

China - Notice on the Application of Export License, 1996

MOFTEC

copy @ lexmercatoria.org

Copyright © 1996 MOFTEC

Contents

Notice on the Application of Export License (Promulgated by Ministry of Foreign Trade and Economic Cooperation on September 6, 1996)	1
I. Documents and Materials Necessary for the Application of Export License	1
II. Standard of Contents in the Application Form for Export License	2
III. In Case of Modification, Extension and Loss of Export License	4
Metadata	6
SiSU Metadata, document information	6

1 **Notice on the Application of Export License**
(Promulgated by Ministry of Foreign Trade and
Economic Cooperation on September 6, 1996)

2 **I. Documents and Materials Necessary for the Application**
of Export License

3 1. All import and export enterprises, when applying for export
license, shall submit to the issuing departments the following
general documents and materials:

4 (i) Application Form for Export License

5 The Form (original) shall be clearly and normatively filled in
and sealed by the applying units.

6 (ii) Export contract (original copy).

7 (iii) Official letter issued by the applying unit or the working
certificates of the applicant. The persons on commission
shall submit the letter of commission issued by the entrusting
units.

8 (iv) Non-foreign trade units (referring to those departments, or-
ganizations, enterprises and institutions which have not been
accredited with the license of foreign trade), when applying for
export license, shall submit certificates issued by the depart-
ments in charge at the level of departments or bureaus.

9 (v) The applying units, when applying for export license for the
first time, shall submit the documents (original copy) accredi-
ting them with foreign trade rights, issued by Ministry of Foreign
Trade and Economic Cooperation (MOFTEC) or the local for-
eign trade department authorized by MOFTEC.

10 (vi) Foreign-funded enterprises, when applying for export li-
cense for the first time, shall submit their certificates of approval
and business licenses issued by competent government orga-

nizations, which will be kept on file for verification by the issuing
departments.

2. Application for export license of general trade requires for 11
the following additional documents:

(i) When applying for export license of commodities subject to 12
quota control, foreign trade enterprises under various ministries
and commissions shall submit the certificates of approving on
export quotas issued by MOFTEC, and all local foreign trade
enterprises shall submit the certificates of approving on export
quotas issued by the local departments in charge of foreign
trade and economic cooperation.

(ii) When applying for export license of chemicals used for 13
both civil and military purposes, approving documents issued
by Ministry of Chemical Industry shall be provided. When
applying for those of chemicals from which toxic is easily
made, documents issued by MOFTEC shall be provided.
When applying for those of heavy water, documents issued
by MOFTEC shall be provided. When applying for those
of computers, the Examining Form for Exporting Computer
Technology issued by MOFTEC shall be provided.

(iii) When applying for export license of commodities subject to 14
bidding of quotas with compensation, the applying units shall
submit Certificates Applying for export License of Commodities
Subject to Bidding of Quota with Compensation issued by the
Bidding Committee. When applying for commodities subject to
free bidding, the Certificates of Winning the Bid issued by the
Bidding Committee shall be provided.

3. When applying for export license of commodities brought 15
abroad by contract engineering enterprises (except those sub-
ject to bidding of quotas with compensation shall be handled
according to relevant regulations), import and export enter-
prises under various ministries and commissions shall submit
the documents approving the contract of engineering projects

issued by MOFTEC and the contract concluded by the exporting units, and various local import and export enterprises shall submit such documents issued by local departments in charge of foreign trade and economic cooperation and the contract concluded by the exporting units. The export contract shall specify the specification and quantity of the commodities subject to license control.

16 4. When applying for export license of commodities processed from imported materials and subject to export quotas, the foreign trade enterprise under various ministries and commissions shall produce the documents approving the export quotas and processing trade issued by MOFTEC; and the local foreign trade enterprises shall produce those issued by local departments in charge of foreign trade and economic cooperation.

17 When applying for export license of commodities processed from imported materials and free from quota control, the foreign trade enterprise under various ministries and commissions shall produce the approving documents issued by MOFTEC and the Registering Handbook for Processing with Imported Materials issued by customs offices; and the local foreign trade enterprises shall produce those issued by local departments in charge of foreign trade and economic cooperation.

18 When applying for export license of steels, pig iron, zinc and edible sugar processed with imported materials, all foreign trade enterprises shall submit the approving documents and the Registering Handbook for Processing with Imported Materials issued by MOFTEC.

