

## **Regulation of the People's Republic of China on the Administration of the Import and Export of Goods**

### Chapter I General Principles

#### Chapter I General Provisions

Article 1 The present Regulation has been enacted according to the relevant provisions of the Foreign Trade Law of the People's Republic of China (hereinafter referred to as the Foreign Trade Law) for the purpose of standardizing the administration of the import and export of goods, maintaining the order of import and export of goods and promoting the healthy development of foreign trade.

Article 2 The present Regulation shall be observed in the importation of goods to within the customs boundary of the People's Republic of China or exportation of goods to beyond the customs boundary of the People's Republic of China.

Article 3 The state exercises uniform administration over the import and export of goods.

Article 4 The state allows the free importation and exportation of goods and maintains the fairness and orderliness of the import and export of goods according to law. Unless it is clearly provided in laws or administrative regulations to forbid or restrict the import or export of goods, no entity or individual may establish or maintain prohibitive or restrictive measures over the import or export of goods.

Article 5 The People's Republic of China grants the most-favored-nation treatment or national treatment to other contracting parties or member states to the international treaties or pacts that it has concluded or acceded to, or grants the most-favored-nation treatment or national treatment to its counterparts according to the principle of mutual benefit and reciprocity.

Article 6 Any country or region that takes discriminatory prohibitive or restrictive measures or other similar measures against the People's Republic of China in terms of the import or export of goods, it may, according to the specific situations, take corresponding measures against such country or region.

Article 7 The department of the State Council in charge of foreign trade and economic cooperation (hereinafter referred to as the foreign trade department of the State Council) takes charge of the import and export of goods within the whole country according to the provisions of the Foreign Trade Law and the present Regulation. The relevant departments of the State Council shall, on the basis of the functions and duties as determined by the State Council, be responsible for the administration of the import and export of goods according to the provisions of the present Regulation.

### Chapter II The Administration of Import of Goods Section I The Goods Prohibited from Importation

#### Section I The Goods Limited in Importation

Article 8 In any of the circumstances as provided in Article 17 of the Foreign Trade Law, the goods concerned shall be prohibited from importation. If there are relevant provisions in other

laws or regulations on prohibiting the importation of goods, such provisions shall be abided by. The list of goods prohibited from importation shall be formulated, adjusted and promulgated by the foreign trade department of the State Council in collaboration with other relevant departments of the State Council.

Article 9 No goods that are prohibited from importation may be imported.

## Section II

Article 10 In any of the circumstances as provided in Clauses 1, 4, 5, 6, and 7 of Article 16 of the Foreign Trade Law, the goods concerned shall be limited in importation. Where there are provisions in other laws or regulations on limiting the importation of goods, such provisions shall be abided by. The list of goods limited in importation shall be formulated, adjusted and promulgated by the foreign trade department of the State Council in collaboration with other relevant departments of the State Council. The list of goods limited in importation shall be promulgated at least 21 days prior to the implementation thereof; where the circumstances are urgent, it shall be promulgated at no later than the day of implementation.

Article 11 Where there are quantitative limits of the state on the goods limited in importation, the goods shall be subject to the administration of quotas, and other goods limited in importation shall be subject to the administration of licenses. When importing the goods subject to the administration of quotas in customs tariffs, the provisions of Section IV of the present Chapter shall be followed.

Article 12 The goods limited in importation that are under the administration of quotas shall be subject to the administration of the foreign trade department of the State Council and the relevant economic administrative departments of the State Council (hereinafter referred to as administrative departments of import quotas) on the basis of the functions and duties as provided by the State Council.

Article 13 For the goods limited in importation that are under the administration of quotas, the administrative departments of import quotas shall promulgate the total amount of import quotas for the next year at no later than July 31 of each year. An applicant of quotas shall apply to the administrative departments of import quotas for the next year between August 1 and 31 of each year. The administrative departments of import quotas shall allocate the quotas for the next year to the quota applicants before October 31 of each year. The administrative departments of import quotas may, where it is necessary, make adjustments to the total amount of the year and promulgate it at 21 days prior to its implementation.

Article 14 The quotas may be allocated according to the principle of uniform handling of all applications.

Article 15 Where the quotas are allocated according to the principle of uniform handling of all applications, the administrative departments of import quotas shall decide whether to grant quotas or not within 60 days prior to the prescribed deadline for filing applications.

Article 16 When allocating quotas, the administrative departments of import quotas shall take the following elements into consideration: 1. The performances of the applicant in import; 2. Whether the quotas in the past have been fully used; 3. The productive capacity, management scale and the

sales of the applicant;4. The applications filed by new import business operators;5. The quantity of quotas applied;6. Other elements that need to be considered.

Article 17 An import business operator shall present the quotas certificate issued by the administrative departments of import quotas to the customs offices for handling the formalities of customs declaration and examination. The relevant economic administrative departments of the State Council shall report such information as the total amount of quotas of the year, the plans of allocation, the issuance of quota certificates, etc to the foreign trade department of the State Council for archivist purposes.

Article 18 A holder of quotas who has not used up its quotas for the year shall return the unused quotas to the administrative departments of import quotas prior to September 1 of the current year. In case it fails to return the unused quotas and fails to use them up by the end of the current year, the administrative departments of import quotas may make corresponding deductions to the quotas of the holder for the next year.

