

Customs Law of the People’s Republic of China

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of safeguarding state sovereignty and national interests, strengthening customs supervision and control, promoting exchanges with foreign countries in economic affairs, trade and technology, and ensuring the construction of socialist modernization.

Article 2 — The Customs of the People's Republic of China shall be the state organ responsible for the supervision and control over the entry and exit of means of transport, goods, luggage and postal articles, and other articles (hereinafter referred to collectively as "inward and outward means of transport, goods and articles"), the collection of customs duties and other taxes and fees, the prevention and suppression of smuggling, the compilation of customs statistics, and the handling of other customs business.

Article 3 — The State Council shall establish the General Administration of Customs to exercise unified administration of customs establishments throughout the country.

The state shall set up customs establishments at ports open to foreign countries and at places where concentrated customs operations require supervision and control. The subordination relationship of customs establishments shall not be subject to the principle of administrative division.

Customs establishments shall exercise their functions and powers independently in accordance with the law and shall be responsible to the General Administration of Customs.

Article 4 — The state shall set up specialized anti-smuggling police forces within the General Administration of Customs. Such forces shall be responsible for the investigation of smuggling crimes, and for conducting investigations, making detentions, and carrying out arrests in accordance with the Criminal Procedure Law.

Article 5 — The state shall implement a joint system of customs declaration, inspection, and release of import and export goods, organizing the unified handling of customs declaration, inspection, and release procedures at ports so as to improve efficiency and facilitate trade.

Chapter II — Inward and Outward Means of Transport

Article 6 — When a means of transport arrives at or departs from a place where a customs establishment is located, the person in charge shall make an accurate declaration to the customs, submit the relevant documents, and accept customs supervision and inspection.

A means of transport staying at a place with a customs establishment shall not depart without customs approval.

Before a means of transport moves from one place with a customs establishment to another place with a customs establishment, the person in charge shall complete the formalities at the customs at the place of departure and shall not change course or deviate from the route without approval.

Article 7 — The entry of foreign vessels into waters under Chinese jurisdiction shall be subject to the approval of the competent authorities. Upon arrival at a Chinese port, the captain shall submit the relevant documents to the customs and accept inspection.

Article 8 — When an inward or outward means of transport transits or transfers goods within the territory of China, the person in charge shall declare to the customs and complete the relevant formalities.

Article 9 — Inward and outward means of transport engaged in coastal transport shall not carry imported or exported goods without customs approval. When such means of transport are used for carrying imported or exported goods, they shall be subject to customs supervision.

Article 10 — Where, due to force majeure, an inward or outward means of transport is forced to berth, land, or jettison goods or load or unload passengers, goods, or articles at a place without a customs establishment, the person in charge shall immediately report to the nearest customs establishment.

Chapter III — Inward and Outward Goods

Article 11 — Import and export goods shall be subject to customs supervision. When goods are imported or exported, the consignor or consignee shall declare to the customs, submit the relevant documents, and accept customs inspection.

Goods under customs supervision shall not be opened, taken delivery of, delivered, forwarded, transshipped, modified, mortgaged, pledged, detained, substituted, used without authorization, or otherwise disposed of without customs approval.

Article 12 — Customs may require the consignor or consignee of import or export goods to provide documents verifying the origin of the goods. The consignor or consignee shall provide such documents.

Article 13 — When customs examines import or export goods, the consignor or consignee shall be present and shall be responsible for moving the goods and opening and restoring the packaging. Customs may examine or re-examine the goods or take samples without the presence of the consignor or consignee if the consignor or consignee fails to be present. Customs may directly take samples from the goods.

Article 14 — Imported goods shall not be taken delivery of, and exported goods shall not be loaded onto a means of transport for shipment, until customs release has been obtained.

Where the import or export of goods is restricted by state regulations, the consignor or consignee shall submit the import or export license issued by the competent authority for customs examination.

Article 15 — The consignor or consignee of import or export goods shall, within 14 days from the date of the customs declaration of the import goods, and 24 hours before the loading of the export goods, unless otherwise specially approved by the customs, pay customs duties to the designated bank.

Article 16 — Where imported goods have not been declared to the customs within 14 days after the entry of the means of transport, the customs may collect a fee for delayed declaration.

Where imported goods have not been declared to the customs within three months after the entry of the means of transport, the goods may be sold off by the customs in accordance with the law. After deducting the costs of transport, loading and unloading, storage, customs duties, and other expenses from the proceeds of the sale, the remaining amount shall be returned to the consignee within one year of the sale upon application. Where no application is made within the time limit, the remaining amount shall be turned over to the state treasury.

