Provisions on the Use of Weapons and Police Equipment by Customs Officers

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

Approved by the State Council on May 11, 1989; promulgated by Decree No. 7 of the General Administration of Customs and the Ministry of Public Security on June 19, 1989; 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 Article 6 of the Customs Law of the People's Republic of China, for the purpose of ensuring that customs officers use weapons and police equipment in accordance with law in the performance of their duties.

Article 2 — The weapons and police equipment used by customs officers shall be uniformly issued by the General Administration of Customs upon consent of the local public security organ. When performing anti-smuggling duties, customs officers shall use weapons and police equipment in accordance with these Provisions.

The weapons and police equipment used by customs officers include: light firearms, electric batons, handcuffs, and other approved and inventoried weapons and police equipment.

Article 3 — All weapons and police equipment issued to the customs are for shared use; no personally dedicated weapons or police equipment shall be issued.

When carrying firearms to perform anti-smuggling duties, customs officers shall carry with them the firearms permit or firearms passage permit issued by the local public security organ.

Article 4 — When performing anti-smuggling duties, customs officers may fire shots under any of the following circumstances:

(1) when pursuing an escaping smuggling gang or encountering smuggling under armed cover, and the offenders cannot be subdued without firing;

(2) when smugglers or smuggling suspects resist inspection by violence, seize weapons or police equipment, or threaten the life safety of customs officers, and the officers cannot defend themselves without firing;

(3) when smugglers or smuggling suspects seize the detained smuggled goods, articles and other evidence by force, and the seizure cannot be stopped without firing.

Article 5 — When performing anti-smuggling duties, customs officers may use police equipment under any of the following circumstances:

(1) when smugglers or smuggling suspects resist inspection or flee by violence;

(2) when smugglers or smuggling suspects resist the detention of smuggled goods, articles and other evidence by violence;

(3) when the officers are attacked while performing anti-smuggling duties and need to defend themselves;

(4) other circumstances in which the use of police equipment is necessary.

Article 6 — When using weapons or police equipment, customs officers shall use only such force as is necessary to subdue the other party. When customs officers fire shots in accordance with Article 4 of these Provisions, they shall, except in especially urgent circumstances, first give a verbal warning or a warning shot; as soon as the other party shows signs of submission, they shall immediately cease firing. Where firing

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causes casualties, the scene shall be protected and the case shall be reported immediately to the higher-level customs authority and the local public security organ.

Article 7 — Where a customs officer abuses weapons or police equipment in violation of these Provisions, the liability of the person concerned shall be pursued in accordance with law based on the circumstances.

Article 8 — These Provisions shall enter into force as of the date of promulgation.

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