Article 19 For the goods limited in importation that are subject to the administration of licenses, the import business operators shall file applications to the foreign trade department of the State Council or relevant departments of the State Council (hereinafter referred to as the administrative departments of import licenses). The administrative departments of import licenses shall decide whether to grant a license or not within 30 days after receiving the application. The import business operators shall present the import license issued by the administrative departments of import quotas to the customs office for handling the formalities of customs declaration and examination. The term “import license” as mentioned in the preceding paragraph shall refer to the various kinds of certificates and documents that are of import nature as provided in laws and administrative regulations.

Article 20 The administrative departments of import quotas and the administrative departments of export licenses shall, on the basis of the provisions of the present Regulation, formulate specific measures of administration so as to clarify the qualifications of the applicant, the departments for accepting applications, the principles and procedures of inspections, etc. and shall promulgate the measures prior to their implementation. The department for accepting applications shall, as a general rule, be one department. The documents requested by the administrative departments of import quotas and the administrative departments of import licenses for submission shall be limited to those documents and materials that are necessary for effecting the administration and the departments may not refuse to accept the applications under the pretext of trifle, immaterial mistakes or errors.

### Section III The Goods Subject to Free Importation

Article 21 The goods subject to free importation shall not be limited.

Article 22 The foreign trade department of the State Council and the relevant economic administrative departments of the State Council may, on the basis of the demand for monitoring the importation of goods, exercise automatic import license administration over some of the goods subject to free importation according to the functions and duties determined by the State Council. The list of goods that are under automatic import license administration shall be promulgated at no later than 21 days prior to its implementation.

Article 23 The import of goods that are under automatic import license administration shall be allowed.

Article 24 When importing the goods that are under automatic import license administration, the import business operators shall, prior to handling the formalities of customs declaration, file an application to the foreign trade department of the State Council or the relevant economic administrative departments of the State Council for automatic import licenses. The foreign trade department of the State Council or the relevant economic administrative departments of the State Council shall issue automatic import licenses immediately after receiving the applications; if the circumstances are special, the time space shall no longer than 10 days. The import business operators shall present the automatic import license issued by the foreign trade department of the State Council or the relevant economic administrative departments of the State Council to the customs offices for handling the formalities of customs declaration.

#### Section IV The Goods under the Administration of Tariff Quotas

Article 25 The list of goods that are under the administration of tariff quotas shall be formulated, adjusted and promulgated by the foreign trade department of the State Council in collaboration with the relevant economic administrative departments of the State Council.

Article 26 For the goods imported within the tariff quotas, the tariffs shall be levied according to the rates within the quotas; for the goods imported beyond the tariff quotas, the tariffs shall be levied according to the rates beyond the quotas.

Article 27 The administrative departments of import quotas shall publicize the total amount of quotas for the next year between September 15 and October 14 of each year. An applicant for quotas shall file its applications to the administrative departments of import quotas between October 15 and October 30 of each year.

Article 28 The tariff quotas may be allocated according to the principle of uniform handling of all applications.

Article 29 Where the tariff quotas are allocated according to the principle of uniform handling of all applications, the administrative department of import quotas shall decide whether to grant quotas or not before December 31 of each year.

Article 30 The import business operators shall present its certificate of tariff quotas issued by the administrative departments of import tariff quotas to the customs offices for handling the formalities of customs declaration and examination of the goods within the tariff quotas. The relevant economic administrative departments of the State Council shall submit in a time way such information as the total amount of tariff quotas for the year, the plans of allocation and the issuance of certificates of tariff quotas, etc. to the foreign trade department of the State Council for archivist purposes.

Article 31 A holder of tariff quotas who has not used up its quotas for the year shall return the unused quotas to the administrative departments of import quotas prior to September 15 of the current year. In case it fails to return the unused quotas and fails to use them up by the end of the current year, the administrative departments of import quotas may make corresponding deductions to the quotas of the holder for the next year.

Article 32 The administrative departments of import quotas shall, on the basis of the provisions of the present Regulation, formulate specific measures of administration so as to clarify the qualifications of the applicant, the departments for accepting applications, the principles and procedures of inspections, etc. and shall promulgate the measures prior to their implementation. The department for accepting applications shall, as a general rule, be one department. The documents requested by the administrative departments of import quotas for submission shall be limited to those documents and materials that are necessary for effecting the administration and the departments may not refuse to accept the applications under the pretext of trifle, immaterial mistakes or errors.

### Chapter III The Administration of the Export of Goods

#### Section I The Goods Prohibited from Exportation

Article 33 In any of the circumstances as provided in Article 17 of the Foreign Trade Law, the goods concerned shall be prohibited from exportation. If there are relevant provisions in other laws or regulations on prohibiting the importation of goods, such provisions shall be abided by. The list of goods prohibited from exportation shall be formulated, adjusted and promulgated by the foreign trade department of the State Council in collaboration with other relevant departments of the State Council.

Article 34 No goods that are prohibited from exportation may be exported.

