

## **Related Laws and regulations**

[Exit and Entry Administration Law of the People's Republic of China](#)

[Regulation of the People's Republic of China on the Administration of the Entry and Exit of Foreign Nationals](#)

[Customs Law of the People's Republic of China](#)

# **Exit and Entry Administration Law of the People's Republic of China**

(Adopted at the 27th meeting of the Standing Committee of the Eleventh National People's Congress on June 30, 2012)

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## **Chapter I**

### **General Provisions**

Article 1 In order to regulate exit/entry administration, safeguard the sovereignty, security and social order of the People's Republic of China, and promote foreign exchanges and opening to the outside world, this Law is hereby formulated.

Article 2 This Law is applicable to the administration of exit and entry of Chinese citizens, entry and exit of foreigners, stay and residence of foreigners in China, and the exit/entry border inspection of transport vehicles.

Article 3 The State protects Chinese citizens' legitimate rights and interests of exiting and entering the country.

The legitimate rights and interests of foreigners in China shall be protected by laws. Foreigners in China shall abide by the Chinese laws, and shall not endanger China's national security, harm public interests and disrupt social and public order.

Article 4 The Ministry of Public Security and the Ministry of Foreign Affairs shall, within the scope of their respective responsibilities, be responsible for administering exit/entry affairs.

Embassies and consulates of the People's Republic of China and other institutions stationed abroad entrusted by the Ministry of Foreign Affairs (hereinafter referred to as "the visa-issuing authorities abroad") shall be responsible for issuance of entry visas to foreigners. Exit/entry border inspection authorities shall be responsible for carrying out exit/entry border inspection. Public security organs under local people's governments at or above the county level and their exit/entry administrations shall be responsible for the administration of the stay and residence of foreigners.

The Ministry of Public Security and the Ministry of Foreign Affairs may, within the scope of their respective responsibilities, entrust exit/entry administrations of public security organs or foreign affairs departments under local people's governments at or above the county level to accept foreigners' applications for entry, stay and residence in China.

In the administration of exit/entry affairs, the Ministry of Public Security and the Ministry of Foreign Affairs shall strengthen communication and cooperation, cooperate closely with relevant departments under the State Council, and exercise

functions and powers and bear liabilities within the scope of their respective responsibilities in accordance with the law.

Article 5 The State shall establish a uniform exit/entry administration information platform to share information among relevant administrative departments.

Article 6 The State shall establish exit/entry border inspection authorities at the ports open to foreign countries.

Chinese citizens, foreigners as well as transport vehicles shall exit or enter China via the ports open to foreign countries, or via the places approved by the State Council or by the departments authorized by the State Council under special circumstances. Personnel and transport vehicles that exit or enter China shall be subject to exit/entry border inspection.

Exit/entry border inspection authorities shall be responsible for relevant administration work in the restricted zones of ports. On the basis of the need for safeguarding national security and maintaining the order of exit/entry administration, exit/entry border inspection authorities may conduct border inspection on the belongings of the persons who exit or enter China. When necessary, exit/entry border inspection authorities may conduct border inspection on the goods carried by transport vehicles that exit or enter China. However, exit/entry border inspection authorities shall notify the Customs of such inspections.

Article 7 Upon approval by the State Council, the Ministry of Public Security and the Ministry of Foreign Affairs may, on the basis of the need for exit/entry administration, set forth regulations on the collection and keep of fingerprints and other biometric identification information of the persons who exit or enter China.

Where foreign governments have special regulations on issuing visas to Chinese citizens or the exit/entry administration of Chinese citizens, the Chinese government may, as the circumstances require, take corresponding and equivalent measures.

Article 8 Departments and institutions that are responsible for the exit/entry administration shall take practical measures, constantly improve service and administration, enforce laws impartially, provide convenient and efficient service and ensure the security and conveyance of the exit/entry procedures.

## **Chapter II**

### **Exit and Entry of Chinese Citizens**

Article 9 Chinese citizens who exit or enter China shall, in accordance with the law, apply for passports or other travel documents.

