

Measures of Registration of CPAs

(Decree No. 25 of the Ministry of Finance, Released on January 22, 2005)

Article 1 The Measures are formulated for the purpose of standardizing the registration of certified public accountants (hereinafter referred to as CPAs) in accordance with *the Law of the People's Republic of China on Certified Public Accountants* (hereinafter referred to as the CPA Law).

Article 2 The Measures apply to application for registration of CPAs.

Article 3 The institutes of CPAs of provinces, autonomous regions or municipalities under the Central Government (hereinafter referred to as local institutes of CPAs) are responsible for the registration and management of CPAs in their respective regions. The Chinese Institute of Certified Public Accountants (hereinafter referred to as CICPA) guides local institutes of CPAs on the registration and management.

Practicing CPAs are required to obtain the CPA Certificate of the People's Republic of China (hereinafter referred to as CPA certificate) uniformly issued by the Ministry of Finance.

Article 4 Those who qualified with one of the following conditions and have engaged in auditing service in China mainland for more than two years could apply for registration at the provincial CPA institutes, namely:

- (1) Passing the National Uniform CPA Examination;
- (2) Being qualified for CPAs in accordance with laws or assessments.

Article 5 Applicants who fall into one of the following categories would not be registered:

- (1) Not having full civic capabilities;
- (2) Receiving criminal sanctions, and the period from the date when the punishment decision is made to the date of application is less than five years;
- (3) Receiving administrative punishments, dismissal from office or more severe punishments as a result of serious misconducts relating to finance, accounting, auditing, business management or other financial management activities, and the period from the date when the punishment decision is made to the date of application is less than two years;
- (4) Receiving punishment of revocation of the CPA certificates, and the period from

the date when the punishment decision is made to the date of application is less than five years;

- (5) Receiving punishment of revocation of the CPA certificates as a result of fraudulent and bribery acts, and the period from the date when the punishment decision is made to the date of application is less than three years;
- (6) Not practicing fulltime at accounting firms;
- (7) Being older than 70 years.

Article 6 To apply for registration, applicants shall submit the following materials to the local institutes of CPAs through the accounting firms they work at:

- (1) Application Forms for registration of CPAs (Appendix 1);
- (2) Copies of Certificate of National Unified CPA Examination;
- (3) Referees Forms issued by two CPAs which demonstrate the applicants engage in auditing service for more than two years (Appendix 2);
- (4) Copies of employment contracts with the accounting firms they work at;
- (5) Copies of valid identification cards or other identification certificates (foreigners shall submit copies of passports and visas; residents of Hong Kong S.A.R., Macau S.A.R. and Chinese Taiwan shall submit copies of their identification cards of Hong Kong S.A.R., Macau S.A.R. and Chinese Taiwan and copies of passes issued by the Chinese relevant Exit-Entry authorities instead).
- (6) Copies of valid certificates of personal archives or retirement certificates (foreigners and residents of Hong Kong S.A.R., Macau S.A.R. and Chinese Taiwan shall submit copies of work permits issued by the Chinese relevant labor administration authorities instead).

For those who are qualified for CPAs in accordance with laws or assessments, they shall, instead of providing materials listed in paragraph (2) above, submit related documents and relevant evidence in line with the requirements of qualifications or assessments.

Article 7 The applicants and the accounting firms they work at shall be responsible for the authenticity of the application materials. The certifiers shall be responsible for the authenticity of their references.

Article 8 The local institutes of CPAs shall display in public, in their places of accepting

registration applications, the catalogue of materials and relevant requirements, procedures and time limit for granting registrations, as well as the conditions under which registrations would not be granted.

Article 9 Upon receipt of the application materials submitted by applicants, the local institutes of CPAs shall examine the completeness of the application materials and validate the copies to their originals. For those whose application materials are found to be incomplete or do not meet the application requirements, they shall be informed on the spot or within five working days once of all the required materials and information they need to supplement.

For those whose application materials are found to be complete and meet the requirements, or provide all supplementary materials as required, their registration applications shall be accepted for processing.

Article 10 Regardless of registration applications are accepted or otherwise, the local institutes of CPAs shall provide the applicants with written official confirmations dated and officially sealed by the institutes.

