China - Notice on the Application of Import License, 1996

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Contents

Notice on the Application of Import License
(Promulgated by Ministry of Foreign Trade and Economic Cooperation on September 16, 1996)

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

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

(i) Application Form for Import License. The Application Form (original) shall be clearly and normatively filled in and sealed by the applying units. The contents filled in shall be standardized.

(ii) 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.

(iii) Non-foreign trade units (referring to departments, organizations, enterprises and institutions which have not been accredited the license of foreign trade), when applying for import license, shall submit certificates issued by the departments in charge at the level of departments or bureaus.

(iv) The applying units, when applying for import 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 departments authorized by MOFTEC.

(v) Foreign-funded enterprises, when applying for import 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.

2. Application for import license under general trade requires for the following additional documents:

(i) Import commodities subject to quota control: When applying for import license of machinery and electronic products, the applying units shall submit the Import Quota Certificate issued by the State Office for Import and Export of Machinery and Electronic Products (hereinafter referred to as "the State MEP Office"). When applying for that of general commodities, the applying units shall submit the Import Quota Certificate for General Commodities issued by quota administrating organizations authorized by the State Planning Commission.

(ii) As for the license of Import Commodities free from quota control: cereals, vegetable oil, pesticides, liquor and color sensitive materials, the applying units shall submit the Registration Certificate for Import of Special Commodities issued by the registration organizations authorized by the State Planning Commission. When applying for license of carbonic acid drinks, the applying units shall submit Import Certificate issued by the State Economic and Trade Commission. As for that of Chemical used for both civil and military purpose, approving documents issued by Ministry of Chemical Industry shall be provided. When applying for that of chemicals easily manufactured into toxic substance, approving documents issued by MOFTEC shall be provided.

3. Foreign-funded enterprises, when applying for import license, shall submit the following additional documents and materials:

(i) With regard to general commodities under quota administration imported by foreign-funded enterprises as investment and for their own use, the list of imported equipment, articles and materials approved by the local departments in charge of foreign trade and economic cooperation shall be provided. With regard to the Special registrated* Commodities subject to license control, the list of imported equipment, articles and materials approved by the local
departments in charge of foreign trade and economic cooperation shall be provided.

(ii) With regard to the general commodities subject to quota control and imported by foreign-funded enterprises for manufacturing products to be sold in domestic markets, Import Quota Certificate of Foreign-Funded Enterprises issued by the local departments in charge of foreign trade and economic cooperation shall be provided. With regard to the special registrated* commodities imported for manufacturing commodities for domestic sales, Import Quota Registration Certificate for Special Commodities Imported by Foreign-Funded Enterprises issued by the local departments in charge of foreign trade and economic cooperation shall be provided.

(iii) With regard to petroleum products imported by foreign-funded enterprises in the nature of investments, for their own use and for manufacturing products for domestic sales, Import Quota Certificate of General Commodities issued by import quota issuing departments authorized by the state planning Commission shall be provided.

(iv) With regard to the machinery and electronic products subject to quota control and imported by foreign-funded enterprises to manufacture products for domestic sales, Import Quota Certificate issued by the State MEP Office shall be provided.

4. With regard to applying for import license for commodities donated by overseas Chinese, compatriots from Taiwan, Hong Kong and Macao, the following documents and materials shall also be provided:

(i) As for the import of general commodities subject to quota control, Import Quota Certificate of General Commodities issued by administrative departments of import quotas authorized by the State planning Commission shall be provided. As for the import of cereals, vegetable oil, pesticides, liquor and color sensitive materials, the applying units shall submit the Registration Certificate for Import of Special Commodities issued by the import registration organizations authorized by the State Planning Commission.

(ii) As for the import of machinery and electronic products subject to quantity limitation stipulated by the State Council, the approving documents issued by Municipal and Provincial Overseas Chinese Affairs Office shall be provided. For those without quantity limitation stipulated by the State Council and subject to import license control, Import Quota Certificate issued by the State MEP Office shall be provided.

5. With regard to the application for import license under other modes of trade, the following documents and materials shall be provided:

(i) The term of “other modes of trade” include compensation trade, border trade of small amount, utilization of credit provided by foreign governments and international financing organizations, inter-government free aid and free aid by international organizations, donations for foreign economic and trade exchanges, commodities taken back by institutions stationed in foreign countries and products taken back by contract engineering and labor service personnel, import of machinery and electronic products under processing with supplied materials and imported materials or in case of domestic sales for some reasons, etc..

