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| 发文机关  Promulgator | ：  : | 全国人民代表大会常务委员会  The Standing Committee of the National People's Congress |
| 发布日期  Date of Issue | ：  : | 2016.11.07  2016.11.07 |
| 生效日期  Effective Date | ：  : | 2017.03.01  2017.03.01 |
| 时效性  Effectiveness | ：  : | 现行有效  Current |
| 文号  No. | ：  : | 主席令第五十四号  Presidential Decree No. 54 |

# 中华人民共和国电影产业促进法

# Film Industry Promotion Law of the People's Republic of China

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主席令第五十四号

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《中华人民共和国电影产业促进法》已由中华人民共和国第十二届全国人民代表大会常务委员会第二十四次会议于2016年11月7日通过，现予公布，自2017年3月1日起施行。

The Law of the People's Republic of China on the Promotion of the Film Industry, adopted at the 24th Session of the Standing Committee of the 12th National People's Congress on November 7, 2016, is hereby promulgated for implementation as of March 1, 2017.

中华人民共和国主席 习近平

President Xi Jinping

2016年11月7日

November 7, 2016

中华人民共和国电影产业促进法

Film Industry Promotion Law of the People's Republic of China

（2016年11月7日第十二届全国人民代表大会常务委员会第二十四次会议通过）

(Adopted at the 24th Session of the Standing Committee of the 12th National People's Congress on 7 November 2016)

第一章 总 则

Chapter 1 General Provisions

第一条   为了促进电影产业健康繁荣发展，弘扬社会主义核心价值观，规范电影市场秩序，丰富人民群众精神文化生活，制定本法。

Article 1 This Law is formulated in order to promote the healthy and prosperous development of the film industry, advocate socialist core values, regulate the order of the film market and enrich the spiritual and cultural life of the masses.

第二条   在中华人民共和国境内从事电影创作、摄制、发行、放映等活动（以下统称电影活动），适用本法。

Article 2 This Law shall apply to the creation, shooting, distribution or projection of films (hereinafter collectively referred to as the "film activities") within the territory of the People's Republic of China.

本法所称电影，是指运用视听技术和艺术手段摄制、以胶片或者数字载体记录、由表达一定内容的有声或者无声的连续画面组成、符合国家规定的技术标准、用于电影院等固定放映场所或者流动放映设备公开放映的作品。

For the purpose of this Law, 'film' refers to the works produced by using audio-visual technologies or by artistic means, recorded in photographic films or digital carriers, composed of sound or silent continuous images expressing some contents, conforming to technological standards set by the State and publicly projected at fixed projection sites including cinemas or on mobile cinema screening equipment.

通过互联网、电信网、广播电视网等信息网络传播电影的，还应当遵守互联网、电信网、广播电视网等信息网络管理的法律、行政法规的规定。

Any transmission of films via information networks such as the Internet, telecom networks and broadcast networks shall also be in compliance with the laws and administrative regulations governing the management of the aforesaid information networks.

第三条   从事电影活动，应当坚持为人民服务、为社会主义服务，坚持社会效益优先，实现社会效益与经济效益相统一。

Article 3 Film activities shall be conducted under the principles of insisting on serving the people and socialism, prioritizing social benefits, and achieving the integration of social benefits and economic benefits.

第四条   国家坚持以人民为中心的创作导向，坚持百花齐放、百家争鸣的方针，尊重和保障电影创作自由，倡导电影创作贴近实际、贴近生活、贴近群众，鼓励创作思想性、艺术性、观赏性相统一的优秀电影。

Article 4 The State adheres to people-oriented film creation, upholds the principle of letting a hundred flowers bloom and a hundred schools of thought contend, respects and guarantees film creation freedom, advocates film creation close to reality, life and the people, and encourages the creation of excellent films that integrate ideology, artistry and entertainment.

第五条   国务院应当将电影产业发展纳入国民经济和社会发展规划。县级以上地方人民政府根据当地实际情况将电影产业发展纳入本级国民经济和社会发展规划。

Article 5 The State Council shall include the film industry in the national economic and social development plan. Local people's governments at the county level or above shall, in light of their local actual conditions, include the development of the film industry in the national economic and social development plan at the corresponding level.

国家制定电影及其相关产业政策，引导形成统一开放、公平竞争的电影市场，促进电影市场繁荣发展。

The State shall formulate policies for the film and related industries to guide the formation of a unified and open film market with fair competition and promote the prosperous development of the film market.

第六条   国家鼓励电影科技的研发、应用，制定并完善电影技术标准，构建以企业为主体、市场为导向、产学研相结合的电影技术创新体系。

Article 6 The State encourages the research and development and application of film technologies, formulate and improve film technical standards, and establish a film technical innovation system with enterprises as subjects, which is market-oriented and combines industry, education and research.

第七条   与电影有关的知识产权受法律保护，任何组织和个人不得侵犯。

Article 7 Intellectual property rights relating to films are protected by laws and shall not be infringed upon by any organization or individual.

县级以上人民政府负责知识产权执法的部门应当采取措施，保护与电影有关的知识产权，依法查处侵犯与电影有关的知识产权的行为。

Law enforcement departments for intellectual property rights under the people's governments at the county level or above shall take measures to protect film-related intellectual property rights, and investigate and punish the infringement of film-related intellectual property rights in accordance with the law.

从事电影活动的公民、法人和其他组织应当增强知识产权意识，提高运用、保护和管理知识产权的能力。

Citizens, legal persons and other organizations engaged in film -related activities shall enhance their awareness of intellectual property rights and improve their ability to use, protect and manage intellectual property rights.

国家鼓励公民、法人和其他组织依法开发电影形象产品等衍生产品。

The State encourages citizens, legal persons and other organizations to develop film image products and other derivative products in accordance with the law.

第八条   国务院电影主管部门负责全国的电影工作；县级以上地方人民政府电影主管部门负责本行政区域内的电影工作。

Article 8 The film authority under the State Council is responsible for the film-related work nationwide; the film authorities under local people's governments at the county level or above are responsible for the film-related work within their respective jurisdictions.

