

Order of the Ministry of Commerce

(No.11 [2008])

The amended Measures for the Administration of License for the Export of Goods, which were adopted at the 6th executive meeting of the Ministry of Commerce on May 7th, 2008, are hereby promulgated and shall come into force on July 1st, 2008.

Minister Chen Deming

June 7, 2008

Measures for the Administration of License for the Export of Goods

Chapter I General Provisions

Article 1 The present Measures are formulated in accordance with the Foreign Trade Law of the People's Republic of China and the Regulation of the People's Republic of China on the Administration of Import and Export of Goods for the purpose of rationally allocating the resources, regulating the order of export business, creating a fair and transparent trade environment, performing international conventions and treaties promised by our country, and maintaining the economic interests of the state and national security.

Article 2 The state applies a uniform system of license for the export of goods. The state shall apply export license administration to the export goods under restriction.

Article 3 The Ministry of Commerce shall be the department of centralized administration of export license of the whole country, and shall be responsible for formulating the rules and regulations on the administration of export license, supervising and inspecting the implementation of the measures for the administration of export license and punishing the rule-breaking acts.

The Ministry of Commerce shall, together with the General Administration of Customs, formulate, adjust, and promulgate the annual Catalogue for Goods Subject to the Administration of Export License. The Ministry of Commerce shall be responsible for formulating, adjusting and promulgating the annual Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License.

The Catalogue for Goods Subject to the Administration of Export License and the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License shall be promulgated by the Ministry of Commerce by public notice.

Article 4 The Ministry of Commerce shall authorize the Bureau of Quota License (hereinafter referred to as the License Bureau) to be in uniform charge and direct the work for the issuance of export licenses by the license issuing agencies of the whole country. The License Bureau shall be responsible to the Ministry of Commerce.

Article 5 The License Bureau and the local accredited representatives' offices under the Ministry of Commerce (hereinafter referred to as each accredited representatives' office)

and the commerce offices or bureaus and the commissions, offices or bureaus of foreign trade and economic cooperation of all the provinces, autonomous regions, municipalities directly under the Central Government, cities directly under state planning, and other provincial capital cities authorized by the Ministry of Commerce shall be the export license issuing agencies, and shall, under the uniform administration of the License Bureau, be responsible for the work of issuance of licenses within their respective authorized scopes.

Article 6 The export license as mentioned in the present Measures shall include export quota license and export license. For all the goods subject to the administration of export quota license and export license, a foreign trade operator (hereinafter referred to as an operator) shall apply for export license as required to the designated license issuing agency before export. The customs house shall accept the declaration and release on the basis of the export license.

Article 7 No export license may be sold, transferred, altered, forged or changed.

#### Chapter II Documents To Be Submitted When Applying for Export License

Article 8 An operator shall carefully fill in one application form (the original) for export license according to the facts when applying for export license, and annex a seal to it. In case the application is filed online, he shall carefully fill in the online electronic application form according to the facts and send it to the corresponding license issuing agency.

Article 9 When applying for an export license, an operator shall submit the relevant quota of export goods or other relevant documents of approval to the license issuing agency.

Article 10 When applying for export license, an operator shall submit to the license issuing agency the Form of Archival Filing and Registration of Foreign Trade Operators annexed with the special seal of archival filing and registration of a foreign trade operator or the Qualification Certificate of the Import and Export Enterprises of the People's Republic of China or the certificate of approval for foreign-funded enterprises (photocopy).

#### Chapter III Basis for Issuance of Export License

Article 11 Each license issuing agency shall issue export licenses in light of the following provisions on the basis of the scope in the Catalogue for Goods Subject to the Administration of Export License and the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License as formulated by the Ministry of Commerce:

1. For the export commodities subject to quota license administration, the export license shall be issued on the basis of the documents on quotas distributed by the Ministry of Commerce or the commerce offices or bureaus, commissions, offices and bureaus of foreign trade and economic cooperation of all the provinces, autonomous regions, municipalities directly under the Central Government, cities directly under state planning and other provincial capital cities authorized by the Ministry of Commerce (hereinafter referred to as the local competent departments of commerce) and the export contract of the operator (photocopy of the original);

2. For the export of commodities applying quota bidding, the export license shall be issued on the basis of the name list of the bid-winning operators and the quantities of bid-winning promulgated by the Ministry of Commerce, the Certificate for the Application for Export License of Commodities Applying Quota Bidding or the Certificate for the Transfer and Acceptance of Commodities Applying Quota Bidding, and the export contracts (photocopy of the original) of the bid-winning operators.
3. For the exports of chemicals liable to producing drugs, the export license shall be issued on the basis of the Reply of the Ministry of Commerce on Export of Chemicals Liable To Producing Drugs and the export contracts (photocopy of the original) of the export operators.
4. For the export of computers, the export license shall be issued on the basis of the Examination Form of Export Computer Technologies approved by the Ministry of Commerce and the export contracts (photocopy of the original) of the export operators.
5. For the export of chemicals under supervision and control, the export license shall be issued on the basis of the documents of approval of the Office of State Leading Group for the Performance of the Convention on Prohibition of Chemical Weapons and the export contracts (photocopy of the original) of the operators.
6. For the export of ozonosphere-exhausting materials, the export license shall be issued on the basis of the documents of approval distributed by the Office of Import and Export Administration of Ozonosphere-exhausting Materials of the state and the export contracts (photocopy of the original) of the operators. And
7. For other export commodities subject to the export license administration, the export license shall be issued on the basis of the documents of approval of the Ministry of Commerce and the export contract (photocopy of the original) of the operators.