Chinese citizens bound for other countries or regions shall obtain visas or other entry permits from destination countries, unless the Chinese government has signed visa exemption agreements with the governments of those countries, or otherwise stipulated by the Ministry of Public Security and the Ministry of Foreign Affairs.

Chinese citizens who exit or enter China as seamen or work on foreign ships shall apply for seamen's certificates in accordance with the law.

Article 10 Chinese citizens who travel between the Mainland and the Hong Kong Special Administrative Region, between the Mainland and the Macao Special Administrative Region, and between the Mainland and Taiwan Region, shall apply for exit/entry permits in accordance with the law, and abide by the relevant provisions of this Law. The specific administrative measures shall be stipulated by the State Council.

Article 11 Chinese citizens who exit or enter China shall submit their exit/entry documents such as passports or other travel documents to the exit/entry border inspection authorities for examination, go through

or consulates or other institutions stationed abroad entrusted by the Ministry of Foreign Affairs. They may also file such applications to the overseas Chinese affairs departments under the local people's governments at or above the county level of the proposed places of permanent residence on their own or via their relatives in China.

Article 14 When handling financial affairs or affairs involving education, medical treatment, transportation, telecommunications, social insurance or property registration, where identity certificates are required, Chinese citizens residing abroad may provide their passports for proof of identity.

### **Chapter III**

#### **Entry and Exit of Foreigners**

##### **Section 1**

##### **Visa**

Article 15 In order to entering China, foreigners shall apply to the visa-issuing authorities stationed abroad for a visa, except as otherwise provided for in this Law.

Article 16 Visas are categorized as diplomatic visa, courtesy visa, official visa and ordinary visa.

Diplomatic or official visas shall be issued to foreigners who enter China for diplomatic or official reasons; and courtesy visas shall be issued to foreigners who are given courtesy due to their special status. The scope and measures for issuing diplomatic, courtesy and official visas shall be stipulated by the Ministry of Foreign Affairs.

Appropriate types of ordinary visa shall be issued to foreigners who enter China due to non-diplomatic or official reasons including work, study, family visit, travel, business activities and talent introduction. The types of ordinary visa and relevant issuance measures shall be stipulated by the State Council.

Article 17 The registered items of a visa shall include visa type, name, sex, date of birth, number of allowed entries, validity period of entry and duration of stay of the holder, date and place of issuance, as well as passport number or other international travel documents number.

Article 18 Foreigners who apply for visas shall submit their passports or other international travel documents, as well as information of specific application matters, to the visa-issuing authorities stationed abroad. They shall go through relevant formalities and accept interviews in accordance with the requirements of the visa-issuing authorities stationed abroad.

Article 19 Where foreigners applying for visas need to provide written invitations issued by entities or individuals within China, the applicants shall provide such invitations in accordance with the requirements of the visa-issuing authorities abroad. Entities or individuals that issue written invitations shall be liable for the fidelity of the contents.

Article 20 Foreigners who need to enter China urgently for humanitarian reasons, or are invited to enter China for urgent business or rush repair work, or have other urgent needs, and hold materials that prove the competent departments' approval of their applying for visas at port, may apply for port visas with the visa-issuing authorities entrusted by the Ministry of Public Security at the ports (hereinafter referred to as "port visa authorities") which are approved to issue port visas by the State Council.

Travel agencies that organize inbound tourism in accordance with relevant State regulations may apply for group tourist visas from port visa authorities.

Foreigners who apply to port visa authorities for visas shall submit their passports or other international travel documents, as well as relevant information of specific application matters. They shall go through relevant formalities in accordance with the requirements of the port visa authorities, and enter China at the ports where they apply for visas.

Visas issued by port visa authorities shall be single entry and the duration of stay shall not exceed 30 days.

Article 21 Under any of the following circumstances, visas shall not be issued to foreigners:

(1) Was deported, or was repatriated upon decision, and the No-Entry-into-China period has not expired;

(2) Is suffering from serious mental disorders, infectious tuberculosis or other infectious diseases that may severely jeopardize the public health;

(3) May endanger China's national security or interests, or disrupt social and public order, or engage in other illegal or criminal activities;

(4) Resort to fraudulent acts in visa application or cannot guarantee expected expenditures during their stay in China;

(5) Fail to submit relevant information required by the visa-issuing authorities; or

(6) Other circumstances in which visa authorities consider a visa should not be issued.

