Regulations on the Administration of the Import and Export of Goods of the PRC

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Chapter I — General Provisions

Article 1 — These Regulations are formulated for the purpose of regulating the administration of the import and export of goods, safeguarding the order of foreign trade and promoting the healthy development of the national economy.

Article 2 — These Regulations shall apply to the administration of the import of goods into the territory of China and the export of goods from the territory of China. Where the import or export of goods requires the implementation of import or export administration measures in accordance with laws and administrative regulations, the relevant laws and administrative regulations shall apply.

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Article 3 — The State shall implement a unified administration system for the import and export of goods. The department of foreign trade and economic cooperation under the State Council (hereinafter referred to as the "foreign trade authority under the State Council") shall be responsible for the administration of the import and export of goods nationwide in accordance with these Regulations and the provisions of other relevant laws and administrative regulations. The foreign trade departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in accordance with the authorization of the foreign trade authority under the State Council, be responsible for the administration of the import and export of goods within their respective administrative regions.

Article 4 — The State shall implement a free trade policy in respect of the import and export of goods, and shall safeguard fair and free trade in goods in accordance with the law. The State may, in accordance with the actual circumstances, implement necessary restrictions or prohibitions on the import and export of goods.

Chapter II — Import Administration

Article 5 — The import of goods shall be free, except where the State provides otherwise. The State may restrict or prohibit the import of goods on the following grounds:

(1) The need to safeguard national security, public interests or public morals;

(2) The need to protect human health or safety, the life or health of animals or plants, or the environment;

(3) The need to implement measures relating to the import and export of gold or silver;

(4) The shortage of domestic supply or the need to effectively protect exhaustible natural resources;

(5) The need to provide a market of first sale for products of domestic infant industries;

(6) The need to restrict imports in connection with any restriction on the exportation of agricultural, pastoral or fishery products;

(7) The need to maintain the equilibrium of international payments;

(8) Other grounds as provided by laws or administrative regulations.

Article 6 — The State may, where necessary, implement automatic import licensing for certain imported goods and make such licensing information public. Goods subject to automatic import licensing shall be freely imported, and the foreign trade authority under the State Council shall grant automatic import licensing for such goods applied for by consignees of imports.

Article 7 — The State may implement tariff rate quota administration for certain imported goods. The tariff rate quota shall be allocated by the foreign trade authority under the State Council or the relevant department under the State Council within their respective scopes of functions and duties, on the principles of openness, fairness, impartiality and efficiency.

Article 8 — Where the import of goods implemented with quota administration or other restrictive import measures requires a license, the consignee of imports shall, in addition to obtaining the quota or complying with the restrictive import measures in accordance with the relevant provisions, also apply for an import license in accordance with the law.

Article 9 — The State may implement state trading administration for certain imported goods. Goods subject to state trading administration may only be imported by enterprises authorized to engage in state trading. The list of goods subject to state trading administration and the list of authorized state trading enterprises shall be formulated and published by the foreign trade authority under the State Council, in conjunction with the relevant departments under the State Council.

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Chapter III — Export Administration

Article 10 — The export of goods shall be free, except where the State provides otherwise. The State may restrict or prohibit the export of goods on the following grounds:

(1) The need to safeguard national security, public interests or public morals;

(2) The need to protect human health or safety, the life or health of animals or plants, or the environment;

(3) The need to implement measures relating to the import and export of gold or silver;

(4) The shortage of domestic supply or the need to effectively protect exhaustible natural resources;

(5) The need to restrict exports in connection with any restriction on the importation of agricultural, pastoral or fishery products;

(6) The need to maintain the equilibrium of international payments;

(7) Other grounds as provided by laws or administrative regulations.

Article 11 — The State may implement quota administration or other restrictive export measures for certain exported goods. Consignors of export goods subject to quota administration shall apply for export quotas to the foreign trade authority under the State Council or the relevant department under the State Council within their respective scopes of functions and duties.