Article 12 For the goods under processing trade that are subject to export license administration, a license issuing agency shall issue the export license in light of the Catalogue for Goods Subject to the Administration of Export License and the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License formulated by the Ministry of Commerce and on the basis of the Certificate of Approval for the Business of Processing Trade issued by the department of examination and approval for processing trade authorized by the Ministry of Commerce and the documents of approval for export (Commodities subject to the administration of export quotas without using the quantity of quotas shall be based on the documents of approval of the Ministry of Commerce) as prescribed in Article 11 of the present Measures, the customs declaration of import in processing trade and the export contract (photocopy of the original) of operators.

For the export of chemicals under supervision and control, chemicals liable to producing drugs, ozonosphere-exhausting materials and other goods governed by international conventions by way of processing trade, the export license shall be issued according to Article 11 of the present Measures.

Article 13 When a foreign-funded enterprise exports goods subject to export license administration, it shall be handled in light of the following provisions:

1. If a foreign-funded enterprise is to export the goods subject to export quota administration, a license issuing agency shall issue the license on the basis of the quantity of export quota for foreign-funded enterprises granted by the Ministry of Commerce; if it is to export the goods subject to export quota bidding administration, the relevant documents of approval as prescribed in Article 11 (2) shall also be attached; And
2. In case the circumstances of Article 11 (3) to (7) and Article 12 are involved, it shall be handled in light of the provisions of the corresponding articles.

Article 14 In case any solely-owned enterprise, joint venture enterprise or contractual joint venture enterprise established overseas and in Hong Kong and Macao by the enterprises of our country needs the supply of domestic goods subject to export license administration, a license issuing agency shall issue the export license in light of Article 11 of the present Measures on the basis of the documents of approval of the Ministry of Commerce and the certificate of approval for overseas enterprises of the Ministry of Commerce or the certificate of approval for processing and assembling enterprises with overseas materials of the Ministry of Commerce.

Article 15 Where any enterprise which has the qualification for managing foreign economic and technology cooperation upon the approval of the Ministry of Commerce, exports equipment (including a whole set of equipment), materials, construction appliances and life materials for self-use of its personnel, which fall within the scope of goods subject to the export license administration, for the purpose of performing such projects as overseas contracting engineering, labor service cooperation, or design and consultation, etc., the export license shall be issued in accordance with Article 11 of the present Measures.

Article 16 For the commodities subject to export license administration for self-use needing to be transported out of China in the export of complete sets of equipment, the export license shall be issued according to Article 11 of the present Measures.

Article 17 For the commodities subject to export license administration for repayment of foreign loans or under compensation trade projects, a license issuing agency shall issue the export license according to the Catalogue for Goods Subject to the Administration of Export License and the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License on the basis of the export quotas granted by the Ministry of Commerce for repayment of foreign loans or that of the compensation trade. Any legal person, other organization or individual that fails to go through archival filing and registration and undertakes the business of repayment of foreign loans or compensation trade shall do export business by entrusting an operator as an agent, and the operator shall apply for the export license.

Article 18 When applying for export licenses, an operator shall declare faithfully in light of the present Measures, and may not falsify, or cheat to obtain the export license by means of false contract or fake documents.

#### Chapter IV Issuance of Export License

Article 19 Each license issuing agency shall issue the export license for the relevant export goods strictly in accordance with the requirements in the annual Catalogue for Goods Subject to the Administration of Export License and the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License within 3 workdays from the date of receiving the application conforming to the requirements, no license may be issued in violation of the provisions. An operator shall, when exporting goods in the Catalogue for Goods Subject to the Administration of Export License, apply for export license to the license issuing agency as designated by the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License.

Article 20 The License Bureau, all the accredited representatives' offices and local license issuing agencies shall issue export licenses strictly in accordance with the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License as promulgated by the Ministry of Commerce. In case online application for export license is implemented, the handling shall be made in light of the relevant procedures and provisions.

1. The scope of licenses to be issued by the License Bureau:

(1) The export licenses within the scope of authorization of the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License shall be issued in light of the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License as prescribed by the Ministry of Commerce. And

(2) The export licenses of enterprises under the Central Government in Beijing.

2. The scope of licenses to be issued by each accredited representatives' office:

(1) Issuing the export licenses to the operators within the contact area, the enterprises under the Central Government within the contact area, and the subsidiaries of the enterprises under the Central Government in Beijing whose quotas are controlled by the local regions on the basis of the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License as prescribed by the Ministry of Commerce;

(2) Issuing the export license for quota bidding goods of any operator within the contact area on the basis of the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License as prescribed by the Ministry of Commerce; and

(3) Issuing the export licenses for other goods as prescribed by the Ministry of Commerce.

3. The scope of licenses to be issued by each local license issuing agency:

(1) Issuing export licenses to local operators according to the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License as prescribed by the Ministry of Commerce; and

(2) Issuing the export license for other goods as prescribed by the Ministry of Commerce.