#### Section II The Goods Limited in Exportation

Article 35 In any of the circumstances as provided in Clauses 1, 2, 3, and 7 of Article 16 of the Foreign Trade Law, the goods concerned shall be limited in exportation. Where there are provisions in other laws or regulations on limiting the exportation of goods, such provisions shall be abided by. The list of goods limited in exportation shall be formulated, adjusted and promulgated by the foreign trade department of the State Council in collaboration with other relevant departments of the State Council. The list of goods limited in exportation shall be promulgated at least 21 days prior to the implementation thereof; where the circumstances are urgent, it shall be promulgated at no later than the day of implementation.

Article 36 Where there are quantitative limits of the state on the goods limited in exportation, the goods shall be subject to the administration of quotas, and other goods limited in importation shall be subject to the administration of licenses.

Article 37 The goods limited in exportation that are under the administration of quotas shall be subject to the administration of the foreign trade department of the State Council and the relevant economic administrative departments of the State Council (hereinafter referred to as administrative departments of export quotas) on the basis of the functions and duties as provided by the State Council.

Article 38 For the goods limited in exportation that are under the administration of quotas, the administrative departments of export quotas shall promulgate the total amount of export quotas for the next year at no later than October 31 of each year. An applicant of quotas shall apply to the administrative departments of export quotas for the next year between November 1 and 15 of each year. The administrative departments of export quotas shall allocate the quotas for the next year to

the quota applicants before December 15 of each year.

Article 39 The quotas may be allocated directly or by way of invitation for bids.

Article 40 The administrative departments of export quotas shall decide whether to grant quotas within 30 days after receiving the applications and at no later than December 15 of the current year.

Article 41 The export business operators shall present the certificate of quotas issued by the administrative department of export quotas to the customs offices for handling the formalities of customs declaration and examination. The relevant economic administrative departments of the State Council shall submit such information as the total amount of quotas for the year, the plans for allocation and the issuance of certificates of quotas, etc. to the foreign trade department of the State Council for archival purposes.

Article 42 A holder of quotas who has not used up its quotas for the year shall return the unused quotas to the administrative departments of export quotas prior to October 31 of the current year. In case it fails to return the unused quotas and fails to use them up by the end of the current year, the administrative departments of export quotas may make corresponding deductions to the quotas of the holder for the next year.

Article 43 For the goods limited in exportation that are subject to the administration of licenses, the export business operators shall file applications to the foreign trade department of the State Council or relevant departments of the State Council (hereinafter referred to as the administrative departments of export licenses). The administrative departments of export licenses shall decide whether to grant a license or not within 30 days after receiving the application. The import business operators shall present the export license issued by the administrative departments of export quotas to the customs office for handling the formalities of customs declaration and examination. The term “export license” as mentioned in the preceding paragraph shall refer to the various kinds of certificates and documents that are of export nature as provided in laws and administrative regulations.

Article 44 The administrative departments of export quotas and the administrative departments of export licenses shall, on the basis of the provisions of the present Regulation, formulate specific measures of administration so as to clarify the qualifications of the applicant, the departments for accepting applications, the principles and procedures of inspections, etc. and shall promulgate the measures prior to their implementation. The department for accepting applications shall, as a general rule, be one department. The documents requested by the administrative departments of export quotas and the administrative departments of export licenses for submission shall be limited to those documents and materials that are necessary for effecting the administration and the departments may not refuse to accept the applications under the pretext of trifling, immaterial mistakes or errors.

#### Chapter IV State-run Trade and Designated Administration

Article 45 The state may administer the import and export of some goods by way of state-run trade. The list of goods for import and export under the state-run trade administration shall be formulated, adjusted and promulgated by the foreign trade department of the State Council in

collaboration with other relevant economic administrative departments of the State Council.

Article 46 The foreign trade department of the State Council and other relevant economic administrative departments of the State Council shall determine and publicize the list of state-run trade enterprises according to the functions and duties as determined by the State Council.

Article 47 For the goods that are subject to the state-run trade administration, the state may allow non-state-run trade enterprises to import and export some of the goods.

Article 48 The state-run trade enterprises shall provide to the foreign trade department of the State Council on the semi-annual basis such information as the prices for buying or selling the goods subject to the state-run trade administration, etc.

Article 49 The foreign trade department of the State Council may, upon the demand for maintaining the management order of import and export, exercise designated management over some of the goods during certain periods. The list of goods subject to designated management shall be formulated, adjusted and promulgated by the State Council.

Article 50 The specific standard and procedures for determining the enterprises to engage in designated management shall be promulgated by the foreign trade department of the State Council before implementation. The list of enterprises to engage in designated management shall be publicized by the foreign trade department of the State Council.

Article 51 Unless provided in Article 47 of the present Regulation, the enterprises or other organizations that have not been included in the list of state-run trade enterprises and enterprises to engage in designated management may not engage in the import or export of goods that are subject to state-run trade administration and designated management.

Article 52 The state-run trade enterprises and the enterprises to engage in designated management shall carry out their business activities under normal commercial conditions, and may not choose provider according to non-commercial considerations, nor may they reject the entrustment of other enterprises or organizations on the basis of non-commercial considerations.

## Chapter V Monitoring of Import and Export and Provisional Measures

Article 53 The foreign trade department of the State Council shall be responsible for the monitoring and appraisal of the import and export of goods, shall report regularly to the State Council about the import and export of goods, and give suggestions.

