

ANNEX IV
SCHEDULE OF SPECIFIC COMMITMENTS ON
TEMPORARY MOVEMENT OF NATURAL PERSONS

CHINA

1. The following Schedule sets out China's specific commitments in accordance with Chapter 9 (Temporary Movement of Natural Persons) in respect of the temporary entry of natural persons.
2. China grants temporary entry to the extent provided for in this Schedule for the following categories of natural persons, provided that such natural persons are otherwise qualified under requirements to carry out a profession or activity and under all applicable immigration measures of China, so long as such requirements and immigration measures do not nullify or impair China's obligations under Chapter 9 (Temporary Movement of Natural Persons).

Description of Category	Conditions and Limitations (including length of stay)
<p>A. Business Visitor</p> <p><u>Definition:</u> A natural person of a Party receiving no remuneration from a source located in China and who is:</p> <ul style="list-style-type: none"> (i) a service seller, a sales representative of a service supplier of a Party and is seeking temporary entry and temporary stay into China for the purpose of negotiating the sale of services for that service supplier, where such representative will not be engaged in making direct sales to the general public or in supplying services directly; (ii) an investor, or a duly authorised representative of an investor, seeking temporary entry into China to establish, expand, monitor, or dispose of a commercial presence of that investor; or (iii) a goods seller who is seeking temporary entry into the territory of China to negotiate for the sale of goods where such negotiations do not involve direct sales to the general public. 	Temporary entry and temporary stay for a business visitor is limited to a 90-day period.
<p>B. Intra-corporate transferees (ICTs)</p> <p><u>Definition:</u> Manager, executive, and specialist means those defined as senior employees of a corporation of a Party that has established a representative office, branch, or subsidiary in the territory of China, temporarily moving as ICTs.</p> <ul style="list-style-type: none"> (i) manager means a natural person within an organisation who primarily directs the organisation or a department or subdivision of the organisation, supervises and controls the work of other supervisory, professional or managerial employees, has the authority 	<p>Temporary entry and temporary stay as stipulated in the terms of contract concerned or an initial stay of three years, whichever is shorter.</p> <p>The temporary stay may be extended for subsequent periods, provided that (a) the conditions on which it is based remain in effect, and (b) such ICT otherwise complies with immigration measures applicable to temporary entry.</p>

Description of Category	Conditions and Limitations (including length of stay)
<p>to hire and fire or take other personnel actions (such as promotion or leave authorisation), and exercises discretionary authority over day-to-day operations;</p> <p>(ii) executive means a natural person within an organisation who primarily directs the management of the organisation, exercises wide latitude in decision making, and receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the business. An executive would not directly perform tasks related to the actual provision of the service nor the operation of an investment;</p> <p>(iii) specialist means a natural person within an organisation who possesses knowledge at an advanced level of technical expertise, and who possesses proprietary knowledge of the organisation's service, research equipment, techniques, or management.</p>	<p>China commits to another Party that no numerical restrictions and no labour market test or other procedures of similar effect will be imposed on temporary entry and temporary stay of ICTs of that other Party, provided that that other Party also makes the commitment of no numerical restrictions or no procedures of similar effect being imposed on temporary entry and temporary stay of ICTs.</p>
C. Contractual Service Supplier (CSS)	
<p><u>Definition:</u></p> <p>A natural person from a Party who enters the territory of China temporarily in order to perform a service pursuant to a contract between his or her employer and a service consumer of China.</p> <p>His or her employer shall be a company, partner, or firm of another Party which has no commercial presence in the territory of China. A CSS receives remuneration from his or her employer while abroad, and has appropriate educational and technical (professional) qualifications relevant to the service to be provided.</p> <p>They cannot perform services which are not related to the service activity which is the subject of the contract.</p>	<p>Temporary entry and temporary stay for a CSS is subject to the duration of contract, but shall not exceed one year.</p> <p>The services provided by CSS are only limited to the specific sectors as follows:</p> <p>(1) Accounting Services (2) Medical and dental services (3) Architectural services (4) Engineering services (5) Urban planning services (except general urban planning) (6) Computer and related services (7) Construction and Related Engineering Services (8) Education Services: CSS shall acquire a bachelor's degree or above, receive appropriate professional titles or certificates, and have at least two-year professional work experience. The Chinese party involved in the contract shall be a juridical person which has the function of providing education service (9) Tourism Services</p> <p>Labour market testing may be required as a condition for temporary entry of CSS, or numerical restriction may be imposed relating to temporary entry of CSS.</p>
D. Installers and Servicers	
<p><u>Definition:</u></p> <p>Qualified specialists supplying installation or</p>	<p>Temporary entry and temporary stay for such</p>

Description of Category	Conditions and Limitations (including length of stay)
<p>maintenance services for machinery or industrial equipment.</p> <p>The supply of that service has to occur on a fee or contractual basis (installation or maintenance contract) between the builder of the machinery or equipment and the owner of that machinery or equipment, both of them being juridical persons.</p> <p>They cannot perform services which are not related to the service activity which is the subject of the contract, and should have appropriate technical (professional) qualifications relevant to the service to be provided.</p>	<p>natural persons is subject to the duration of contract, but shall not exceed three months.</p>
E. Accompanying Spouses and Dependents¹	
<p><u>Definition:</u></p> <p>Accompanying spouses and dependants of entrants (managers and executives) of a Party as defined in B(i) and B(ii), and the entrants have been granted temporary stay of no less than 12 months.</p>	<p>Temporary entry and temporary stay shall not exceed 12 months, and shall not exceed the same period of stay for the entrants.</p> <p>The working rights of the qualified accompanying spouses in China are subject to relevant laws, regulations, and rules of China.</p>

¹China extends its commitments for "Accompanying Spouses and Dependents" to another Party, if that Party has made a commitment in its Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons) for the same category of "Accompanying Spouses and Dependents".