

## MOFCOM 2008 No.76

**Notice Regarding Declaration Conditions and Procedure of 2009 Trade Coke Export Quota**

In accordance with the relevant regulations of *PRC Foreign Trade Law* and *Regulation of the People's Republic of China on the Administration of the Import and Export of Goods*, in order to strengthen export administration and trade order, Notice Regarding Declaration Conditions and Procedure of 2009 Trade Coke Export Quota is announced, excluding for foreign investment enterprises.

MOFCOM

Oct. 13, 2008

## I. Declaration Conditions of Coke Export Quota

The Enterprises which meet following conditions shall apply for 2009 coke export quota:

## 1. Production Enterprise

- (1) In accordance with relevant regulation registered in industrial and commercial administration department, got import and export qualification or carried out record fore foreign trade dealer, and had qualification of independent legal entity;
- (2) Meet "Admittance condition of coking industry" (in accordance with enterprises list published by Ministry of Industry and Information Technology and NDRC), and 2007 coke export supply quantity was beyond 250 thousand tons.
- (3) Recent 3 years (2005-2007) average annual export quantity was beyond 200 thousand tons (include) (in accordance with Customs data), although below required standard of paragraph (2).
- (4) Product quality meets the current national standards, passed ISO9000 quality system certification
- (5) Abide by the relevant laws and relevant provisions of local governments, participate into all kinds of social insurance, such as endowment insurance, unemployment insurance, medical insurance, industrial injury insurance, birth insurance and etc. in accordance with laws, pay society insurance premium in a timely manner in full amount.
- (6) Have environmental protection and control treatment facilities corresponding to the scale of production (including online monitoring facilities). Pollutant discharge meets the national or local pollutants discharge standards. Proved by the environmental protection departments of provincial level or above, sewage charges has been paid on time in full amount according to law in 2007 and 2008, no environment illegal behavior exists, the emergency plan for environment has been enacted, and the associated facilities is found.
- (7) No violation of the relevant laws and regulations.

2. Distribution Enterprises
  - (1) In accordance with relevant regulation registered in industrial and commercial administration department, got import and export qualification or carried out record fore foreign trade dealer, and had qualification of independent legal entity;
  - (2) Registered capital is above RMB 50000 thousand (include), recent 3 years (2005-2007) average annual export quantity was beyond 200 thousand tons (include) (in accordance with Customs data), or had domestic trade of business scope and annual export quantity was beyond 400 thousand tons (including online monitoring facilities);
  - (3) Abide by the relevant laws and relevant provisions of local governments, participate into all kinds of social insurance, such as endowment insurance, unemployment insurance, medical insurance, industrial injury insurance, birth insurance and etc. in accordance with laws, pay society insurance premium in a timely manner in full amount.
  - (4) Passed ISO9000 quality system certification
  - (5) No violation of the relevant laws and regulations.
3. In order to enhance concentration of export operation and reduce enterprises quantity, if the enterprises s registered after Jan.1<sup>st</sup>, 2007, coke export shall not be affirmed between its affiliated enterprises.
4. An enterprise which has coke export performance of general trade in recent three years (according to the customs statistics) may be recommended by the local provincial or autonomous regional government in western regions which has coke export performance of general trade per year in recent three years (from 2005 to 2007). The registered capital of the abovementioned enterprises shall be 10,000,000 RMB or more, and abovementioned enterprises shall conform to the conditions in paragraph 1, paragraph 3, paragraph 4 and paragraph 5 in Article 2, where the production enterprises shall conform to the conditions in paragraph 1, paragraph 4, paragraph 5 and paragraph 6 in Article 1 concurrently.
5. Less than two border trade enterprises which has/have coke export performance of border trade in recent three years (according to the customs statistics) may be recommended by the local provincial or autonomous regional government in the regions which has/have coke export performance of border trade per year in recent three years (from 2005 to 2007). The registered capital of the abovementioned enterprises shall be 5,000,000 RMB or more, and abovementioned enterprises shall conform to the conditions in paragraph 1, paragraph 3, paragraph 4 and paragraph 5 in Article 2, where the production enterprises shall conform to the conditions in paragraph 1, paragraph 4, paragraph 5 and paragraph 6 in Article 1 concurrently.
6. The enterprises in west region met declaration conditions in article 1, 2, and it shall not enjoy preferential policies in article 3.
7. To implement the national industry policies, from Jan. 1 2007, the exporting products shall be bought from the enterprises which conform to Admittance condition of coking industry, and shall provide the supply enterprises certificates and other materials.

8. In order to standardize coke export, nation shall supervise coke export enterprises strictly. The enterprise violated laws and regulations and national industry policies in the process of implementing export quota, if confirmed, the same year coke export quota shall be withdrawn and declaration qualification of annul quota shall be suspend or repealed.
9. Coke export of foreign investment enterprises is carried out in accordance with existing regulations.

## II. Procedure of declaration and examination

All local coke export enterprises shall apply to provincial commercial department. Provincial commercial department shall preliminary examine qualification of local enterprises which apply for coke export qualification in accordance to above qualification standard of coke export, and shall submit the local qualified exporting enterprises list and preliminary examination opinion in written to MOFCOM prior to Oct. 27, 2008 (attached with relative enterprises materials), send a copy to PRC chamber of commerce of metals and chemicals concurrently.

