

Special Administrative Measures for Cross-border Trade in Services (Negative List)¹

[2024 version]

Description

1. The "Negative List of Special Administrative Measures for Cross-border Trade in Services" (hereinafter referred to as the "Negative List for Cross-border Trade in Services") uniformly lists the special administrative measures for foreign service suppliers to provide services in a cross-border manner (through cross-border delivery, overseas consumption, and movement of natural persons) in terms of national treatment, market access, local presence, and cross-border trade in financial services. Areas outside the Negative List for Cross-border Trade in Services are regulated in accordance with the principle of consistency of treatment for domestic and foreign services and service providers.
2. Where foreign service suppliers provide services in the mode of commercial presence, the relevant provisions of the Special Administrative Measures for Foreign Investment Entry (Negative List) shall apply. The relevant provisions of the Negative List for Market Access shall apply to the coherent management measures for domestic and foreign service providers.
3. Foreign service providers shall not provide services prohibited in the Negative List for Cross-border Trade in Services in a cross-border manner; the provision of services in non-prohibited areas in the Negative List for Cross-border Trade in Services in a cross-border manner shall be regulated in accordance with the corresponding provisions.
4. Measures not listed in the Negative List for Cross-border Trade in Services relating to national security, public order, financial prudence, social services, biological resources, R&D in humanities and social sciences, new cultural businesses, heritage protection, air service rights, immigration and employment measures, and the exercise of governmental functions shall be implemented in accordance with the existing provisions.
5. If there are more favourable arrangements with Hong Kong, Macao and Taiwan for overseas service suppliers to carry out cross-border trade in services, and if there are more favourable provisions in international treaties or agreements concluded or participated in by China for overseas service suppliers to carry out cross-border trade in services, they may be implemented in accordance with the corresponding provisions. Where the State implements more favourable liberalisation measures for cross-border trade in services by qualified foreign service suppliers in special economic zones such as the Pilot Free Trade Zone and the Hainan Free Trade Port, such measures shall be implemented in accordance with the relevant provisions.
6. The Negative List for Cross-border Trade in Services shall be interpreted by the Ministry of Commerce in conjunction with relevant departments.

¹ Google translated version of <http://images.mofcom.gov.cn/fms/202403/20240322165804597.pdf>.

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(2024 edition)

Number	Special management measures
I. Agriculture, forestry, animal husbandry and fisheries	
1	Without the approval of the Chinese Government, individuals and fishing vessels from abroad are not allowed to enter waters under Chinese jurisdiction to engage in fishery resources research activities. If there are treaties or agreements with China, they shall be handled in accordance with those treaties or agreements.
II. Construction	
2	Offshore service providers are not allowed to provide architectural and related engineering services.
III. Wholesale and retail trade	
3	Overseas service providers shall not directly sell veterinary drugs, feedstuffs, food additives and pesticides, but shall set up sales organisations within the territory of China or entrust qualified agents within the territory of China to sell them.
4	Overseas service providers are not allowed to engage in the wholesale, retail, import and export of tobacco and tobacco products (including new tobacco products such as e-cigarettes) in China.
5	Individuals from outside the country may not apply to take the licensing examination for auctioneers.
IV. Transport, storage and postal services	
6	Overseas service providers are only allowed to engage in international transport in ports open to overseas vessels; otherwise, they are not allowed to operate domestic waterway transport business [including towing], and they are not allowed to operate domestic waterway transport business in disguise by renting Chinese vessels or slots. Domestic waterway transport operators shall not use foreign vessels to operate domestic waterway transport business. However, if there is no ship of Chinese nationality in China that can meet the requirements of the transport applied for, and the port or water area where the ship calls is open to the public, with the permission of the Chinese Government, the domestic waterway transport operator may temporarily use foreign ships for transport within the period or voyage as specified by the Chinese Government.