19 5. With regard to non-trade commodities, the following documents and materials should be provided:

20 (i) Delivering samples

21 When delivering samples valuing RMB 5,000-10,000 yuan,

non-foreign trade units shall submit the official letter issued by the competent departments at the level of departments or bureaus.

When delivering samples subject to license control and valuing over RMB 5,000 yuan, the foreign trade enterprises shall apply for export license according to regulations governing general trade. 22

(ii) Delivering exhibits 23

With regard to articles brought abroad for the purpose of holding exhibitions and supposed to be sold in foreign countries by the non-foreign trade units, they shall submit the documents approving the holding of exhibitions issued by MOFTEC. 24

With regard to license - controlled articles brought abroad for the purpose of holding exhibitions and supposed to be sold in foreign countries by foreign trade companies directly under various ministries and commissions authorized by MOFTEC, they shall submit the documents approving the holding of exhibitions issued by MOFTEC. 25

II. Standard of Contents in the Application Form for Export License 26

The units applying for export license shall fill in the Application Form for Export License according to the following standard: 27

1. Exporters 28

(i) When applying for license of commodities subject to quota control, the full name of the foreign trade enterprise accredited with export quota allocation shall be given. 29

(ii) When applying for license of general commodities, the full name of the import and export enterprise accredited with the right of export shall be given. 30

31 (iii) When applying for license of commodities serving the purpose of re-paying credit and compensation trade, the full name of the agent company accredited with the right of export shall be given.

32 (iv) When exporting commodities upon permission, the full name of non-foreign trade unit might be filled in this column.

33 (v) Code of the exporting enterprises shall be filled in according to the codes compiled by the issuing organizations authorized by MOFTEC (the same below).

34 2. Consignors

35 (i) With regard to commodities subject to quota bidding (both compensated and free bidding), the name of the consignor shall be identical with that of the exporter.

36 (ii) In principle, the names of the consignors for all other commodities subject to quota control shall be identical with that of the exporters, except that the consignors are subordinate to the exporters.

37 (iii) With regard to the export for the purposes of repaying credit, compensation trade and export entrusted by foreign-funded enterprises, the name of the consignor may not be identical to that of the exporter.

38 3. Export License Number

39 It shall be made by the issuing organizations.

40 4. Validity of Export License

41 (i) With regard to commodities regulated in a case-by-case manner, the validity of export license shall be no longer than 3 months from the date of its issuance. That for fresh, live and frozen commodities to be exported to Hong Kong and Macao (excluding entrepot* trade) shall be no longer than 1 month.

(ii) With regard to commodities without such case-by-case regulation, export by foreign-funded enterprises and export under the title of compensation trade, the validity of export license shall be no longer than 6 months.

(iii) In case the validity of export license shall stride over one calendar year, it could not be extended beyond February of the next year.

5. Mode of Trade

(i) The contents of this column include the following: general trade, barter trade, compensation trade, processing with imported materials, processing with supplied materials, export by foreign-funded enterprises, border trade, export for processing abroad, entrepot* trade, forward trade, contract engineering, export to repay credit, international exhibitions and marketing, trade under treaty and other trade.

(ii) Re-export with imported materials, this column shall be filled in as processing with imported materials.

(iii) In case of re-export by foreign-funded enterprises, the column of Mode of Trade shall be filled in as export by foreign-funded enterprises.

(iv) In case that non-foreign trade units deliver their samples and exhibits for sale valuing over RMB 5,000 yuan, this column shall be filled in as international exhibition.

(v) In case that various import and export enterprises deliver their exhibits for sale, this column shall be filled as international exhibition; the delivered samples shall be filled in as general trade.

6. Number of Contract

(i) Number of contract shall be the code number which is used for export license application, customs declaration and foreign exchange settlement.