4. Goods whose licenses are issued by the designated license issuing agencies:

For all the goods whose licenses are issued by the license issuing agencies as designated by the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License, an operator shall apply export license to the designated license issuing agency without exceptions.

Article 21 No license issuing agency may issue any export license without quota, exceeding quota, exceeding power or the scope of license issuance. No staff member of any license issuing agency may neglect his duty, seek private gains or misuse authority during performance of duty, and may not seek for the property of other people by taking advantages of conveniences of his post or take the property of other people illegally for seeking interests for others.

Article 22 The administration of export license shall apply the system of "one license for one customs house", "one batch, one license" and "non-one batch, one license". The "one license for one customs house" shall mean that an export license may only be declared at one customs house; and the "one batch, one license" shall mean that an export license may be used for customs declaration for once within the period of validity.

The system of "non-one batch, one license" shall be implemented under the following circumstances, and the "non-one batch, one license" shall be indicated in the note column when issuing the export license:

1. Goods under export license administration of foreign-funded enterprises;
2. Goods under export license administration in compensation trade; and
3. Other goods under export license administration applying the system of "non-one batch, one license" as prescribed by the Catalogue for Goods Subject to the Administration of Export License.

The "non-one batch, one license" shall mean that an export license may be used for customs declaration for many times within the period of validity, but shall not exceed twelve times at most, and the customs house shall indicate in the "endorsement of customs examination and release" column the amount of outbound cargo batch by batch.

#### Chapter V Handling of Exceptions

Article 23 The overloaded goods shall be large goods in bulk. The amount of overload shall be handled according to the international trade customs, that is, the amount of overload of large goods in bulk exported after customs declaration shall not exceed 5% of the amount of export as listed in the export license. In the case of large goods in bulk which do not apply the system of "one batch, one license", the amount shall be deducted after checking according to the actual export amount when each batch of the goods is exported, and the amount of overload shall be computed on the basis of the actual surplus export amount of the license and within 5% of the prescribed upper limit of the overload when the final batch of goods is exported.

A license issuing agency shall issue the license for the export of goods in this category strictly in light of the amount of export quotas and the amount checked by the documents

of approval, verifying and deducting the amount of quota according to the actual amount of the licenses issued and shall not issue license on the basis of the amount of export quotas or the amount checked by the documents of approval plus the amount of overload allowed by international trade customs

Article 24 Export license shall be exempted for goods subject to export license administration for project of foreign economic aid. The relevant provisions on the release certificate shall be formulated and promulgated by the Ministry of Commerce, the General Administration of Customs and the State Administration for Quality Inspection, Supervision and Quarantine.

Article 25 Provisions on exhibition articles, exhibition articles for sale and small articles for sale that are taken abroad (out of the territory) to participate in or for holding exhibitions are as follows:

1. The export licenses shall be exempted for exhibition articles not for sale under export license administration, which are taken abroad (out of the territory) to participate in or for holding exhibitions, and the customs shall supervise, examine and release these articles after examination on the basis of the documents of approval for the exhibitions by the department of examination and approval and the customs declaration on export goods. The entities participating in the exhibition shall, within 6 months after the end of the exhibition, carry back exactly the amount of the exhibition articles not for sale to be cancelled by the customs after verification. Under special circumstances, the period may be postponed upon the approval of the customs.
2. Where the exhibition articles for sale and the small articles for sale that are taken abroad (out of the territory) for participating in or holding exhibitions are subject to the export license administration, the entities participating in the exhibitions shall apply to the license issuing agencies as prescribed in the Graded License Issuance Catalogue for the export licenses without using the export quotas on the basis of the documents of approval of the department of examination and approval for foreign economic and trade exhibitions and the exhibition participation certificates of the entity organizing enterprises to take part in foreign economic and trade exhibitions, And
3. For the chemicals under supervision and control, chemicals liable to producing drugs, ozonosphere-exhausting materials and other goods governed by international conventions, the export licenses shall be handled as normal export, and the provisions of items (1) and (2) of this Article shall not be applied.

Article 26 Provisions on the samples of export goods and samples of goods under export license administration that need to be provided for cultural exchange and technology exchange are as follows:

1. For the samples of goods subject to the export license administration or samples for experiment use which are shipped abroad (out of the territory) by an operator, if the value of each batch of goods are RMB 30,000 Yuan or less, the export license shall be exempted, the customs shall check and release the goods on the basis of the customs declaration of the export samples filled in by the operator; if the value exceeds RMB

30,000 Yuan, the goods shall be regarded as being exported normally, and the operator may apply for export license as required. The words "samples of goods" shall be indicated in the note column of the export license. And

2. For the chemicals under supervision and control, chemicals liable to producing drugs, ozonosphere-exhausting materials and other goods governed by international conventions, the export licenses shall be handled as normal export, and the provisions of item (1) of this Article shall not be applied.

Article 27 For the donations provided by the Chinese government to foreign countries according to the agreement or temporary decision between the governments of the two countries, or the materials donated by the Chinese government or organization to the government or organization of the opposite country on the basis of friendship, among which there are goods subject to the export license administration, the export license shall be issued on the basis of the relevant agreements or decisions without using export quotas.

For other donations involving export license administration, the export license shall be issued according to Article 11 of the present Measures.

