

The establishment of catering enterprise with foreign investment

According to relevant regulations, foreign investors are allowed to establish catering enterprises in China in the form of Chinese-Foreign contractual joint venture or Chinese-Foreign equity joint venture. Chinese and foreign investors who engage in the chain operation and franchise operation through direct investment shall apply for examination to Shanghai Foreign Investment Committee.

The procedures for examination and approval:

I. Chinese investors or authorized representatives of the foreign investor should apply to industrial and commercial administrations for the registration of pre-approval of enterprise name and get the pre-approval notification..

II. The Chinese investor should submit the following materials to the foreign economic relation and trade commission of the district in the region of the foreign-invested enterprises to be established:

1. Application form for the establishment of catering enterprise with foreign investment
2. The feasibility study of the project made through the cooperation of all the investors (substitute for the project proposal)
3. Bank certificate of credibility, registration certificate(copy) and certificate of the legal representative(copy)
4. (If the Chinese joint venture is investing the project with state-owned asset) The confirmation of the evaluation report of the planned investment issued by the state-owned asset administrative organizations
5. The contract and articles of association signed by legal representative of the investors (Enterprises with 100% foreign investment only have to submit the articles of association)
6. The list of the board members of the enterprise to be established and the letters of appointment of the board members by all the joint ventures
7. Approval notification of the name of the enterprise to be established
8. The certificate of the place of registration and the business location
9. Other related documents and materials

The original documents should be submitted unless there is a note showing the requirement for copies. If the documents are not signed by legal representatives, the power of attorney of legal representative should be submitted.

III. The foreign economic relation and trade commission of district or county level directly give approval to those qualified projects with total investment of less than \$10 million and then issue the Certificate of Approval for the Establishment of Enterprise with Foreign Investment. For those projects with total investment more than \$10 million (including \$10 million), the foreign economic relation and trade commission of district or county level should conduct the pre-approval and then submit the application to Shanghai Foreign Investment Committee for final approval. Those who complying with conditions shall be given the Certificate of Approval for the Establishment of Enterprise with Foreign Investment.

IV. The applier should go the formalities of industrial and commercial registration and get the business license within 30 days after the issuance of the certificate and then go the formalities for registration of hygienic license sanitation license.

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