The visa-issuing authorities are not required to give reasons for refusing the issuance of a visa.

Article 22 Under any of the following circumstances, foreigners may be exempt from applying for visas:

(1) So exempted based on the visa exemption agreements signed by the Chinese government with the governments of other countries;

(2) Hold valid foreigners' residence permits;

(3) Hold connected passenger tickets and are in transit to a third country or region by an international aircraft, ship or train via China, will stay for not more than 24 hours in China without leaving the port of entry, or will stay in the specific zones approved by the State Council within the prescribed time limit; or

(4) Other circumstances stipulated by the State Council in which visas may be exempted.

Article 23 Where foreigners under any of the following circumstances need to enter China temporarily, they shall apply to exit/entry border inspection agencies for going through the formalities for temporary entry:

(1) Foreign seamen and their accompanying family members disembark at cities where the ports are located;

(2) Persons specified in Subparagraph (3) of Article 22 of this Law need to leave ports; or

(3) Foreigners need to enter China temporarily due to force majeure or for any other urgent reason.

The duration of stay for temporary entry shall not exceed 15 days.

For foreigners who apply for going through the formalities for temporary entry, exit/entry border inspection authorities may require such foreigners, the persons in charge of the transport vehicles used for such foreigners' entry or the agencies handling the exit/entry business for transport vehicles to provide necessary guaranty measures.

## **Section 2**

### **Entry and Exit**

Article 24 Foreigners who enter China shall submit their passports, other international travel documents, visas or other entry permits to the exit/entry border inspection authorities for examination, go through the prescribed formalities, and may enter upon examination and approval.

Article 25 Under any of the following circumstances, foreigners shall not be allowed to enter China:

- (1) Hold no valid exit/entry documents, or refuse or evade border inspection;
  - (2) Are involved in any of the circumstances specified in Subparagraph (1) through (4) of the first paragraph of Article 21 of this Law;
  - (3) May engage in activities not conform to the types of visa after entering China;
- or
- (4) Other circumstances in which entry is not allowed in accordance with laws or administrative regulations.

Exit/entry border inspection authorities are not required to give reasons for denying an entry.

Article 26 Exit/entry border inspection authorities shall order foreigners who are denied entry in China to return, and shall force the return of those who refuse to do so. While waiting for return, those foreigners shall not leave the restricted zones.

Article 27 Foreigners who exit China shall submit their exit/entry documents including passports or other international travel documents to the exit/entry border inspection authorities for examination, go through prescribed formalities, and may exit upon examination and approval.

Article 28 Under any of the following circumstances, foreigners shall not be allowed to exit China:

- (1) Are sentenced to criminal punishments, the execution of which are not completed, or suspects or defendants in criminal cases, except those who are sentenced and transferred under relevant agreements between China and foreign countries;
- (2) Are involved in unsettled civil cases and are not allowed to exit China upon decision of the people's courts;
- (3) Are in arrears of paying off labor remuneration and therefore are not allowed to exit by decision of the relevant departments under the State Council or of the people's governments of provinces, autonomous regions or municipalities directly under the Central Government; or
- (4) Other circumstances in which exit shall not be allowed in accordance with laws or administrative regulations.

## **Chapter IV**

### **Stay and Residence of Foreigners**



## **Section 1**

### **Stay and Residence**

Article 29 Where the duration of stay specified in a visa held by a foreigner does not exceed 180 days, the holder may stay in China within the duration specified therein.

Where the duration of stay needs to be extended, the visa holder shall file an application with the local people's government at or above the county level in the place of his stay seven days prior to the expiry of the duration specified in the visa, and shall submit information of specific application matters in accordance with relevant requirements. If upon examination, the reasons fohe

- (2) Resorts to fraudulent acts in application;
- (3) Fails to provide relevant supporting materials in accordance with relevant regulations;
- (4) Is not eligible to reside in China because of violation of relevant Chinese laws or administrative regulations; or
- (5) Other circumstances in which the issuing authority considers a foreigner's residence permit should not be issued.

