other entertainment services.

Article 10 Investors from HK SAR, Macao SAR and Taiwan Province investing in other provinces, autonomous regions, and municipalities of China for building and renovating movie theaters and operating film showing business shall refer to these Regulations.

Article 11 These regulations shall be effective as of the date of promulgation.
