

China - Notice on the Application of Export License, 1996

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Notice on the Application of Export License

(Promulgated by Ministry of Foreign Trade and Economic Cooperation on September 6, 1996)

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

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

(i) Application Form for Export License

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

(ii) Export contract (original copy).

(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.

(iv) Non-foreign trade units (referring to those departments, organizations, 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 departments in charge at the level of departments or bureaus.

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

(vi) Foreign-funded enterprises, when applying for export license for the first time, shall submit their certificates of approval and business licenses issued by competent government organizations, which will be kept on file for verification by the issuing departments.

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

(i) When applying for export license of commodities subject to 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 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 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. 14

3. When applying for export license of commodities brought abroad by contract engineering enterprises (except those subject to bidding of quotas with compensation shall be handled according to relevant regulations), import and export enterprises 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. 15

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. 16

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. 17

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. 18

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

(i) Delivering samples 20

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. 21

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

(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. 31

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

(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). 33

2. Consignors 34

(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. 35

(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. 36

(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. 37

3. Export License Number 38

It shall be made by the issuing organizations. 39

4. Validity of Export License 40

(i) With regard to commodities regulated in a case-by-case manner, the validity of export 41

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. 42

(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. 43

5. Mode of Trade 44

(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. 45

(ii) Re-export with imported materials, this column shall be filled in as processing with imported materials. 46

(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. 47

(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. 48

(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. 49

6. Number of Contract 50

(i) Number of contract shall be the code number which is used for export license application, customs declaration and foreign exchange settlement. 51

(ii) Contract number may not be filled in as for the export of crude oil, petroleum products and non-trade export. 52

(iii) When delivering exhibits, this column shall be filled in with the number of documents issued by MOFTEC. 53

7. Port of Customs Declaration 54

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. 55

8. Importing Countries (Regions) 56

Importing countries (regions) refer to the destination of cargoes or destination of contracts. No area name, such as Europe, shall be used. 57

9. Mode of Payment 58

This column may be filled in with such descriptions as L/C, collection, remittance, cashier's check, cash, settlement on accounts, and free, etc.. 59

10. Mode of Transportation 60

This column may be filled in with ocean transportation, rail transportation, road transportation, air transportation, postal transportation and fixed transportation. 61

11. Description and Code of Commodities 62

This column shall be filled in according to the standard description and commodity code stipulated in the catalog of commodities subject to export license administration. 63

12. Specifications and Grades 64

(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 cement 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 accordingly. 65

(ii) The specifications, varieties and grades of commodities actually delivered shall be identical with the descriptions in this column. 66

13. Unit 67

Unit refers to measurement unit. The measurement unit for exports of non-trade commodities shall be filled in as "lot" and the specific measurement unit shall be stated in the column of remarks. 68

14. Quantity, Unit price and Total Value 69

(i) Quantity refers to the quantity of commodities allowed to be 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. 70

(ii) Unit price refers to the unit price consistent with the measurement unit. The column for measurement unit stated as "lot" shall be filled in as the total value. 71

15. Remarks 72

This column shall be filled in to state the accounts which have not been covered by the above-mentioned columns. 73

III. In Case of Modification, Extension and Loss of Export License 74

1. If it is necessary for any foreign trade enterprise to modify or extend the export license, the following procedures shall be gone through. 75

(i) In principle, the contents of export license shall not be modified after its issuance by any issuing organizations. If it deems necessary to change the content of one column, 76

the exporting units shall fill in the application form for export license and submit it to the original issuing organization for new export license.

(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. 77

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. 78

IV. Legal Responsibilities of the Applying Units 79

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 80

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SiSU Metadata, document information

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