Foreigners with expertise and foreign investors who conform to relevant State regulations or foreigners who need to change their status from stay to residence for humanitarian or other reasons, may undergo the formalities for obtaining foreigner's residence permits upon approval by the exit/entry administrations of public security organs under local people's governments at or above the city with districts.

Article 32 Foreigners residing in China who apply for the extension of the duration of residence shall, within 30 days prior to the expiry of the validity period on their residence permits, file applications with the exit/entry administrations of public security organs under local people's governments at or above the county level, and submit relevant information of specific application matters in accordance with relevant requirements. If upon examination, the reasons for extension are appropriate and sufficient, an extension shall be granted; if an extension is denied, the foreigner concerned shall leave China on the expiry of the validity period specified in their residence permits.

Article 33 The registered items of a foreign residence permit shall include name, sex, date of birth, reason for residence and duration of residence of the holder, date and place of issuance, passport number or other international travel documents number.

Where the registered item in a foreigner's residence permit has changed, the holder shall, within 10 days from the date of change, apply to the exit/entry administration of public security organ under the local people's government at or above the county level in the place of residence for going through the formalities for alteration.

Article 34 Where visa-exempt foreigners need to stay in China longer than the visa-free period, or foreign seamen and their accompanying family members need to leave the cities where the ports are located, or under other circumstances in which foreigners' stay permits should be applied for, they shall apply for such permits in accordance with relevant regulations.

The maximum validity period of a foreigner's stay permit shall be 180 days.

Article 35 Where ordinary visas, stay or residence permits held by foreigners need to be reissued due to damage, loss, theft, robbery or other reasons in compliance with relevant State regulations after foreigners enter China, those foreigners shall

For foreigners who decease in China, their relatives, guardians or agents shall, in accordance with relevant regulations, on the strength of the death certificates, report their death to the exit/entry administrations of the public security organs under local people's governments at or above the county level to cancel their stay or residence permits.

Article 41 Foreigners who work in China shall obtain work permits and work-type residence permits in accordance with relevant regulations. No entities or individuals shall employ foreigners who have no work permits or work-type residence permits.

The administrative measures for foreigners working in China shall be stipulated by the State Council.

Article 42 The competent department of human resources and social security and the competent department in charge of foreign experts affairs under the State Council shall, in conjunction with relevant departments under the State Council, formulate and regularly adjust the guiding catalogue for foreigners working in China based on the needs for economic and social development as well as the supply and demand of human resources.

The competent department of education under the State Council shall, in conjunction with relevant departments under the State Council, establish an administrative system for foreign students working to support their study in China and set forth regulations on the scope of jobs and the limit of work time for such foreign students.

Article 43 Any of the following acts of foreigners shall be deemed unlawful employment:

- (1) Work in China without obtaining work permits or work-type residence permits in accordance with relevant regulations;
- (2) Work in China beyond the scope prescribed in the work permits; or
- (3) Foreign students work in violation of the regulations on the administration of foreign students working to support their study in China and work beyond the prescribed scope of jobs or prescribed time limit.

Article 44 On the basis of the need for maintaining national security and public security, public security organs and national security organs may impose restrictions on foreigners and foreign institutions from establishing places of residence or work in certain areas; and may order that established places of residence or work be relocated within a prescribed time limit.

Without approval, foreigners shall not access foreigner-restricted areas.

Article 45 Entities that employ foreigners or enroll foreign students shall report relevant information to local public security organs in accordance with relevant regulations.

Citizens, legal persons or other organizations who find foreigners illegal enter, reside or work in China shall duly report such matter to the local public security organs.

Article 46 Foreigners applying for refugee status may, during the screening process, stay in China on the strength of temporary identity certificates issued by public security organs; foreigners who are recognized as refugees may stay or reside in China on the strength of refugee identity certificates issued by public security organs.

