

Regulations on the Administration of Movies

Full text

Chapter I General Provisions

Article 1

These Regulations are enacted in order to strengthen the administration of the movie industry, promote the movie industry, meet the people's needs in their cultural lives, and promote the construction of the socialist material and spiritual civilization.

Article 2

These Regulations shall apply to such activities as the production, import, export, distribution and projection, etc. of the movies within the territory of the People's Republic of China, including feature movies, documentary movies, science and education movies, cartoons, and special topic movies.

Article 3

People engaged in the activities of production, import, export, distribution and projection, etc. of movies shall abide by the Constitution and relevant laws and regulations, and shall adhere to the orientation of serving the people and serving socialism.

Article 4

The administrative department for radio, movies and television under the State Council shall be in charge of the movie affairs nationwide.

The administrative department for movies under the local people's government at the county level or above shall be responsible for the administration of movies within its own jurisdiction in accordance with these Regulations.

Article 5

The State shall apply a licensing system with respect to the production, import, export, distribution, and projection of movies and public projection of movies. No unit or individual shall, without permission, be engaged in the activities of production, import, distribution or projection of movies, or import, export, distribute or project the movies for which the license has not been obtained.

The licenses or approval documents distributed in accordance with these Regulations shall not be leased, lent, sold, or transferred in any other form.

Article 6

A national social organization in movie industry shall, in accordance with its articles of association, practice self-disciplined management under the direction of the administrative department for radio, movie and television under the State Council.

Article 7

The State rewards the units and individuals who make prominent contributions to the development of the movie industry.

Chapter II Production of Movies

Article 8

In order to establish a movie production unit, the applicant shall meet the following conditions:

- (1) Having the name and articles of association of the movie production unit;
- (2) Having the controlling unit and the competent organ which is recognized by the administrative department for radio, movie and television under the State Council;
- (3) Having a well-defined scope of business;
- (4) Having an organization adapted to the needs of its scope of business and a staff of professionals;
- (5) Having funds, premises and equipments adapted to the needs of its scope of business;
- (6) Other conditions provided for in laws and administrative regulations.

The approval on the establishment of a movie production unit shall not only be in accordance with the conditions enumerated in the preceding paragraph, but also conforming to the programming enacted by the administrative department for radio, movie and television under the State Council on the total number, distribution and structure of the movie production units.

Article 9

The application for the establishment of a movie production unit shall be examined and consented to by the administrative department for movie under the people's government of the province, autonomous region or municipality directly under the Central Government where the applicant is located before submitted to the administrative department for radio, movie and television under the State Council for examination and approval.

The application shall clearly state the followings:

- (1) The name, address and economic nature of the movie production unit;
- (2) The name, address and nature of the controlling unit and the competent organ of the movie production unit;
- (3) The name, address and qualification certifying documents of the legal representative of the movie production unit;
- (4) The sources and amount of funds of the movie production unit.

Article 10

The administrative department for radio, movie and television under the State Council shall, within 90 days of receipt of the application for the establishment of a movie production unit, make a decision on approval or disapproval of the application and shall notify the applicant. If the application is approved, a "License for Producing Movies" shall be issued by the administrative department for radio, movie and television under the State Council to the applicant, who shall go through the registration formalities and obtain the business license in accordance with the law in the administrative department for industry and commerce under the State Council with the "License for Producing Movies"; if the application is not approved, the reason thereof shall be stated.

Article 11

A movie production unit shall enjoy the civil rights and bear the civil liabilities in accordance with laws with the total property it owns.

Article 12

Where a movie production unit is to be modified or terminated, it shall report to the administrative department for radio, movie and television under the State Council for approval, and shall go through the modification registration or cancellation registration in accordance with the law in the administrative department for industry and commerce that handled the original registration.

Article 13

A movie production unit may be engaged in the following activities:

- (1) Producing movies;
- (2) Making duplicates of the movies it produces, in accordance with the relevant provisions of the State;
- (3) Distributing all through the country the movies it produces and permitted for public projection as well as the duplicates of such movies, in accordance with the relevant provisions of the State;
- (4) Exporting the movies it produces and the duplicates of such movies that have been permitted for public projection in accordance with the relevant provisions of the State.

Article 14

Movie production units shall establish and improve management systems and guarantee the quality of movies.

