

文化部关于实施中国（上海）自由贸易试验区文化市场管理政策的通知

Circular of the Ministry of Culture on Implementing the Policies of Cultural Market Administration for the China (Shanghai) Pilot Free Trade Zone

文市发[2013]47号

Wen Shi Fa [2013] No. 47

上海市文化广播影视管理局:

Shanghai Municipal Administration of Culture, Radio, Film and Television:

为贯彻落实《国务院关于印发中国（上海）自由贸易试验区总体方案的通知》（国发[2013]38号）有关规定，现将中国（上海）自由贸易试验区（以下简称“试验区”）内文化市场管理有关政策调整如下：

For purposes of thoroughly implementing the relevant provisions of the "Circular of the State Council on the Framework Plan for the China (Shanghai) Pilot Free Trade Zone" (Guo Fa [2013] No. 38), relevant policies regarding the administration of cultural market in the China (Shanghai) Pilot Free Trade Zone (hereinafter referred to as "Pilot FTZ") are adjusted as follows:

一、允许在试验区内设立外资经营的演出经纪机构、演出场所经营单位，为上海市提供服务

1. Foreign-invested entertainment artist agencies and business entities of performance places are allowed to be set up within the Pilot FTZ to provide services for Shanghai.

（一）在试验区内设立合资、合作、独资经营演出经纪机构的，应当向上海市文化主管部门提出申请。上海市文化主管部门自收到申请之日起 20 日内作出决定。

(1) Where an entertainment artist agency is to be established within the Pilot FTZ in the form of an equity joint venture, a cooperative joint venture or a wholly foreign invested company, the application shall be filed with the Shanghai culture authorities who shall make decisions within 20 days as of the date of accepting the application.

（二）在试验区内设立合资、合作、独资经营演出场所经营单位的，应当自领取工商营业执照之日起 20 日内，持上述证照以及消防、卫生部门的批准文件，到上海市文化主管部门备案，领取演出场所经营单位备案证明。

(2) Where a business entity of performance places is to be established within the Pilot FTZ in the form of an equity joint venture, a cooperative joint venture, or a wholly foreign invested company, the applicant shall, within 20 days as of the date of obtaining business licenses, file with Shanghai culture authorities with such business licenses as well as the approval documents of the fire and sanitation authorities and obtain a filing certificate of the business entities of performance places.

（三）合资、合作、独资经营的演出经纪机构，在上海市内举办营业性演出活动，应当向上海市文化主管部门提出申请。举办国内文艺表演团体或者演员参加的营业性演出，自受理申请之日起 3 日内作出决定；举办涉外或者涉港澳台营业性演出，自受理申请之日起 20 日内作出决定。

(3) Where an entertainment artist agency in the form of an equity joint venture, a cooperative joint venture, or a wholly foreign invested company wishes to hold commercial performances in Shanghai, the agency shall file an application from Shanghai culture authorities. For commercial performances with the participation of mainland cultural and art performance organizations as well as mainland actors and actresses, the authorities shall make decisions within 3 days from the date of accepting the application; for foreign-related or Hong Kong, Macao and Taiwan related commercial performances, the authorities shall make decisions within 20 days from the date of accepting the application.

(四) 合资、合作、独资经营的演出场所经营单位, 在本场所内举办营业性演出活动, 应当向上海市文化主管部门提出申请。举办国内文艺表演团体或者演员参加的营业性演出, 自受理申请之日起 3 日内作出决定; 举办涉外或者涉港澳台营业性演出, 自受理申请之日起 20 日内作出决定。

(4) Where a business entity of performance places in the form of an equity joint venture, a cooperative joint venture, or a wholly foreign invested company hold commercial performances in a place managed by the entity, the application shall be filed to Shanghai culture authorities. For commercial performances with the participation of mainland cultural and art performance organizations as well as mainland actors and actresses, the authorities shall make decisions within 3 days from the date of accepting the application; for foreign-related or Hong Kong, Macao and Taiwan-related commercial performances, the authorities shall make decisions within 20 days from the date of accepting the application.

二、允许在试验区内设立外资经营的娱乐场所

2. Foreign-invested entertainment facilities are allowed to be set up within the Pilot FTZ.

在试验区内设立合资、合作、独资经营娱乐场所的, 应当符合《娱乐场所管理条例》、《娱乐场所管理办法》等法规规章规定的设立条件, 向上海市文化主管部门提出申请。上海市文化主管部门自受理申请之日起 20 日内作出决定。

Where an entertainment facility is to be established in the Pilot FTZ in the form of an equity joint venture, a cooperative joint venture, or a wholly foreign invested company, the criteria for establishment as specified in the provisions of the "Administrative Regulations on Entertainment Facilities" and "Administrative Measures for Entertainment Facilities", etc. shall be met, and the application shall be filed to Shanghai culture authorities who shall make decisions within 20 days upon accepting the application.

三、允许外资企业在试验区内从事游戏游艺设备的生产和销售, 通过文化主管部门内容审查的游戏游艺设备可面向国内市场销售

3. Foreign invested enterprises are allowed to engage in the production and sales of gaming consoles in the Pilot FTZ which may be sold to mainland market after passing the content examination by the competent culture authorities.

(一) 在试验区内注册的外资企业, 在国内销售其生产的游戏游艺设备, 应当向上海市文化主管部门提出内容审查申请。上海市文化主管部门自受理申请之日起 20 日内作出决定, 通过内容审查的报文化部备案并公示。

(1) Where foreign invested enterprises registered in the Pilot FTZ sell the self-manufactured gaming consoles in mainland market, they shall submit the application to Shanghai culture authorities for content examination. The Shanghai culture authorities shall make decisions within 20 days from the date of accepting the application, report those having passed the content examination to the Ministry of Culture for filing and announce those to the public.

(二) 面向国内销售的游戏游艺设备, 不得含有《娱乐场所管理条例》第十三条禁止的内容, 游戏游艺设备外观、内容、游戏方法说明应当使用我国通用文字。

(2) The gaming consoles sold in mainland market must not contain the contents that are prohibited by article 13 of the "Administrative Regulations on Entertainment Facilities". The appearance, content as well as the user manual of the gaming consoles shall use Chinese standard characters.

(三) 报文化部备案公布的内容应当包括: 游戏游艺设备内容审查批准文件、生产企业名称、设备名称、基本功能和游戏规则、能反映设备外观的图片等基本信息。

(3) The content submitted to the Ministry of Culture for filing shall include: examination and approval document for the content of gaming consoles, name of the manufacturing enterprise, name of the consoles, basic function and game rules, as well as pictures reflecting the appearance and other basic information.

四、本通知调整的行政审批事项，适用于在试验区内投资、设立企业的香港特别行政区、澳门特别行政区、台湾地区投资者和在国外居住的中国公民。

4. The adjusted administrative approval issues under this circular apply to investors from the Hong Kong Special Administrative Region, Macao Special Administrative Region and Taiwan as well as Chinese mainland citizens living abroad who invest in and establish enterprises within the Pilot FTZ.

特此通知。

The circular is hereby announced.

文化部

The Ministry of Culture

2013年9月29日

29 September 2013

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