#### Chapter VI Period of Validity of Export License

Article 28 The period of validity of export quota shall be before or at December 31st of the current year, unless it is specified differently. An operator shall apply for an export license to the license issuing agency within the period of validity of the quota.

Article 29 Each license issuing agency shall issue export licenses of the next year according to the export quotas granted by the Ministry of Commerce or all local competent department of commerce from December 10 of the current year, the period of validity shall start from January 1 of the next year.

Article 30 The longest period of validity of an export license shall not exceed 6 months and the deadline for the period of validity shall not exceed December 31 of the current year.

Where any goods under quota license administration are exported by way of processing trade, the period of validity of the export license shall be determined according to the time limit for the export as checked by the Certificate of Approval for the Business of Processing Trade, but shall not exceed December 31 of the current year. If the time limit for export determined according to the Certificate of Approval for the Business of Processing Trade exceeds December 31 of the current year, an operator shall apply for issuing a new export license by replacing the original one for the new year to the issuing agency within the period of validity of the original export license. The license issuing agency shall take back the original license and write it off in the license issuing system, and reissue the export license for the new year within the time limit for export as determined according to the Certificate of Approval for the Business of Processing Trade after deducting the amount having been used, and indicate in the note column the number of the original certificate.

The Ministry of Commerce may adjust the period of validity and application time of the export licenses of certain goods according to the specific circumstances.

An export license shall be used within the period of validity, and shall be invalidated automatically if it exceeds the time limit, and the customs shall not release the goods.

Article 31 In case an export license fails to be used within the period of validity due to some reason, an operator shall apply for extension to the original license issuing agency within the period of validity of the export license. The license issuing agency shall take back the original license, and reissue an export license after writing off the original license in the license issuing computer management system, and indicate in the note column the extension use and the number of the original license.

In case an export license is not fully used within the period of validity due to some reason, an operator shall apply for extension for the unused part to the original license issuing agency within the period of validity of the export license. The license issuing agency shall take back the original license and cancel the original license in the license issuing system after verification, and reissue an export license after deducting the amount that has been used, and indicate in the note column the extension use and the number of the original license.

Where an extension for any export license is handled by using the export quotas of the current year, the longest extension period shall not exceed December 31 of the current year.

In case an application for extension fails to be filed within the period of validity of an export license, the export license shall be invalidated automatically after the expiration of the time limit. The license issuing agency shall not handle formalities for extension of the license any longer. And the amount of goods under the export license shall be regarded as being given up by the quota holder automatically.

Article 32 After an export license is issued, no entity or individual may unlawfully alter the face contents of the license. Where there is necessity to alter the face contents of the license, an operator shall return the export license to the original license issuing agency within the period of validity of the export license, and reapply for an export license.

Article 33 In case an export license having been received is lost, an operator shall report in written forms to the customs house at the export port as indicated in the face of the license and the relevant license issuing agency at once, and publish a "Loss Notice" in national economic newspapers and periodicals. A license issuing agency may write off the license after verifying that the license really has not passed through the customs on the basis of the Loss Notice and issue a new license.

Article 34 In case such entities as the customs, industry and commerce, public security, disciplinary inspection or court need to make inquiry about or investigation into any export license to any license issuing agency, it shall show the relevant certificate according to law, and then the license issuing agency may accept the inquiry.

Article 35 Where any license issuing agency is adjusted, the original license issuing agency shall not issue the export license for the goods subject to the export license administration any longer from the date of adjustment, and shall report the application conditions of the operator before the adjustment to the adjusted license issuing agency. The license applied for and received by the operator before the adjustment shall be effective continuously within the period of validity. If the license is not used or not fully used within the period of validity, an operator shall go through formalities for extension to the adjusted license issuing agency as required.

#### Chapter VII Inspection and Punishment

Article 36 The Ministry of Commerce shall authorize the License Bureau to make regular inspections on each license issuing agency. The contents of inspection shall be the implementation of the present Measures by the license issuing agency, and the inspection shall focus on whether there are issues of issuing license by exceeding quotas, without quotas or exceeding power or levels in violation of regulations and other issues in violation of the present Measures. The ways of inspection shall apply the method of combining regular or irregular self-inspection by a license issuing agency with the spot check of the License Bureau.

The License Bureau shall report the inspection conditions to the Ministry of Commerce.

Article 37 Each license issuing agency shall transmit in time the license issuing data in light of the provisions of the Ministry of Commerce on online checking of licenses to ensure the smooth declaration of the operators and the checking of the customs. It shall carefully check up the checking data fed back by the customs, and inspect in time the use of the licenses and find out the existing problems. The License Bureau shall report the checking data fed back by the customs being verified to the Ministry of Commerce periodically.

Article 38 In case any license issuing agency issues licenses by exceeding quotas, without quotas or exceeding power or levels in violation of Article 21 of the present Measures, the Ministry of Commerce shall give it warnings, suspend or cancel its right to issue licenses and other punishment according to the circumstances.

Article 39 Any operator who forges, alters or sells and buys export licenses shall be subject to criminal liabilities in accordance with the provisions of the Criminal Law on the crime of illegal management, or the crimes of forging, altering, selling and buying the documents, certificates or seals of the state organs. If it is not serious enough to be subject to criminal liabilities, he/it shall be punished in accordance with the relevant provisions of the customs law and the relevant laws and regulations.