Article 15

A movie production unit shall have the copyright in accordance with laws over the movies it has produced.

Article 16

A unit other than movie production units which intends to be independently engaged in the business of

producing movies shall report to the administrative department for radio, movie and television under the State Council for approval, and shall go through the corresponding registration formalities in the administrative department for industry and commerce with the approval documents.

A unit, other than movie production units, that is approved to produce movies shall obtain a one-off "License for Producing A Movie" in advance from the administrative department for radio, movie and television under the State Council, and shall enjoy rights and bear obligations with reference to a movie production unit. The specific measures shall be decided by the administrative department for radio, movie and television under the State Council.

Article 17

The State encourages enterprises, public institutions and other social organizations as well as individuals to participate in the production of movies in the forms of financial aid and investment. The specific measures shall be decided by the administrative department for radio, movie and television under the State Council.

Article 18

A movie production unit may, upon approval by the administrative department for radio, movie and television under the State Council, cooperate with an overseas movie producer to produce movies; no other unit or individual shall cooperate with an overseas movie producer to produce movies.

A movie production unit and a unit holding the "License for Producing A Movie" may, upon approval by the administrative department for radio, movie and television under the State Council, be engaged in the activity of producing movies outside the territory of China.

No overseas organization or individual may be independently engaged in the activity of producing movies inside the territory of the People's Republic of China.

Article 19

With respect to the production of movies through Sino-foreign cooperation, the Chinese cooperator shall propose an application for project initiation in advance to the administrative department for radio, movie and television under the State Council. The administrative department for radio, movie and television under the State Council shall, after soliciting opinions from the relevant departments, issue a one-off "License for Producing Movies through Sino-foreign Cooperation" to the applicant who is examined to be qualified. The applicant shall, after obtaining the "License for Producing Movies through Sino-foreign Cooperation", conclude a contract on the production of movies through Sino-foreign cooperation in accordance with the provisions of the administrative department for radio, movie and television under the State Council.

Article 20

Where any equipment, apparatus, movie or artifact needs to be imported for the production of a movie through Sino-foreign cooperation, the Chinese cooperator shall go through the import or temporary

import formalities to customs with the approval documents by the administrative department for radio, movie and television under the State Council.

Article 21

An overseas movie producer who produces a movie inside the territory of the People's Republic of China by cooperating with a Chinese cooperator or by any other means shall abide by the laws and regulations of the People's Republic of China, and shall respect the customs and habits of the Chinese nationality.

Article 22

The development and later-stage production of the photographic plate and sample movie of a movie shall be completed inside the territory of the People's Republic of China. Where such activities have to be completed outside the territory due to particular technical requirements, the party concerned shall apply by a single item and report to the administrative department for radio, movie and television under the State Council for approval, and shall then carry out such activities according to the requirements clearly stated in the approval documents.

Article 23

A unit for movie developing and printing shall not process the photographic plate or sample movie of a movie produced by an unit that has not obtained the "License for Producing Movies" or the "License for Producing A Movie", nor shall it process the movie copies for which the "License for Public Projection of Movies" has not been obtained.

A unit for movie developing and printing that is entrusted to process the photographic plate and sample movie of an overseas movie or movie copy, shall be approved by the administrative department for radio, movie and television under the State Council in advance, and shall go through the relevant import formalities in accordance with the law in the customs with the approval documents. The processed photographic plates, sample movies and movie copies must be totally transported to the outside of the territory.

Chapter III Examination of Movies

Article 24

The State applies a movie examination system.

Movies, which have not been examined and adopted by the movie examination institution of the administrative department for radio, movie and television under the State Council (hereinafter referred to as "the movie examination institution") shall not be distributed, projected, imported or exported.

The import of special topic movies for reference in scientific research or teaching and the import by China Movie Archive of archival movies shall be in accordance with Article 32 of these Regulations.

