

The establishment of construction project design enterprise with foreign investment

According to Regulations on Administration of Foreign-Invested Construction and Engineering Design Enterprises, foreign investors and service suppliers are permitted to establish construction project design enterprise with Chinese enterprises or other organizations in the form of Chinese-Foreign contractual joint venture or Chinese-Foreign equity joint venture with the Chinese investment accounting for no less than 25% of the registered capital. The time for acceptance of application of establishment is decided by the Ministry of Construction and the Ministry of Commerce. Foreign investors and service suppliers shall be the enterprises engaging in construction project design in their countries or registered architect & registered engineer.

Procedures for examination and approval for establishing a construction project design enterprise with foreign investment are as follows:

The application and examination & approval for establishing a construction project design enterprise with foreign investment shall follow the classified management in accordance with levels.

I. The applier should apply to industrial and commercial administrations for the registration of pre-approval of enterprise name and get the pre-approval notification..

II. Then the applier should submit the following documents for application to Shanghai Foreign Investment Committee:

1. Application form for the establishment of construction project design enterprise with foreign investment signed by legal representatives;
2. Feasibility study report made by the investors
3. 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)
4. Approval notification of the name of the company to be established;
5. The registration certificate of construction project design and bank certificate of credibility of the foreign investor by the government of their country and region;
6. The letters of appointment, by all the joint venturers, of the chairman of the board, the board members, the CEO, the director of engineering technique;
7. The balance sheet and P & L of the recent 3 years of all the joint venturers audited by certified public accountants or accounting firms;

The investors of the construction project design enterprise to be established should submit the following documents to Construction Administrative department for qualification declaration:

1. The certificate of the qualification of the enterprise in construction project design;
2. Approval Certificate of Foreign-Invested Enterprises and the Business License of the enterprise legal person;
3. The registration certificate of construction project design and bank certificate of credibility of the foreign investor by the government of their country and region;
4. The certificate, issued by governmental department, industrial association or society, or public notarization authorities, about the experience and achievement in the line of urban planning by the

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foreign investor;

5. Other documents required by the qualification approval department of construction project design;

All the materials should be written in Chinese. If the certificates are written in foreign languages, translated Chinese version should be submitted.

For foreign-funded construction project design enterprises having qualification of Class A, or other project design enterprises having qualification of Class A or B, Shanghai Foreign Investment Committee shall preliminary examine and approve the materials for application, and then submit the materials checked to national ministry of commerce. The Ministry of Commerce shall, within 10 days from the date of receiving the materials of preliminary examination, submit the materials to the Ministry of Construction for soliciting opinions. The Ministry of Commerce shall issue the written decision concerning the approval within 30 days from receiving the written opinions from the Ministry of Construction. The Certificate of Approval for the Establishment of Enterprise with Foreign Investment shall be issued to the approved enterprise.

For foreign-funded construction project design enterprises having qualification of Class B, or other project design enterprises having qualification of Class C and classes lower, Shanghai Foreign Investment Committee shall conduct the pre-approval and then submit the materials to Shanghai Administrative Office of Construction for soliciting opinions, and Shanghai Administrative Office of Construction shall give written opinions within 30 days from receiving the documents. Shanghai Foreign Investment Committee shall issue written decision within 30 days from receiving the written opinion. The Certificate of Approval for the Establishment of Enterprise with Foreign Investment shall be issued to the approved enterprise.

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.

For the application of the qualification declaration of construction project design enterprise, the applier shall submit relevant materials to the administration in charge of construction industry, after the issuance the business license.

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