县级以上人民政府其他有关部门在各自职责范围内，负责有关的电影工作。

Other relevant departments under the people's governments at the county level or above shall be responsible for relevant film work within the scope of their respective duties.

第九条   电影行业组织依法制定行业自律规范，开展业务交流，加强职业道德教育，维护其成员的合法权益。

Article 9 Film industry organizations shall, in accordance with the law, develop the industry's self-regulation standards, carry out business exchanges, strengthen professional ethics education, and protect the legitimate rights and interests of their members.

演员、导演等电影从业人员应当坚持德艺双馨，遵守法律法规，尊重社会公德，恪守职业道德，加强自律，树立良好社会形象。

Film practitioners including actors, actresses and directors shall pursue excellence in both performing skills and moral integrity, comply with laws and regulations, respect for social morality, observe professional ethics, strengthen self-discipline, and set up a good social image.

第十条   国家支持建立电影评价体系，鼓励开展电影评论。

Article 10 The State supports the establishment of a film evaluation system, and encourages film criticism.

对优秀电影以及为促进电影产业发展作出突出贡献的组织、个人，按照国家有关规定给予表彰和奖励。

Organizations and individuals making outstanding contributions to excellent films and the development of the film industry shall be commended and awarded in accordance with the relevant provisions of the State.

第十一条   国家鼓励开展平等、互利的电影国际合作与交流，支持参加境外电影节（展）。

Article 11 The State encourages equal and mutually beneficial international film cooperation and exchange, and supports participation in overseas film festivals (exhibitions).

第二章 电影创作、摄制

Chapter 2 Film Creation and Shooting

第十二条   国家鼓励电影剧本创作和题材、体裁、形式、手段等创新，鼓励电影学术研讨和业务交流。

Article 12 The State encourages film script writing and innovations in themes, styles, forms, means and so on, and encourages film academic discussions and business exchanges.

县级以上人民政府电影主管部门根据电影创作的需要，为电影创作人员深入基层、深入群众、体验生活等提供必要的便利和帮助。

The film authorities under the people's governments at the county level or above shall, according to the needs of film creation, provide film creators with necessary convenience and help for staying close to the grassroots, experiencing life, etc.

第十三条   拟摄制电影的法人、其他组织应当将电影剧本梗概向国务院电影主管部门或者省、自治区、直辖市人民政府电影主管部门备案；其中，涉及重大题材或者国家安全、外交、民族、宗教、军事等方面题材的，应当按照国家有关规定将电影剧本报送审查。

Article 13 Legal persons and other organizations intending to shoot films shall file outlines of film scripts with the competent department for films under the State Council or the competent departments for films under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government; in particular, if any film involves any major theme or materials about national security, diplomacy, nationality, religion, military affairs and other aspects, the film script shall be submitted for examination according to the relevant regulations of the State.

电影剧本梗概或者电影剧本符合本法第十六条规定的，由国务院电影主管部门将拟摄制电影的基本情况予以公告，并由国务院电影主管部门或者省、自治区、直辖市人民政府电影主管部门出具备案证明文件或者颁发批准文件。具体办法由国务院电影主管部门制定。

If the synopsis of a film script or a film script conforms to Article 16 of this Law, the film authority under the State Council shall make an announcement of the basic information of the film to be shot, and the film authority under the State Council or the competent department under the people's government of the province, autonomous region or municipality directly under the Central Government concerned shall issue a filing certification or approval document. Specific measures shall be formulated by the film authority under the State Council.

第十四条   法人、其他组织经国务院电影主管部门批准，可以与境外组织合作摄制电影；但是，不得与从事损害我国国家尊严、荣誉和利益，危害社会稳定，伤害民族感情等活动的境外组织合作，也不得聘用有上述行为的个人参加电影摄制。

Article 14 Upon approval by the film authority under the State Council, a legal person or any other organization may cooperate with an overseas organization to shoot a film; but it shall not cooperate with any overseas organization engaged in activities such as damaging the national dignity, honor or interests, endangering social stability or hurting national sentiment, and shall not employ any individual who has committed any of the aforesaid activities to participate in film shooting.

合作摄制电影符合创作、出资、收益分配等方面比例要求的，该电影视同境内法人、其他组织摄制的电影。

If a film produced through international cooperation meets the ratio requirements in such aspects as creation, investment and income distribution, the film will be deemed as one shot by a domestic legal person or other organization.

境外组织不得在境内独立从事电影摄制活动；境外个人不得在境内从事电影摄制活动。

No overseas organization may be engaged in any film shooting activity independently inside the territory; and no overseas individual may be engaged in any film shooting activity inside the territory.

第十五条   县级以上人民政府电影主管部门应当协调公安、文物保护、风景名胜区管理等部门，为法人、其他组织依照本法从事电影摄制活动提供必要的便利和帮助。

Article 15 The competent departments for films under the people's governments at the prefecture level and above shall coordinate with departments of public security, heritage conservation, scenic spot administration, etc. in providing necessary convenience and assistance for legal persons and other organizations carrying out film shooting activities in accordance with this Law.

从事电影摄制活动的，应当遵守有关环境保护、文物保护、风景名胜区管理和安全生产等方面的法律、法规，并在摄制过程中采取必要的保护、防护措施。

Film shooting activities shall conform to the laws and regulations on environmental protection, cultural relic protection, scenic spot administration, work safety, etc., and necessary protection and protection measures shall be taken in the process of film shooting.