Article 11 The local institutes of CPAs shall review the application materials and make decisions of granting or rejecting the registrations within 20 working days after accepting the applications. When decisions cannot be made within 20 working days, with the approval of those in charge, the review period can be extended by ten working days, and the applicants shall be informed of the reasons for the extension.

Article 12 Where the local institutes of CPAs decide to grant registration, they shall issue the CPA certificate to the applicants within ten working days.

The local institutes of CPAs shall, within 20 working days after the decision of granting the registrations has been made, report the decision and the registration records to the Ministry of Finance and CICPA for record and copy the decision and the registration records to the financial departments of provinces, the autonomous regions, or the municipalities where they are located(hereinafter referred to as provincial financial departments) and publicly post the name list of the applicants granted registrations on national newspapers or related websites.

Article 13 Where the local institutes of CPAs decide to reject registration, they shall inform the applicants in writing within 15 working days. The written notification shall state the reasons for rejection and inform the applicants of their rights to apply for administrative reviews or to file administrative litigations.

Article 14 The Ministry of Finance examines the registration work of the local institutes of CPAs in accordance with the law. Where registrations are found not to conform to the Measures, the Ministry of Finance shall inform the local institutes of CPAs to

deregister.

Article 15 CICPA and local institutes of CPAs shall supervise and inspect the qualifications and practice of CPAs and conduct on-site inspections as necessary.

Article 16 For CPAs who fall into one of the following categories, the local institutes of CPAs shall deregister and withdraw their CPA certificates:

- (1) Totally losing civic capabilities;
- (2) Receiving criminal punishments;
- (3) Terminating practice as CPAs for one year;
- (4) Obtaining CPA certificates through fraudulent, bribery or other means of impropriety.

Article 17 For those who are granted registrations due to the abuse of power or malpractice on the part of staff of local institutes of CPAs, or those who are not qualified or do not conform to legal requirements but are granted registrations, the local institutes of CPAs shall deregister the applicants and withdraw their CPA certificates.

Article 18 Those who are deregistered could make new applications for registration on conditions that they meet requirements stipulated in Article 4 and do not fall into one of the categories stipulated in Article 5.

Article 19 For those CPAs who fall into one of the following circumstances, the local institutes of CPAs where they worked shall revoke the registration:

- (1) Being punished with deregistration or revocation of CPA certificates in accordance with the law;
- (2) Being no longer fulltime practitioners in accounting firms.

Article 20 The local institutes of CPAs shall copy the decision of revoking the registrations to the Ministry of Finance, the provincial financial departments and CICPA and publicly post the name list of the CPAs whose CPA certificates are revoked on national newspapers or related websites within ten working days after the decisions.

Article 21 For CPAs who violate Article 20 and 21 of the CPA Law, the Ministry of Finance or the provincial financial departments shall punish them with warnings. If they commit more serious misconducts, the Ministry of Finance or the provincial financial departments shall suspend their practice or revoke their CPA certificate.

The Ministry of Finance or the provincial financial departments shall implement administrative punishments in accordance with *the Law of People's Republic of China on Administrative Punishments* and related regulations, and copy the decision of administrative punishments to CICPA and the local institutes of CPAs where the CPAs are located.

Article 22 Those who have objections with the administrative punishments, deregistration or revocation of the registration can apply for administrative reviews or file administrative litigations in accordance with the law.

Article 23 Applications by residents of Hong Kong S.A.R., Macau S.A.R. and Chinese Taiwan or foreigners recognized according to the principle of reciprocity shall comply with the Measures.

Article 24 The Measures shall take effect from March 1, 2005.

When the Measures take effect, *The Interim Measures of Registration and Approval of CPAs (No. 122 CICPA and Accounting Regulatory Department of the Ministry of Finance (1993))*, *The Interim Measures of Registration and Approval of Foreign CPAs (No. 9 CICPA of the Ministry of Finance (1998))* and *The Supplementary Provisions for The Interim Measures of Registration and Approval of Foreign CPAs (No. 34 Accounting Regulatory Department of the Ministry of Finance (2003))* are simultaneously repealed.

(CICPA organizes the translation of the Measures. The Chinese text is the official version and this English text is for reference only.)