

Circular of the Ministry of Commerce on Printing and Releasing the Working Rules on the Release of an Export License

Shang Pei Fa [2007] No. 359

The competent authorities for commerce of all provinces, autonomous regions, municipalities directly under the State Council, cities specially designated in the state plan, Xinjiang Production and Construction Corps and major capital cities, and all resident offices:

For the purpose of further standardizing the work on the release of an export license and making the release business of an export license more standard, systematic and scientific, the Ministry of Commerce has revised the Working Rules on the Application for and Release of an Export License (Wai Jing Mao Pei Fa [1999] No. 743) of the former Ministry of Foreign Trade and Economic Cooperation. We hereby print and distribute you the revised Working Rules on the Release of an Export License, please implement accordingly.

Ministry of Commerce
September 7, 2007

Working Rules on the Release of an Export License

Chapter I General Provisions

Article 1 For the purpose of standardizing the work on the release of an export license and fulfilling the standardization, systematization and scientificity of the work on the release of an export license, the present Rules are constituted under the Administrative License Law of the People's Republic of China, the Foreign Trade Law of the People's Republic of China, the Regulation on the Administration of the Import and Export of Goods of the People's Republic of China, the Rules on the Administration of Export Licenses for Goods, the Rules on the Administration of Authorities Releasing Licenses for Imported and Exported Commodities and other laws and administrative regulations.

Article 2 The Quota and License Administrative Bureau (hereinafter referred to as the QLAB) shall be responsible for conducting the uniform administration, surveillance, inspection and guidance of the work on the release of an export license under the authorization of the Ministry of Commerce.

Article 3 Export license referred to in the present Rules is the Export License of the People's Republic of China. Releasing authority referred to in the present Rules are the QLAB, a resident office in any locality of the Ministry of Commerce, or the department (bureau) of commerce or foreign trade and economic cooperation commission (department or bureau) of a province, autonomous region, municipality directly under the State Council, cities specially designated in the state plan or capital city.

Chapter II Acceptance of an Application for an Export License

Article 4 A releasing authority shall accept an application for an export license submitted by an operator in accordance with the extent of authorization.

Article 5 While applying for an export license, an operator shall submit the materials as follows:

1. The Application Form for an Export License of the People's Republic of China, affixed with the official seal of the operator (See Attachment one, hereinafter referred to as the Application Form);
2. The approval export documents issued by the competent authorities;
3. The photocopy of the original export contract;
4. The photocopy of the original agreement on agency, in case the exporter and consignor are inconsistent

with each other; and

5. Other materials that shall be submitted according to the Ministry of Commerce.

The abovementioned materials shall be submitted at the time of collection of an export license as for an online application; or, at the time of application as for a written application.

Article 6 With respect to an initial application for an export license in a year, it shall also submit the photocopies of the materials as follows:

1. The Enterprise Legal Person Registration and Business License; and
2. The Record Registration Form for a Foreign Trade Operator affixed with the special seal for the record registration of a foreign trade operator or the Importer or Exporter Qualification Certificate of the People's Republic of China; and the Foreign-Invested Enterprise Approval Certificate, where the operator is a foreign-invested enterprise.

In the case of any changes of the abovementioned materials, the changed material shall be submitted in time by the operator to the local releasing authority.

Article 7 An operator shall be responsible for the authenticity of the submitted materials, and shall observe the provisions of laws and administrative regulations of the state when conducting business activities.

Chapter III Examination of an Application for an Export License

Article 8 When examining an application for an export license, the releasing authority shall inspect the contents as follows:

1. The business qualification for an operator;
2. The completeness and validity of the export approval documents submitted by an operator;
3. The consistency of the relevant contents of the Application Form with the relevant provisions on the administration of exported goods and license, the export approval documents and the contents of the export contract, and the completeness and accuracy of the contents in the note column; and
4. The accordance of other materials submitted as required with the relevant provisions.

Article 9 The procedures for a releasing authority to examine an application for an export license shall be as follows:

1. With respect to the examination on an online application, in case an application is in accordance with the provisions after examination, the personnel of a releasing authority shall click the PASS icon; otherwise, shall indicate the reasons for the failed application in the examination opinion column of the Application Form for one time and click the FAIL icon. An operator may be ware of the reasons for its failed application in the enterprise online application system.
2. With respect to the examination on a written application, in case an application is in accordance with the provisions after examination, the personnel of a releasing authority shall indicate the examination opinions in the examination opinions column of the Application Form; otherwise, shall indicate the reasons for the failed application in the examination opinions column of the Application Form, and return the application materials to the operator.

Chapter IV Release of an Export License

Article 10 A releasing authority shall issue an export license within three workdays as of the receipt of an application that is in accordance with the provisions.