Article 17 — The consignor or consignee of import or export goods shall accurately declare to the customs the classification, quantity, value, and other relevant particulars of the goods.

Article 18 — Where import or export goods are temporarily imported or exported, the consignor or consignee shall pay a deposit or provide a guarantee equivalent to the customs duties, and the goods shall be exempted from customs duties for the time being.

Where temporarily imported or exported goods are not re-exported or re-imported within six months, the consignor or consignee shall pay customs duties.

Chapter IV — Inward and Outward Articles

Article 19 — Inward and outward luggage carried by individuals, postal articles sent by post, and other articles entering or leaving the territory of China shall be subject to customs supervision.

Article 20 — The quantity and value of inward and outward articles shall be limited to those for personal use, and such articles shall be subject to customs control.

Customs duties shall be levied on inward and outward articles in accordance with the law. Articles exceeding the reasonable quantity for personal use shall be treated as imported or exported goods and handled in accordance with the relevant provisions.

Article 21 — Inward and outward articles shall be truthfully declared to the customs by the owner and shall be subject to customs inspection.

Articles entering or leaving the country through postal channels shall be subject to customs inspection. Postal enterprises shall submit the relevant waybills to the customs.

Article 22 — Articles prohibited or restricted by the state from entering or leaving the country shall be dealt with in accordance with the relevant laws and administrative regulations.

Where inward or outward articles are not declared or are falsely declared, thereby evading customs supervision and control, customs duties, or state control of prohibited or restricted articles, the customs shall deal with such articles in accordance with the law.

Chapter V — Customs Duties

Article 23 — Unless otherwise provided by this Law, customs duties shall be levied on goods permitted to be imported or exported, and on articles permitted to enter or leave the country, in accordance with the law.

Article 24 — The consignee of imported goods, the consignor of exported goods, and the owner of inward and outward articles shall be the parties liable for paying customs duties.

Article 25 — The dutiable value of imported and exported goods shall be determined by the customs on the basis of the transaction value of the goods. Where the transaction value cannot be determined, the dutiable value shall be assessed by the customs in accordance with the law.

The dutiable value of imported goods shall include the price of the goods, the cost of transport and insurance before the goods arrive at the place of entry within the territory of China, and other expenses.

The dutiable value of exported goods shall include the price of the goods, the cost of transport and insurance before the goods arrive at the place of shipment within the territory of China, and other expenses, less export duties, if any.

Article 26 — Customs duties shall be levied on imported and exported goods at the rates applicable on the date of customs acceptance. Customs duties shall be levied on imported and exported goods that are the subject of a special customs measure at the rates applicable under such measure.

Article 27 — Customs duties shall be calculated on the basis of the applicable tax rate and the dutiable value as determined by the customs.

Article 28 — Customs duties may be reduced or exempted on any of the following goods:

(1) goods on which customs duties are reduced or exempted under international treaties or agreements to which the People's Republic of China is a contracting party or participating party; (2) goods on which customs duties are reduced or exempted under the provisions of the State Council; (3) goods temporarily imported or exported on which customs duties are temporarily exempted under the provisions of this Law; (4) goods that are damaged, deteriorated, or lost before release by the customs, on which customs duties may be reduced or exempted; (5) goods on which customs duties are reduced or exempted under other laws or administrative regulations.

Article 29 — The party liable for paying customs duties shall pay the duties within 15 days from the date of issuance of the duty payment notice by the customs. Where payment is overdue, a surcharge of 0.05 percent of the overdue amount shall be imposed for each day in arrears.

Article 30 — The consignee or consignor of import or export goods, or the owner of inward or outward articles, who has paid customs duties may apply to the customs for a refund of the duties within one year from the date of payment if:

(1) the goods were short-shipped or damaged and the duties have been refunded by the foreign seller; (2) the goods on which duties have been paid are subsequently re-exported without having been processed within the territory of China; (3) the duties have been overpaid due to an error in assessment or calculation by the customs; (4) other circumstances as provided by laws or administrative regulations.

Article 31 — Where customs duties have not been paid in full or have been underpaid, the customs may recover the unpaid or underpaid amount from the party liable for paying duties within one year from the date of payment. Where the underpayment is attributable to the fault of the party liable for paying duties, the customs may recover the unpaid amount within three years.

Chapter VI — Customs Bonded and Tax Security

Article 32 — The state shall implement a customs bonded system. Goods entering areas under customs supervision, such as bonded zones and bonded warehouses, may be exempted from customs duties for the time being in accordance with the law and shall be subject to customs supervision.

