

Decree No. 9 of Ministry of Commerce (Temporary) Measures on Putting on Record of International Cargo Transportation Agent Enterprises

Article 1 For the purposes of improving the management of international cargo transportation agent trade, these measures are formulated in accordance with relevant provisions of Foreign Trade Law of the People's Republic of China (hereinafter referred to as "Foreign Trade Law" and Management Measures on International Cargo Agent Transportation Trade of the People's Republic of China.

Article 2 All international cargo transportation agent enterprises and their branches registered by state industrial and commercial administration in accordance with laws (hereinafter referred to as "international cargo agent enterprises") should put on record in Ministry of Commerce or the organs authorized by Ministry of Commerce.

Article 3 Ministry of Commerce is the competent administration of handling the record formalities for international cargo enterprises.

Article 4 Putting on record for international cargo agent enterprises is carried out in form of possession management through network.

Ministry of Commerce authorizes local competent commercial administrations (hereinafter referred to as "record organs") to be responsible for putting on record for local international cargo agent enterprises. The authorized record organs must not authorize other organs to putting on record without permission.

Record organs must have fixed office places, full-time personals of management, type, technical support and maintenance and relevant equipments of information management system linking international cargo agent enterprises (hereinafter referred to as "information management system") .

As for the record organs that meet with the requirements, Ministry of Commerce may write a letter of authorization to them, distribute the seal for record made uniformly under the supervision of Ministry of Commerce, and make a publication of the record organs. Record organs put on record through information management system by the written letter of authorization and record seal of Ministry of Commerce. As for the record organs that some changes have taken place, do not meet above requirements and do not put on record in accordance with the provisions of Article 6 and 7 of these Measures, Ministry of Commerce may recall its authorization to them.

Article 5 International cargo agent enterprises handle record formalities in local record organs (the provinces that have cities specifically designated in the state plane still manage it in the range of province and city specifically designated in the state plan) .

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Record formalities for international cargo enterprises are as follows:

1. Obtain Record Form of International Cargo Agent Enterprises (hereinafter referred to as "Record Form"). International cargo agent enterprises may download it through the government network of Ministry of Commerce (<http://www.mofcom.gov.cn>) or get it in local record organs (the pattern is attached to these Measures).
2. Fill in Record Form. International cargo agent enterprises should fill in the information carefully in accordance with the requirements of Record Form and ensure the filled information completed, correct and true. At the same time, read carefully the provisions on the reverse side of Record Form, sign and seal by legal representative.
3. Submit following materials for the record to record organs:
 - (1) The Record Form filled in accordance with the requirements of Article 2 of these Measures;
 - (2) Copy of business license;
 - (3) Copy of organization code;

Article 6 Record organs should handle the formalities of putting on record and affix a seal to the Record Form within 5 days at the receipt of above materials submitted by international cargo agent enterprises.

Article 7 Record organs should record and keep completely and correctly the information materials of international cargo agent enterprises for the record at the same time when they finish the record formalities.

Article 8 International cargo agent enterprises should handle relevant formalities needed by international cargo agent business in relevant administration by the Record Form with a seal for the record. Whoever is engaged in relevant business should register in relevant competent administration if it needs to do so in accordance with the provisions of relevant laws, administrative regulations.

Article 9 If there is any change of the information in Record Form, international cargo agent enterprises should go through the formalities for the changes within 30 days according to relevant provisions of Article 5 of these Measures. Whoever does not handle the formalities for changes, his Record Form should lose efficacy automatically.

Record organs should handle the formalities for changes at the receipt of the written materials submitted by international cargo agent enterprises.

Article 10 International cargo agent enterprises should submit relevant documents and materials relating to their business activities to Ministry of Commerce or its authorized agencies (organs) in accordance with Management Rules of International Cargo Agent Trade of the People's

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Republic of China. Ministry of Commerce and its authorized agencies (organs) should keep business confidential for the enterprises that provide the materials.

Article 11 To the international cargo agent enterprise that has handled cancellation formalities or whose business license has been revoked, Record Form loses efficacy as of the day of cancellation or revoking.

Article 12 Record organs should report relevant information to the administrations of the customs, inspection and quarantine, foreign exchange, taxation and etc.....

Article 13 International cargo agent enterprises must not fake, tamper, alter, rent out, lend, transfer and sell Record Form.

Article 14 Record organs must not collect payment in disguised form while handling the formalities of record or changes for the record.

Article 15 The enterprises engaged in cargo agent business approved before should put on record in accordance with these measures.

Article 16 Foreign invested international cargo agent enterprises should go through the formalities in accordance with Management Measures on Foreign Invested International Cargo Transportation Agent Enterprises.

Article 17 International cargo agent trade association should cooperate with competent government administration to put on record for the enterprises and play fully the role of coordination of trade association and enhance trade self-discipline.

Article 18 The interpretation of these Measures should be vested in Ministry of Commerce.

Article 19 The said Measures should come into effect as of April 1, 2005. All regulations that do not accord with these Measures should be abolished as of the implementation day of these Measures.

Appendix: Record Form (Pattern) of International Cargo Agent Enterprises
March 7,2005

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