Number	Special management measures
7	If a ship of foreign nationality navigates, anchors or moves within the sea pilotage area designated by the Ministry of Transport of China, or navigates on inland waterways, it shall apply for pilotage to a Chinese pilotage agency, except for those exempted as stipulated by the Ministry of Transport of China after submitting the application to the State Council for approval. If there is another agreement between China and the country of registry of the vessel, the provisions of the relevant agreement shall be observed first.
8	Overseas individuals are not allowed to register as pilots (except Hong Kong individuals registered as pilots to work in the waters of Dapeng Bay, Shenzhen).
9	Overseas service providers are required to participate in the salvage of shipwrecks and sediments in coastal waters by signing a joint salvage contract with the Chinese salvor. Overseas service providers shall, under the same conditions, give priority to the Chinese salvor in renting and hiring the vessels, equipment and labour required for the performance of the joint salvage contract.
10	Foreign ship inspection organisations have not set up a ship inspection company in China, shall not send staff or employees in China to carry out ship inspection activities, in China issued certificates, reports and other documents are invalid.
11	<p>Computer reservation system services shall not be provided for cross-border delivery in any manner other than the following:</p> <p>(1) Offshore computer reservation systems may provide services to Chinese air transport enterprises and Chinese air agents by connecting to a Chinese computer reservation system if an agreement has been entered into between the offshore computer reservation system and the Chinese air transport enterprise and the Chinese computer reservation system.</p> <p>(2) Overseas computer reservation systems may provide services to representative offices or business offices established in cities in China where overseas air transport enterprises have the right to operate under bilateral aviation agreements.</p> <p>(3) Direct access to and use of overseas computer reservation systems by Chinese air transport enterprises and sales agents of overseas air transport enterprises is subject to approval by the competent authorities of the Civil Aviation Administration of China.</p>
12	Overseas service providers shall not engage in air traffic management services for Chinese civil aviation, including air traffic control, communication, navigation and surveillance, and navigation intelligence, and shall not engage in training services for civil aviation air traffic control and aeronautical intelligence.
13	Individuals from outside the country may not apply for civil aviation intelligence officer or civil aviation air traffic controller licences.

Number	Special management measures
14	Overseas pilot schools that conduct pilot licence and rating training for Chinese air operators and return qualified pilots to their home countries to exchange them for the corresponding pilot licences of the Civil Aviation Administration of China (CAAC) in accordance with the simplified procedures shall comply with the following requirements: (1) the country where the school is located is a contracting party to the Convention on International Civil Aviation, and the school has a certificate of aeronautical operation qualification or a similar approval issued by the competent civil aviation authority of the country where the school is located; and (2) it has obtained the permission of the Government of China.
15	The master of a ship of Chinese nationality shall be a crew member of Chinese nationality.
16	Overseas international road transport operators shall not engage in road transport operations whose origins and destinations are within China.
17	Offshore service providers are not allowed to operate domestic courier services for letters.
18	Offshore service providers are not allowed to provide postal services.
V. Information transmission, software and information technology services	
19	China implements a licensing system for the operation of telecommunications services. No company that is not legally established within the territory of China or that has not obtained a licence to operate telecommunications services may engage in telecommunications business operations.
20	No international communications import/export office may engage in international communications business if its establishment has not been approved by the competent Chinese communications authorities. Telecommunications business operators that are not wholly owned by the State may not apply for the establishment of international communications portals or undertake the operation and maintenance of international communications portals. No international communications import/export office may be established without the approval of the competent Chinese communications department.
21	Offshore organisations or individuals shall not carry out testing of radio wave parameters or radio wave monitoring.
22	Overseas entities that provide satellite communication resources leasing services to entities in China should comply with China's regulations on satellite radio frequency management and complete the coordination of satellite radio frequencies declared with China. Overseas entities are not allowed to lease satellite communication resources to domestic entities that do not have the relevant operating qualifications or have not obtained a licence for the use of radio frequencies. Without the approval of the Chinese Government, foreign satellite companies are not allowed to operate satellite transponder leasing business directly to domestic users. Non-domestic satellite companies may not sublet satellite communication resources to domestic users or be responsible for technical support, marketing, user services and user supervision.
23	Overseas service providers are not allowed to engage in Internet news information services, Internet religious information services, or Internet public posting information services.