## **Section 2**

### **Permanent Residence**

Article 47 Foreigners who have made remarkable contribution to China's economic and social development or meet other conditions for permanent residence in China may obtain permanent residence status upon application approved by the Ministry of Public Security.

The administrative measures for examination and approval of foreigners' permanent residence in China shall be stipulated by the Ministry of Public Security and the Ministry of Foreign Affairs in conjunction with relevant departments under the State Council.

Article 48 Foreigners who have obtained permanent residence status may reside or work in China on the strength of permanent residence permits, and exit or enter China on the strength of their passports and permanent residence permits.

Article 49 Where foreigners fall under any of the following circumstances, the Ministry of Public Security shall decide to cancel their permanent residence status in China:

- (1) Endanger China's national security or interests;
- (2) Are deported;
- (3) Obtain permanent residence status in China by fraudulent acts;
- (4) Fail to reside in China for the prescribed time limit; or
- (5) Other circumstances in which foreigners are not eligible to reside in China permanently.

## **Chapter V**

### **Border Inspection of Transport Vehicles Exiting/Entering China**

Article 50 Transport vehicles that exit or enter China shall be subject to border inspection when leaving or arriving at ports. Border inspection of entering transport vehicles shall be conducted at the first arriving port in China; border inspection of exiting transport vehicles shall be conducted at the last port when they leave China. Under special circumstances, border inspection may be conducted in places designated by competent authorities.

Without the permission of exit/entry border inspection authorities in accordance with prescribed procedures, transport vehicles that exit China shall not embark or disembark passengers, or load and unload goods or articles between exit inspection and exit, and nor shall transport vehicles that enter China do so between entry and entry inspection.

Article 51 Persons in charge of transport vehicles or agencies handling the exit/entry business for transport vehicles shall, in accordance with relevant regulations, report to the exit/entry border inspection authorities in advance on the entering or exiting transport vehicles' time of arriv9999 -19.4419 418.00000 0 (r)3.04(i)-2.0(m)f ihid-169.9(p.0(r)2.

Article 54 Persons who need to embark on or disembark from foreign ships for reasons such as goods loading or unloading, maintenance operations or visit shall apply to exit/entry border inspection authorities for boarding pass.

Where a Chinese ship needs to berth alongside a foreign ship, or a foreign ship needs to berth alongside another foreign ship, the captain or the agency handling the exit/entry business for relevant transport vehicles shall apply to the exit/entry border inspection authority for going through formalities for berth.

Article 55 Foreign ships and aircrafts shall navigate according to prescribed routes.

Ships and aircrafts that exit or enter China shall not access areas outside the ports open to foreign countries. The aforesaid ships or aircrafts that access such areas due to unforeseeable emergencies or force majeure shall immediately report to the nearest exit/entry border inspection authority or local public security organ, and accept supervision and administration.

Article 56 Under any of the following circumstances, transport vehicles shall be not allowed to exit or enter China; those that have left ports may be ordered to return:

(1) Exit or enter China without examination and approval when leaving or arriving at port;

(2) Change the port of exit or entry without approval;

(3) Are suspected of carrying persons who are not allowed to exit or enter China and therefore need to be inspected and verified;

(4) Are suspected of carrying articles endangering national security or interests or disrupting social or public order and therefore need to be inspected and verified; or

(5) Other circumstances in which transport vehicles refuse to subject themselves to exit/entry border inspection authorities' administration.

After the circumstances specified in the preceding paragraph disappear, exit/entry border inspection authorities shall immediately release relevant transport vehicles.

Article 57 Agencies handling the exit/entry business for transport vehicles shall file records with exit/entry border inspection authorities. For agents engaging in such a business, the entities they work for shall file relevant records for them with exit/entry border inspection authorities.

## **Chapter VI**

### **Investigation and Repatriation**

Article 58 Measures for on-the-spot interrogation, continued interrogation, detention for investigation, movement restriction and repatriation prescribed in this Chapter shall be enforced by public security organs under local people's governments at or above the county level or by exit/entry border inspection authorities.