Article 25

The following contents are prohibited from being recorded in a movie:

- (1) That which defies the basic principles determined by the Constitution;
 - (2) That which endangers the unity of the nation, sovereignty or territorial integrity;
 - (3) That which divulges secrets of the State, endangers national security or damages the honor or benefits of the State;
 - (4) That which incites the national hatred or discrimination, undermines the solidarity of the nations, or infringes upon national customs and habits;
 - (5) That which propagates evil cults or superstition;
 - (6) That which disturbs the public order or destroys the public stability;
 - (7) That which propagates obscenity, gambling, violence or instigates crimes;
- That which insults or slanders others, or infringes upon the lawful rights and interests of others;
That which endangers public ethics or the fine folk cultural traditions;
- (10) Other contents prohibited by laws, regulations or provisions of the State.

The technical quality of movies shall be in conformity to the State standards.

Article 26

A movie production unit shall, in accordance with Article 25 of these Regulations, be responsible for the examination of screenplays before putting into shooting and movies before releasing from the factory.

A movie production unit shall, after examining a screenplay to be put into shooting in accordance with the provisions in the preceding paragraph, report to the movie examination institution for record; the movie examination institution may examine the screenplays reported for record, and shall, once finding any content prohibited by Article 25 of these Regulations, notify the movie production unit of no shooting in a time limit. The specific measures shall be decided by the administrative department for radio, movie and television under the State Council.

Article 27

A movie production unit shall, after producing a movie, submit it to the movie examination institution for examination; the movie import units shall, after completing the temporary import formalities for the movie, submit it to the movie examination institution for examination.

The standards for charging fees for movie examinations shall be stipulated by the department in charge of price under the State Council jointly with the administrative department for radio, movie and television under the State Council.

Article 28

The movie examination institution shall, within 30 days as of receipt of a movie submitted for examination, notify the submitting unit in writing of the examination decision. If the movie is examined to be qualified, the "License for Public Projection of Movies" shall be issued by the administrative

department for radio, movie and television under the State Council.

A movie production unit or movie import unit shall print the number of its "License for Public Projection of Movies" on the top of the first copy of the movie. Where the movie is examined to be unqualified, and is submitted after amendment for reexamination, the examination period shall be re-calculated in accordance with the preceding paragraph.

Article 29

Where a movie production unit or movie import unit refuses to accept the examination decision on the movie, it may, within 30 days as of receipt of the examination decision, apply to the movie reexamination institution of the administrative department for radio, movie and television under the State Council for reexamination; where the movie is reexamined to be qualified, the applicant shall be issued the "License for Public Projection of Movies" by the administrative department for radio, movie and television under the State Council.

Chapter IV Import and Export of Movies

Article 30

The business of importing movies shall be operated by the movie import units designated by the administrative department for radio, movie and television under the State Council; without being designated, no unit or individual shall operate the business of importing movies.

Article 31

Whoever intends to import movies for public projection shall, before the import, submit a sample of the movie to the movie examination institution for examination.

For the movie which is submitted to the movie examination institution for examination, the designated movie import unit shall go through the temporary movie import formalities in the customs with the approval documents for temporary import issued by the administrative department for radio, movie and television under the State Council; after the temporarily imported movie has been examined by the movie examination institution to be qualified and the "License for Public Projection of Movies" and the approval documents for import have been issued, the movie import unit shall go through the import formalities in the customs with the approval documents for import.

Article 32

An import unit which intends to import special topic movies for reference in scientific research or teaching shall report to the relevant administrative department under the State Council for examination and approval, go through the import formalities in the customs with the approval documents, and report to the administrative department for radio, movie and television under the State Council for record within 30 days as of the date of import. However, it shall not import feature movies in the name of scientific research or teaching.

China Movie Archive may, when importing archival movies, directly go through the import formalities at customs. China Movie Archive shall report by quarter the archival movies it has imported to the administrative department for radio, movie and television under the State Council for record.

Unless otherwise provided for in this Article, no unit or individual shall import the movies, which have not been examined to be qualified by the administrative department for radio, movie and television under the State Council.

Article 33

A movie import unit shall, after obtaining permission from a copyright owner for exploitation of his movie work, exploit the movie work within the scope of permission; no unit or individual shall exploit the imported movie work without obtaining the permission for exploitation.

Article 34

A movie production unit which exports its own movies shall go through the movie export formalities in the customs with the "License for Public Projection of Movies".

Where a movie produced through Sino-foreign cooperation is to be exported, the Chinese cooperator shall go through the export formalities in the customs with the "License for Public Projection of Movies". Where movie source materials produced through Sino-foreign cooperation are to be exported, the Chinese cooperator shall go through the export formalities in the customs with the approval documents by the administrative department for radio, movie and television under the State Council.