第十六条   电影不得含有下列内容：

Article 16 A film shall not include any contents:

（一）违反宪法确定的基本原则，煽动抗拒或者破坏宪法、法律、行政法规实施；

1. violating the basic principles as stipulated in the Constitution, or instigating the resistance or destruction of the implementation of the Constitution, laws and administrative regulations;

（二）危害国家统一、主权和领土完整，泄露国家秘密，危害国家安全，损害国家尊严、荣誉和利益，宣扬恐怖主义、极端主义；

(II) harming national unity or sovereignty and territorial integrity, disclosing any state secret, endangering national security, damaging national dignity, honor or interests, or publicizing terrorism or extremism;

（三）诋毁民族优秀文化传统，煽动民族仇恨、民族歧视，侵害民族风俗习惯，歪曲民族历史或者民族历史人物，伤害民族感情，破坏民族团结；

(III) denigrating excellent national cultural traditions, inciting national hatred or discrimination, disrespecting national customs, distorting national history or any national historical figure, hurting national sentiment, or undermining national unity;

（四）煽动破坏国家宗教政策，宣扬邪教、迷信；

(IV) inciting the destruction of religious policies of the State, or publicizing heresy or superstition;

（五）危害社会公德，扰乱社会秩序，破坏社会稳定，宣扬淫秽、赌博、吸毒，渲染暴力、恐怖，教唆犯罪或者传授犯罪方法；

(V) harming social morality, disturbing social order, destroying social stability, publicizing obscenity, gambling or drug taking, rendering violence or terror, instigating a crime or imparting a criminal method;

（六）侵害未成年人合法权益或者损害未成年人身心健康；

(VI) infringing the legitimate rights and interests of any minor or damaging the physical and mental health of any minor;

（七）侮辱、诽谤他人或者散布他人隐私，侵害他人合法权益；

(VII) insult or slander others or disseminate the privacy of others, or infringe upon the legitimate rights and interests of others;

（八）法律、行政法规禁止的其他内容。

(VIII) other contents prohibited by laws and administrative regulations.

第十七条   法人、其他组织应当将其摄制完成的电影送国务院电影主管部门或者省、自治区、直辖市人民政府电影主管部门审查。

Article 17 A legal person or other organization shall submit a shot film to the film authority under the State Council or the film authority under the people's government of a province, autonomous region or municipality directly under the Central Government for examination.

国务院电影主管部门或者省、自治区、直辖市人民政府电影主管部门应当自受理申请之日起三十日内作出审查决定。对符合本法规定的，准予公映，颁发电影公映许可证，并予以公布；对不符合本法规定的，不准予公映，书面通知申请人并说明理由。

The film authority under the State Council or the film authority under the people's government of a province, autonomous region or municipality directly under the Central Government shall make an examination decision within 30 days after accepting an application. If a film conforms to this Law, it shall be allowed to be released, a film release license shall be issued, and the film shall be announced; if a film does not conform to this Law, it shall not be allowed to be released, and a written notice shall be issued to the applicant with relevant reasons given.

国务院电影主管部门应当根据本法制定完善电影审查的具体标准和程序，并向社会公布。制定完善电影审查的具体标准应当向社会公开征求意见，并组织专家进行论证。

The film authority under the State Council shall formulate and improve specific standards and procedures of film examination according to this Law, and announce them to society. Specific standards of film examination formulated and improved shall be published to society to seek opinions, and experts shall be organized for demonstration.

第十八条   进行电影审查应当组织不少于五名专家进行评审，由专家提出评审意见。法人、其他组织对专家评审意见有异议的，国务院电影主管部门或者省、自治区、直辖市人民政府电影主管部门可以另行组织专家再次评审。专家的评审意见应当作为作出审查决定的重要依据。

Article 18 At least five experts shall be organized to make film examinations and give examination opinions. If a legal person or any other organization objects to the examination opinions of experts, the film authority under the State Council or the film authority under the people's government of a province, autonomous region or municipality directly under the Central Government may otherwise organize experts to conduct examinations again. The review opinions of experts shall be taken as an important basis for making examination decisions.

前款规定的评审专家包括专家库中的专家和根据电影题材特别聘请的专家。专家遴选和评审的具体办法由国务院电影主管部门制定。

The examination experts as mentioned in the preceding paragraph include experts in the expert database and experts specially engaged as per a film theme. Specific measures on the selection of experts and examinations shall be formulated by the film authority under the State Council.

第十九条   取得电影公映许可证的电影需要变更内容的，应当依照本法规定重新报送审查。

Article 19 If any content of a film with a film release license already issued needs to be changed, the film shall be submitted again for examination pursuant to this Law.

第二十条   摄制电影的法人、其他组织应当将取得的电影公映许可证标识置于电影的片头处；电影放映可能引起未成年人等观众身体或者心理不适的，应当予以提示。

Article 20 Legal persons and other organizations shooting films shall place the film release license at the opening part of films; if a film projected may result in any physical or psychological discomfort of the audience such as juveniles, a reminder shall be given.

未取得电影公映许可证的电影，不得发行、放映，不得通过互联网、电信网、广播电视网等信息网络进行传播，不得制作为音像制品；但是，国家另有规定的，从其规定。

A film with a film release license not obtained yet shall not be distributed or projected, be spread via information networks such as the Internet, telecom networks and broadcast networks, or be produced as any audio-visual product; if the State has any other provisions, such provisions shall prevail.

第二十一条   摄制完成的电影取得电影公映许可证，方可参加电影节（展）。拟参加境外电影节（展）的，送展法人、其他组织应当在该境外电影节（展）举办前，将相关材料报国务院电影主管部门或者省、自治区、直辖市人民政府电影主管部门备案。

Article 21 Only after the film release license is obtained can a shot film participate in a film festival (exhibition). For a film to participate in an overseas film festival (exhibition), the legal person or other organization concerned shall, before the said film festival (exhibition) is held, file relevant materials for record with the film authority under the State Council or the film authority under the people's government of the province, autonomous region or centrally-administered municipality concerned.

第二十二条   公民、法人和其他组织可以承接境外电影的洗印、加工、后期制作等业务，并报省、自治区、直辖市人民政府电影主管部门备案，但是不得承接含有损害我国国家尊严、荣誉和利益，危害社会稳定，伤害民族感情等内容的境外电影的相关业务。

Article 22 Citizens, legal persons and other organizations may undertake the business of developing, processing, post production and so on of overseas films, and file such business for record with the film authority under the people's government of a province, autonomous region or municipality directly under the Central Government, but shall not undertake any business relating to an overseas film with contents damaging the national dignity, honor or interests, endangering social stability, hurting national sentiment and so on.