(ii) With regard to the import of machinery and electronic products subject to quota control, Import Quota Certificate issued by the State MEP Office shall be provided.

(iii) As for the import of general commodities subject to quota control, Import Quota Certificate of General Commodities issued by administrative departments of import quotas authorized by the State Planning Commission shall be provided. As for the import of cere-
als, vegetable oil, pesticides, liquor and color sensitive materials, the applying units shall submit the Registration Certificate for Import of Special Commodities issued by the import registration organizations authorized by the State Planning Commission.

6. When applying for license under lease trade, the following documents and materials shall be provided:

With regard to machinery and electronic products subject to quota control, Import Quota Certificate issued by the State MEP Office shall be provided. And for those free from quota control, the approving documents issued by sectional administrative departments and the lease contract concluded with domestic units or foreign partners shall be provided.

II. Standard of Filling in the Application Form for Export License

The units applying for import license shall fill in the Application Form for Import License according to the following standard.

1. Importers

This column shall be filled in with the names and codes of import and export enterprises approved or verified by MOFTEC. Foreign-funded enterprises shall also fill in their own names and codes. Non-foreign trade units shall fill in with “self purchase” and their codes shall be “00000002”. In case of receiving foreign donations, this column shall be filled in with “donation” and the code column shall be filled in with “00000001”.

2. Consignee

This column shall be filled with the name of the units with quota allocation and it shall be identical with the name appeared in the quota certificate.

3. Import License Number

It shall be filled in by the issuing organizations.

4. Validity of Import License

In principle, the validity of an import license shall be one year, except those specified otherwise.

5. Mode of Trade

The contents of this column include the following: general trade, barter trade, compensation trade, trade under treaty, processing with imported materials, processing with supplied materials, import by foreign-funded enterprises, international leasing, import under international credit, international aid, international bidding, international exhibition, international auction, donation, presentation, border trade and license trade, etc..

6. Sources of foreign exchange

The contents of this column include: purchasing foreign exchange from banks, foreign investment, foreign credit, compensation claims, free aid and labor service, etc. As for import by foreign-funded enterprises and leasing, it shall be filled in as “foreign investment”. As for the import of equipment taken back by foreign contract engineering and labor service as well as those brought back by institutions stationed in foreign countries which are subject to import quota control, this column shall be filled in with “labor service”.

7. Port of Customs Declaration

Port of customs declaration refers to the port of arrival.

8. Exporting Countries (Regions)

Exporting countries (regions) refer to the country from which the commodities were imported.
9. Country of Origin

This column shall be filled in with the names of the countries (regions) where the imported commodities undertake substantial processing.

10. Use of the Imported Commodities

This column shall be filled in with self-use, use for manufacturing, domestic sales, for maintenance and samples, etc.

11. Name and Code of Commodity

This column shall be filled in according to the standard description and commodity code stipulated in the catalog of commodities subject to import license announced by MOFTEC.

12. Specifications and Models

If there are over 4 specifications, varieties or grades of commodities under one code number, another application form shall be filled in.

13. Unit

Unit refers to measurement unit. The measurement unit for any kind of commodities shall be formulated by MOFTEC and shall not be changed at will. In case that the measurements units in the import contract do not conform to that of the formulated ones, they shall be converted into the uniform units. As for imports of non-limited commodities, this column shall be filled as “set”.

14. Quantity

This column shall be filled in with the measurement units formulated by MOFTEC. It could be stated to 1 place of decimals.

15. Unit Price (Value of Currency)

It shall be filled in with the transaction price or estimated price which is identical to the measurement units.

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

1. If it is necessary for any foreign trade enterprise to revise or extend the export license which has been issued to them, the following procedures shall be gone through.

(i) If it deems necessary for the applying units to modify the import license, relevant procedures shall be undertaken during the validity of the license. The applying units shall clearly fill in the Application Form for Modifying Import License and submit it with the first and second pages of the original import license to be modified to the original issuing organization.

(ii) It is necessary to apply new import license to change such contents as importers, consignees, description and specification of commodities and quantity, etc.

(iii) In principle, if it is necessary to extend the validity of an import license, the application shall be made during the validity of the license. After being ascertain that the import contract has been signed, the issuing organizations may extend the validity with another six months and it could not be further extended. In case that the import contract has not been signed, the validity of license shall not be extended.

2. In case of a loss of import license, the applying units shall report the loss in due time to the issuing organization and the port for customs declaration. After the issuing organizations ascertain the facts of such loss, they may take actions accordingly.

IV. Legal Responsibilities of the Applying Units

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

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