In case any one obtains any export license by cheating or other illegal means, the Ministry of Commerce shall capture its/his export license.

The Ministry of Commerce may prohibit any violator from undertaking the relevant foreign trade business activities within one to three years from the date when the decision on the administrative punishment in the preceding two paragraphs takes effect or from the date

when the judgment on criminal punishment takes effect. Within the period of prohibition, the customs shall not handle formalities for customs declaration and release for the operator according to the prohibition decision made by the Ministry of Commerce, and the department of foreign exchange control or foreign exchange designated banks shall not handle the relevant formalities for settlement and sale of foreign exchange.

Article 40 Any license issued by exceeding quotas, without quotas or exceeding power or levels shall be invalidated. For the export licenses involved in Articles 37 and 38, the Ministry of Commerce shall revoke them once discovering the facts after investigation. For the issues concerning the aforesaid licenses discovered by the customs during actual supervision or case handling, the license issuing agency shall give a clear reply.

Article 41 In case any entity that organizes or participates in any exhibition violates the relevant provisions of paragraph one of Article 25, and fails to carry back the exact amount of exhibition articles not for sale subject to the export license administration for the customs to cancel them after verification, the customs shall notify the Ministry of Commerce. The Ministry of Commerce and the department of examination and approval for foreign economic and trade exhibitions shall give warnings to the entity that organizes or participates in the exhibition, suspend the examination and approval for its overseas (out-of-territory) exhibition articles for one to two years according to the circumstances.

Article 42 In case any staff member of any license issuing agency violates Article 21 of the present Measures and constitutes a crime, he shall be subject to criminal liabilities according to the relevant provisions of the Criminal Law of the People's Republic of China. In case any staff member of any license issuing agency violates the present Measures, which is not serious enough to constitute a crime, he shall be transferred from his work post, and be subject to administrative punishment according to Article 55 or 56 of the Civil Servant Law of the People's Republic of China.

#### Chapter VIII Supplementary Provisions

Article 43 The relevant existing provisions shall be followed for the goods entering the bonded warehouses, bonded zones and export processing zones in other districts within the customs districts of China. And the existing provisions shall be followed for the export of goods in the export supervision warehouses, bonded zones and export processing zones.

Article 44 The relevant existing provisions shall still be followed for the export license administration under border trade.

Article 45 The present Measures shall not be applicable to the goods governed by the Export License for Sensitive Items and Technology.

Article 46 The power to interpret the present Measures shall remain with the Ministry of Commerce.

Article 47 The present Measures shall come into force on July 1st, 2008. The former Measures for the Administration of License for the Export of Goods (Order No.28 [2004] of the Ministry of Commerce) shall be abolished simultaneously.

商务部令

(2008年第11号)

修订后的《货物出口许可证管理办法》已由商务部第6次部务会议于2008年5月7日通过，现予公布，自2008年7月1日起施行。

部长 陈德铭

二〇〇八年六月七日

货物出口许可证管理办法

### 第一章 总则

第一条 为了合理配置资源，规范出口经营秩序，营造公平透明的贸易环境，履行我国加入的国际公约和条约，维护国家经济利益和安全，根据《中华人民共和国对外贸易法》和《中华人民共和国货物进出口管理条例》，制定本办法。

第二条 国家实行统一的货物出口许可证制度。国家对限制出口的货物实行出口许可证管理。

第三条 商务部是全国出口许可证的归口管理部门，负责制定出口许可证管理办法及规章制度，监督、检查出口许可证管理办法的执行情况，处罚违规行为。

商务部会同海关总署制定、调整和发布年度《出口许可证管理货物目录》。商务部负责制定、调整和发布年度《出口许可证管理货物分级发证目录》。

《出口许可证管理货物目录》和《出口许可证管理分级发证目录》由商务部以公告形式发布。

第四条 商务部授权配额许可证事务局（以下简称许可证局）统一管理、指导全国各发证机构的出口许可证签发工作，许可证局对商务部负责。

第五条 许可证局及商务部驻各地特派员办事处（以下简称特办）和各省、自治区、直辖市、计划单列市以及商务部授权的其他省会城市商务厅（局）、外经贸委（厅、局）（以下简称各地方发证机构）为出口许可证发证机构，在许可证局统一管理下，负责授权范围内的发证工作。

第六条 本办法所称出口许可证包括出口配额许可证和出口许可证。凡实行出口配额许可证管理和出口许可证管理的货物，对外贸易经营者（以下简称经营者）应当在出口前按规定向指定的发证机构申领出口许可证，海关凭出口许可证接受申报和验放。

第七条 出口许可证不得买卖、转让、涂改、伪造和变造。

## 第二章 申领出口许可证应当提交的文件

第八条 经营者申领出口许可证时,应当认真如实填写出口许可证申请表(正本)1份,并加盖印章。实行网上申领的,应当认真如实地在线填写电子申请表并传送给相应的发证机构。

第九条 经营者申领出口许可证时,应当向发证机构提交有关出口货物配额或者其他有关批准文件。

第十条 经营者申领出口许可证时,应当向发证机构提交加盖对外贸易经营者备案登记专用章的《对外贸易经营者备案登记表》或者《中华人民共和国进出口企业资格证书》或者外商投资企业批准证书(复印件)。