第二十三条   国家设立的电影档案机构依法接收、收集、整理、保管并向社会开放电影档案。

Article 23 Film archive institutions established by the State shall receive, collect, sort out and keep film archives and make them available to society.

国家设立的电影档案机构应当配置必要的设备，采用先进技术，提高电影档案管理现代化水平。

Film archive institutions established by the State shall have the necessary equipment and adopt advanced technologies to enhance the level of modernization in the administration of film archives.

摄制电影的法人、其他组织依照《中华人民共和国档案法》的规定，做好电影档案保管工作，并向国家设立的电影档案机构移交、捐赠、寄存电影档案。

Legal persons and other organizations shooting films shall keep film archives well in accordance with the Archives Law of the People's Republic of China, and transfer, donate and deposit film archives to the film archive institutions established by the State.

第三章 电影发行、放映

Chapter III Film Distribution and Projection

第二十四条   企业具有与所从事的电影发行活动相适应的人员、资金条件的，经国务院电影主管部门或者所在地省、自治区、直辖市人民政府电影主管部门批准，可以从事电影发行活动。

Article 24 Upon approval by the film authority under the State Council or the film authority under the people's government of the province, autonomous region or centrally-administered municipality concerned, an enterprise with personnel and capital conditions adaptive to film distribution activities may conduct film distribution activities.

企业、个体工商户具有与所从事的电影放映活动相适应的人员、场所、技术和设备等条件的，经所在地县级人民政府电影主管部门批准，可以从事电影院等固定放映场所电影放映活动。

Upon approval by the film authority under the local people's government at the county or above level or above, an enterprise or individual business with personnel, site, technological and equipment conditions and so on adaptable to film projection activities may conduct film projection activities at a fixed project site such as cinemas.

第二十五条   依照本法规定负责电影发行、放映活动审批的电影主管部门，应当自受理申请之日起三十日内，作出批准或者不批准的决定。对符合条件的，予以批准，颁发电影发行经营许可证或者电影放映经营许可证，并予以公布；对不符合条件的，不予批准，书面通知申请人并说明理由。

Article 25 The competent department for films in charge of the examination and approval of film distribution and projection activities pursuant to this Law shall make a decision of approval or disapproval within 30 days after accepting an application. If an applicant meets the conditions, the application shall be approved, a film distribution license or film projection license shall be issued, and the applicant shall be announced; if not, the application will not be approved, and a written notice will be issued to the applicant with relevant reasons given.

第二十六条   企业、个人从事电影流动放映活动，应当将企业名称或者经营者姓名、地址、联系方式、放映设备等向经营区域所在地县级人民政府电影主管部门备案。

Article 26 An enterprise or individual engaged in any mobile film projection activity shall file the corporate name or name of the relevant operator, address, contact information, projection equipment and so on with the competent department for films under the people's government at the prefecture level or above of the place of business operation.

第二十七条   国家加大对农村电影放映的扶持力度，由政府出资建立完善农村电影公益放映服务网络，积极引导社会资金投资农村电影放映，不断改善农村地区观看电影条件，统筹保障农村地区群众观看电影需求。

Article 27 The State will increase support for rural film projection, establish and improve the rural public-interest film projection service network at the cost of the government, actively guide social funds to invest in rural film projection, keep improving film watching conditions in rural areas, and make overall planning to satisfy film watching demands of the masses in rural areas.

县级以上人民政府应当将农村电影公益放映纳入农村公共文化服务体系建设，按照国家有关规定对农村电影公益放映活动给予补贴。

The people's governments at the county level or above shall incorporate rural public-interest film projection into the development of the rural public culture service system, and grant subsidies for rural public-interest film projection activities as per the provisions of the State.

从事农村电影公益放映活动的，不得以虚报、冒领等手段骗取农村电影公益放映补贴资金。

Any enterprise or individual engaged in any rural public-interest film projection activity shall not defraud subsidies for the rural public-interest film projection by means of misstatement, fraudulent claim, etc.

第二十八条   国务院教育、电影主管部门可以共同推荐有利于未成年人健康成长的电影，并采取措施支持接受义务教育的学生免费观看，由所在学校组织安排。

Article 28 The education department and the film authority under the State Council may jointly recommend films favorable for the healthy growth of juveniles, and take measures to support students receiving compulsory education to watch such films free of charge, which shall be organized and arranged for by their schools.

国家鼓励电影院以及从事电影流动放映活动的企业、个人采取票价优惠、建设不同条件的放映厅、设立社区放映点等多种措施，为未成年人、老年人、残疾人、城镇低收入居民以及进城务工人员等观看电影提供便利；电影院以及从事电影流动放映活动的企业、个人所在地人民政府可以对其发放奖励性补贴。

The State encourages cinemas and enterprises and individuals engaged in mobile film projection activities to take several measures such as providing preferential ticket prices, building screening rooms with different conditions and establishing community projection points in a bid to facilitate the watching of films by minors, the elderly, the disabled, urban low-income residents, migrant workers and so on; local people's governments may grant incentive subsidies to cinemas and enterprises and individuals engaged in mobile film projection activities.

第二十九条   电影院应当合理安排由境内法人、其他组织所摄制电影的放映场次和时段，并且放映的时长不得低于年放映电影时长总和的三分之二。

Article 29 Cinemas shall reasonably arrange screenings and times of films shot by domestic legal persons or other organizations, and the projection time shall not be less than two thirds of the total annual film projection time.

电影院以及从事电影流动放映活动的企业、个人应当保障电影放映质量。

Cinemas and enterprises and individuals engaged in mobile film projection activities shall guarantee film projection quality.

第三十条   电影院的设施、设备以及用于流动放映的设备应当符合电影放映技术的国家标准。

Article 30 Facilities and equipment in cinemas as well as the equipment used for mobile film projection shall conform to national standards on film projection technologies.