Article 54 In order to maintain the international balance of payments equilibrium including the occurrence of serious international unbalance of payments or the threat of serious unbalance of payments, or to maintain a level of foreign exchange reserves that is suitable for carrying out the plans of economic development, the state may take provisional restrictive measures with regard to the value or quantity of the goods to be imported.

Article 55 In order to establish or quicken up the establishment of a certain domestic industry, the state may, in case this target cannot be achieved through the incumbent measures, take provisional measures for restricting or prohibiting the import of goods.

Article 56 To take any of the following measures, the state may, when it is necessary, take

provisional measures to restrict the import of any form of agricultural products or aquatic products:1. Taking restrictive measures over the domestic production or sale of the products that are of the same kind or that directly compete with each other;2. Clearing up, by way of subsidizing consumptions, the domestic superfluous products that are of the same kinds or that directly compete with each other;3. Limiting the yield of animal products whose production is completely or mainly dependent upon the import of the agricultural products or aquatic products.

Article 57 In any of the following circumstance, the foreign trade department of the State Council may take provisional measures to restrict or prohibit the export of certain goods:1. It is necessary to restrict or prohibit the export due to the occurrence of abnormalities such as serious natural disasters;2. It is necessary to restrict the export of goods due to serious disorder of export management;3. It is necessary to restrict or prohibit the export of goods as pursuant to the provisions of Articles 16 and 17 of the Foreign Trade Law.

Article 58 In case provisional measures are to be taken for restricting or prohibiting the export of goods, the foreign trade department of the State Council shall make public announcements prior to the implementation of the measures.

#### Chapter VI The Promotion of Foreign Trade

Article 59 The state takes the measures like export credit insurance, export credit, export rebates, establishing funds for developing foreign trade, etc. to promote the development of foreign trade.

Article 60 The state takes effective measures to promote the technological innovation and technological development of the enterprises and to enhance the international competition capacity of the enterprises.

Article 61 The state helps the enterprises to exploit the international market by way of providing information consultation services.

Article 62 The business operators that import or export goods may establish or join chambers of commerce for import and export so as to achieve self-disciplinary and coordination.

Article 63 The state encourages the enterprises to actively respond to the discriminatory antidumping, anti-subsidy or safeguard measures of foreign countries so as to protect the lawful rights and interests of the enterprises in normal trade.

#### Chapter VII Legal Liabilities

Article 64 Any one who imports or exports goods that are prohibited from import or export or imports or exports goods that are limited in importation or exportation without approval or permission shall be subject to investigation for assuming penal liabilities according to the provisions of the Criminal Law on smuggling; if the activities are not serious enough for assuming criminal liabilities, they shall be punished according to the relevant provisions of the Customs Law, and the foreign trade department of the State Council may revoke their business licenses for foreign trade at the same time.

Article 65 Any one who imports or exports goods that are limited in importation or exportation beyond the scopes approved or permitted shall be subject to investigation for assuming penal liabilities according to the provisions of the Criminal Law concerning the crime of smuggling or



the crime of illegal management; if the activities are not serious enough for assuming criminal liabilities, they shall be punished according to the relevant provisions of the Customs Law, and the foreign trade department of the State Council may suspend or even revoke their business licenses for foreign trade at the same time.

Article 66 Any one who counterfeits or alters or buys or sells certificates of import or export quotas, approval documents, licenses or automatic import licenses shall be subject to assume criminal liabilities according to the Criminal Law concerning the crime of illegal management or the crime of counterfeiting, altering, buying or selling official documents, certificates, seals of state organs; if the activities are not serious enough for assuming criminal liabilities, they shall be punished according to the relevant provisions of the Customs Law, and the foreign trade department of the State Council may revoke their business licenses for foreign trade at the same time.

Article 67 In case any business operator of import or export who obtains quotas for the import or export of goods, certification documents or automatic import licenses by deception or other unfair means, the quotas for the import or export of goods, certification documents or automatic import licenses shall be taken back, and the foreign trade department of the State Council may suspend or even revoke their business licenses for foreign trade at the same time.

Article 68 In case any one who violates the provisions of Article 51 of the present Regulation by engaging in the import or export of goods that are subject to state-run trade administration or designated management and thus disrupts the market order and if the circumstances are serious, it shall be subject to assume criminal liabilities according to the provisions of the Criminal Law on the crime of illegal management; if the activities are not serious enough for assuming criminal liabilities, they shall be given administrative punishments by the administrations for industry and commerce, and the foreign trade department of the State Council may suspend or even revoke their business licenses for foreign trade at the same time.

Article 69 Any state-run trade enterprise or designated management enterprise violates the provisions of Articles 48 and 52 of the present Regulation shall be given a warning by the foreign trade department of the State Council; if the circumstances are serious, its qualifications as a state-run trade enterprise or designated management enterprise may be suspended or even revoked by the foreign trade department of the State Council.

Article 70 Any staff member engaged in the administration of the import or export of goods that, in the process of performing its functions of administration over the import or export of goods, abuses its power or neglects its duties or accepts or exacts property or money from other people by taking advantage of its functions shall be subject to assuming criminal liabilities according to the provisions of the Criminal Law concerning the crime of abusing power or the crime of neglecting duties or the crime of accepting bribes or other crimes; if the activities are not serious enough for assuming criminal liabilities, it shall be given administrative punishments.

