盈科律师事务所
YINGKE LAW FIRM

The Allen Wang Team – Entertainment Laws Database

Sino-Foreign Film Co-Production Administrative Rules
中外合作摄制电影片管理规定

Issuing Authority:	State Administration of Radio Film and Television
PRC Reference:	Order No. 31 of the State Administration of Radio Film and Television
Issue Date:	July 6, 2004
Effective Date:	August 10, 2004

The *Sino-Foreign Film Co-Production Administrative Rules*, which have been adopted at the administrative meeting of the State Administration of Radio, Film and Television on June 15, 2004, are hereby issued and shall become effective as of August 10, 2004.
Director Xu Guangchun
July 6, 2004

《中外合作摄制电影片管理规定》经2004年6月15日局务会议通过，现予发布，自2004年8月10日起施行。
局长 徐光春
二00四年七月六日

Article 1 The following Provisions are prepared in agreement with the *Film Administrative Regulations* to improve film creation and production, safeguard the lawful rights and interest of the producers and relevant persons involved in Sino-foreign produced films, and to facilitate the film exchange between foreign countries and China.

第一条 为繁荣电影创作生产,维护中外合作摄制电影片的制片者及相关人员的合法权益,促进中外电影交流,根据《电影管理条例》,制定本规定。

Article 2 Under the present Provisions, a Sino-foreign co-produced film shall mean a film co-produced in or outside China by way of Joint Co-production, Assisted Co-production, or Commissioned Co-production by a domestic film producer ("Chinese Party") who has obtained a Permit for Film Production or a Permit for Film Production (on a Per Project Basis) and a foreign film producer ("Foreign Party").

第二条 本规定所称中外合作摄制电影片,是指依法取得《摄制电影许可证》或《摄制电影片许可证(单片)》的境内电影制片者(以下简称中方)与境外电影制片者(以下简称外方)在中国境内外联合摄制、协 作摄制、委托摄制电影片。

Article 3 These Provisions apply to all types of motion pictures (including motion pictures in cine film media, digital motion pictures, and television movies, etc.) co-produced by the Chinese and foreign film producers in or outside of China.

第三条 本规定适用于中外电影制片者在中国境内外合作摄制的故事片、美术片、科教片、纪录片、专题片等电影片(含胶片电影、数字电影、电视电影等)。

Article 4 The State Administration of Radio, Film and Television ("SARFT") is responsible for the administration of Sino-foreign co-production of films.

第四条 国家广播电影电视总局(以下简称广电总局)负责中外合作摄制电影的管理工作。

Article 5 Sino-foreign co-production of films includes the following forms:
(1) Joint Co-production: both the Chinese and Foreign Parties jointly shoot the film and invest in the production of the film

第五条 中外合作摄制电影片包括下列形式:
(一)联合摄制,即由中外双方共同投资(含资金、劳务或实物)、共同摄制、

through funding, human resources, labor, or other. Both parties share all risk and benefits of the film;
(2) Assisted Co-production: a form of production with funds provided by the foreign party, the film is shot in China, and the equipment, apparatus, site, human resources, etc. provided, on compensation basis, by the Chinese Party;
(3) Commissioned Co-production: a form of production with the film produced in China by the Chinese Party for the Foreign Party through commission.

共同分享利益及共同承担风险的摄制形式;
(二)协作摄制,即外方出资,在中国境内拍摄,中方有偿提供设备、器材、场地、劳务等予以协助的摄制形式;
(三)委托摄制,即外方委托中方在中国境内代为摄制的摄制形式。

Article 6 Sino-foreign co-production of films are subject to the following principles:
(1) It shall comply with the Constitution, laws and regulations and relevant provisions of China ;
(2) It shall respect the Customs, religions, beliefs, and living habits of different Chinese nationalities;
(3) It shall advance and enrich the excellence of indigenous cultures of the Chinese nations;
(4) It shall benefit the economic, cultural, ideological and moral development, and social stability of China;
(5) It shall benefit the exchange of Chinese and foreign films;
(6) It shall not harm the interests of any third country.

第六条 中外合作摄制电影片应当遵循以下原则:
(一)符合中国宪法 、法律、法规及有关规定;
(二)尊重中国各民族的风俗、宗教、信仰和生活习惯;
(三)有利于弘扬中华民族的优秀文化传统;
(四)有利于中国的经济建设、文化建设、思想道德建设和社会安定;
(五)有利于中外电影交流;
(六)不得损害第三国的利益。

Article 7 A licensing system is applied to Sino-foreign co-production of films by the State.