电影院应当按照国家有关规定安装计算机售票系统。

Cinemas shall install a computer ticketing system pursuant to the relevant regulations of the State.

第三十一条   未经权利人许可，任何人不得对正在放映的电影进行录音录像。发现进行录音录像的，电影院工作人员有权予以制止，并要求其删除；对拒不听从的，有权要求其离场。

Article 31 Without permission of a right holder, no one may make any audio or video recording of a film under projection. If a person is found making such audio or video recording, a staff member of the cinema may stop the person and require the person to delete the recording; if the person refuses to comply, the staff member may require the person to leave.

第三十二条   国家鼓励电影院在向观众明示的电影开始放映时间之前放映公益广告。

Article 32 The State encourages cinemas to project public service advertisements before the start of the projection time as expressly indicated to the audience.

电影院在向观众明示的电影开始放映时间之后至电影放映结束前，不得放映广告。

Cinemas may not project advertisements between the start time of the film and the end time.

第三十三条   电影院应当遵守治安、消防、公共场所卫生等法律、行政法规，维护放映场所的公共秩序和环境卫生，保障观众的安全与健康。

Article 33 Cinemas shall comply with the laws and administrative regulations on public security, fire control, public place hygiene and so on, maintain the public order and environmental hygiene at projection places, and guarantee the safety and health of the audience.

任何人不得携带爆炸性、易燃性、放射性、毒害性、腐蚀性物品进入电影院等放映场所，不得非法携带枪支、弹药、管制器具进入电影院等放映场所；发现非法携带上述物品的，有关工作人员应当拒绝其进入，并向有关部门报告。

No one may carry any explosive, inflammable, radioactive, toxic or corrosive article, or illegally carry any gun, ammunition or controlled tool into cinemas or other projection places; if a person is found carrying any of the aforesaid articles, the relevant personnel shall refuse the person to enter, and report the case to the relevant department.

第三十四条   电影发行企业、电影院等应当如实统计电影销售收入，提供真实准确的统计数据，不得采取制造虚假交易、虚报瞒报销售收入等不正当手段，欺骗、误导观众，扰乱电影市场秩序。

Article 34 Film distribution enterprises and cinemas shall truthfully conduct statistics of film sales revenue and provide authentic and accurate statistical data, and shall not cheat or mislead the audience or disturb the film market order by any illegal means such as conducting any fraudulent transaction or making a false report of or concealing any sales revenue.

第三十五条   在境内举办涉外电影节（展），须经国务院电影主管部门或者省、自治区、直辖市人民政府电影主管部门批准。

Article 35 The organization of a foreign-related film festival (exhibition) within the territory of the PRC shall be approved by the film authority under the State Council or the film authority under the people's government of a province, autonomous region or municipality directly under the Central Government.

第四章 电影产业支持、保障

Chapter IV Support and Guarantees for the Film Industry

第三十六条   国家支持下列电影的创作、摄制：

Article 36 The State supports the creation and shooting of the following films:

（一）传播中华优秀文化、弘扬社会主义核心价值观的重大题材电影；

1. films with important themes disseminating excellent Chinese culture and carrying forward socialist core values;

（二）促进未成年人健康成长的电影；

2. films promoting the healthy growth of minors;

（三）展现艺术创新成果、促进艺术进步的电影；

(III) films presenting artistic innovation results and promoting artistic progress;

（四）推动科学教育事业发展和科学技术普及的电影；

4. films promoting the development of science and education and the popularization of science and technology; and

（五）其他符合国家支持政策的电影。

(V) other films conforming to policies on support by the State.

第三十七条   国家引导相关文化产业专项资金、基金加大对电影产业的投入力度，根据不同阶段和时期电影产业的发展情况，结合财力状况和经济社会发展需要，综合考虑、统筹安排财政资金对电影产业的支持，并加强对相关资金、基金使用情况的审计。

Article 37 The state shall guide the special capital and funds in the relevant cultural industries to increase investments in the film industry, and based on the development of the film industry in different phases and times and in combination with the financial position and economic and social development needs, comprehensively consider and make overall arrangements of fiscal capital to support the film industry, and strengthen the audit over the use of relevant capital and funds.

第三十八条   国家实施必要的税收优惠政策，促进电影产业发展，具体办法由国务院财税主管部门依照税收法律、行政法规的规定制定。

Article 38 The State implements necessary preferential tax policies to promote the development of the film industry, with specific measures to be formulated by the competent financial and tax departments under the State Council as per tax laws and administrative regulations.

第三十九条   县级以上地方人民政府应当依据人民群众需求和电影市场发展需要，将电影院建设和改造纳入国民经济和社会发展规划、土地利用总体规划和城乡规划等。

Article 39 Local people's governments at the county or above level shall, according to the demand of the masses and the development needs of the film market, include the construction and transformation of cinemas in the national economic and social development plan, the overall plan on land utilization, urban and rural plan and so on.

县级以上地方人民政府应当按照国家有关规定，有效保障电影院用地需求，积极盘活现有电影院用地资源，支持电影院建设和改造。

The local people's governments at the county level or above shall, as per the relevant provisions of the State, effectively guarantee the land demand of cinemas, actively liquidize land resources for cinemas, and support the construction and renovation of cinemas.

第四十条   国家鼓励金融机构为从事电影活动以及改善电影基础设施提供融资服务，依法开展与电影有关的知识产权质押融资业务，并通过信贷等方式支持电影产业发展。

Article 40 The State encourages financial institutions to provide financing services for film activities and the improvement of film infrastructures, lawfully conduct the pledge financing business of intellectual property rights relating to films, and support the development of the film industry by means of credit, etc.

国家鼓励保险机构依法开发适应电影产业发展需要的保险产品。

The State encourages insurance institutions to develop insurance products meeting the development needs of the film industry in accordance with the law.

国家鼓励融资担保机构依法向电影产业提供融资担保，通过再担保、联合担保以及担保与保险相结合等方式分散风险。

The State encourages financing guarantee institutions to legally provide financing guarantees for the film industry, and disperse risks by re-guarantee, joint guarantee, combination of guarantee and insurance and other means.