### 第三章 出口许可证发证依据

第十一条 各发证机构按照商务部制定的《出口许可证管理货物目录》和《出口许可证管理分级发证目录》范围,依照下列规定签发出口许可证:

(一)实行配额许可证管理的出口货物,凭商务部或者各省、自治区、直辖市、计划单列市以及商务部授权的其他省会城市商务厅(局)、外经贸委(厅、局)(以下简称各地商务主管部门)下达配额的文件和经营者的出口合同(正本复印件)签发出口许可证。

(二)实行配额招标的出口货物,凭商务部发布的中标经营者名单、中标数量、《申领配额招标货物出口许可证证明书》或者《配额招标货物受让证明书》以及中标经营者的出口合同(正本复印件)签发出口许可证。

(三) 易制毒化学品的出口, 凭《商务部易制毒化学品出口批复单》和经营者的出口合同(正本复印件)签发出口许可证。

(四) 计算机的出口, 凭商务部批准的《出口计算机技术审查表》和经营者的出口合同(正本复印件)签发出口许可证。

(五) 监控化学品的出口, 凭国家履行禁止化学武器公约工作领导小组办公室批准文件和经营者的出口合同(正本复印件)签发出口许可证。

(六) 消耗臭氧层物质的出口, 凭国家消耗臭氧层物质进出口管理办公室下发的批准文件和经营者的出口合同(正本复印件)签发出口许可证。

(七) 其它实行出口许可证管理的出口货物, 凭商务部批准文件及经营者的出口合同(正本复印件)签发出口许可证。

**第十二条** 加工贸易项下属于出口许可证管理的货物, 发证机构按照商务部制定的《出口许可证管理货物目录》和《出口许可证管理分级发证目录》, 凭商务部授权的加工贸易审批机关签发的《加工贸易业务批准证》及本办法第十一条规定的出口批准文件(属于出口配额管理但不使用配额数量的商品凭商务部批件)、海关加工贸易进口报关单和经营者的出口合同(正本复印件)签发出口许可证。

以加工贸易方式出口监控化学品、易制毒化学品、消耗臭氧层物质以及其他国际公约管辖的货物, 按照本办法第十一条签发出口许可证。

**第十三条** 外商投资企业出口属于出口许可证管理的货物, 应当按以下规定办理:

(一)外商投资企业出口属于出口配额管理的货物,发证机构凭商务部下达的外商投资企业出口配额数量签发许可证;出口配额招标管理的货物,应当附带第十一条第(二)款规定的有关批准文件;

(二)涉及第十一条(三)到(七)款及第十二条之情形的,按照相应条款规定办理。

第十四条 我国企业在国外及香港、澳门投资设立的独资、合资和合作企业,需国内供应属于出口许可证管理的货物,发证机构凭商务部批准文件和商务部境外企业批准证书或者商务部境外带料加工装配企业批准证书,按照本办法第十一条签发出口许可证。

第十五条 经商务部批准具有对外经济技术合作经营资格的企业为履行国(境)外承包工程、劳务合作、设计咨询等项目合同出口的设备(含成套设备)、材料、施工器械及人员自用的生活物资属于出口许可证管理的货物,按照本办法第十一条签发出口许可证。

第十六条 出口成套设备需运出境外项目自用属于出口许可证管理的货物,按照本办法第十一条签发出口许可证。

第十七条 偿还国外贷款或者补偿贸易项下属于出口许可证管理的货物,发证机构按商务部制定的《出口许可证管理货物目录》和《出口许可证管理分级发证目录》,凭商务部下达的偿还国外贷款或者补偿贸易的出口配额签发出口许可证。未办理备案登记的法人、其他组织或者个人从事偿还国外贷款或者补偿贸易业务时,应当委托经营者代理出口,并由该经营者办理出口许可证。

第十八条 经营者申领出口许可证时，应当按本办法如实申报，不得弄虚作假，严禁以假合同、假文件等手段骗领出口许可证。

#### 第四章 出口许可证的签发

第十九条 各发证机构应当严格按照年度《出口许可证管理货物目录》和《出口许可证管理分级发证目录》的要求，自收到符合规定的申请之日起3个工作日内签发相关出口货物的出口许可证，不得违反规定发证。经营者出口《出口许可证管理货物目录》中的货物，应当到《出口许可证管理分级发证目录》指定的发证机构申领出口许可证。

第二十条 许可证局、各特办和各地方发证机构应当严格按照商务部发布的《出口许可证管理分级发证目录》签发出口许可证。实行网上申领出口许可证的，按照有关程序和规定办理。