No entity or individual shall co-produce films with any foreign cooperation or entity in China without obtaining a Permit for Sino-foreign Co-production of Films or the approval document first. Without approval, no foreign cooperation or entity shall independently produce films in China.

第七条 国家对中外合作摄制电影片实行许可制度。

境内任何单位或个人未取得《中外合作摄制电影片许可证》或批准文件,不得与境外单位或个人合作摄制电影片。未经批准,境外单位或个人不得在中国境内独立摄制电影片。

Article 8 Sino-foreign co-production of films applicants shall satisfy the following conditions:
(1) The applicant shall be a Permit for Film Production or a Permit for Film Production holding Chinese production organization (on a Per Project Basis) (including any Sino-foreign equity joint venture film production company that is approved to be registered in China);
(2) Neither the Chinese party nor the Foreign Party shall be subject to the penalty that renders the film production ceased due to violation of the Film Administrative Regulations.

第八条 申请中外合作摄制电影片应当具备下列条件:
(一)持有《摄制电影许可证》或《摄制电影片许可证(单片)》的中方制片单位(含在境内批准注册的中外合资电影制片公司,下同);
(二)中外合作双方均不在因违反《电影管理条例 》而停止摄制电影片的处罚期内。

Article 9 Sino-foreign co-production of a film applicants shall submit the following documents to the SARFT:
(1) the Chinese producer's application for initiating the project of producing the film;
(2) the copies of the Chinese producer's Film Production License (License for Producing Film (Single Film)) and of the business

第九条 申请中外合作摄制电影片应当向广电总局提供下列材料:
(一)中方制片单位的摄制立项申请;
(二)中方制片单位的《摄制电影许可证》(《摄制电影片许可证(单片)》)及营业执照复印件;

license;
(3) the film's scenario (in normative Chinese characters) in triplicate;
(4) the certificate of creditworthiness of the foreign party and the conditions of the film to be produced cooperatively thereof;
(5) the letter of intent of cooperation or agreement between and by Chinese and foreign parties whose contents shall clarify the investment ratio of both cooperative parties, the ratio of Chinese and foreign main creative talent, the place where processing and post-production of films and working-print/rushes and whether the film is to participate in a Chinese or foreign films festival (exhibition) etc.; and
(6) the brief biographies/introductions of the creative talent.

(三)电影文学剧本(规范汉字)一式三份;
(四)外方的资信证明和合拍影片情况;
(五)中外双方合作意向书或协议书,主要内容应明确:合作各方投资比例、中外主创人员比例、底样片
冲洗及后期制作地点、是否参加国内外电影节(展)等;
(六)主创人员简介。

Article 10 The procedure for application, report, examination, and approval for project establishment in respect of Sino-foreign co-production of films are as follows:
(1) The Chinese production organization submits an application with the SARFT;
(2) The SARFT accepts the written application submitted by the applicant within the time limit stipulated in the Administrative Licensing Law;
(3), Within 20 working days of acceptance of an application, SARFT shall make a decision on whether or not to approve the project establishment. Where the screenplay must be reviewed and assessed by experts, the SARFT shall notify the applicant in writing and shall be completed within 20 working days;
(4) Where the applicant meets the requirements for Joint Co-production, a *Permit for Sino-foreign Co-production of Films* for one project shall be issued. Where the applicant meets the requirements for Assisted Co-production or commission, an approval document shall be issued thereto. In the case of disapproval, the reasons shall be stated in writing.

第十条 中外合作摄制电影片立项申报审批程序:
(一)中方制片单位向广电总局提出申请;
(二)广电总局按照《行政许可法 》的规定期限受理申请单位提出的书面申请;
(三)决定受理的,广电总局应当在二十个工作日内作出批准或不批准立项的决定。电影剧本须经专家
评审的,应书面告知申请单位,其评审时间应在二十个工作日内完成;
(四) 符合联合摄制条件的,发给一次性《中外合作摄制电影片许可证》;符合协作摄制、委托摄制条件 的,发给批准文件。不批准的,应当书面说明理由。

Article 11 After obtaining a *Permit for Sino-foreign Co-production of Films* or the approval document, both the Chinese and Foreign parties shall enter into a contract based on the contents of the approved project establishment.

第十一条 取得《中外合作摄制电影片许可证》或批准文件后,中外双方应根据批准立项的内容签订
合同。

Article 12 A *Permit for Sino-foreign Co-production of Films* shall be valid for two years.