对国务院电影主管部门依照本法规定公告的电影的摄制，按照国家有关规定合理确定贷款期限和利率。

For the shooting of a film announced by the film authority under the State Council pursuant to this Law, the loan period and interest rate shall be determined reasonably pursuant to relevant regulations of the State.

第四十一条   国家鼓励法人、其他组织通过到境外合作摄制电影等方式进行跨境投资，依法保障其对外贸易、跨境融资和投资等合理用汇需求。

Article 41 The State encourages legal persons and other organizations to make cross-border investments by means of overseas cooperation in regard to film shooting and so on, and guarantees reasonable exchange demands of foreign trade, cross-border financing and investment and so on in accordance with the law.

第四十二条   国家实施电影人才扶持计划。

Article 42 The State implements a film talent support plan.

国家支持有条件的高等学校、中等职业学校和其他教育机构、培训机构等开设与电影相关的专业和课程，采取多种方式培养适应电影产业发展需要的人才。

The State supports qualified institutions of higher education, secondary vocational schools, other educational institutions and training institutions in offering film-related majors and courses and cultivating talents meeting the development demand of the film industry by various means.

国家鼓励从事电影活动的法人和其他组织参与学校相关人才培养。

The State encourages legal persons and other organizations engaged in film activities to participate in relevant talent cultivation schools.

第四十三条   国家采取措施，扶持农村地区、边疆地区、贫困地区和民族地区开展电影活动。

Article 43 The State takes measures to support rural areas, border areas, poverty-stricken areas and ethnic minority areas to conduct film activities.

国家鼓励、支持少数民族题材电影创作，加强电影的少数民族语言文字译制工作，统筹保障民族地区群众观看电影需求。

The State encourages and supports the creation of films with ethnic minority subjects, strengthens the dubbing of films into minority languages, and makes overall planning to meet the film watching demand of the people in ethnic minority areas.

第四十四条   国家对优秀电影的外语翻译制作予以支持，并综合利用外交、文化、教育等对外交流资源开展电影的境外推广活动。

Article 44 The State supports the foreign language translation of excellent films, and makes comprehensive use of diplomatic, cultural, educational and other foreign exchange resources to carry out overseas film promotion activities.

国家鼓励公民、法人和其他组织从事电影的境外推广。

The State encourages citizens, legal persons and other organizations to engage in overseas film promotion activities.

第四十五条   国家鼓励社会力量以捐赠、资助等方式支持电影产业发展，并依法给予优惠。

Article 45 The State encourages social forces to support the development of the film industry by way of donations, funding or otherwise, and gives preferences in accordance with the law.

第四十六条   县级以上人民政府电影主管部门应当加强对电影活动的日常监督管理，受理对违反本法规定的行为的投诉、举报，并及时核实、处理、答复；将从事电影活动的单位和个人因违反本法规定受到行政处罚的情形记入信用档案，并向社会公布。

Article 46 The competent departments for films under the people's governments at the prefecture level and above shall strengthen the daily supervision and administration of film activities, accept complaints or whistleblowing on any violation of this Law, and promptly verify, handle and reply to the complaints or whistleblowing; and shall record the administrative punishments imposed on entities and individuals for violation of this Law in credit archives, and announce the same to society.

第五章 法律责任

Chapter 5 Legal Liabilities

第四十七条   违反本法规定擅自从事电影摄制、发行、放映活动的，由县级以上人民政府电影主管部门予以取缔，没收电影片和违法所得以及从事违法活动的专用工具、设备；违法所得五万元以上的，并处违法所得五倍以上十倍以下的罚款；没有违法所得或者违法所得不足五万元的，可以并处二十五万元以下的罚款。

Article 47 Where an enterprise or individual, in violation of this Law, is engaged in film shooting, distribution or projection activities without authorization, the film authority under the people's government at the county level or above shall ban such activities, and confiscate the film, illegal gains and special instruments and equipment used in the illegal activities; if the illegal gains are more than 50,000 yuan, a fine of not less than five times but not more than ten times the illegal gains shall be imposed concurrently; if there are no illegal gains or the illegal gains are less than 50,000 yuan, a fine of not more than 250,000 yuan may be imposed concurrently.

第四十八条   有下列情形之一的，由原发证机关吊销有关许可证、撤销有关批准或者证明文件；县级以上人民政府电影主管部门没收违法所得；违法所得五万元以上的，并处违法所得五倍以上十倍以下的罚款；没有违法所得或者违法所得不足五万元的，可以并处二十五万元以下的罚款：

Article 48 If an enterprise or individual falls under any of the following circumstances, the original license-issuing authority shall revoke the relevant license, or revoke the relevant approval document or certification; the relevant film authority under the people's government at the county level or above shall confiscate the illegal gains; if the illegal gains exceed CNY50,000, a penalty of not less than five times but not more than ten times the illegal gains shall be imposed concurrently; if there are no illegal gains or the illegal gains are less than CNY50,000, a penalty of not more than CNY250,000 may be imposed concurrently:

（一）伪造、变造、出租、出借、买卖本法规定的许可证、批准或者证明文件，或者以其他形式非法转让本法规定的许可证、批准或者证明文件的；

1. forging, altering, leasing, lending, buying or selling any license, approval or certification stipulated hereunder, or illegally transferring any license, approval or certification stipulated hereunder in any other form;

（二）以欺骗、贿赂等不正当手段取得本法规定的许可证、批准或者证明文件的。

(II) obtaining any license, approval or certification stipulated herein by any improper means such as deception or bribery.