#### Chapter VIII Supplementary Provisions

Article 71 Any one who refuses to accept the decision of the administrative organs as provided in the present Regulation on the granting of quotas, tariff quotas, licenses or automatic licenses or to accept the decision on determining the qualifications of state-run trade enterprises or designated

management enterprises or accept the decision on administrative punishments may plead for administrative reconsideration or institute a lawsuit at the people's court.

Article 72 The provisions of the present Regulation shall not foreclose the taking of measures such as tariff, inspection and quarantine, security, environmental protection, intellectual property, etc. according to the provisions of laws or administrative regulations over the goods imported or exported.

Article 73 The export of goods under export control like nucleus products, nucleus-related civil products, monitored chemical products, military products, etc shall handled according to the provisions of relevant administrative regulations.

Article 74 Where it is necessary to take antidumping, anti-subsidy or safeguard measures against imported goods, the provisions of the Foreign Trade Law and other relevant laws and administrative regulations shall be observed.

Article 75 Where there are otherwise provisions in laws or regulations concerning the import or export of goods of special economic zones like the bonded areas or export processing areas, etc, such provisions shall be observed.

Article 76 The foreign trade department of the State Council shall be responsible for the bilateral or multilateral discussions and negotiations concerning the import and export of relevant goods, and shall be responsible for settling trade disputes.

Article 77 The present Regulation shall take effect as of January 1, 2002. The Interim Regulation of the People's Republic of China on the License of Import of Goods which was promulgated by the State Council on January 10, 1984, the Interim Measures on the Administration of Export Commodities which was ratified by the State Council on December 21, 1992 and issued by the MOFTEC on December 29, 1992, the Interim Measures on the Administration of the Import of Machinery and Electrical Equipments which was jointly issued by the State Economic and Trade Commission and the MOFTEC on October 7, 1993, the Interim Measures on the Administration of Quotas for the Import of General Commodities which was ratified by the State Council on December 22, 1993 and jointly issued by the State Development Planning Commission and the MOFTEC on December 29, 1993, and the Interim Measures on the Administration and Management of Imported Goods which was ratified by the State Council on June 13, 1994 and jointly issued by the MOFTEC and the State Development Planning Commission on July 19, 1994 shall be concurrently repealed.

<http://www.customs.gov.cn/publish/portal0/tab2748/info10558.htm>

## 中华人民共和国货物进出口管理条例

### 第一章 总 则

第一条 为了规范货物进出口管理，维护货物进出口秩序，促进对外贸易健康发展，根据《中华人民共和国对外贸易法》（以下简称对外贸易法）的有关规定，制定本条例。

第二条 从事将货物进口到中华人民共和国关境内或者将货物出口到中华人民共和国关境外的贸易活动，应当遵守本条例。

第三条 国家对货物进出口实行统一的管理制度。

第四条 国家准许货物的自由进出口，依法维护公平、有序的货物进出口贸易。

除法律、行政法规明确禁止或者限制进出口的外，任何单位和个人不得对货物进出口设置、维持禁止或者限制措施。

第五条 中华人民共和国在货物进出口贸易方面根据所缔结或者参加的国际条约、协定，给予其他缔约方、参加方最惠国待遇、国民待遇，或者根据互惠、对等原则给予对方最惠国待遇、国民待遇。

第六条 任何国家或者地区在货物进出口贸易方面对中华人民共和国采取歧视性的禁止、限制或者其他类似措施的，中华人民共和国可以根据实际情况对该国家或者地区采取相应的措施。

第七条 国务院对外经济贸易主管部门（以下简称国务院外经贸主管部门）依照对外贸易法和本条例的规定，主管全国货物进出口贸易工作。

国务院有关部门按照国务院规定的职责，依照本条例的规定负责货物进出口贸易管理的有关工作。

### 第二章 货物进口管理

## 第一节 禁止进口的货物

第八条 有对外贸易法第十七条规定情形之一的货物，禁止进口。其他法律、行政法规规定禁止进口的，依照其规定。

禁止进口的货物目录由国务院外经贸主管部门会同国务院有关部门制定、调整并公布。

第九条 属于禁止进口的货物，不得进口。

## 第二节 限制进口的货物

第十条 有对外贸易法第十六条第（一）、（四）、（五）、（六）、（七）项规定情形之一的货物，限制进口。其他法律、行政法规规定限制进口的，依照其规定。

限制进口的货物目录由国务院外经贸主管部门会同国务院有关部门制定、调整并公布。

限制进口的货物目录，应当至少在实施前 21 天公布；在紧急情况下，应当不迟于实施之日公布。

第十一条 国家规定有数量限制的限制进口货物，实行配额管理；其他限制进口货物，实行许可证管理。

实行关税配额管理的进口货物，依照本章第四节的规定执行。

第十二条 实行配额管理的限制进口货物，由国务院外经贸主管部门和国务院有关经济管理部门（以下统称进口配额管理部门）按照国务院规定的职责划分进行管理。

第十三条 对实行配额管理的限制进口货物，进口配额管理部门应当在每年 7 月 31 日前公布下一年度进口配额总量。

配额申请人应当在每年 8 月 1 日至 8 月 31 日向进口配额管理部门提出下一年度进口配额

的申请。

进口配额管理部门应当在每年 10 月 31 日前将下一年度的配额分配给配额申请人。

进口配额管理部门可以根据需要对年度配额总量进行调整，并在实施前 21 天予以公布。

第十四条 配额可以按照对所有申请统一办理的方式分配。

第十五条 按照对所有申请统一办理的方式分配配额的，进口配额管理部门应当自规定的申请期限截止之日起 60 天内作出是否发放配额的决定。

第十六条 进口配额管理部门分配配额时，应当考虑下列因素：

- （一）申请人的进口实绩；
- （二）以往分配的配额是否得到充分使用；
- （三）申请人的生产能力、经营规模、销售状况；
- （四）新的进口经营者的申请情况；
- （五）申请配额的数量情况；
- （六）需要考虑的其他因素。