Number	Special management measures
24	Offshore service providers are not allowed to provide Internet information search services if they have not met the requirements for establishing a commercial presence and the relevant share ratio.
VI. Financial sector	
25	Without the approval of the China Insurance Regulatory Commission (CIRC), overseas service providers are not allowed to provide insurance services other than reinsurance, international marine, air and transport insurance, large commercial insurance brokerage, international marine, air and transport insurance brokerage and reinsurance brokerage by means of cross-border delivery; and they are not allowed to provide insurance brokerage services by means of offshore consumption.
26	Without the approval of the China Banking Regulatory Authority (CBRA), overseas service providers shall not engage in the business activities of banking financial institutions, financial asset management companies, trust companies, finance companies, financial leasing companies, consumer finance companies, automobile finance companies, money brokers, and other financial institutions established with the approval of the CBRA by means of cross-border delivery.
27	Offshore service providers are prohibited from providing non-financial institution payment services by means of cross-border delivery without authorisation. Without approval, foreign institutions are prohibited from engaging in bank card clearing business. Where bank card clearing services are provided in foreign currency only for cross-border transactions, in principle, there is no need to set up a bank card clearing organisation in the territory, except for those that have an important impact on the sound operation of the domestic bank card clearing system or public confidence in payment.

Number	Special management measures
28	<p>A securities company that has not been established in China in accordance with the laws of China or has not been approved shall not operate the following securities businesses: (1) securities brokerage; (2) securities investment consulting; (3) financial consulting related to securities trading and securities investment activities; (4) securities underwriting and sponsorship; (5) securities financing and securities financing; (6) securities market making and trading; (7) securities self-management; (8) other securities business.</p> <p>The provision of services in the form of overseas consumption and the provision of the following services in the form of cross-border delivery are not subject to the restrictions in the preceding paragraph: (1) Overseas securities operating institutions that have been approved to obtain the business qualifications for domestically listed foreign-invested stocks (U.S. stocks) may contact domestic securities operating institutions through Sign an agency agreement, or engage in the brokerage business of domestically listed foreign-invested stocks in other ways prescribed by the stock exchange; (2) Overseas securities institutions that have been approved to obtain the business qualifications for domestically listed foreign-invested stocks serve as the lead underwriter, deputy lead underwriter and International Affairs Coordinator; (3) Approved qualified domestic institutional investors can entrust overseas securities service agencies to purchase and sell securities on their behalf when conducting overseas securities investment business; (4) Approved qualified domestic institutional investors can entrust qualified overseas investment consultants Conduct overseas securities investment; (5) Overseas asset custodians entrusted by the custodian to be responsible for overseas asset custody business must meet legal conditions.</p>
29	<p>The following situations are not allowed to be provided through cross-border delivery: [1] Only fund management companies established in accordance with Chinese law or other institutions approved by the China Securities Regulatory Authority in accordance with regulations can serve as managers of publicly raised securities investment funds; 2) Only in compliance with statutory regulations Companies or partnerships established in China that meet certain conditions may apply for registration as private securities fund managers; [3] Only commercial banks or other financial institutions approved by the China Securities Regulatory Authority that are established in accordance with Chinese law and have obtained securities investment fund custody qualifications Can serve as custodian of securities investment funds; 4) Approved qualified foreign institutional investors who invest in domestic securities and futures should entrust a domestic institution that meets the requirements to act as a custodian to custody assets; approved domestic institutional investors who carry out overseas securities investment business should Domestic commercial banks are responsible for the asset custody business; only institutions (including public fund managers) established in accordance with Chinese law and registered with the China Securities Regulatory Authority and its dispatched offices to obtain public fund sales business qualifications can engage in fund sales business; 5) Upon approval or registration, domestic institutions and individuals are not allowed to engage in the issuance or trading of overseas securities.</p>
30	<p>Securities business institutions and other institutions engaged in consulting business that have not been established or approved in accordance with Chinese law shall not engage in securities investment consulting business. Unless otherwise provided, securities investment consultants who do not have Chinese nationality may not engage in securities investment consulting.</p>