Article 59 Persons suspected of violating the regulations on exit/entry administration may be interrogated on the spot; upon on-the-spot interrogation, the aforesaid persons may be interrogated in continuation in accordance with the law under any of the following circumstances:

- (1) Are suspected of illegally exiting or entering China;
- (2) Are suspected of assisting others in illegally exiting or entering China;
- (3) Are foreigners suspected of illegally residing or working in China; or
- (4) Are suspected of endangering national security or interests, disrupting social or public order, or engaging in other illegal or criminal activities.

On-the-spot interrogation and continued interrogation shall be conducted in accordance with the procedures prescribed in the People's Police Law of the People's Republic of China.

Where public security organs under local people's governments at or above the county level or exit/entry border inspection authorities need to summon the persons suspected of violating the regulations on exit/entry administration, they shall handle the matter in accordance with the relevant regulations of the Law of the People's Republic of China on Penalties for Administration of Public Security.

Article 60 Where foreigners involved in any of the circumstances specified in the first paragraph of Article 59 of this Law cannot be cleared of suspicion after on-the-spot interrogation or continued interrogation and therefore need to be further investigated, he may be detained for investigation.

When detaining a foreigner for investigation, the authority concerned shall present a written decision on detention for investigation and shall interrogate the detained foreigner within 24 hours. Where the aforesaid organ finds that a foreigner should not be detained for investigation, it shall immediately release him from detention for investigation.

The period of detention for investigation shall not exceed 30 days; for complicated cases, the period may be extended to 60 days upon approval by the public security organs under the local people's governments at the next higher level or by the exit/entry border inspection authorities at the next higher level. For foreigners whose nationalities and identities are unknown, the period of detention for



investigation shall be calculated from the date when their nationalities and identities are found out.

Article 61 Under any of the following circumstances, detention for investigation is not applicable to foreigners, however, their movements may be restricted:

- (1) Suffer from serious diseases;
- (2) Are pregnant or breast-feed

Where other overseas personnel dissatisfied with the decision of repatriation imposed on them in accordance with this Law apply for administrative reconsideration, the provisions in the preceding paragraph are applicable.

Article 65 Where persons are not allowed to exit or enter China upon decisions made in accordance with the law, the decision-making authorities shall duly inform the exit/entry border inspection authorities of such decisions in accordance with relevant regulations; where the circumstances in which the persons are not allowed to exit or enter China disappear, the decision-making authorities shall duly cancel the aforesaid decisions and inform exit/entry border inspection authorities of the cancellation.

Article 66 On the basis of the need for safeguarding national security and maintaining the order of exit/entry administration, exit/entry border inspection authorities may, when necessary, search the persons entering and exiting the country. Personal Search shall be conducted by two border inspectors who are the same sex as the persons subject to the search.

Article 67 In such cases that the exit/entry documents such as visas or foreigners' stay or residence permits are damaged, lost or stolen, or that after the issuance of such documents, the holders are found not eligible for being issued such documents, the issuing authorities shall declare the aforesaid documents void.

Exit/entry documents which are forged, altered, obtained by fraudulent means or are declared void by issuing authorities shall be invalid.

Public security organs may cancel or confiscate the exit/entry documents prescribed in the preceding paragraph or used fraudulently by persons other than the specified holders.

Article 68 Public security organs may seize the transport vehicles used to organize, transport or assist others in illegally exiting or entering China as well as the articles needed as evidence in handling the cases.

Public security organs shall seize banned articles, documents and data involving state secrets, as well as tools used in activities violating the regulations on exit/entry administration, and handle them in accordance with relevant laws or administrative regulations.

Article 69 The authenticity of exit/entry documents shall be determined by the issuing authorities, the exit/entry border inspection authorities or the exit/entry administrations of public security organs.

**Chapter VII**  
**Legal Liabilities**

Article 70 Unless otherwise provided for in this Chapter,

persons in charge of the entities who are directly responsible and other persons directly res

organs shall be given a warning; where circumstances are serious, such hotels shall be fined not less than RMB 1,000 yuan but not more than RMB 5,000 yuan.