Where a movie or some movie source materials produced with the assistance of a Chinese party are to be carried to the outside of the territory, the Chinese assistor shall go through the exit formalities in the customs with the approval documents by the administrative department for radio, movie and television under the State Council.

Article 35

Whoever intends to hold a Sino-foreign movie exhibition, international movie festival, or to provide movies to a movie exhibition or movie festival, etc. held outside the territory, shall report to the administrative department for radio, movie and television under the State Council for approval.

The movies prepared for movie exhibitions or movie festivals provided for in the preceding paragraph must be submitted to the administrative department for radio, movie and television under the State Council for examination and approval. After a movie prepared for a movie exhibition or movie festival held outside the territory has been approved, the participant shall go through the temporary movie export formalities at customs with the approval documents by the administrative department for radio, movie and television under the State Council. After an overseas movie prepared for a Sino-foreign movie exhibition or international movie festival held inside the territory of China has been approved, the holder shall go through the temporary import formalities in the customs with the approval documents by the administrative department for radio, movie and television under the State Council.

Chapter V Distribution and Projection of Movies

Article 36

In order to establish a movie distribution unit or movie projection unit, the applicant shall meet the following conditions:

- (1) Having the name and articles of association of the movie distribution unit or movie projection unit;
- (2) Having a well-defined scope of business;
- (3) Having an organization adapted to the needs of its scope of business and a staff of professionals;
- (4) Having funds, premises and equipments adapted to the needs of its scope of business;
- (5) Other conditions provided for in laws and administrative regulations.

Article 37

The application for the establishment of a movie distribution unit shall be filed to the administrative department for movies under the people's government of the province, autonomous region or municipality directly under the Central Government where the applicant is located; the application for the establishment of a movie distribution unit covering different provinces, autonomous regions or municipalities directly under the Central Government shall be filed to the administrative department for radio, movie and television under the State Council. The administrative department for movies under the people's government of the province, autonomous region or municipality directly under the Central Government where the applicant is located or the administrative department for radio, movie and television under the State Council shall, within 60 days as of receipt of the application, make a decision on approval or disapproval of the application and shall notify the applicant. If the application is approved, a "License for Operating Distribution of Movies" shall be issued to the applicant, who shall have itself registered and obtain the business license in accordance with the law in the administrative department for industry and commerce with the "License for Operating Distribution of Movies"; if the application is not approved, the reason thereof shall be stated.

Article 38

The application for the establishment of a movie projection unit shall be filed to the administrative department for movies under the people's government of the county or the city divided into districts where the applicant is located. The administrative department for movie under the people's government of the county or the city divided into districts where the applicant is located shall, within 60 days of receipt of the application, make a decision on approval or disapproval of the application and shall notify the applicant. If the application is approved, a "License for Operating Projection of Movies" shall be issued to the applicant, who shall have itself registered and obtain the business license in accordance with the law in the administrative department for industry and commerce with the "License for Operating Projection of Movies"; if the application is not approved, the reason thereof shall be stated.

Article 39

Where a movie distribution unit or movie projection unit intends to modify its scope of business, or to

merge with another movie distribution unit or movie projection unit, or to establish a new movie distribution unit or movie projection unit due to merger or division, it shall go through the formalities of examination and approval in accordance with Article 37 or 38 of these Regulations, and shall go through the corresponding registration formalities in the administrative department for industry and commerce.

Where a movie distribution unit or movie projection unit intends to change its name, address, legal representative or principal responsible person(s), or to terminate its business activities of distributing or projecting movies, it shall go through the modification registration or cancellation registration in the administrative department for industry and commerce which handled the original registration, and shall report to the administrative department for movies which handled the original examination and approval for record.

Article 40

An unit or individual applying to be engaged in the business of distributing or projecting 16-mm rural movies may directly go through the registration formalities in the administrative department for industry and commerce at its/his locality, and shall report to the administrative department for movies under the peoples' government at the county level at its/his locality; after the record, it/he may be engaged in the business of distributing or projecting the 16-mm movies in the rural areas nationwide.

Article 41

The State permits enterprises, public institutions and other social organizations as well as individuals to invest in constructing or rebuilding movie theaters.