Number	Special management measures
31	Futures companies that have not been established in China in accordance with Chinese law or have not been approved shall not engage in the following futures businesses: (1) futures brokerage; (2) futures trading consultancy; (3) futures market-making; and (4) other futures businesses. Futures companies established in China only in accordance with Chinese law may, in accordance with the requirements of the China Futures Regulatory Commission, engage in asset management services after registration in accordance with the law.
32	Commercial banks not established in China are not allowed to apply for the qualification of futures margin depository bank.
33	Unless otherwise provided, domestic entities or individuals engaging in overseas futures transactions shall entrust such transactions to domestic futures operators qualified in overseas futures brokerage business; unless otherwise provided, overseas entities or individuals shall not engage in domestic futures transactions.
34	Futures companies and other futures operating institutions that have not been established in accordance with Chinese law shall not engage in futures trading advisory business. Unless otherwise provided, futures trading consultants who do not have Chinese nationality may not engage in futures trading consultancy.
35	Overseas service providers that have not been approved by China's financial supervisory authorities and registered as independent legal persons in China may not apply to the Ministry of Human Resources and Social Security to engage in the activities of corporate trustees, account administrators, custodians and investment managers of enterprise annuities.
36	Foreign enterprises or individuals are not allowed to become ordinary members of stock exchanges. Overseas enterprises or individuals shall not become members of futures exchanges. Unless otherwise stipulated by the Chinese government, a foreign enterprise or individual shall not apply for the opening of a securities account or a futures account.
37	Overseas futures exchanges and other organisations abroad shall not designate or set up commodity futures delivery warehouses or engage in other activities related to commodity futures delivery business in China.
38	Overseas institutions shall not participate in the interbank foreign exchange market transactions, except for the following cases: [1] overseas RMB business clearing bank, overseas central bank-type institutions [including overseas central banks (monetary authorities) and other official reserve management institutions, international financial organisations, sovereign wealth funds] and meet certain conditions of the RMB purchase and sale of foreign participation in the business of the bank can apply to become an overseas member of the interbank foreign exchange market of China to participate in (2) Foreign institutional investors investing in China's bond market can participate in interbank foreign exchange market transactions through the prime brokerage mode, and foreign bank-type institutional investors can also participate in interbank foreign exchange market transactions directly; [3] Other foreign institutions approved by the People's Bank of China and the State Administration of Foreign Exchange can participate in interbank foreign exchange market transactions.

Number	Special management measures
39	Overseas credit bureaus are not allowed to operate credit business in China without approval.
VII. Leasing and business services	
40	Overseas law firms and other organisations or individuals outside China are not permitted to engage in legal affairs in China, nor are they permitted to engage in legal services in China under any name other than that of the representative office of a foreign law firm in China.
41	Representative offices of foreign law firms in China and their representatives may not engage in Chinese legal affairs. Representative offices of foreign law firms in China may not employ Chinese lawyers, and the support staff they employ may not provide legal services to clients. Representatives of the representative organisations and their auxiliary staff may not provide legal services to clients in the name of "Chinese legal adviser". The representative offices of foreign law firms in China and the foreign law firms to which they belong are not permitted to station their staff in Chinese law firms to engage in legal service activities.
42	Foreign organisations or individuals may not engage in the notary business. The establishment of notarial organisations is controlled in total. Individuals from abroad may not serve as notaries.
43	Individuals outside the country are not allowed to take the national unified legal professional qualification examination to obtain a legal professional qualification certificate.
44	Overseas legal persons or other organisations may not apply to engage in forensic identification business. Individuals outside the country may not apply to engage in judicial appraisal business.
45	Offshore service providers may not provide statutory audit services through means other than commercial presence. Offshore service providers are not permitted to provide bookkeeping services through means other than commercial presence.
46	Business entities established outside of China, as well as individuals outside of China, are not allowed to engage in the customs declaration business.
47	Overseas organisations or individuals are not allowed to conduct market and social surveys directly, or through institutions that have not obtained a licence to conduct foreign-related surveys.
48	Overseas service providers are not allowed to provide human resources services (including, but not limited to, talent intermediary services and employment intermediary services) or directly recruit labourers in China to work abroad.
49	Overseas service providers may not provide security services if they have not been licensed to set up a security service company in China. Individuals from abroad are not permitted to act as security guards in the provision of security services.
50	Without approval, foreign organisations or individuals are not allowed to organise international programme exchanges and trading activities, or to organise Chinese and foreign film festivals.