Article 11 A releasing authority shall issue an export license in the light of the license collection slip of the

Application Form affixed with the official seal of an operator and the personal identity certificate of the collector.

Article 12 A releasing authority shall charge certificate fees in accordance with the provisions on relevant charge items and standards in the Fee Charge Permit issued by the National Development and Reform Commission.

Chapter V Use of an Export License

Article 13 The validity term of an export license shall be not more than six months, and an export license shall be automatically invalidated at the expiration of such a time limit. If an export license is used beyond the year, the expiration date of the validity of the export license shall be not in excess of the end of February next year.

Article 14 Upon the release of an export license, no entity or individual shall alter any content of the license. In the case of any alteration or extension of an export license for any reason, the releasing authority shall accept an application filed by an operator within the validity term of the export license.

Article 15 When accepting an application for the alteration or extension of an export license, a releasing authority shall require the operator to submit an Application Form for the Return (Replacement) of an Export License of the People's Republic of China (See Attachment 2) affixed with the official seal of the operator, the original export license and the relevant materials listed in Article 5 of the present Rules, and shall issue a new export license subject to the examination procedures.

Article 16 When handling the alteration or extension of an export license that has never been used, a releasing authority shall delete the original license in the export license release system (hereinafter referred to as the release system), and issue a new license instead.

Article 17 When handling the alteration or extension of an export license that has been partially used, a releasing authority shall verify the inspection data and customs clearance data filled out by the customs in the customs inspection and release notes column on the first page of the export license, write off the used quantity in the release system, and issue a new license in light of the residual quantity.

Article 18 In case an operator has lost an export license, it shall immediately report it in written form to the original releasing authority and the customs of the declaration port as shown on the license, and publicize a statement of invalidation in a national newspaper in the general or economic category.

Where an operator needs to apply for an export license again, the releasing authority shall accept it upon the loss report, the newspaper with the statement of invalidation and other materials, and shall revoke or cancel the original license and issue a new license after the successful verification with the customs electronic clearance data.

Article 19 When handling the export license alteration, extension and loss procedures, a releasing authority shall indicate the serial number of the original license and such words as "replacement", "replacement for extension" or "replacement for loss" in the note column of the new license as the case may be.

Article 20 Where the Ministry of Commerce performs the adjustment on the releasing authority, the original releasing authority shall accept an application for an export license for the goods concerned no more since the date of adjustment. The license issued before the adjustment shall continue to be valid within the term of validity. In the case of any alteration, extension or loss procedures, the releasing authority after the adjustment shall accept the applications.

Chapter VI Administration of the Releasing Authority

Article 21 A working system of the internal examination and release of an export license shall be established and improved by a releasing authority.

Article 22 A personnel of a releasing authority shall log in the release system by his or her own electronic key, user name and password and in strict accordance with the online operation rules.

Article 23 A releasing authority shall establish and improve a system of the use and safekeeping of stamps and seals for export licenses and a system of the safekeeping and use registration for blank licenses.

Article 24 A releasing authority shall establish and improve an archival management system for export licenses. A releasing authority, after releasing an export license, shall timely bind and archive the relevant materials as prescribed in Articles 5 and 6 of the present Rules, the identity certificate of the license collector, the "archival page of an export license" (the fourth page) as well as other materials, ensure the completeness and accuracy of export license archives, keep them in cases and storerooms, and designate personnel to manage them exclusively.

Chapter VII Supplementary Provisions

Article 25 The power to interpret the present Rules shall remain with the Ministry of Commerce.

Article 26 The present Rules shall come into force as of the date of release. The Working Rules on the Application for and Release of an Export License (Wai Jing Mao Pei Fa [1999] No. 743) of the former Ministry of Foreign Trade and Economic Cooperation and the Interim Working Rules on the Online Application for and Release of an Export License (Shang Pei Fa [2003] No. 475) of the Ministry of Commerce shall be repealed at the same time.

Attachment 1: Application Form for an Export License of the People's Republic of China

Attachment 2: Application Form for the Return (Replacement) of an Export License of the People's Republic of China

Attachment 3: Provisions for the Contents of an Export License of the People's Republic of China

Attachment 1:

Application Form for an Export License of the People's Republic of China

1. Exporter: Code:		3. Export License Number:			
Name of Collector: Phone:		4. Expiration Date of the Validity of the Export License: Date:			
2. Consignor: Code:		8. Import Country (Region):			
5. Trade Mode:		9. Payment Method:			
6. Contract Number:		10. Transportation Manner:			
7. Customs Declaration Port:		11. Commodity Name: Commodity Code:			
12. Specifications and Grades	13. Unit	14. Quantity	15. Unit Price (Currency)	16. Total Value (Currency)	17. Total Value in USD
18. Total					
19. Notes: Application Entity Seal Application Date:			20. Releasing Authority Examination (Preliminary review): Preparer:		
			Final Examination:		

INTRODUCTIONS:

1. This form shall be clearly filled out in legible block letter term by term. No alteration is allowed, otherwise it shall be invalid.
2. Where more than one copy of Export License needs printing in this Form, it shall be indicated in the note column.

