

Provisional Measures Concerning the Management of Overseas Organizations and Domestic Intermediary Organizations Introducing Foreign Experts in the Cultural and Educational Fields to Work in China.

(Promulgated by the State Bureau of Foreign Experts on 15 June, 1993)

ARTICLE 1.

These Measures are formulated with a view to promoting international exchange activities in culture, education, science and technology; strengthening the management of overseas organizations and domestic intermediary organizations introducing foreign experts in the cultural and educational fields to work in China; and to guaranteeing their just rights. Foreign Experts in the Cultural and Educational Fields in these Measures refer to those overseas professionals engaged in the work of education, the media, publishing, culture, art, public health, and sports.

ARTICLE 2.

All those overseas organizations and domestic intermediary organizations, which introduce foreign experts in the cultural and educational fields to work in China should go through registration and qualification approval procedures.

ARTICLE 3.

The State Bureau of Foreign Experts (SBFE) of the Peoples Republic of China is the sole administrative department for the registration and qualification approval procedures. Overseas organizations should first apply to SBFE to go through the necessary registration procedures before they start their operation. Domestic intermediary organizations should apply to provincial foreign affairs offices to go through the qualification approval procedures before they start their operation. The foreign affairs offices will handle the qualification approval jointly with education committees and public security departments, and will, with the verification of the SBFE, issue the certificate of qualification approval. Those overseas organizations which have not gone through the registration procedures and those domestic intermediary organizations which have not gone through the qualification approval procedures are not allowed to start their operation.

ARTICLE 4.

Those foreign experts who are self recommended, those applicants who are introduced by other individuals, and those who have finished their contracts in China but wish to change to other units should go through application procedures via domestic intermediary organizations which have obtained the certificates of qualification approval in China. The recruiting institutions are not allowed to employ the above-mentioned personnel directly.

ARTICLE 5.

Overseas organizations should provide the following documents and materials in order to apply for the registration of foreign experts they have introduced in the cultural and educational fields to work in China:

- 1) Applications signed by the head of the organization and materials about the organization (including general information, office address, business scope etc.);
- 2) Permission documents (copy) issued by the relevant authorities in the Country (region) where the organization is from;
- 3) Capital credit certifications (copy) issued by the financial institutions with which the organization has business activities;
- 4) Other documents and materials required by SBFE.

ARTICLE 6.

Overseas organizations and domestic intermediary organizations should have the following qualifications:

- 1) They should be able to recruit foreign cultural and educational experts according to item 7 of these Measures to the requirements of the host institutions and arrange instruction, training and dispatch procedures for them before they come to China;
- 2) They should be able to provide timely replacements of the unqualified personnel they have posted to work in China or compensate for the losses caused therein;
- 3) Their agreements signed with relevant departments, units, and organizations should not violate Chinese laws and decrees, and should not infringe upon China's social and public interests.

ARTICLE 7

Foreign experts in the cultural and educational fields introduced to work in China

Should have the following qualifications:

- 1) They should hold a friendly attitude towards China;
- 2) They should observe Chinese laws and decrees;
- 3) They should observe the host institution's work system and regulations concerning the management of foreign experts, accept the host institutions work arrangements, professional instruction, and examinations;

- 4) They should respect China's religious policies and should not conduct activities incompatible with the expert's status;
- 5) They should respect Chinese people's moral standards, customs and habits;
- 6) They should be in good health (those who stay in China more than one year should provide their own and any dependents health certificates which should have been issued within six months prior to their departure for China);
- 7) They should not have unhealthy habits or behaviours (such as drug taking, excessive drinking, etc.);
- 8) Foreign experts in the cultural and educational fields should sign with the host institution the standard contract formulated by SBFEE in order to define the obligations and rights of the two sides. If the expert is sent by an organization, the provisions about living arrangements in the contract should be in accordance with the agreement signed between the organization and the Chinese side.

ARTICLE 8.

To establish a resident office in China for their operations, overseas organizations should apply to SBFEE and, with verification and approval, go through registration procedures for the resident office at the local administration for Industry and Commerce authorized by the State Administration for Industry and Commerce according to the Interim Provisions on the Administration of Resident Offices of Foreign Enterprises by the State Council of the People's Republic of China and according to the Measures and for Administration of Registration of Resident Offices of Foreign Enterprises by the State Administration for Industry and Commerce.

ARTICLE 9.

Domestic intermediary organizations of a profit making nature, after obtaining the certificate of qualification approval should go through the registration procedures at the local administration for industry and commerce.

ARTICLE 10.

SBFEE conducts professional instruction and supervision of the overseas organizations and domestic intermediary organizations through professional evaluation and annual examination and registration. For the annual examination and registration overseas organizations and domestic intermediary organizations should hand in their annual operation activity reports to SBFEE.

ARTICLE 11.

SBFEE will give due warning and critical advice to those overseas organizations and domestic intermediary organizations which do not accept professional supervision and examination will order them to suspend their operation and rectify their work and even

to stop their operation. Those overseas organizations and domestic intermediary organizations which violate the laws and decrees of China will be dealt with by the departments concerned according to the law.

ARTICLE 12.

Organizations sending foreign experts in the cultural and educational fields to work in China through inter-government, friendship cities, inter-school exchanges and other channels will come under the management of the signatories of the agreements and should report to the SBFE for the record.

ARTICLE 13.

SBFE starts to handle applications for registration for overseas organizations, and provincial foreign affairs offices start to handle applications for qualification approval for domestic intermediary organizations from the date upon which these Measures are issued.

ARTICLE 14.

The right to interpret these Measures resides in SBFE.

ARTICLE 15.

These measures come into force on October 1, 1993.