Number	Special management measures
51	Individuals from outside the country are not allowed to apply for the National Tourist Guide Qualification Examination.
VIII. Scientific research and technological services	
52	Overseas service providers may provide urban planning services other than masterplanning, provided that they cooperate with Chinese professional organisations. Urban design other than statutory planning and preliminary programme studies for statutory planning are exempted from this restriction.
53	Overseas service providers providing preliminary design (basic design), construction drawing design (detailed design), engineering and centralised engineering services for construction works other than schematic design by means of cross-border delivery shall cooperate with Chinese professional institutions.
54	Applications by foreigners for taking the national unified examination and registration of registered architects in China and applications by foreign architects for performing the business of registered architects shall be handled in accordance with the principle of reciprocity.
55	Without approval, foreign organisations or individuals may not engage in activities such as surveying and mapping, meteorological, hydrological, seismic and ecological monitoring, marine scientific research, marine environmental surveys and measurements, underwater detection and exploration, the laying of submarine cables and pipelines, or the exploration and exploitation of natural resources, in the territory of China or in other maritime areas under Chinese jurisdiction.
56	Individuals from outside the country may not apply to take the following qualifying examinations: (1) Asset Appraiser Qualification Examination; (2) Real Estate Appraiser Professional Qualification Examination; (3) Mineral Rights Appraiser Professional Qualification Examination; (4) Registered Surveying and Mapping Technician Qualification Examination; (5) Licensing Examination for Registered Town and Country Planners; (6) Qualification Examination for Registered Survey and Design Engineers; (7) Examination for Registered Supervision Engineers.
IX. Education	
57	Overseas education service providers are not allowed to organise education examinations on their own, except for non-academic education examinations for the public organised in cooperation with Chinese education examination institutions.
58	Individual education service providers from abroad may not enter China to provide education services without being invited or employed by Chinese schools and other educational institutions, and without having a bachelor's degree or higher, appropriate professional titles or certificates, and two years of professional work experience.

Number	Special management measures
X. Health and social work	
59	Foreign physicians may not come to China to engage in clinical diagnosis and treatment business activities without approval.
60	Individuals outside the country may not apply for the qualification examination, registration or record of practising veterinarians.
XI. Culture, sports and recreation	
61	<p>Overseas service providers shall not engage in the editing, publishing and production of books, newspapers, periodicals, audiovisual products and electronic publications, and shall not engage in online publishing (including online games) services. Except for the contents of China's WTO accession commitments.</p> <p>Cooperation projects between Chinese and foreign press and publishing organisations in press and publishing must be approved by the Chinese Government, and must ensure that the Chinese party has the leading right to operate and has the final right to review the content of the project, as well as comply with the other conditions set out in the Chinese Government's approval. Cooperation projects between online publishing service providers and domestic foreign-invested enterprises or foreign organisations or individuals in the business of online publishing services shall be submitted to the Chinese Government for prior approval. Overseas service providers may not reproduce audiovisual products or electronic publications without prior approval.</p>
62	The projection of motion pictures shall conform to the ratio of time between domestic and imported motion pictures as prescribed by the Chinese Government. The length of time that a cinema shows domestic films in a given year must not be less than two-thirds of the total length of time that it shows films in a given year. Overseas service providers may not engage in the business of introducing films.
63	<p>The creators of domestically produced feature films, animated films, science education films, documentaries and special films shall generally be Chinese citizens. For special needs in filming, creators from outside China may be employed with approval, but the number of foreigners employed in leading and supporting roles shall not exceed one-third of the total number of leading actors and actresses. In the case of feature films, animation films, documentaries and science education films jointly produced with foreign countries, foreign creators may be employed with the approval of the competent Chinese film department for the special needs of filming. Except for countries and regions where special agreements have been made, the number of overseas main actors shall not exceed two-thirds of the total number of main actors.</p> <p>China implements a licensing system for film production in cooperation with other countries. No domestic legal person or other organisation may cooperate with an overseas organisation in film production without obtaining an approval document. Overseas organisations may not independently produce films in China without approval.</p>