Attachment 2:

Application Form for the Return (Replacement) of an Export License of the People's Republic of China

Exporter:		Name of the Applicant for Return(replacement):	Phone:
Commodity Name:		Number of the Returned (replaced) License:	
License Number	Actual Export Quantity	Remaining Quantity	Unit

Total			
Examination by the Releasing Authority:			
			Preparer: Date:
Re-examination by the Releasing Authority:			
			Signature: Date:

Signature of the applicant's leader:

Seal of the applicant:

Date of the Release of the License:

Attachment 3:

Provisions for the Contents of an Export License of the People's Republic of China

I. Exporter

An exporter is the entity that concludes an export contract, shall be identical with that in the export approval documents. The exporter code shall be a 13-digit enterprise code in the Importer or Exporter Qualification Certificate, the Record Registration Form for a Foreign Trade Operator or the Certificate of Approval of a Foreign-Invested Enterprise.

II. Consignor

A consignor is the entity that carries out the specific consignment and customs declaration under a contract. The consignor of commodities under a quota or quota bidding shall be the exporter.

III. Export License Number

Structure: XX-XX-XXXXXX

(1)-(2)-(3)

(1): Year

(2): Code of releasing authority

(3): Sequence number, generated by the release system automatically.

IV. Expiration Date of Validity of an Export License

The expiration date of validity of an export license shall be generated by the release system automatically in the light of the term of validity prescribed in the Rules on the Administration of Export Licenses for Goods.

V. Trade Mode

The trade mode means the trade nature of export goods, including ordinary trade, processing with import materials, processing with supplied materials, outward processing, export by a foreign-invested enterprise, donation, gift, etc. Only one mode is allowed.

VI. Contract Number

The contract number is the serial number of an export contract submitted when an export license is applied, containing 17 English letters. Only one contract number is allowed.

VII. Customs Declaration Port

The customs declaration port means the export port, and only one customs region is allowed.

An export license shall be subject to the "one license for one customs clearance" system. The export commodities at a designated port shall be implemented in accordance with the relevant provisions of the state.

VIII. Import Country (Region)

The import country (region) is the destination under a contract. Only one country (region) is allowed. No area name such as the E.U. shall be used. When exporting to a bonded area of China, it shall print the name of the import country (region) as "China".

IX. Payment Method

Payment methods shall comprise letter of credit, collection, transfer, etc. Only one method is allowed.

X. Transportation Manner

The transportation manner means the transportation manner when goods leave the border, such as marine transportation, railway transportation, road transportation, and air transportation. Only one transportation manner is allowed.

With respect to oceanic export of frozen commodities, it shall not use land transportation, such as railway transportation and road transportation.

XI. Commodity Name and Commodity Code

The commodity code is the 10-digit commodity code in the annual Catalogue of Goods Subject to the Export License Management publicized by the Ministry of Commerce, and the commodity name shall be generated by the release system automatically. Only one commodity code is allowed, and it shall conform to the export approval documents.

XII. Specifications and Grades

Only four different specifications and grades under the same commodity serial number shall be allowed, and a separate license shall be applied if there are more than four specifications and grades.

XIII. Unit

The unit refers to the measuring unit, shall be performed in accordance with the measuring unit in the annual Catalogue of Goods Subject to the Export License Management publicized by the Ministry of Commerce, and generated by the release system automatically. In case the measuring unit used in a contract is inconsistent with that as prescribed, it shall be converted into the measuring unit as required. It shall be indicated in the note column if such conversion cannot be made.

XIV. Quantity

The quantity means the quantity of export commodities under application. The maximal digits shall be nine Arabic numerals, and may be rounded to at least one place after the decimal point. In case the quantity is too big, a separate license may be used. If the quantity is too small, it may be indicated in the note column. Where the measuring unit is "batch", it shall be indicated as "1" in this column uniformly.

XV. Unit Price (Currency)

The unit price (currency) refers to the unit price and category of currency that are corresponding to the measuring unit used in Item XIII "Unit". Where the measuring unit is one batch, this column shall be the amount in total.

XVI. XVII. XVIII. Total Value, Total Value in USD, and Total

They shall be calculated by the release system automatically.

XIX. Notes

The note column shall be used for explaining other conditions as required. In case an export license is not subject to "one license for one batch" customs declaration, the phrase "not one license for one batch" shall be indicated in this column.

XX. Seal of Releasing Authority

A releasing authority shall affix a Special Seal for Export License of the People's Republic of China in this column before the release of an export license.

XXI. Date of Release

The date of release shall be generated by the release system automatically.