第四十九条   有下列情形之一的，由原发证机关吊销许可证；县级以上人民政府电影主管部门没收电影片和违法所得；违法所得五万元以上的，并处违法所得十倍以上二十倍以下的罚款；没有违法所得或者违法所得不足五万元的，可以并处五十万元以下的罚款：

Article 49 If an enterprise or individual falls under any of the following circumstances, the original license-issuing authority shall revoke the relevant license; the relevant film authority under the people's government at the county level or above shall confiscate the film and illegal gains; if the illegal gains exceed CNY50,000, a penalty of not less than ten times but not more than 20 times the illegal gains shall be imposed concurrently; if there are no illegal gains or the illegal gains are less than CNY50,000, a penalty of not more than CNY500,000 may be imposed concurrently:

（一）发行、放映未取得电影公映许可证的电影的；

1. distributing or projecting any film with a film release license not obtained yet;

（二）取得电影公映许可证后变更电影内容，未依照规定重新取得电影公映许可证擅自发行、放映、送展的；

2. altering any content of a film with a film release license already obtained, or arbitrarily distributing, projecting or submitting for exhibition any film with a film release license not obtained again as required; and

（三）提供未取得电影公映许可证的电影参加电影节（展）的。

3. providing any film with a film release license not obtained yet to participate in any film festival (exhibition).

第五十条   承接含有损害我国国家尊严、荣誉和利益，危害社会稳定，伤害民族感情等内容的境外电影的洗印、加工、后期制作等业务的，由县级以上人民政府电影主管部门责令停止违法活动，没收电影片和违法所得；违法所得五万元以上的，并处违法所得三倍以上五倍以下的罚款；没有违法所得或者违法所得不足五万元的，可以并处十五万元以下的罚款。情节严重的，由电影主管部门通报工商行政管理部门，由工商行政管理部门吊销营业执照。

Article 50 If any enterprise or individual undertakes the developing, processing, post production or any other business relating to any overseas film with contents damaging the national dignity, honor or interests, endangering social stability or hurting national sentiment, the relevant film authority under the people's government at the county level or above shall order the said enterprise or individual to stop such illegal activity, and confiscate the film and illegal gains; if the illegal gains exceed CNY50,000, a penalty of more than three times but less than five times the illegal gains will be imposed concurrently; if there are no illegal gains or the illegal gains are less than CNY50,000, a penalty of less than CNY150,000 may be imposed concurrently. If the circumstance is serious, the competent department for films concerned shall report the matter to the relevant administration for industry and commerce, which shall revoke the business license of the relevant enterprise or individual.

第五十一条   电影发行企业、电影院等有制造虚假交易、虚报瞒报销售收入等行为，扰乱电影市场秩序的，由县级以上人民政府电影主管部门责令改正，没收违法所得，处五万元以上五十万元以下的罚款；违法所得五十万元以上的，处违法所得一倍以上五倍以下的罚款。情节严重的，责令停业整顿；情节特别严重的，由原发证机关吊销许可证。

Article 51 Where a film distribution enterprise or cinema commits an act such as fabricating a transaction or making a false report of or concealing the sales revenue, thus disturbing the film market order, the film authority under the people's government at the county level or above shall order such enterprise or cinema to make corrections, confiscate the illegal gains, and impose a fine of not less than 50,000 yuan but not more than 500,000 yuan; if the illegal gains are more than 500,000 yuan, a fine of no less than one but no more than five times the illegal gains shall be imposed. If the circumstance is serious, the relevant film authority shall order the enterprise or cinema to stop business for internal rectification; if the circumstance is extremely serious, the relevant original license-issuing authority shall revoke the relevant license.

电影院在向观众明示的电影开始放映时间之后至电影放映结束前放映广告的，由县级人民政府电影主管部门给予警告，责令改正；情节严重的，处一万元以上五万元以下的罚款。

If a cinema projects an advertisement from the start time of projection of a film as explicitly announced to the audience to the end of the projection of the film, the film authority under the people's government at the county or above level or above shall give it a warning and order it to make corrections; if the circumstance is serious, a penalty of more than CNY10,000 but less than CNY50,000 shall be imposed.

第五十二条   法人或者其他组织未经许可擅自在境内举办涉外电影节（展）的，由国务院电影主管部门或者省、自治区、直辖市人民政府电影主管部门责令停止违法活动，没收参展的电影片和违法所得；违法所得五万元以上的，并处违法所得五倍以上十倍以下的罚款；没有违法所得或者违法所得不足五万元的，可以并处二十五万元以下的罚款；情节严重的，自受到处罚之日起五年内不得举办涉外电影节（展）。

Article 52 If any legal person or other organization organizes any foreign-related film festival (exhibition) within the territory without permission, the film authority under the State Council or relevant film authority under the people's government of a province, autonomous region or municipality directly under the Central Government shall order it to stop such illegal activity, and confiscate the films participating in the festival (exhibition) and any illegal gains; if the illegal gains exceed CNY50,000, a penalty of more than five times but less than ten times the illegal gains will be imposed concurrently; if there are no illegal gains or the illegal gains are less than CNY50,000, a penalty of less than CNY250,000 may be imposed concurrently; if the circumstance is serious, the legal person or other organization shall not organize any foreign-related film festival (exhibition) within five years from the date of imposition of penalty.

个人擅自在境内举办涉外电影节（展），或者擅自提供未取得电影公映许可证的电影参加电影节（展）的，由国务院电影主管部门或者省、自治区、直辖市人民政府电影主管部门责令停止违法活动，没收参展的电影片和违法所得；违法所得五万元以上的，并处违法所得五倍以上十倍以下的罚款；没有违法所得或者违法所得不足五万元的，可以并处二十五万元以下的罚款；情节严重的，自受到处罚之日起五年内不得从事相关电影活动。

If any individual organizes any foreign-related film festival (exhibition) within the territory or provides any film with a film release license not obtained yet to participate in any film festival (exhibition), the film authority under the State Council or relevant film authority under the people's government of a province, autonomous region or municipality directly under the Central Government shall order the said individual to stop such illegal activity, and confiscate any films participating in the festival (exhibition) and any illegal gains; if the illegal gains exceed CNY50,000, a penalty of more than five times but less than ten times the illegal gains will be imposed concurrently; if there are no illegal gains or the illegal gains are less than CNY50,000, a penalty of less than CNY250,000 may be imposed concurrently; if the circumstance is serious, the said individual shall not conduct any film-related activity within five years from the date of imposition of penalty.