Number	Special management measures
64	Overseas service providers may not engage in online audiovisual programme services. The total amount of overseas films and TV dramas introduced by a single website for information network dissemination in a year shall not exceed 30 per cent of the total amount of domestic films and TV dramas purchased and broadcast by that website in the previous year. The introduction of overseas films, television dramas and other audiovisual programmes for dissemination on information networks must be examined and approved by the administrative departments of radio and television at or above the provincial level.
65	Films and television dramas from abroad used for broadcasting by radio or television stations must be examined and approved by China's administrative departments of radio and television. Other foreign radio and television programmes for broadcasting by radio or television stations must be examined and approved by the Chinese administrative department of radio and television, or by a body authorised by it. The importation and retransmission of foreign radio and television programmes by satellite or other means of transmission by radio and television stations must be approved by China's administrative departments of radio and television. China regulates and plans the introduction of overseas film and television dramas. The importation of overseas film and television dramas and other overseas television programmes by satellite transmission must be declared by a designated unit. The broadcasting of foreign radio and television programmes imported in accordance with regulations must comply with the relevant time ratios, time slots and other regulations.
66	Overseas service providers shall not engage in cross-border importation of online cultural products. Except for the content of China's WTO accession commitments.
67	Overseas service providers are not permitted to operate radio and television video-on-demand services, with the exception of hotels and restaurants with three stars or more, or the equivalent of three stars or more. Those engaging in radio and television video-on-demand services shall obtain a Radio and Television Video-on-Demand Licence in accordance with the law. Programmes used for broadcasting television and video-on-demand services should mainly be domestically produced. The Chinese Government implements an approval system for the landing of overseas satellite channels.
68	Overseas service providers are not allowed to engage in the production and operation of radio and television programmes (including imported services), but domestic radio and television programme production institutions may, upon approval, co-produce television dramas (including animated television films) with institutions and individuals outside China. No less than one-third of the main creators (scriptwriters, producers, directors and main actors) of a Chinese-foreign co-produced TV drama shall be Chinese. Employment of individuals from outside China to participate in the production of domestic radio and television programmes shall be approved by the administrative departments of radio and television.

Number	Special management measures
69	Overseas performing arts groups and individuals are not allowed to organise commercial performances on their own, but they may participate in commercial performances organised by performing arts agencies in China, or be invited by performing arts groups in China to participate in commercial performances organised by such groups, subject to the approval of the administrative departments of culture and tourism. Individuals from outside China may not apply for the qualification examination for performance agents.
70	Overseas service providers are not allowed to engage in news services, including but not limited to news services provided through news agencies, newspapers, periodicals, radio stations, and television stations. Except (1) with the approval of the Chinese government, overseas news organizations may set up permanent news agencies to engage in News gathering work and dispatching resident reporters to China; (2) With the approval of the Chinese government and under the conditions of ensuring Chinese leadership, Chinese and foreign news organizations can engage in specific business cooperation. With the approval of the Chinese government, overseas news agencies can provide approved specific news services to the territory of China, such as providing articles to domestic news agencies.
71	Offshore service providers are not allowed to engage in the business of social art level examination.