Provisions of the General Administration of Customs of the PRC on Articles Entering and Leaving the Territory for Foreign Embassies in China and Their Personnel

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

Approved by the State Council on October 31, 1986; promulgated by the General Administration of Customs on December 1, 1986; amended in accordance with the Decision of the State Council on Repealing and Amending Certain Administrative Regulations on January 8, 2011.

Article 1 — These Provisions are formulated in accordance with the Regulations of the People's Republic of China on Diplomatic Privileges and Immunities.

Article 2 — The import and export of articles for official use by foreign embassies in China (hereinafter referred to as "embassies"), and the import and export of articles for personal use by embassy personnel, shall be handled in accordance with these Provisions, unless a bilateral agreement provides otherwise and is applied accordingly.

For the purposes of the preceding paragraph, "articles for official use" means articles directly needed by an embassy in the performance of its functions, including furniture, furnishings, office supplies, articles for hospitality and motor vehicles; "articles for personal use" means daily necessities directly needed by embassy personnel and their spouses and minor children living with them during their stay in China, including furniture, household electrical appliances and motor vehicles.

Article 3 — When an embassy imports or exports articles for official use, or when a diplomatic agent imports or exports articles for personal use by consignment or by mail, a written declaration shall be made to the customs.

When a diplomatic agent enters or leaves the territory with private baggage carried on his or her person or loaded on the same means of transport, an oral declaration shall be made to the customs, and the customs shall release the baggage without examination. However, where there are substantial grounds for presuming that the baggage contains articles that are not for official use or personal use, or articles whose import or export is prohibited by Chinese laws and regulations, the customs shall have the right to examine them. During examination, the diplomatic agent or a person authorized by him or her must be present.

Article 4 — Articles for official use declared for import by an embassy, and articles for personal use declared for import by a diplomatic agent, shall be exempted from duty if, upon examination by the customs, they are within the quantity directly needed.

Articles for official use and articles for personal use declared for export shall be released after examination by the customs.

Article 5 — Embassies and embassy personnel shall not carry into or out of the territory articles whose import or export is prohibited by the laws and regulations of the People's Republic of China. Where, due to special circumstances, such articles need to be imported or exported, the approval of the relevant department of the Chinese Government must be obtained in advance, and the matter shall be handled in accordance with the relevant provisions of the Chinese Government.

The import of radio transceivers and related equipment must be approved in advance by the Ministry of Foreign Affairs of China upon written application. Embassies and embassy personnel shall declare the equipment to the customs and provide the relevant approval documents, and the customs shall release them after examination.

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The export of cultural relics must be declared to the customs in advance, and the relics must be appraised by the provincial, autonomous region or municipality cultural administration department designated by the national cultural administration department, which shall issue a permit for export. Embassies and embassy personnel shall provide the relevant permits to the customs, and the customs shall release the relics after examination.

The import and export of firearms and ammunition shall be handled in accordance with the Firearms Administration Law of the People's Republic of China.

The import and export of articles subject to control under Chinese quarantine laws and regulations shall be handled by the customs in accordance with the relevant laws and regulations.

Article 6 — Where an embassy or embassy personnel declare articles whose import or export is prohibited by Chinese laws and regulations, the customs shall detain them, unless approved by the relevant department of the Chinese Government; the embassy or embassy personnel concerned shall ship the articles back within 90 days. Where the articles are not shipped back within the time limit, the customs shall dispose of them and turn the proceeds over to the State Treasury.

Article 7 — Articles imported duty-free by an embassy or embassy personnel shall not be transferred. Where there is a genuine special reason for transfer, the approval of the customs must be obtained.

With respect to articles the transfer of which has been approved, the transferee or the transferor shall, in accordance with the provisions, complete the tax or duty-exemption formalities with the customs.

Article 8 — Diplomatic bags sent or received by embassies shall be released by the customs without examination. Diplomatic bags shall be sealed and bear visible external marks, and shall contain only diplomatic documents or articles for official use.

When a diplomatic bag is conveyed by a diplomatic courier, the courier must hold a courier certificate issued by the competent authority of the sending State. The captain of a commercial aircraft may be entrusted to convey diplomatic bags for an embassy, but the captain must hold an official document of the commissioning State stating the number of bags. Diplomatic bags conveyed or consigned by the captain of a commercial aircraft shall be received, collected or dispatched by embassy personnel dispatched by the embassy.

Article 9 — Where members of the administrative and technical staff and the service staff of an embassy who are not nationals of China or permanent residents of China bring into the territory articles for personal use, including household articles brought in within six months of taking up their posts, a written declaration shall be made to the customs. Where, upon examination, the articles are within the quantity directly needed (with automobiles limited to one per household), the customs shall examine and release them duty-free. Articles for personal use declared for export shall be released by the customs after examination.

Personal articles for their own use sent in or out by post by the persons referred to in the preceding paragraph shall be handled by the customs in accordance with the relevant provisions on personal postal articles.

Articles for personal use consigned into the territory by the persons referred to in the first paragraph of this Article during their term of office shall be handled by the customs by reference to the second paragraph of this Article.

Article 10 — The import and export of articles for official use and postal bags by the representative offices in China of the United Nations, its specialized agencies and other international organizations, and the import and export of articles for personal use by representatives, members of the administrative and technical staff, members of the service staff of such representative offices and their spouses and minor children living with them, shall be handled by the customs in accordance with the relevant international conventions to which China has acceded and the agreements concluded between China and the relevant international organizations; where a matter is not covered by such conventions and agreements, it shall be handled by

reference to the relevant provisions of these Provisions.

Article 11 — The import and export of articles for official use and consular bags by foreign consulates in China, and the import and export of articles for personal use by consular officers, members of the staff of consulates and their spouses and minor children living with them, shall be handled by the customs in accordance with the relevant international conventions to which China has acceded and the agreements concluded between China and the relevant countries; where a matter is not covered by such conventions and agreements, it shall be handled, on the basis of the principle of reciprocity, by reference to the relevant provisions of these Provisions.

Article 12 — These Provisions shall enter into force as of the date of promulgation.

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