##### (一) 许可证局发证范围：

1. 按照商务部规定的《出口许可证管理分级发证目录》，签发《出口许可证管理分级发证目录》授权范围内的出口许可证。
2. 在京的中央管理企业的出口许可证。

##### (二) 各特办发证范围：

1. 按照商务部规定的《出口许可证管理分级发证目录》，签发联系地区内经营者、联系地区内中央管理企业及配额由地方管理的在京中央管理企业子公司的出口许可证；

2. 按商务部规定的《出口许可证管理分级发证目录》，签发联系地区内经营者配额招标货物出口许可证；

3. 签发商务部规定的其他货物的出口许可证。

(三) 各地方发证机构发证范围：

1. 按商务部规定的《出口许可证管理分级发证目录》签发本地经营者出口许可证；

2. 签发商务部规定的其他货物的出口许可证。

(四) 指定发证机构发证的货物：

凡属于《出口许可证管理分级发证目录》中指定发证机构发证的货物，经营者一律到指定的发证机构办理出口许可证。

第二十一条 各发证机构不得无配额、超配额、越权或者超发证范围签发出口许可证。发证机构的工作人员在履行职责过程中，不得玩忽职守、徇私舞弊或者滥用职权，不得利用职务上的便利索取他人财物，或者非法收受他人财物为他人谋取利益。

第二十二条 出口许可证管理实行“一证一关”制、“一批一证”制和“非一批一证”制。“一证一关”指出口许可证只能在一个海关报关；“一批一证”指出口许可证在有效期内一次报关使用。

下列情况实行“非一批一证”制，签发出口许可证时应在备注栏内注明“非一批一证”：

(一) 外商投资企业出口许可证管理的货物；

(二) 补偿贸易项下出口许可证管理的货物；

(三) 其它在《出口许可证管理货物目录》中规定实行“非一批一证”的出口许可证管理货物。

“非一批一证”指出口许可证在有效期内可以多次报关使用，但最多不超过 12 次，由海关在“海关验放签注栏”内逐批签注出运数。

## 第五章 例外情况的处理

第二十三条 溢装货物应当为大宗、散装货物。溢装数量按照国际贸易惯例办理，即报关出口的大宗、散装货物的溢装数量不得超过出口许可证所列出口数量的 5%。不实行“一批一证”制的大宗、散装货物，每批货物出口时，按其实际出口数量进行核扣，最后一批出口货物出口时，其溢装数量按该许可证实际剩余数量并在规定的溢装上限 5% 内计算。

发证机构在签发此类出口货物许可证时，应当严格按照出口配额数量及批准文件核定的数量签发，并按许可证实际签发数量核扣配额数量，不在出口配额数量或者批准文件核定的数量基础上加上按国际贸易惯例允许的溢装数量签发许可证。

第二十四条 对外经贸项目出口实行出口许可证管理的货物免领出口许可证。有关验放凭证的规定，由商务部、海关总署和国家质检总局另行制定和发布。

第二十五条 赴国（境）外参加或者举办展览会运出境外展品、展卖品、小卖品的规定：

(一) 赴国（境）外参加或者举办展览会所带属于出口许可证管理的非卖展品，免领出口许可证，海关凭出国（境）经济贸易展览会审批部门批准办展的文件和出口货物报关单监

管验放。参展单位应当在展览会结束后6个月内,将非卖展品如数运回,由海关核销。在特殊情况下,经海关同意,可以延期。

(二)赴国(境)外参加或者举办展览会带出的展卖品、小卖品,属于出口许可证管理的,参展单位凭出国(境)经济贸易展览会审批部门的批准文件及出国(境)经济贸易展览会组展单位提供的参展证明,向《分级发证目录》规定的发证机构申领出口许可证,不占用出口配额。

(三)监控化学品、易制毒化学品、消耗臭氧层物质以及其他国际公约管辖的货物,按正常出口办理,不适用本条第(一)、(二)项规定。

第二十六条 出口货物样品和文化交流或者技术交流需对外提供属于出口许可证管理货物的货样的规定:

(一)经营者运出国(境)外属于出口许可证管理货物的货样或者实验用样品,每批货物价值在人民币3万元(含3万元)以下者,免领出口许可证,海关凭经营者填写的出口货样报关单查验放行;超过3万元者,视为正常出口,经营者按规定申领出口许可证。出口许可证备注栏内应当注明“货样”字样。

(二)监控化学品、易制毒化学品、消耗臭氧层物质以及其他国际公约管辖的货物对外提供货样,按正常出口办理,不适用本条第(一)项规定。

第二十七条 中国政府根据两国政府间的协议或者临时决定,对外提供捐赠品或者中国政府、组织基于友好关系向对方国家政府、组织赠送的物资,涉及出口许可证管理的货物,凭有关协议或者决定签发出口许可证,不占用出口配额。

其他捐赠，涉及出口许可证管理的，按本办法第十一条签发出口许可证。

## 第六章 出口许可证的有效期

第二十八条 出口配额的有效期为当年 12 月 31 日前(含 12 月 31 日),另有规定者除外,经营者应当在配额有效期内向发证机构申领出口许可证。

第二十九条 各发证机构可自当年 12 月 10 日起,根据商务部或者各地方商务主管部门下发的下一年度出口配额签发下一年度的出口许可证,有效期自下一年度 1 月 1 日起。

第三十条 出口许可证的有效期最长不得超过 6 个月,且有效期截止时间不得超过当年 12 月 31 日。

以加工贸易方式出口属于配额许可证管理的货物,其出口许可证有效期按《加工贸易业务批准证》核定的出口期限核发,但不得超过当年 12 月 31 日。如《加工贸易业务批准证》核定的出口期限超过当年 12 月 31 日,经营者应在原出口许可证有效期内向发证机构提出换发新一年出口许可证。发证机构收回原证,在发证系统中对原证进行核销,扣除已使用的数量后,按《加工贸易业务批准证》核定的出口期限重新签发新一年度出口许可证,并在备注栏中注明原证证号。

