

Measures of the PRC for the Administration of Invoices

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Article 1 — These Measures are formulated in accordance with the Law of the People's Republic of China on the Administration of Tax Collection and other relevant laws and regulations for the purposes of strengthening the administration and supervision of invoices and ensuring the order of the State's tax revenue and economic activities.

Article 2 — Units and individuals that print, purchase, issue, obtain, keep, and submit invoices for verification within the territory of the People's Republic of China shall comply with these Measures.

Article 3 — For the purposes of these Measures, "invoices" means the receipts and payment vouchers issued and collected in the course of the purchase and sale of goods, the provision or acceptance of services, and other business activities.

Article 4 — The tax authorities of the State Council shall be uniformly responsible for the administration of invoices throughout the country. The tax authorities of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, in accordance with their duties, be responsible for the administration of invoices within their respective administrative regions. The finance, audit, public security, industry and commerce administration, and other relevant departments shall, within the scope of their respective duties, cooperate with the tax authorities in the administration of invoices.

Article 5 — The types, form, content, and scope of use of invoices shall be prescribed by the tax authorities of the State Council. The tax authorities shall exercise hierarchical and categorized administration over invoices based on the business characteristics and tax management needs of the entities and individuals. The printing of invoices shall be subject to the administration of the tax authorities.

Article 6 — Units and individuals that need to use invoices may, in accordance with the law, handle the printing, purchasing, and issuing of invoices, and shall not engage in any of the following acts: (1) altering, falsely issuing, or illegally printing invoices; (2) privately printing, forging, or altering invoices; (3) illegally purchasing or selling invoices; (4) privately destroying invoices; (5) transferring, lending, or selling invoices to others; or (6) other acts in violation of the provisions on the administration of invoices.

Article 7 — Invoices shall be printed by enterprises designated by the tax authorities of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government. Enterprises printing invoices shall obtain a Permit for Printing Invoices in accordance with the provisions. The Permit for Printing Invoices shall be issued by the tax authorities of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government. The format of the Permit for Printing Invoices shall be prescribed by the tax authorities of the State Council.

Article 8 — Special VAT invoices shall be printed by enterprises designated by the tax authorities of the State Council. Other invoices shall be printed by enterprises designated by the tax authorities of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government in accordance with the provisions of the tax authorities of the State Council. Without designation by the tax authority, no invoice shall be printed. The printing of invoices shall be administered by the tax authorities that issued the Permit for Printing Invoices.

Article 9 — Enterprises printing invoices shall, in accordance with the provisions approved by the tax authorities, print invoices. Enterprises printing invoices shall establish invoice printing management systems and safekeeping measures. The administration of the use and safekeeping of invoices shall be subject to supervision and inspection by the tax authorities.

Article 10 — Invoices shall be printed with a national unified anti-counterfeiting mark for invoices. The national unified anti-counterfeiting mark for invoices and the measures for the administration of the printing of invoices shall be prescribed by the tax authorities of the State Council. No entity or individual may forge the anti-counterfeiting mark for invoices.

Article 11 — The relevant invoices shall be printed with special invoices for specific industries or specific purposes after approval by the tax authorities of the State Council or the tax authorities of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government. The types of invoices to be printed with special invoices, the scope of their use, and the content of such invoices shall be prescribed by the tax authorities.

Article 12 — Invoices printed by enterprises in provinces, autonomous regions, and municipalities directly under the Central Government shall not be used outside the province, autonomous region, or municipality directly under the Central Government, unless otherwise provided for by the tax authorities.

Article 13 — Invoices shall be purchased by entities and individuals that need invoices after going through the purchasing formalities with the competent tax authorities. Entities and individuals purchasing invoices shall present valid identity documents and the tax registration certificate or other relevant documents. Entities and individuals purchasing invoices shall pay the cost of the invoices in accordance with the provisions. Tax authorities shall provide invoices for purchase by entities and individuals without delay.

Article 14 — Entities and individuals purchasing special VAT invoices shall, in addition to complying with the provisions of Article 13 of these Measures, present the relevant documents for the identity of general VAT taxpayers. No entity or individual shall purchase invoices by fraudulent means.

Article 15 — Units and individuals that need to temporarily use invoices may apply directly to the tax authorities of the place where the business operations are conducted to issue invoices, or may handle the purchasing and issuing of invoices through a tax agent.

Article 16 — Units and individuals that need to temporarily use invoices during their business activities outside the place of tax registration shall report to the tax authorities of the place where they are located for verification and issue a certificate for purchasing invoices outside the place of tax registration before handling the purchasing and issuing of invoices with the tax authorities of the place where the business operations are conducted. No entity or individual may carry or mail a blank invoice across the prescribed area of use without authorization.

Article 17 — Entities and individuals that temporarily carry or mail blank invoices across provinces, autonomous regions, and municipalities directly under the Central Government for business activities within the territory of China shall go through the formalities with the tax authorities of the place where they are located in accordance with the provisions of the tax authorities of the State Council.

Article 18 — Tax authorities shall implement a system of purchasing invoices by limiting the quantity and amount of invoices purchased when providing invoices for purchase and issuance by entities and individuals.

Article 19 — When selling goods, providing services, or engaging in other business activities, entities and individuals that collect payment shall issue invoices to the payers. Under special circumstances, the payers shall issue invoices to the collecting parties.