第十七条 进口经营者凭进口配额管理部门发放的配额证明，向海关办理报关验放手续。

国务院有关经济管理部门应当及时将年度配额总量、分配方案和配额证明实际发放的情况向国务院外经贸主管部门备案。

第十八条 配额持有者未使用完其持有的年度配额的,应当在当年 9 月 1 日前将未使用的配额交还进口配额管理部门;未按期交还并且在当年年底前未使用完的,进口配额管理部门可以在下一年度对其扣减相应的配额。

第十九条 实行许可证管理的限制进口货物,进口经营者应当向国务院外经贸主管部门或者国务院有关部门(以下统称进口许可证管理部门)提出申请。进口许可证管理部门应当自收到申请之日起 30 天内决定是否许可。

进口经营者凭进口许可证管理部门发放的进口许可证,向海关办理报关验放手续。

前款所称进口许可证,包括法律、行政法规规定的各种具有许可进口性质的证明、文件。

第二十条 进口配额管理部门和进口许可证管理部门应当根据本条例的规定制定具体管理办法,对申请人的资格、受理申请的部门、审查的原则和程序等事项作出明确规定并在实施前予以公布。

受理申请的部门一般为一个部门。

进口配额管理部门和进口许可证管理部门要求申请人提交的文件,应当限于为保证实施管理所必需的文件和资料,不得仅因细微的、非实质性的错讹拒绝接受申请。

### 第三节 自由进口的货物

第二十一条 进口属于自由进口的货物,不受限制。

第二十二条 基于监测货物进口情况的需要,国务院外经贸主管部门和国务院有关经济管理部门可以按照国务院规定的职责划分,对部分属于自由进口的货物实行自动进口许可管理。

实行自动进口许可管理的货物目录,应当至少在实施前 21 天公布。

第二十三条 进口属于自动进口许可管理的货物,均应当给予许可。

第二十四条 进口属于自动进口许可管理的货物，进口经营者应当在办理海关报关手续前，向国务院外经贸主管部门或者国务院有关经济管理部门提交自动进口许可申请。

国务院外经贸主管部门或者国务院有关经济管理部门应当在收到申请后，立即发放自动进口许可证明；在特殊情况下，最长不得超过 10 天。

进口经营者凭国务院外经贸主管部门或者国务院有关经济管理部门发放的自动进口许可证明，向海关办理报关验放手续。

#### 第四节 关税配额管理的货物

第二十五条 实行关税配额管理的进口货物目录，由国务院外经贸主管部门会同国务院有关经济管理部门制定、调整并公布。

第二十六条 属于关税配额内进口的货物，按照配额内税率缴纳关税；属于关税配额外进口的货物，按照配额外税率缴纳关税。

第二十七条 进口配额管理部门应当在每年 9 月 15 日至 10 月 14 日公布下一年度的关税配额总量。

配额申请人应当在每年 10 月 15 日至 10 月 30 日向进口配额管理部门提出关税配额的申请。

第二十八条 关税配额可以按照对所有申请统一办理的方式分配。

第二十九条 按照对所有申请统一办理的方式分配关税配额的，进口配额管理部门应当在每年 12 月 31 日前作出是否发放配额的决定。

第三十条 进口经营者凭进口配额管理部门发放的关税配额证明，向海关办理关税配额内货物的报关验放手续。

国务院有关经济管理部门应当及时将年度关税配额总量、分配方案和关税配额证明实际发放的情况向国务院外经贸主管部门备案。

第三十一条 关税配额持有者未使用完其持有的年度配额的，应当在当年 9 月 15 日前将未使用的配额交还进口配额管理部门；未按期交还并且在当年年底前未使用完的，进口配额管理部门可以在下一年度对其扣减相应的配额。

第三十二条 进口配额管理部门应当根据本条例的规定制定有关关税配额的具体管理办法，对申请人的资格、受理申请的部门、审查的原则和程序等事项作出明确规定并在实施前予以公布。

