

China:

Información aportada por la Sección Económica y Comercial de la Embajada Argentina en China

Fecha: 19.09.2012

Adjuntamos la reglamentación de los países que fue aportada por la Embajada correspondiente. Dado que en muchos casos el texto de la ley no es específico aconsejamos leer el que figura para Alemania, pues si bien este solo rige para los 27 países que forman la UE el conocimiento de su texto ayuda a conocer los aspectos a tener en cuenta al firmar un contrato con un agente o representante.

De todas maneras puede también comunicarse con la embajada correspondiente solicitando mayor información.

Decree of the State Council of the People's Republic of China

No. 584

The Regulations on Administration of Registration of Resident Offices of Foreign Enterprises, which was adopted at the 132nd executive meeting of the State Council on November 10, 2010, is hereby promulgated and shall enter into effect as of March 1, 2011.

Premier Wen Jiabao

November 19, 2010

Regulations on Administration of Registration of Resident Offices of Foreign Enterprises

Chapter I General Provisions

Article 1 The regulations shall be formulated for the purpose of regulating the establishment and business activities of resident offices of foreign enterprises.

Article 2 Resident offices of foreign enterprise in the regulations (hereinafter referred to as representative office) refers to the working bodies established by foreign enterprises in accordance with the Regulations within China engaging in non-profit programs related to their own business and does not possess the status of a legal person.

Article 3 Representative offices should abide by Chinese laws and shall not impair the state security and public interests of China.

Article 4 Establishment, alteration and termination of a representative office should go through registration pursuant to the regulations.

A foreign enterprise shall take responsible for the authenticity of application documents and materials while applying for the registration of its representative office.

Article 5 The State Administration for Industry and Commerce (SAIC) and its authorized local administrations for industry and commerce shall be the authorities in charge of registration and administration of representative offices (hereinafter referred to as registration authority).

Registration authorities should establish the information sharing mechanism with other related departments to mutually offer the information concerning representative offices.

Article 6 A representative office should submit the annual report to the registration authority from March 1 to June 30 every year, with the contents including valid existence of the foreign enterprise, business performance of the representative office, expenditures for the auditing of the accounting firm and other related matters.