The enterprises under the central government shall submit application and relevant materials to MOFCOM, send a copy to PRC chamber of commerce of metals and chemicals concurrently.

MOFCOM entrust China Chamber of Commerce of Metals and Chemicals and China Coking Industry Association to reexamination enterprise qualification which apply coke export qualification. China Chamber of Commerce of Metals and Chemicals shall propose the collective opinions to the qualified enterprises after reexamination, and shall summit to MOFCOM prior to Nov. 7, 2008.

According to reexamination report of China Chamber of Commerce of Metals and Chemicals, MOFCOM examine and approve all enterprise which apply coke export qualification, and announce enterprises meeting qualification standard.

## III. Relevant reporting materials

All local coke export enterprises and enterprises under the central government apply to provincial commercial department or MOFCOM, they shall submit following materials with signature of legal representative at the same time:

1. Copy of business license of the enterprises, Record and Registration Form of Foreign Trade Dealer or import and export enterprise qualification certificate of the People's Republic with registration seal, customs code and enterprise code of the applied enterprises.
2. ISO9000 quality certification.

3. Relevant evidence and receipts submitted by the production enterprise: where the exporting enterprises acquire the exports, shall provide the original copy of VAT Invoice, export customs declaration (copy) and export sheet of cancel after verification (copy) supervised and made by National Tax Bureau; where the exporting enterprises is the agent for exporting, shall provide original copy of exporting invoice, export customs declaration (copy), export sheet of cancel after verification (copy) and certificate of exporting goods through agency (copy); environmental departments above the provisional level shall issue environmental compliance certificates, including certificate of no environment administrative penalty, certificate of sewage charges on time in full amount according to laws, certificate of construction project execution "three at the same time", certificate of main pollutants discharged meeting standards (providing original copy of 2007 and 2008 year environmental monitoring report concurrently).
4. Export enterprises shall submit relevant evidence: original copy of VAT Invoice, original copy of exporting invoice, export customs declaration (copy), export sheet of cancel after verification (copy) and certificate of exporting goods through agency (copy).
5. other distribution enterprises shall submit relevant evidence and receipts in recent 3 years (2005-2007): where the exporting enterprises acquire the exports, shall provide the original copy of VAT Invoice, export customs declaration (copy) and export sheet of cancel after verification (copy) supervised and made by National Tax Bureau; where the exporting enterprises is the agent for exporting, shall provide original copy of exporting invoice, export customs declaration (copy), export sheet of cancel after verification (copy) and certificate of exporting goods through agency (copy).
6. Relevant evidence issued by local labor and social security department that the enterprise has participated into all kinds of social insurance such as endowment insurance, unemployment insurance, medical treatment insurance, industry injury insurance and birth insurance, and has paid all kinds of social insurance premium.
7. The enterprises applying coke quota first time shall submit relevant materials meeting article 1,2,3,3,4,5,6. The enterprises that got coke quota in 2008 only submit above material of 2007.

**商务部公告**  
**(2008年第76号)**

为进一步加强焦炭出口管理,规范出口秩序,根据《中华人民共和国对外贸易法》、《中华人民共和国货物进出口管理条例》的有关规定,现公布《2009年焦炭出口配额申报条件和申报程序》,其中不含外资企业。

**2009年焦炭出口配额申报条件和申报程序**

**一、焦炭出口配额申报条件**

符合下列条件的企业可以申请2009年焦炭出口配额:

**(一) 生产企业**

1. 按国家有关规定经工商行政管理部门登记注册、获得进出口经营资格或办理对外贸易经营者备案登记、具有独立法人资格;

2. 符合《焦化行业准入条件》(以国家工业和信息化部或国家发展改革委公告的企业名单为准),2007年焦炭出口供货数量在25万吨。

3. 未达到第2款要求,但近三年(2005-2007)年均焦炭出口数量在20万吨(含)以上(以海关统计数字为准);

4. 产品质量达到现行国家标准,并取得ISO9000质量体系认证;

5. 遵守国家相关法律法规和当地政府的有关规定,依法参加养老、失业、医疗、工伤、生育等各项社会保险并按时足额缴纳社会保险费;

6. 具有与生产规模相适应的环保治理设施(含在线监控设施),污染物排放达到国家或地方规定的污染物排放标准,经省级以上环保部门证明2007年和2008年排污费依法按时足额缴纳、无环境违法行为且制定了环境应急预案及配套设施健全。

7. 无违反国家有关法律、法规的行为。

**(二) 流通企业**

1. 按国家有关规定经工商部门登记注册、获得进出口经营资格或办理对外贸易经营者备案登记、具有独立法人资格;

2. 注册资本在5000万元人民币(含)以上,近3年(2005-2007)年均焦炭出口数量在20万吨(含)以上(以海关统计数字为准)或具有内贸经营范围,且2005-2007年年均出口供货在40万吨(含)以上;