The State permits the construction and rebuilding of movie theaters in the form of Sino-foreign joint venture or Sino-foreign cooperation. The specific measures shall be decided by the administrative department for radio, movie and television under the State Council jointly with the administrative department for cultural affairs under the State Council and the department in charge of foreign trade and economic cooperation under the State Council in accordance with the relevant provisions.

Article 42

No one is allowed to distribute or project a movie until he/it has obtained the "License for Public Projection of Movies" in accordance with laws issued by the administrative department for radio, movie and television under the State Council.

With respect to a movie for which the "License for Public Projection of Movies" has been obtained, the administrative department for radio, movie and television under the State Council may, under particular circumstances, make a decision on ceasing the distribution or projection or, prohibiting distribution or projection before the amendment; with respect to a movie which is decided to be distributed or projected after the amendment, if the copyright owner refuses to amend it, the administrative department for radio, movie and television under the State Council shall decide to cease the distribution or projection of the movie.

The movie distribution units and movie projection units shall execute the decisions made by the

administrative department for radio, movie and television under the State Council on ceasing the distribution or projection.

Article 43

Whoever makes use of a movie to produce audiovisual products shall abide by the relevant provisions of the State on the administration of audiovisual products.

No unit or individual shall make use of an archival movie to be engaged in a direct or a disguised form the operative distribution or projection activities.

Article 44

Whoever projects a movie shall be in compliance with the State-stipulated proportion of the projection time of a domestically produced movie to that of an imported movie.

The time for a projection unit's annual projection of domestically produced movies shall be no less than two thirds of the total amount of time for its annual projection of movies.

Article 45

A movie projection unit shall maintain the public order and environmental sanitation of the movie theater, so as to guarantee the safety and health of the audience.

Chapter VI Security of the Movie Career

Article 46

The State establishes and improves a movie administration system adapted to the socialist market economic system, and develops the movie career.

Article 47

The State guarantees the freedom of creating movies, attaches importance to and educates movie professionals, strengthens the academic research on movies, encourages the creation of movies, and contributes to the quality of movies.

Article 48

The State establishes a special fund for the development of the movie industry, and takes other preferential measures to support the development of the movie industry.

An unit obliged to pay the special fund for the development of the movie industry shall perform its payment obligation in accordance with the relevant provisions of the State.

Article 49

The special fund for the development of the movie career supports and provides financial aids to the following projects:

- (1) production of key movies which are advocated and confirmed by the State and collection of fine screenplays;
- (2) technical innovations at key movie production bases;
- (3) rebuilding of movie theaters and technical innovations in projection facilities;
- (4) development of the movie industry in areas inhabited by ethnic minorities, remote depressed areas and rural areas; and
- (5) other projects which need financial aid.

Article 50

The State encourages and supports the production, distribution and projection of science and education movies, documentary movies, animations and children's movies.

Article 51

The State applies preferential policies to the distribution and projection of movies in areas inhabited by ethnic minorities, remote depressed areas and rural areas.

The State supports the units and individuals engaged in the business of distributing and projecting 16-mm rural movies. The specific measures shall be stipulated by the administrative department for radio, movie and television under the State Council and the administrative department for cultural affairs under the State Council jointly with the financial department under the State Council.

Article 52

The urban planning made by the local people's government at the county level or above for its own jurisdiction shall include the construction planning of the movie theater and the projection facilities.

Whoever intends to rebuild or demolish a movie theater or any projection facility shall apply to the administrative department for movies under the local people's government at the county level or above at its locality for examination and approval, and the administrative department for movie under the local people's government at the county level or above shall make a decision on approving or not approving the application in accordance with the relevant provisions of the State.

Article 53

The administrative department for movie under the local people's government at the county level or above and other relevant administrative departments shall take measures in time to stop and investigate in accordance with the law the acts of disturbing, holding back and destroying the production, distribution and projection of movies.

The mass media shall not publicize illegal movies.