第五十三条   法人、其他组织或者个体工商户因违反本法规定被吊销许可证的，自吊销许可证之日起五年内不得从事该项业务活动；其法定代表人或者主要负责人自吊销许可证之日起五年内不得担任从事电影活动的法人、其他组织的法定代表人或者主要负责人。

Article 53 If any legal person, other organization or individual business has its license revoked due to violation of this Law, the said legal person, other organization or individual business shall not engage in the business activity concerned within five years from the date of revocation of the license; and its legal representative or principal shall not act as the legal representative or principal of any legal person or other organization engaged in film activities within five years from the date of revocation of the license.

第五十四条   有下列情形之一的，依照有关法律、行政法规及国家有关规定予以处罚：

Article 54 Under one of the following circumstances, an organization or individual shall be punished according to relevant laws, administrative regulations or provisions of the State:

（一）违反国家有关规定，擅自将未取得电影公映许可证的电影制作为音像制品的；

1. violating the relevant provisions of the State, or arbitrarily producing any film with a film release license as an audio-visual product;

（二）违反国家有关规定，擅自通过互联网、电信网、广播电视网等信息网络传播未取得电影公映许可证的电影的；

2. violating the relevant provisions of the State, or arbitrarily transmitting any film with a film release license not obtained yet through information networks such as the Internet, telecom networks or broadcast networks;

（三）以虚报、冒领等手段骗取农村电影公益放映补贴资金的；

(III) defrauding subsidies for the rural public-interest film projection by means of false declaration or claim, etc.;

（四）侵犯与电影有关的知识产权的；

(IV) infringing any film-related IP rights; or

（五）未依法接收、收集、整理、保管、移交电影档案的。

(V) failing to receive, collect, sort out, keep or transfer film archives in accordance with the law.

电影院有前款第四项规定行为，情节严重的，由原发证机关吊销许可证。

Where a cinema commits any of the activities set out in Item 4 above and the circumstance is serious, the original license-issuing authority shall revoke the relevant license of the cinema.

第五十五条   县级以上人民政府电影主管部门或者其他有关部门的工作人员有下列情形之一，尚不构成犯罪的，依法给予处分：

Article 55 If any worker of a competent department for films under the people's government at the prefecture level or above or any other relevant department is involved in any of the following circumstances but does not constitute a crime, sanctions shall be imposed in accordance with the law:

（一）利用职务上的便利收受他人财物或者其他好处的；

1. Accepting properties or other benefits from others by taking advantage of their positions;

（二）违反本法规定进行审批活动的；

(II) examination and approval activities are conducted in violation of this Law;

（三）不履行监督职责的；

(III) failing to perform his supervisory duty;

（四）发现违法行为不予查处的；

(IV) failing to investigate or deal with any found illegal act; or

（五）贪污、挪用、截留、克扣农村电影公益放映补贴资金或者相关专项资金、基金的；

(V) embezzling, misappropriating, withholding or embezzling subsidies for the rural public-interest film projection or relevant special funds; and

（六）其他违反本法规定滥用职权、玩忽职守、徇私舞弊的情形。

(VI) other circumstances of abusing power, neglecting duties or practicing favoritism in violation of this Law.

第五十六条   违反本法规定，造成人身、财产损害的，依法承担民事责任；构成犯罪的，依法追究刑事责任。

Article 56 Whoever violates this Law and thereby causes any personal or property damage shall bear civil liability in accordance with the law; and shall be subject to criminal liability in accordance with the law if the violation constitutes a crime.

因违反本法规定二年内受到二次以上行政处罚，又有依照本法规定应当处罚的违法行为的，从重处罚。

Where an enterprise or individual that has been imposed administrative punishments more than twice within two years due to violation of this Law commits an illegal act again which shall be punished according to this Law, a heavier punishment shall be given.

第五十七条   县级以上人民政府电影主管部门及其工作人员应当严格依照本法规定的处罚种类和幅度，根据违法行为的性质和具体情节行使行政处罚权，具体办法由国务院电影主管部门制定。

Article 57 The competent departments for films under the people's governments at the prefecture level and above and workers thereof shall exercise the right of administrative penalty according to the nature of illegalities and specific circumstances and in strict accordance with the punishment types and degrees set out herein, with specific measures to be formulated by the competent department for films under the State Council.

县级以上人民政府电影主管部门对有证据证明违反本法规定的行为进行查处时，可以依法查封与违法行为有关的场所、设施或者查封、扣押用于违法行为的财物。

When the film authority under a people's government at the county or above level investigates into and punishes an act in violation of this Law as proved by evidence, it may seal up the site or facility relating to such illegal act or seize or detain the property used for such illegal act.

第五十八条   当事人对县级以上人民政府电影主管部门以及其他有关部门依照本法作出的行政行为不服的，可以依法申请行政复议或者提起行政诉讼。其中，对国务院电影主管部门作出的不准予电影公映的决定不服的，应当先依法申请行政复议，对行政复议决定不服的可以提起行政诉讼。

Article 58 If the party concerned objects to an administrative act carried out by the competent department for films under the people's government at the prefecture level or above or any other relevant department pursuant to this Law, it may apply for administrative reconsideration or file an administrative lawsuit according to law. If the objection relates to the decision of not granting a film release license made by the film authority under the State Council, the party shall first apply for administrative reconsideration according to the law, and then may file an administrative lawsuit if still not satisfied with the decision of the administrative reconsideration.

第六章 附 则

Chapter 6 Supplementary Provisions

第五十九条   境外资本在中华人民共和国境内设立从事电影活动的企业的，按照国家有关规定执行。

Article 59 If any overseas capital is used to establish an enterprise engaged in film activities in the People's Republic of China, the relevant provisions of the State shall apply.

第六十条   本法自2017年3月1日起施行。

Article 60 The Law shall come into force as of March 1, 2017.