受理申请的部门一般为一个部门。

进口配额管理部门要求关税配额申请人提交的文件，应当限于为保证实施关税配额管理所必需的文件和资料，不得仅因细微的、非实质性的错讹拒绝接受关税配额申请。

### 第三章 货物出口管理

#### 第一节 禁止出口的货物

第三十三条 有对外贸易法第十七条规定情形之一的货物，禁止出口。其他法律、行政法规规定禁止出口的，依照其规定。

禁止出口的货物目录由国务院外经贸主管部门会同国务院有关部门制定、调整并公布。

第三十四条 属于禁止出口的货物，不得出口。

#### 第二节 限制出口的货物

第三十五条 有对外贸易法第十六条第（一）、（二）、（三）、（七）项规定情形之一的货物，限制出口。其他法律、行政法规规定限制出口的，依照其规定。

限制出口的货物目录由国务院外经贸主管部门会同国务院有关部门制定、调整并公布。



限制出口的货物目录，应当至少在实施前 21 天公布；在紧急情况下，应当不迟于实施之日公布。

第三十六条 国家规定有数量限制的限制出口货物，实行配额管理；其他限制出口货物，实行许可证管理。

第三十七条 实行配额管理的限制出口货物，由国务院外经贸主管部门和国务院有关经济管理部门（以下统称出口配额管理部门）按照国务院规定的职责划分进行管理。

第三十八条 对实行配额管理的限制出口货物，出口配额管理部门应当在每年 10 月 31 日前公布下一年度出口配额总量。

配额申请人应当在每年 11 月 1 日至 11 月 15 日向出口配额管理部门提出下一年度出口配额的申请。

出口配额管理部门应当在每年 12 月 15 日前将下一年度的配额分配给配额申请人。

第三十九条 配额可以通过直接分配的方式分配，也可以通过招标等方式分配。

第四十条 出口配额管理部门应当自收到申请之日起 30 天内并不晚于当年 12 月 15 日作出是否发放配额的决定。

第四十一条 出口经营者凭出口配额管理部门发放的配额证明，向海关办理报关验放手续。

国务院有关经济管理部门应当及时将年度配额总量、分配方案和配额证明实际发放的情况向国务院外经贸主管部门备案。

第四十二条 配额持有者未使用完其持有的年度配额的，应当在当年 10 月 31 日前将未使用的配额交还出口配额管理部门；未按期交还并且在当年年底前未使用完的，出口配额管理部门可以在下一年度对其扣减相应的配额。

第四十三条 实行许可证管理的限制出口货物，出口经营者应当向国务院外经贸主管部门

或者国务院有关部门（以下统称出口许可证管理部门）提出申请，出口许可证管理部门应当自收到申请之日起 30 天内决定是否许可。

出口经营者凭出口许可证管理部门发放的出口许可证，向海关办理报关验放手续。

前款所称出口许可证，包括法律、行政法规规定的各种具有许可出口性质的证明、文件。

第四十四条 出口配额管理部门和出口许可证管理部门应当根据本条例的规定制定具体管理办法，对申请人的资格、受理申请的部门、审查的原则和程序等事项作出明确规定并在实施前予以公布。

受理申请的部门一般为一个部门。

出口配额管理部门和出口许可证管理部门要求申请人提交的文件，应当限于为保证实施管理所必需的文件和资料，不得仅因细微的、非实质性的错讹拒绝接受申请。

#### 第四章 国营贸易和指定经营

第四十五条 国家可以对部分货物的进出口实行国营贸易管理。

实行国营贸易管理的进出口货物目录由国务院外经贸主管部门会同国务院有关经济管理部门制定、调整并公布。

第四十六条 国务院外经贸主管部门和国务院有关经济管理部门按照国务院规定的职责划分确定国营贸易企业名录并予以公布。

第四十七条 实行国营贸易管理的货物，国家允许非国营贸易企业从事部分数量的进出口。

第四十八条 国营贸易企业应当每半年向国务院外经贸主管部门提供实行国营贸易管理的货物的购买价格、销售价格等有关信息。

第四十九条 国务院外经贸主管部门基于维护进出口经营秩序的需要,可以在一定期限内对部分货物实行指定经营管理。

实行指定经营管理的进出口货物目录由国务院外经贸主管部门制定、调整并公布。

第五十条 确定指定经营企业的具体标准和程序,由国务院外经贸主管部门制定并在实施前公布。

指定经营企业名录由国务院外经贸主管部门公布。

第五十一条 除本条例第四十七条规定的情形外,未列入国营贸易企业名录和指定经营企业名录的企业或者其他组织,不得从事实行国营贸易管理、指定经营管理的货物的进出口贸易。

第五十二条 国营贸易企业和指定经营企业应当根据正常的商业条件从事经营活动,不得以非商业因素选择供应商,不得以非商业因素拒绝其他企业或者组织的委托。

## 第五章 进出口监测和临时措施

第五十三条 国务院外经贸主管部门负责对货物进出口情况进行监测、评估,并定期向国务院报告货物进出口情况,提出建议。

第五十四条 国家为维护国际收支平衡,包括国际收支发生严重失衡或者受到严重失衡威胁时,或者为维持与实施经济发展计划相适应的外汇储备水平,可以对进口货物的价值或者数量采取临时限制措施。

第五十五条 国家为建立或者加快建立国内特定产业,在采取现有措施无法实现的情况下,可以采取限制或者禁止进口的临时措施。

第五十六条 国家为执行下列一项或者数项措施,必要时可以对任何形式的农产品水产品采取限制进口的临时措施:

- (一) 对相同产品或者直接竞争产品的国内生产或者销售采取限制措施;