Article 20 — All entities and individuals that have generated business revenue shall truthfully issue invoices when purchasing goods, accepting services, or engaging in other business activities and making payments. The invoices shall not be required to be modified in terms of the name of the goods or services and the amount.

Article 21 — The tax authorities shall be responsible for supervising and inspecting the use of invoices by entities and individuals. The tax authorities shall, in accordance with the provisions, implement a system of inspection of the issuance, obtaining, and keeping of invoices. Entities and individuals that issue and obtain invoices shall be subject to the supervision and inspection of the tax authorities in accordance with the law. They shall truthfully report the situation and provide relevant materials, and shall not refuse or conceal information.

Article 22 — Entities and individuals keeping invoices shall establish invoice use registration systems, set up invoice registers, and report the use of invoices to the competent tax authorities on a regular basis. Entities and individuals keeping invoices shall properly keep invoices and shall not destroy invoices without authorization. The retention period for invoices that have been issued shall be five years. After the retention period expires, the invoices shall be destroyed after verification by the competent tax authorities.

Article 23 — Entities and individuals keeping invoices shall go through the formalities for the verification and cancellation of invoices in accordance with the provisions of the tax authorities. The tax authorities shall, in accordance with the provisions, verify and cancel invoices that have been issued, purchase and issue them, and provide invoices for continued use.

Article 24 — When going through the formalities for the change or cancellation of tax registration, entities and individuals shall go through the formalities for the change or cancellation of invoices and the invoice purchasing books at the same time. Before going through the formalities for the cancellation of tax registration, entities and individuals shall return the invoice purchasing book and the unused invoices to the tax authorities.

Article 25 — Tax authorities shall have the power to inspect the printing, purchasing, issuance, obtaining, retention, and submission for verification of invoices, and may consult and copy relevant materials and question the parties concerned. Tax authorities may record, videotape, photograph, and copy materials relevant to the case during inspections. Tax authorities conducting invoice inspections shall produce their tax inspection certificates.

Article 26 — Units and individuals that have lost invoices shall report to the competent tax authorities within the prescribed time limit and shall make a public announcement in newspapers and other media to declare the lost invoices invalid. The tax authorities shall investigate and handle lost invoices in accordance with the provisions.

Article 27 — Invoices shall be printed in the Chinese language. In ethnic autonomous areas, invoices may be printed concurrently in one ethnic minority language commonly used in the area. Where enterprises with foreign investment and foreign enterprises need invoices printed in a foreign language, the invoices may be printed concurrently in a foreign language after approval by the tax authorities.

Article 28 — The State shall apply a system of management of the anti-counterfeiting mark for invoices. Invoices shall be printed with the national unified anti-counterfeiting mark for invoices. Enterprises printing invoices shall print invoice anti-counterfeiting marks for invoices. The administration of the use of invoice anti-counterfeiting marks and the anti-counterfeiting special products for invoices shall be conducted in accordance with the relevant provisions.

Article 29 — Any entity or individual may report violations of the provisions on the administration of invoices. The tax authorities shall keep the informants confidential and may reward them appropriately. The methods of reward shall be prescribed by the tax authorities of the State Council.

Article 30 — Where, in violation of the provisions of these Measures, any of the following acts is committed, the tax authorities shall order the violator to make corrections and may impose a fine of not more than RMB 10,000 yuan. Where a fine is imposed, the illegal gains shall be confiscated: (1) failing to purchase invoices in accordance with the provisions; (2) failing to issue invoices in accordance with the provisions; (3) failing to obtain invoices in accordance with the provisions; (4) failing to keep invoices in accordance with the provisions; or (5) failing to submit invoices for verification in accordance with the provisions.

Article 31 — Where an enterprise illegally prints invoices, the tax authorities shall destroy the illegally printed invoices, confiscate the illegal gains and the tools and equipment used for committing the illegal act, and impose a fine of not less than RMB 10,000 yuan but not more than RMB 50,000 yuan. Where the circumstances are serious, the Permit for Printing Invoices may be concurrently revoked. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 32 — Where invoices printed by enterprises do not comply with the provisions, the tax authorities shall order the enterprises to make corrections, confiscate the illegal gains, and may impose a fine of not more than RMB 10,000 yuan.

Article 33 — Where entities and individuals issue, obtain, keep, or submit invoices for verification in violation of the provisions on the administration of invoices, the tax authorities shall order them to make corrections and may impose a fine of not more than RMB 10,000 yuan. Where the circumstances are serious, a fine of not less than RMB 10,000 yuan but not more than RMB 30,000 yuan shall be imposed. Where illegal gains are obtained, the illegal gains shall be confiscated.

Article 34 — Where tax authorities and their functionaries violate the provisions of these Measures by abusing their power, neglecting their duties, or engaging in malpractice for personal gain, the directly responsible person in charge and other directly responsible persons shall be subject to sanctions in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 35 — The tax authorities shall be responsible for the interpretation of these Measures. The tax authorities of the State Council shall formulate implementing rules.

Article 36 — The format of invoices shall be prescribed by the tax authorities of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government. The format of special VAT invoices and other invoices involving nationwide unified management shall be prescribed by the tax authorities of the State Council.

Article 37 — These Measures shall come into force on the date of issuance.

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