Article 33 — Enterprises engaged in the processing trade shall, in accordance with the provisions, open account books and submit customs declaration forms and other documents to the customs for filing.

Bonded goods processed by enterprises engaged in the processing trade shall be exported within the prescribed time limit and shall not be sold on the domestic market without customs approval and without payment of customs duties.

Article 34 — Where enterprises engaged in bonded business need to provide security for customs duties, they shall, in accordance with the relevant provisions, pay a deposit or provide a letter of guarantee to the customs.

Chapter VII — Supervision by Customs

Article 35 — Customs shall have the power to inspect inward and outward means of transport, goods, and articles. Customs may inspect or re-inspect goods and articles suspected of violating this Law or other relevant laws and administrative regulations.

Article 36 — Customs shall have the power to examine the documents and information relating to inward and outward means of transport, goods, and articles, and to detain those suspected of violating this Law or other relevant laws and administrative regulations.

Article 37 — Customs shall have the power to search means of transport, places, and persons suspected of smuggling. Customs may search persons, means of transport, and places suspected of carrying smuggled goods or articles.

Article 38 — Customs may seize inward and outward means of transport, goods, and articles, account books, documents, and other materials suspected of violating this Law or other relevant laws and administrative regulations for investigation.

Article 39 — Customs may pursue and seize smugglers and smuggling means of transport. Customs may continue the pursuit beyond the customs surveillance zone into adjacent areas and waters.

Article 40 — Customs may be equipped with weapons in accordance with the relevant provisions of the state.

Customs officers shall strictly comply with the regulations on the use of weapons when performing their duties.

Chapter VIII — Legal Liability

Article 41 — Whoever smuggles goods or articles that are prohibited by the state from entering or leaving the country, or smuggles goods or articles that are restricted by the state from entering or leaving the country and for which no valid certificate is produced, shall be subject to criminal liability in accordance with the law. Where the circumstances are not serious enough to constitute a crime, the customs shall confiscate the smuggled goods, articles, and illegal gains, and may also impose a fine.

Whoever conceals, fails to truthfully declare, or falsely declares goods or articles and thereby smuggles goods or articles not prohibited or restricted by the state shall be subject to criminal liability if the amount of customs duties evaded is relatively large. Where the circumstances are not serious enough to constitute a crime, the customs shall confiscate the illegal gains and may impose a fine.

Article 42 — Whoever smuggles goods or articles using a means of transport specially refitted for smuggling shall be subject to heavier punishment in accordance with the provisions of this Law.

Article 43 — Whoever provides conveniences or facilitation for smuggling, such as providing funds, account numbers, invoices, certificates, or customs declaration forms, shall be held jointly and severally liable for the smuggling.

Article 44 — Whoever obstructs customs officers in the performance of their duties in any of the following ways shall be transferred to the public security authorities for handling in accordance with the law:

(1) using violence or threats; (2) illegally restricting the personal freedom of customs officers; (3) assembling a crowd to obstruct the performance of duties; (4) other acts of obstruction.

Article 45 — Customs officers shall not purchase, share, or misappropriate confiscated smuggled goods or articles. Customs officers shall not possess smuggled goods or articles.

Customs officers who purchase or share confiscated smuggled goods or articles shall be subject to criminal liability in accordance with the law. Where the circumstances are not serious enough to constitute a crime, administrative sanctions shall be imposed.

Article 46 — Where customs officers commit any of the following acts, administrative sanctions shall be imposed; where the circumstances are serious, criminal liability shall be pursued:

(1) shielding or conniving in smuggling, or colluding with smugglers; (2) illegally detaining or inspecting means of transport, goods, or articles beyond their authority; (3) extorting or accepting bribes; (4) divulging state secrets, commercial secrets, or customs work secrets; (5) abusing their powers, intentionally making things difficult, or delaying the supervision and release of goods; (6) other acts in violation of laws and administrative regulations.

Chapter IX — Supplementary Provisions

Article 47 — For the purposes of this Law:

(1) “Inward and outward means of transport” means vessels, vehicles, aircraft, and pack animals used for carrying persons, goods, or articles into or out of the territory of China. (2) “Goods under customs supervision” means import and export goods that have not been released by the customs, and bonded goods, goods for processing trade, and other goods that are subject to time-limit customs supervision.

Article 48 — The State Council shall formulate implementation regulations for this Law.

Article 49 — This Law shall take effect as of July 1, 1987. The Provisional Customs Law of the People’s Republic of China promulgated by the Central People’s Government on April 18, 1951, shall be repealed simultaneously.

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