（二）通过补贴消费的形式，消除国内过剩的相同产品或者直接竞争产品；

（三）对完全或者主要依靠该进口农产品水产品形成的动物产品采取限产措施。

第五十七条 有下列情形之一的，国务院外经贸主管部门可以对特定货物的出口采取限制或者禁止的临时措施：

（一）发生严重自然灾害等异常情况，需要限制或者禁止出口的；

（二）出口经营秩序严重混乱，需要限制出口的；

（三）依照对外贸易法第十六条、第十七条的规定，需要限制或者禁止出口的。

第五十八条 对进出口货物采取限制或者禁止的临时措施的，国务院外经贸主管部门应当在实施前予以公告。

## 第六章 对外贸易促进

第五十九条 国家采取出口信用保险、出口信贷、出口退税、设立外贸发展基金等措施，促进对外贸易发展。

第六十条 国家采取有效措施，促进企业的技术创新和技术进步，提高企业的国际竞争能力。

第六十一条 国家通过提供信息咨询服务，帮助企业开拓国际市场。

第六十二条 货物进出口经营者可以依法成立和参加进出口商会，实行行业自律和协调。

第六十三条 国家鼓励企业积极应对国外歧视性反倾销、反补贴、保障措施及其他限制措施，维护企业的正当贸易权利。

## 第七章 法律责任

第六十四条 进口或者出口属于禁止进出口的货物，或者未经批准、许可擅自进口或者出口属于限制进出口的货物的，依照刑法关于走私罪的规定，依法追究刑事责任；尚不够刑事处罚的，依照海关法的有关规定处罚；国务院外经贸主管部门并可以撤销其对外贸易经营许可。

第六十五条 擅自超出批准、许可的范围进口或者出口属于限制进出口的货物的，依照刑法关于走私罪或者非法经营罪的规定，依法追究刑事责任；尚不够刑事处罚的，依照海关法的有关规定处罚；国务院外经贸主管部门并可以暂停直至撤销其对外贸易经营许可。

第六十六条 伪造、变造或者买卖货物进出口配额证明、批准文件、许可证或者自动进口许可证明的，依照刑法关于非法经营罪或者伪造、变造、买卖国家机关公文、证件、印章罪的规定，依法追究刑事责任；尚不够刑事处罚的，依照海关法的有关规定处罚；国务院外经贸主管部门并可以撤销其对外贸易经营许可。

第六十七条 进出口经营者以欺骗或者其他不正当手段获取货物进出口配额、批准文件、许可证或者自动进口许可证明的，依法收缴其货物进出口配额、批准文件、许可证或者自动进口许可证明，国务院外经贸主管部门可以暂停直至撤销其对外贸易经营许可。

第六十八条 违反本条例第五十一条规定，擅自从事实行国营贸易管理或者指定经营管理的货物进出口贸易，扰乱市场秩序，情节严重的，依照刑法关于非法经营罪的规定，依法追究刑事责任；尚不够刑事处罚的，由工商行政管理机关依法给予行政处罚；国务院外经贸主管部门并可以暂停直至撤销其对外贸易经营许可。

第六十九条 国营贸易企业或者指定经营企业违反本条例第四十八条、第五十二条规定的，由国务院外经贸主管部门予以警告；情节严重的，可以暂停直至取消其国营贸易企业或者指定经营企业资格。

第七十条 货物进出口管理工作人员在履行货物进出口管理职责中，滥用职权、玩忽职守或者利用职务上的便利收受、索取他人财物的，依照刑法关于滥用职权罪、玩忽职守罪、受贿罪或者其他罪的规定，依法追究刑事责任；尚不够刑事处罚的，依法给予行政处分。

## 第八章 附则

第七十一条 对本条例规定的行政机关发放配额、关税配额、许可证或者自动许可证明的决定不服的，对确定国营贸易企业或者指定经营企业资格的决定不服的，或者对行政处罚的决定不服的，可以依法申请行政复议，也可以依法向人民法院提起诉讼。

第七十二条 本条例的规定不妨碍依据法律、行政法规对进出口货物采取的关税、检验检疫、安全、环保、知识产权保护等措施。

第七十三条 出口核用品、核两用品、监控化学品、军品等出口管制货物的，依照有关行政法规的规定办理。

第七十四条 对进口货物需要采取反倾销措施、反补贴措施、保障措施的，依照对外贸易法和有关法律、行政法规的规定执行。

第七十五条 法律、行政法规对保税区、出口加工区等特殊经济区的货物进出口管理另有规定的，依照其规定。

第七十六条 国务院外经贸主管部门负责有关货物进出口贸易的双边或者多边磋商、谈判，并负责贸易争端解决的有关事宜。

第七十七条 本条例自 2002 年 1 月 1 日起施行。1984 年 1 月 10 日国务院发布的《中华人民共和国进口货物许可制度暂行条例》，1992 年 12 月 21 日国务院批准、1992 年 12 月 29 日对外经济贸易部发布的《出口商品管理暂行办法》，1993 年 9 月 22 日国务院批准、1993 年 10 月 7 日国家经济贸易委员会、对外贸易经济合作部发布的《机电产品进口管理暂行办法》，1993 年 12 月 22 日国务院批准、1993 年 12 月 29 日国家计划委员会、对外贸易经济合作部发布的《一般商品进口配额管理暂行办法》，1994 年 6 月 13 日国务院批准、1994 年 7 月 19 日对外贸易经济合作部、国家计划委员会发布的《进口商品经营管理暂行办法》，同时废止。