- 52 (ii) Contract number may not be filled in as for the export of
crude oil, petroleum products and non-trade export.
- 53 (iii) When delivering exhibits, this column shall be filled in with
the number of documents issued by MOFTEC.
- 54 7. Port of Customs Declaration
- 55 Port of customs declaration refers to the port of delivery. Three
ports might be filled in this column, but only one port shall be
chosen to make customs declaration.
- 56 8. Importing Countries (Regions)
- 57 Importing countries (regions) refer to the destination of cargoes
or destination of contracts. No area name, such as Europe,
shall be used.
- 58 9. Mode of Payment
- 59 This column may be filled in with such descriptions as L/C, col-
lection, remittance, cashier's check, cash, settlement on ac-
counts, and free, etc..
- 60 10. Mode of Transportation
- 61 This column may be filled in with ocean transportation, rail
transportation, road transportation, air transportation, postal
transportation and fixed transportation.
- 62 11. Description and Code of Commodities
- 63 This column shall be filled in according to the standard descrip-
tion and commodity code stipulated in the catalog of commodi-
ties subject to export license administration.
- 64 12. Specifications and Grades
- 65 (i) The column of specifications and grades is for the sake of
making detailed explanation about the specifications, varieties
and grades of commodities, such as the specifications of ce-
ment and steels and the grades of rabbit hair. If there are over
4 specifications, varieties or grades of commodities under one
code number, another application form shall be filled in. The
export of goods by way of labor service shall be filled in accord-
ingly.
- (ii) The specifications, varieties and grades of commodities ac- 66
tually delivered shall be identical with the descriptions in this
column.
13. Unit 67
- Unit refers to measurement unit. The measurement unit for ex- 68
ports of non-trade commodities shall be filled in as "lot" and the
specific measurement unit shall be stated in the column of re-
marks.
14. Quantity, Unit price and Total Value 69
- (i) Quantity refers to the quantity of commodities allowed to be 70
exported. It could be stated to 1 decimal place and the other
places shall be rounded. The column for measurement unit
stated as "lot" shall be filled in as 1.
- (ii) Unit price refers to the unit price consistent with the mea- 71
surement unit. The column for measurement unit stated as "lot"
shall be filled in as the total value.
15. Remarks 72
- This column shall be filled in to state the accounts which have 73
not been covered by the above-mentioned columns.
- III. In Case of Modification, Extension and Loss of Export 74
License**
1. If it is necessary for any foreign trade enterprise to modify 75
or extend the export license, the following procedures shall be
gone through.
- (i) In principle, the contents of export license shall not be modi- 76

fied after its issuance by any issuing organizations. If it deems necessary to change the content of one column, the exporting units shall fill in the application form for export license and submit it to the original issuing organization for new export license.

77 (ii) During the validity of an export license, if it has not been used or fully used, the export units can apply for an extension of the license and return the old license to the original issuing organization. The original issuing organization shall issue new license after taking back the original license. The validity of export license shall not be extended beyond February of the next year.

78 2. In case of a loss of export license, the applying units shall report the loss in due time to the issuing organization and the customs office of the port of customs declaration. When applying new license, they shall submit to the issuing organization the report of loss and the certificate which states that they had not used the former license for customs declaration, so that the issuing organizations may issue new license for them.

79 IV. Legal Responsibilities of the Applying Units

80 The applying units are not allowed to forge, alter or trade export license. If the applying units fail to observe this provision, they shall be dealt with according to the Foreign Trade Law of the People's Republic of China and the customs laws and regulations for cri

.....****

Metadata

SiSU Metadata, document information

Document Manifest @:

`<http://www.jus.uio.no/lm/china.export.license.application.notice.1996/sisu_manifest.html>`

Title: China - Notice on the Application of Export License, 1996

Creator: MOFTEC

Rights: Copyright (C) 1996 MOFTEC

Publisher: SiSU `<http://www.jus.uio.no/sisu>` (this copy)

Date: 1996-09-06

Topics Registered: statute:China;exports:China

Version Information

Sourcefile: china.export.license.application.notice.1996.sst

Filetype: SiSU text 2.0

Source Digest: SHA256(china.export.license.application.notice.1996.sst)=
cd93a78ebfae9d5340de0a6a15415e02d584495e2e83394fd9d70f304c8d884a

Skin Digest: SHA256(skin_lm.rb)=5acda64a9532f9ef6b71693da2b471d4-
efac2f23a8499e68de066eec8ea9b8e9

Generated

Document (dal) last generated: Tue Sep 21 16:14:22 -0400 2010

Generated by: SiSU 2.6.3 of 2010w30/3 (2010-07-28)

Ruby version: ruby 1.8.7 (2010-08-16 patchlevel 302) [i486-linux]