

China - Administration on Import by Foreign-Funded Enterprises, 1995

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Contents

**Implementation Measures for the Administration on Import
by Foreign-Funded Enterprises
(Promulgated by Ministry of Foreign Trade and Economic
Cooperation on June 9, 1995)** **1**

Article 1 1

Article 2 1

Article 3 1

Article 4 1

Article 5 1

Article 6 2

Article 7 2

Article 8 2

Article 9 2

Article 10 3

Article 11 3

Article 12 3

Article 13 3

Article 14 3

Article 15 3

Article 16 3

Article 17 3

Metadata **4**

SiSU Metadata, document information 4

1 **Implementation Measures for the Administration on**
2 **Import by Foreign-Funded Enterprises**
3 **(Promulgated by Ministry of Foreign Trade and**
4 **Economic Cooperation on June 9, 1995)**

5 **Article 1**

6 In compliance with the relevant laws and regulations about foreign-
7 funded enterprises and "Provisional Procedures for Administration
8 on Import Quota of General Commodities", and "Provisional Pro-
9 cedures for the Administration on Automatic Import Registration for
10 Special Commodities", the present Implementation Measures are
11 formulated.

12 **Article 2**

13 The present Implementation Measures shall be applicable to the
14 import of foreign-funded enterprises (Sino-foreign Equity Joint Ven-
15 ture, Sino-foreign Contractual Joint Venture, and Wholly Foreign-
16 Funded Enterprise).

17 **Article 3**

18 The import commodities stipulated in the present Implementation
19 Measures refer to all kinds of commodities including commodities
20 subject to quota administration and special commodities requiring
21 registration and other commodities except machinery and electric
22 products.

23 **Article 4**

24 The import of commodities subject to quota administration by

foreign-funded enterprises within its investment volume do not
require quota certification. In this case, the foreign-funded en-
terprises may apply for import license by presenting the detailed
list of import equipment and materials approved by authorized
departments in charge of foreign trade and economic cooperation,
the Customs office shall release the said import commodities
after examining the import license. As for the import of special
commodities requiring registration and other commodities, the
Customs office shall examine and release them against the
detailed list of import equipment and materials approved by
authorized departments in charge of foreign trade and economic
cooperation, no other examining and approving formalities are
needed.

25 **Article 5**

26 When foreign-funded enterprises import commodities for the pur-
27 pose of manufacturing products for domestic sales, the import com-
28 modities which are subject to quota administration shall be included
29 in the enterprises' annual plan of total import of quota commodities.
30 The foreign-funded enterprises shall apply for and obtain import li-
31 cense by presenting quota certificates and the Customs office shall
32 release the said commodities after examining the import license.
33 As for the import of special commodities requiring registration, the
34 foreign -funded enterprises shall apply for import registration cer-
35 tificates, the Customs offices shall release the said commodities
36 after examining the import registration certificates. The Customs
37 shall release the import of other commodities of foreign-funded en-
38 terprises after examining their import contracts and relevant docu-
39 ments.

Article 6

13 As for the import of commodities of foreign-funded enterprises for the purpose of manufacturing export products, including quota commodities, special registration commodities and other commodities, the Customs office shall supervise and control the said commodities in accordance with the laws and regulations concerning duty-bonded cargoes.

Article 7

14 The departments in charge of foreign trade and economic cooperation in every province, autonomous region, municipality directly under the Central Government and city with independent planning power shall, before October 31 of every year, report to Ministry of Foreign Trade and Economic Cooperation(hereinafter referred to as MOFTEC)the demand for import of quota commodities in the next year by local foreign-funded enterprises for the purpose of manufacturing products for domestic sales, MOFTEC shall examine and report the itemized demand for import of quota commodities by foreign-funded enterprises in the whole country to the State Planning Commission. The State Planning Commission will balance the total volume and bring it into the line with the state plan of the quota commodities to be imported.

16 In accordance with the total import demand scale of foreign-funded enterprises decided upon by the State Planning Commission, MOFTEC shall compile annual distribution plan, make it known to all localities and organize the implementation of the distribution plan. MOFTEC may, with the permission from the State Planning Commission, make an adjustment in the third quarter of a year to the plan in light with the actual execution of the plan. MOFTEC shall, in the fourth quarter of a year, make a pre-arrangement for the import quota of the next year, the amount of the prearranged

12 quota shall be equal to 30% of the total import demand in the present year. MOFTEC shall copy the distribution, adjustment and pre-arrangement plan to the State Planning Commission.

Article 8

17 MOFTEC shall entrust the department in charge of foreign trade and economic cooperation in every province, autonomous region, municipality directly under the Central Government, and city with independent planning power to handle the application of foreign-funded enterprises for import quotas of commodities to be imported for the purpose of manufacturing products for domestic sales and issue quota certificates, to handle the process of import registration for special commodities to be imported for the purpose of manufacturing products for domestic sales and issue import registration certificates.

The right to issue import quota and registration certificates shall not be transferred to a lower level.

Article 9

20 As for the import of quota commodities by foreign-funded enterprises established by enterprises belonging to the relevant departments under the State Council (without shares participated by enterprises in the localities) for the purpose of manufacturing products for domestic sales, the relevant departments in charge shall report the itemized demand to MOFTEC. MOFTEC shall be responsible for handling the relevant import procedures of quota commodities and special registration commodities.

Article 10

23 When applying for import quota, foreign-funded enterprises shall present to the departments in charge of foreign trade and economic cooperation its company contract, Article of Association and relevant approval documents, the said departments in charge shall check and issue quota certificates according to the actual manufacturing abilities of the enterprises. In case of denying the application for quota certificates, the said departments in charge shall give a reply within 10 working days after the application.

Article 11

24 The effective seal of import quota and registration of foreign-funded enterprises shall be "the Special Import Examination Seal for Foreign-funded Enterprises" uniformly engraved and issued by MOFTEC.

Article 12

26 In case of actions violating the present Implementation Measures, i.e. issuing quota certificates when there is no quota and or exceeding the actual quota volume, MOFTEC will, according to the seriousness of the violating actions, make the punishment from circulating a notice of criticism to the concerned units and those who are responsible to terminating and depriving them of the right to approve and issue the certificates. As to those whose actions are serious enough to violate the criminal laws, they shall be handled over to the judicial institutions for investigation of the crime.

Article 13

28 The departments in charge of foreign trade and economic coop-

22 eration in every province, autonomous region, municipality directly under the Central Government and city with independent planning power shall, no later than the 5th day of every month, report the issuance of import quota and registration certificates in the previous month to MOFTEC. MOFTEC then collect and send the summarized reports to the State Planning Commission.

Article 14

The import of crude oil, petroleum products and steels by foreign-funded enterprises shall be conducted in compliance with the relevant regulations published by the State Council.

Article 15

The import by enterprises with investment of businessmen from Taiwan, Hong Kong, Macao and overseas Chinese shall be handled according to the present Implementation Measures.

Article 16

The right to interpret the present Implementation Measures shall reside in MOFTEC.

Article 17

The present Implementation Measures shall enter into force as of July 1, 1995.

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