Article 12 — Where the export of goods implemented with quota administration or other restrictive export measures requires a license, the consignor of exports shall, in addition to obtaining the quota or complying with the restrictive export measures in accordance with the relevant provisions, also apply for an export license in accordance with the law.

Article 13 — The State may implement state trading administration for certain exported goods. Goods subject to state trading administration may only be exported by enterprises authorized to engage in state trading.

Chapter IV — Import and Export Licenses and Quotas

Article 14 — The foreign trade authority under the State Council shall, in conjunction with the relevant departments under the State Council, formulate, adjust and publish the catalogues of goods subject to import and export license administration and the catalogues of goods subject to quota administration.

Article 15 — Consignees of imported goods and consignors of exported goods shall faithfully apply for import or export licenses to the license issuing authorities. Import and export licenses may not be forged, altered, bought, sold, leased, lent or transferred by any other means.

Article 16 — The allocation of import and export quotas shall be conducted by way of bidding, in conjunction with other methods, based on the principles of openness, fairness, impartiality and efficiency. The specific measures shall be formulated by the foreign trade authority under the State Council.

Article 17 — The license issuing authorities shall issue import and export licenses in accordance with the provisions of these Regulations and other relevant laws and administrative regulations, and shall not refuse to issue licenses without justified reasons.

Chapter V — Supervision and Administration

Article 18 — The foreign trade authority under the State Council shall supervise and administer the import and export of goods. The customs authorities shall, in accordance with the law, exercise supervision and control over the import and export of goods, and investigate and punish smuggling and other illegal activities.

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Article 19 — The foreign trade authority under the State Council may exercise regulation over the import and export of goods by means of import and export licensing, quota administration, tariff rate quota administration and other measures approved by the State Council.

Article 20 — Where the goods imported or exported infringe upon intellectual property rights and endanger foreign trade order, the foreign trade authority under the State Council may take measures such as prohibiting the import or export of the goods within a certain period of time.

Article 21 — Where goods are imported or exported by illegal means such as evading import and export licenses, quotas or tariff rate quotas, or by falsifying or altering import and export licenses, quotas or tariff rate quota certificates, the foreign trade authority under the State Council may take measures such as prohibiting the import or export activities of the party concerned within a certain period of time.

Article 22 — Any entity or individual shall have the right to report illegal acts in respect of the import and export of goods to the foreign trade authority under the State Council. The foreign trade authority under the State Council shall promptly investigate and handle such reports.

Chapter VI — Legal Liability

Article 23 — Where a consignee of imports or consignor of exports imports or exports goods without obtaining an import or export license, or imports or exports goods in excess of the quota without authorization, the foreign trade authority under the State Council shall order the party concerned to take corrective action, confiscate the illegal gains, and impose a fine of not less than one time but not more than three times the value of the illegally imported or exported goods. Where the violation constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 24 — Where a consignee of imports or consignor of exports forges, alters, buys, sells, leases, lends or otherwise illegally transfers an import or export license, the foreign trade authority under the State Council shall revoke the import or export license and impose a fine of not less than one time but not more than three times the value of the goods. Where the violation constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 25 — Where a license issuing authority or a staff member thereof violates the provisions of these Regulations by issuing a license, or by refusing to issue a license without justified reasons, the relevant department shall order it or him to take corrective action and impose administrative sanctions on the persons directly in charge and other persons directly responsible in accordance with the law.

Article 26 — Where a staff member of the foreign trade authority under the State Council neglects his or her duties, engages in malpractices for personal gain or abuses his or her powers, and the violation constitutes a crime, criminal liability shall be pursued in accordance with the law. Where the violation does not constitute a crime, administrative sanctions shall be imposed in accordance with the law.

Chapter VII — Supplementary Provisions

Article 27 — The import and export of goods in special economic zones and other specific areas shall be governed by the relevant provisions of the State.

Article 28 — The administration of the import and export of technology shall be separately provided for by the State Council.

Article 29 — The administration of the import and export of goods in border trade between border residents shall be separately provided for by the State Council or the relevant departments under the State Council.

Article 30 — These Regulations shall take effect as of January 1, 2002.

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