第十二条 《中外合作摄制电影片许可证》有效期为两年。

Article 13 Any employment of main cast and crew from a foreign country, shall be reported to the SARFT for approval, and the ratio of foreign main actors/actresses shall not exceed two thirds of the total of main actors/actresses.

第十三条 联合摄制中需聘用境外主创人员的,应当报广电总局批准,且外方主要演员比例不得超过主
要演员总数的三分之二。

Article 14 A Sino-foreign jointly produced film shall be made in Mandarin version, and its subtitles must be in standard Chinese characters. When required by the distribution of the film, it may also be made in a language of the relevant country, region, or

第十四条 联合摄制的电影片,应当制作普通话语言版本,其字幕须使用规范汉字。根据影片发行的需

ethnic minority group.

要,允许以普通话版本为标准,制作相应国家、地区、少数民族的语言文字版本。

Article 15 Any Sino-foreign co-produced film shall, after the local provincial radio and film administrative department has presented its preliminary censorship opinion, be submitted to the Film Censorship Committee under the SARFT for censorship. If any film producer affiliated to a central or state authority or any entity holding the Film Production License (single film) has filed an application for initiating the project of a film and has produced the film, the film shall be submitted directly to the Films Examination Committee under the SARFT for examination.

第十五条 中外合作摄制完成的电影片,经当地省级广播影视行政部门提出初审意见后,报广电总局电 影审查委员会审查;中央和国家机关所属电影制片单位和持有《摄制电影片许可证(单片)》的单位申请立 项并摄制完成的电影片,直接报广电总局电影审查委员会审查。

Article 16 A jointly produced film may be distributed and publicly projected in and outside China once the film successfully passes censorship and the issuance of a Film Public Projection Permit by the SARFT.

第十六条 联合摄制的电影片,经审查合格,取得广电总局颁发的《电影片公映许可证》后,方可在中国境内外发行公映。

In respect to a film co-produced through synergy or commission, if it has passed censorship, formalities for its exit from China shall be completed, with the SARFT's approval document presented.

协作摄制、委托摄制的电影片,经审查合格的,可持广电总局的批准文件办理出境手续。

Article 17 If both the Chinese and Foreign Parties need to alter the film for which the Film Public Projection Permit has been issued, such changes shall be reported to the SARFT for review and approval.

第十七条 中外双方如需更改已经取得《电影片公映许可证》的电影片,应当报广电总局审批。

Article 18 The development and post-production of the negative and working-print/rushes of a Sino-foreign jointly produced film shall be completed in China. If such works are to be completed outside China due to special requirements, an application shall be filed with the SARFT for approval.

第十八条 中外合作摄制的电影底片、样片的冲印及后期制作,应在中国境内完成。因特殊需要在境外完成的,应报广电总局批准。

Materials of the negatives and working-print/rushes remaining after editing shall be temporarily kept by the Chinese party, and may only be permitted to exit from China after the film has been publicly projected outside China for six months.

剪余的底样片素材暂由中方保存,影片在境外公映半年之后方可出境。

Article 19 If there is a need for a jointly produced film to participate in a film festival (exhibition) in or outside China, such participation shall be reported, in accordance with the provisions on participating in film festivals (exhibitions) in or outside China, to the SARFT.

第十九条 联合摄制的电影片,需参加中外电影节(展)的,应按照举办、参加中外电影节(展)的有关规定报广电总局备案。

Article 20 The foreign party's employment in China of cast and crew and service staff for the film concerned shall be carried out through the Chinese Party, with properly executed contracts with the employees in accordance with the laws and regulations of China.

第二十条 外方应通过中方在中国内地聘用电影创作及劳务人员,并依据中国法律、法规与应聘者签订合同。

Article 21 Penalties, according to the relevant provisions of the *Film Administrative Regulations* shall be given to those who violate these Provisions

第二十一条 对违反本规定的行为,依据《电影管理条例》的有关规定处罚。

Article 22 These Provisions shall be applicable to the films co-produced in China with film producers from Hong Kong or Macau Special Administrative Region or the Taiwan Region.

第二十二条 本规定适用于香港、澳门特别行政区及台湾地区的电影制片者在境内合作摄制电影。

Article 23 These Provisions shall come into effect as of 10 August 2004. The *Administrative Provisions on Sino-Foreign Co-Production of Films* (Decree No. 19 of the former Ministry of Radio, Film and Television) shall be invalidated simultaneously.

第二十三条 本规定自2004年8月10日起施行。广电总局《中外合作摄制电影片管理规定》(广电总局令第 19 号)同时废止。