商务部可视具体情况,调整某些货物出口许可证的有效期和申领时间。

出口许可证应当在有效期内使用,逾期自行失效,海关不予放行。

第三十一条 出口许可证因故在有效期内未使用,经营者应当在出口许可证有效期内向原发证机构提出延期申请,发证机构收回原证,在发证计算机管理系统中注销原证后,重新签发出口许可证,并在备注栏中注明延期使用和原证证号。

出口许可证因故在有效期内未使用完,经营者应当在出口许可证有效期内向原发证机构提出未使用部分的延期申请,发证机构收回原证,在发证系统中原证进行核销,扣除已使用的数量后,重新签发出口许可证,并在备注栏中注明延期使用和原证证号。

使用当年出口配额领取的出口许可证办理延期,其延期最长不得超过当年12月31日。

未在出口许可证有效期内提出延期申请,出口许可证逾期自行失效,发证机构不再办理延证手续,该出口许可证货物数量视为配额持有者自动放弃。

第三十二条 出口许可证签发后,任何单位和个人不得擅自更改证面内容;如需要对证面内容进行更改,经营者应当在出口许可证有效期内将出口许可证退回原发证机构,重新申领出口许可证。

第三十三条 已领取的出口许可证如遗失,经营者应当立即向许可证证面注明的出口口岸地海关及相关发证机构书面报告,并在全国家经济类报刊中登载“遗失声明”,发证机构凭遗失声明,并经核实该证确未通关后,可注销该证,并核发新证。

第三十四条 海关、工商、公安、纪检、法院等单位需要向发证机构查询或者调查出口许可证,应当依法出示有关证件,发证机关方可接受查询。

第三十五条 出口许可证管理货物在发证机构调整时,自调整之日起,原发证机构不得再签发该货物的出口许可证,并将经营者在调整前的申领情况报调整后的发证机构。经营者在调整前申领的许可证在有效期内继续有效。有效期内未使用或者未完全使用的许可证按规定到调整后的发证机构办理延期手续。

## 第七章 检查和处罚

第三十六条 商务部授权许可证局对各发证机构进行定期检查。检查的内容为发证机构执行本办法的情况,重点是检查是否有超配额、无配额或者越权越级发证以及其他违反本办法的问题。检查的方式,实行各发证机构定期或者不定期自查与许可证局抽查相结合的办法。

许可证局应当将检查的情况向商务部报告。

第三十七条 各发证机构应当按照商务部许可证联网核查的规定及时传送发证数据,以保证经营者顺利报关和海关核查;对海关反馈的核查数据应当认真核对,及时检查许可证的使用情况并找出存在的问题。许可证局应当定期将核对后的海关反馈核查数据报商务部。

第三十八条 对违反本办法第二十一条,超配额,无配额和越权越级发证的发证机构,商务部将视情节轻重给予其警告、暂停或者取消发证权等处分。

第三十九条 对伪造、变造或者买卖出口许可证的经营者,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,依照海关法等相关法律法规的有关规定处罚。

对以欺骗或者其他不正当手段获取出口许可证的，商务部依法收缴其出口许可证。

商务部可以禁止违法行为人自前两款规定的行政处罚决定生效之日或者刑事处罚判决生效之日起一年以上三年以下的期限内从事有关的对外贸易经营活动。在禁止期限内，海关根据商务部依法作出的禁止决定，对该经营者的有关出口货物不予办理报关验放手续，外汇管理部门或者外汇指定银行不予办理有关结汇、售汇手续。

第四十条 超配额，无配额和越权越级发放的许可证无效。对第三十七条、第三十八条所涉出口许可证，一经查实，商务部予以吊销处理。对海关在实际监管或者案件处理过程中发现的涉及上述许可证的问题，发证部门应当给予明确回复。

第四十一条 对违反第二十五条第（一）款有关规定，未将属于出口许可证管理的非卖展品如数运回由海关核销的，由海关通知商务部，商务部和出国（境）经济贸易展览会审批部门视情节轻重给予该组展单位和参展单位警告、暂停审批其出国（境）展览项目一至两年等处分。

第四十二条 对发证机构工作人员违反本办法第二十一条构成犯罪的，依照《中华人民共和国刑法》的有关规定追究其刑事责任。对发证机构工作人员违反本办法尚不构成犯罪的，应当调离工作岗位，并根据《中华人民共和国公务员法》第五十五、第五十六条给予行政处分。

## 第八章 附则

第四十三条 中国关境内其他地区货物进入到保税仓库、保税区 and 出口加工区的，按照现行有关规定执行。出口监管仓库、保税区、出口加工区的货物出口到境外，按现行规定执行。

第四十四条 边境贸易项下出口许可证管理仍按照现行有关规定执行。

第四十五条 《敏感物项和技术出口许可证》管辖货物不适用本办法。

第四十六条 本办法由商务部负责解释。

第四十七条 本办法自 2008 年 7 月 1 日起施行。原《货物出口许可证管理办法》(商务部令 2004 年第 28 号)同时废止。

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