

Provisions on Customs Supervision of Enterprises of the PRC

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Promulgated by the General Administration of Customs of the People's Republic of China

Effective as promulgated

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Article 1 — These Provisions are formulated in accordance with the Customs Law of the People's Republic of China and other relevant laws and regulations for the purposes of regulating customs supervision over enterprises, promoting trade facilitation, and safeguarding national economic security.

Article 2 — These Provisions shall apply to customs supervision over enterprises engaged in import and export businesses within the territory of the People's Republic of China.

Article 3 — Customs shall implement a credit management system for enterprises, classifying enterprises into certified enterprise (AEO), general credit enterprise, and dishonest enterprise on the basis of their credit status, and shall adopt differentiated management measures accordingly.

Article 4 — An enterprise applying for customs registration shall submit the following materials:

- (1) the customs registration application form;
- (2) the business license of the enterprise as a legal person or other approval documents;
- (3) the articles of association of the enterprise; and
- (4) other materials as required by customs.

Article 5 — Customs shall complete the review of an enterprise's registration application within five working days and issue a customs registration certificate to the enterprise if the application meets the relevant requirements.

Article 6 — An enterprise registered with customs shall timely update its registration information with customs where its name, legal representative, registered address, business scope, or other registered information changes.

Article 7 — Customs shall assess the credit status of enterprises on the basis of the enterprises' compliance with laws and regulations, their internal management, their financial status, their trade security, and other such factors.

Article 8 — An enterprise that is certified by customs as an Authorized Economic Operator (AEO) may enjoy the following facilitation measures:

- (1) lower inspection rates for import and export goods;
- (2) simplified customs clearance procedures;
- (3) priority customs clearance;
- (4) reduction or exemption of customs guarantees; and
- (5) other facilitation measures provided for by customs.

Article 9 — An enterprise applying for AEO certification shall meet the following conditions:

- (1) having been registered with customs for at least one year;
- (2) having no record of customs-related violations or smuggling;
- (3) having a sound internal management system and financial management system;
- (4) having trade security management measures that meet customs requirements; and
- (5) other conditions provided for by customs.

Article 10 — Customs shall conduct regular reviews of certified enterprises. Where a certified enterprise no longer meets the certification standards, customs shall downgrade its credit rating.

Article 11 — Customs shall exercise strict supervision over dishonest enterprises, including but not limited to:

- (1) higher inspection rates;
- (2) scrutiny of import and export documents;
- (3) strengthened inspection and control measures; and
- (4) other strict supervision measures provided for by customs.

Article 12 — An enterprise shall truthfully declare the name, specifications, quantity, price, country of origin, and other information of its import and export goods in accordance with the relevant customs provisions, and shall submit the relevant documents for customs inspection.

Article 13 — An enterprise engaged in processing trade shall establish a sound account book management system and shall be subject to customs verification.

Article 14 — An enterprise operating a customs supervision zone shall comply with the customs supervision provisions and shall be subject to customs inspection and supervision over the entry, exit, storage, and processing of goods within the zone.

Article 15 — Customs shall have the power to exercise the following supervisory powers over enterprises:

- (1) inspecting and duplicating account books, documents, and other relevant materials;
- (2) entering the production and operation premises of enterprises for inspection;
- (3) inquiring with the legal representative, principal responsible person, and other relevant personnel of an enterprise;
- (4) inspecting and taking samples of import and export goods; and
- (5) other powers provided for by laws and regulations.

Article 16 — An enterprise shall cooperate with customs inspection and verification, and shall provide truthful information and materials.

Article 17 — Customs shall establish an enterprise credit information publicity system, and shall timely publish enterprise credit rating information, administrative penalty information, and other such information to the public through the customs website and other channels.

Article 18 — Customs shall implement joint incentive and joint disciplinary mechanisms for enterprises in accordance with the relevant State provisions, and shall share enterprise credit information with other government departments.

Article 19 — Where an enterprise violates customs supervision provisions, customs shall impose penalties on the enterprise in accordance with the Customs Law of the People's Republic of China, the Regulations on the Implementation of Customs Administrative Penalties, and other relevant laws and regulations.

Article 20 — Where an enterprise provides false information or conceals relevant information in the course of customs supervision, customs shall include such conduct in the enterprise's credit record and may adjust the enterprise's credit rating downward.

Article 21 — Where an enterprise has objections to the customs' credit assessment or customs supervision measures, the enterprise may submit a complaint or apply for administrative reconsideration to customs in accordance with the law.

Article 22 — Customs shall protect the trade secrets of enterprises learned in the course of performing duties, and shall not divulge such secrets to others.

Article 23 — Foreign-invested enterprises shall comply with these Provisions in the course of customs supervision.

Article 24 — The General Administration of Customs shall be responsible for the interpretation of these Provisions.

Article 25 — These Provisions shall come into force on the date of promulgation.

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