Chapter VII Penalty Provisions

Article 54

Where any functionary in the administrative department for radio, movie and television under the State Council or in the administrative department for movie under the local people's government at the county level or above or in any other relevant department, by taking advantage of his office, accepts the properties or other benefits of another, and approves a movie production, distribution or projection unit which does not meet the legal conditions for establishment, or does not implement his supervision duties, or does not investigate the illegal acts he has found, thus causing serious consequences, the liable person in charge and other directly liable persons shall be investigated for criminal liabilities in accordance with the provisions in the Criminal Law on the crime of accepting bribes, of abusing power, of neglecting duty or other crimes; where the case is not serious enough for him to be imposed upon criminal punishments, he shall be imposed upon an administrative sanction of demotion or dismissal from his post.

Article 55

Whoever, in violation of these Regulations, establishes a movie production, distribution or projection unit without authorization, or, without authorization, is engaged in the activity of production, import, distribution or projection of movies, shall be banned by the administrative department for industry and commerce; and shall be investigated for criminal liabilities in accordance with the provisions in the Criminal Law on the crime of illegal business operation; if the case is not serious enough for him/it to be imposed upon criminal punishments, his/its movies in illegal operation, his/its illegal proceeds and special instruments and equipment used in the illegal operation shall be confiscated; if the amount of illegal proceeds is no less than 50,000 Yuan, a fine of no less than 5 times but no more than 10 times the amount of illegal proceeds in addition shall be imposed upon him/it; if there are no illegal proceeds or the amount of illegal proceeds is less than 50,000 Yuan, a fine of no less than 200,000 Yuan but no more than 500,000 Yuan in addition shall be imposed upon him/it.

Article 56

Whoever produces a movie containing any content prohibited by Article 25 of these Regulations, or processes, imports, distributes or projects a movie containing any content prohibited by Article 25 of these Regulations that he/it knows clearly or ought to know, shall be investigated for criminal liabilities in accordance with the relevant provisions in the Criminal Law; if the case is not serious enough for criminal punishments to be imposed upon him/it, the administrative department for movies shall order him/it to cease the business for rectification and shall confiscate his/its movie under illegal operation and his/its illegal proceeds; if the amount of illegal proceeds is no less than 50,000 Yuan, a fine of no less than 5 times but no more than 10 times the amount of illegal proceeds in addition shall be imposed upon him/it; if there is no illegal proceed or the amount of illegal proceeds is less than 50,000 Yuan, a fine of no less than 200,000 Yuan but no more than 500,000 Yuan in addition shall be imposed upon him/it; if the case is serious, his/its license shall be revoked in addition by the original organ issuing the license.

Article 57

Whoever smuggles movies shall be investigated for criminal liabilities in accordance with the provisions in the Criminal Law on the crime of smuggling; if the case is not serious enough for criminal punishments to be imposed upon him/it, administrative punishments shall be imposed upon him/it by the customs in accordance with the law.

Article 58

Whoever exports, distributes or projects a movie for which the "License for Public Projection of Movies" has not been obtained, shall be ordered by the administrative department for movies to cease the illegal act, and be confiscated of his/its movies under illegal operation and his/its illegal proceeds; if the amount of illegal proceeds is no less than 50,000 Yuan, it shall be imposed upon a fine of no less than 10 times but no more than 15 times the amount of illegal proceeds in addition; if there is no illegal proceed or the amount of illegal proceeds is less than 50,000 Yuan, a fine of no less than 200,000 Yuan but no more than 500,000 Yuan in addition shall be imposed upon him/it; if the case is serious, he/it shall be ordered to cease his/its business for rectification or his/its license shall be revoked by the original organ issuing the license.

Article 59

In case of any of the following acts, the party concerned shall be ordered by the administrative department for movies to cease the illegal act, and be confiscated of his/its movies under illegal operation and his/its illegal proceeds; if the amount of illegal proceeds is no less than 50,000 Yuan, a fine of no less than 5 times but no more than 10 times the amount of illegal proceeds in addition shall be imposed upon him/it; if there is no illegal proceed or the amount of illegal proceeds is less than 50,000 Yuan, a fine of no less than 100,000 Yuan but no more than 300,000 Yuan in addition shall be imposed upon him/it; if the case is serious, he/it shall be ordered to cease his/its business for rectification or his/its license shall be revoked by the original organ issuing the license:

- (1) to, without authorization, cooperate with an overseas organization or individual to produce movies, or to, without authorization, be engaged in production of movies outside the territory;
- (2) to, without authorization, conduct the development and later-stage production of the photographic plate and sample movie of a movie outside the territory, or not to carry out such an activity according to the requirements clearly stated in the approval documents;
- (3) to process the photographic plate and sample movie of a movie, which is produced by an unit not having obtained the "License for Producing Movies" or the "License for Producing A Movie", or to process a movie copy for which the "License for Public Projection of Movies" has not been obtained;
- (4) to, without authorization, process the photographic plate and sample movie of an overseas movie or movie copy, or not to totally transport the processed photographic plates and sample movies of the overseas movie or movie copy outside of the territory;
- (5) to make use of an archival movie to be engaged, either directly or in disguised form, in the operative distribution or projection activities;
- (6) to project movies not in compliance with the stipulated proportion of time, or not to execute a decision by the administrative department for radio, movie and television under the State Council on ceasing the distribution or projection.

Article 60

Where an overseas organization or individual is independently engaged in the production of movies inside the territory of the People's Republic of China, he/it shall be ordered by the administrative department for radio, movie and television under the State Council to cease the illegal activities; shall be confiscated of his/its illegally produced movies and special instruments and equipment used in the illegal activities, and a fine of no less than 300,000 Yuan but no more than 500,000 Yuan in addition shall be imposed upon him/it.

Article 61

Whoever, without authorization, holds a Sino-foreign movie exhibition or international movie festival, or, without authorization, provides movies to a movie exhibition or movie festival outside the territory, shall be ordered by the administrative department for radio, movie and television under the State Council to cease the illegal activity, be confiscated of the movies illegally provided to the exhibition or festival and the illegal proceeds; if the amount of illegal proceeds is no less than 20,000 Yuan, a fine of no less than 5 times but no more than 10 times the amount of illegal proceeds in addition shall be imposed upon him/it; if there are no illegal proceeds or the amount of illegal proceeds is less than 20,000 Yuan, a fine of no less than 20,000 Yuan but no more than 100,000 Yuan in addition shall be imposed upon him/it.

Article 62

Whoever, without authorization, rebuilds or demolishes a movie theater or any projection facility, shall be ordered by the administrative department for movies under the local people's government at the county level or above to restore the movie theater or projection facility to the original state within a time limit, and shall be imposed upon a warning; the liable person in charge and other directly liable persons shall be imposed upon a disciplinary sanction in accordance with laws.

Article 63

Where an unit is imposed upon the administrative penalty of revocation of its license due to its violation of these Regulations, it shall go through the modification registration or cancellation registration in the administrative department for industry and commerce in accordance with the relevant provisions of the State; if it has not gone through the said registration after the expiration date, its business license shall be revoked by the administrative department for industry and commerce.

Article 64

Where the administrative penalty of revocation of the license is imposed upon an unit due to its violation of these Regulations, its legal representative or each of its principal responsible persons shall not, within 5 years of revocation of the license, hold the post of legal representative or principal responsible person of a movie production, import, export, distribution or projection unit.

Where an individual violates these Regulations by, without authorization, engaging in the business of producing, importing, distributing movies, or by, without authorization, holding a Sino-foreign movie exhibition or international movie festival or by, without authorization, providing movies to a movie

exhibition or movie festival outside the territory, he shall not be engaged in the relevant movie business within 5 years.

Article 65

Whoever fails to perform the obligation of paying the special fund for the development of the movie industry in accordance with the relevant provisions of the State shall be ordered by the administrative department for movies under the people's government at the provincial level or above to make up the payment within a time limit, and a delay payment equaling 0.05% of the owed amount shall be added daily starting from the owing date.

Article 66

With respect to the administrative fine imposed in accordance with these Regulations, the decision on the fine shall be separated from the collection of the fine in accordance with the relevant laws and administrative regulations; the collected fine must be totally turned over to the State treasury.

Chapter VIII Supplementary Provisions

Article 67

The State applies an annual inspection system to the "License for Producing Movies", the "License for Operating Distribution of Movies" and the "License for Operating Projection of Movies". The measures for annual inspection shall be decided by the administrative department for radio, movie and television under the State Council.

Article 68

These Regulations shall come into force on February 1, 2002. The "Regulations on the Administration of Movies" promulgated by the State Council on June 19, 1996 shall be simultaneously abolished.