3. 遵守国家相关法律法规和当地政府的有关规定，依法参加养老、失业、医疗、工伤、生育等各项社会保险并按时足额缴纳社会保险费；

4. 通过 ISO9000 质量体系认证；

5. 无违反国家有关法律、法规的行为。

(三) 为提高企业出口经营集中度，减少出口企业数量，凡 2007 年 1 月 1 日以后注册登记的企业，其所属或关联企业间的焦炭出口业绩合并将不予认定。

(四) 近三年 (2005-2007 年) 每年均有一般贸易焦炭出口实绩 (以海关统计数字为准) 的西部地区可由当地省或自治区人民政府推荐 1 家近三年有一般贸易焦炭出口实绩的企业。以上企业注册资本在 1000 万元人民币 (含) 以上，并符合以上第 (二) 条 1、3、4、5 相关条件，生产企业还须同时符合以上第 (一) 条 1、4、5、6 相关条件。

(五) 近三年 (2005-2007 年) 有边境贸易焦炭出口实绩 (以海关统计数字为准) 的地区可由当地省或自治区人民政府推荐不超过 2 家近三年 (2005-2007 年) 有边境贸易焦炭出口实绩的边贸企业。以上企业注册资本在 500 万元人民币 (含) 以上，并符合以上第 (二) 条 1、3、4、5 相关条件，生产企业还须同时符合以上第 (一) 条 1、4、5、6 相关条件。

(六) 凡有符合第 (一)、(二) 申报条件企业的西部地区，不再享受 (三) 所规定的优惠政策。

(七) 为贯彻国家的产业政策，自 2007 年 1 月 1 日起，出口产品须从符合《焦化行业准入条件》(以国家工业和信息化部或国家发展改革委公告的企业名单为准) 的企业购买，并提供货源企业证明及其他有关材料。

(八) 为进一步规范焦炭出口，国家将对焦炭出口企业实行严格监管。凡在当年配额执行过程中出现各类违法违规行为、不执行国家产业政策的企业，一经核实，将收回其当年焦炭出口配额、暂停直至取消其当年度出口配额申领资格。

(九) 外商投资企业焦炭出口仍按现行规定办理。

## 二、申报及审核程序

各地焦炭出口企业须向所在地省级商务主管部门提出申请。省级商务主管部门根据上述焦炭出口企业资质标准，对本地区申请焦炭出口资质的企业进行资格初审，并于 2008 年 10 月 27 日前将本地区符合条件的出口企业名单、书面初审意见上报商务部 (附企业相关材料)，同时抄送中国五矿化工进出口商会。

中央管理企业直接将申请及有关材料报送商务部，同时抄送中国五矿化工进出口商会。

商务部委托中国五矿化工进出口商会、中国炼焦行业协会对申请焦炭出口资质的企业进行复核。由中国五矿化工进出口商会对经复核符合资质标准的企业提出汇总建议，并于2008年11月7日前上报商务部。

商务部根据中国五矿化工进出口商会的复核意见，对所有申报焦炭出口资质的企业进行审定，对于符合资质标准的企业予以对外公告。

### 三、相关报送材料

各地焦炭出口企业、中央管理企业在向所在地省级商务主管部门或商务部提出申请时，须提交以下材料，所有上报材料均须由申请企业法人代表签字确认。

(一) 申请企业法人营业执照副本复印件、加盖备案登记印章的《对外贸易经营者备案登记表》或《中华人民共和国进出口企业资格证书》、申请企业海关编码和企业代码。

(二) ISO9000 质量认证证书。

(三) 生产企业须提供的相关凭证或单据：由出口企业收购出口的，须提供由国税局监制的增值税发票原件、出口报关单（复印件）和出口核销单（复印件）；由出口企业代理出口的，须提供出口发票原件、出口报关单（复印件）、出口核销单（复印件）和代理出口货物证明（复印件）；省级以上环保部门出具的环境守法证明文件，包括无环境行政处罚证明、排污费依法按时足额缴纳证明、建设项目执行环评“三同时”证明、主要污染物达标排放证明（同时提供2007、2008年度环境监测报告正本）。

(四) 出口企业须提供的相关凭证：增值税发票原件或出口专用出口发票原件、出口报关单（复印件）、出口核销单（复印件）和代理出口货物证明（复印件）。

(五) 其他流通企业，还须提供近三年（2005-2007）年的相关凭证或单据：由出口企业收购出口的，须提供由国税局监制的增值税发票原件、出口报关单（复印件）和出口核销单（复印件）；由出口企业代理出口的，须提供出口发票原件、出口报关单（复印件）、出口核销单（复印件）和代理出口货物证明（复印件）。

(六) 所在地劳动和社会保障部门出具的已经参加养老、失业、医疗、工伤和生育等各项社会保险并按时足额缴纳各项社会保险费的相关证明。

(七) 新申请焦炭出口配额的企业须提供2005-2007年符合（一）、（二）、（三）、（四）、（五）、（六）的相关材料，2008年已获得焦炭出口配额的企业，只需提供2007年的上述相关材料（环境监测报告正本需提供2007与2008两个年度）。

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