Article 77 Foreigners accessing foreigner-restricted areas without approval shall be ordered to leave promptly; where circumstances are serious, such foreigners shall be detained for not less than five days but not more than ten days. The text records, audio-visual data, electronic data and other articles illegally obtained thereof by the foreigners shall be confiscated or destroyed, and the tools used for the aforementioned purposes shall be confiscated.

Foreigners or foreign institutions refusing to execute decisions made by public security organs or national security organs ordering them to relocate within a prescribed time limit shall be given a warning and be relocated mandatorily; where circumstances are serious, relevant responsible persons shall be detained for not less than five days but not more than fifteen days.

Article 78 Foreigners who reside in China illegally shall be given a warning;

Article 80 Foreigners who work in China illegally shall be fined not less than RMB 5,000 but not more than RMB 20,000 yuan; where circumstances are serious, they shall be detained for not less than five days but not more than fifteen days and shall also be fined not less than RMB 5,000 yuan but not more than RMB 20,000 yuan.

Persons who introduce jobs to ineligible foreigners shall be fined RMB 5,000 yuan for each job illegally introduced to one foreigner, with a cap of not more than RMB 50,000 yuan in total; and entities that introduce jobs to ineligible foreigners shall be fined RMB 5,000 yuan for each job illegally introduced to one foreigner, with a cap of RMB 100,000 yuan in total; and the illegal gains, if any, shall be confiscated.

Individuals or entities that illegally employ foreigners shall be fined RMB 10,000 yuan for each illegally employed foreigner, with a cap of RMB 100,000 yuan in total; and the illegal gains, if any, shall be confiscated.

Article 81 Where foreigners engage in activities not corresponding to the purposes of stay or residence, or otherwise violate the laws or regulations of China, which makes them no longer eligible to stay or reside in China, they may be ordered to exit China within a time limit.

Where a foreigner's violation of this Law is serious but does not constitute a crime, the Ministry of Public Security may deport them. The penalty decision made by the Ministry of Public Security shall be final.

Deported foreigners shall not be allowed to enter China within 10 years calculating from the date of deportation.

Article 82 Under any of the following circumstances, relevant persons shall be given a warning and may also be fined not more than RMB 2,000 yuan:

- (1) Disrupt the administrative order of the restricted zones of ports;
- (2) Foreign seamen or their accompanying family members disembark without going through the formalities for temporary entry; or
- (3) Embark on or disembark from foreign ships without obtaining boarding passes.

Persons who violate Subparagraph (1) of the preceding paragraph may be detained for not less than five days but not more than ten days if the circumstances are serious.

Article 83 Where transport vehicles fall under any of the following circumstances, the persons in charge of the transport vehicles shall be fined not less than RMB 5,000 yuan but not more than RMB 50,000 yuan:

(1) Exit or enter China without examination and approval, or change the ports of exit or entry without approval;

(2) Fail to truthfully declare information of staff, passengers, goods or articles, or refuse to assist in exit/entry border inspection; or

(3) Embark or disembark passengers, or load or unload goods or articles in violation of the regulations on exit/entry border inspection.

Transport vehicles that exit or enter China carrying persons who are not allowed to exit or enter China shall be fined not less than RMB 5,000 yuan but not more than RMB 10,000 yuan for each aforesaid person carried. Where the persons in charge of the transport vehicles prove that they have taken reasonable preventative measures, they may be given mitigated penalties or be exempt from penalties.

Article 84 Where transport vehicles fall under any of the following circumstances, the persons in charge of the transport vehicles shall be fined not less than RMB 2,000 yuan but not more than RMB 20,000 yuan:

(1) Chinese or foreign ships berth alongside foreign ships without approval;

(2) Foreign ships or aircrafts fail to navigate according to the prescribed routes in China; or

(3) Ships and aircrafts that exit or enter China access areas outside the ports open to foreign countries.

Article 85 Where staff members performing the duty of exit/entry administration commit any of the following acts, they shall be given disciplinary sanctions in accordance with the law:

(1) In violation of laws or administrative regulations, issue exit/entry documents such as visas or stay or residence permits to foreigners who do not meet the prescribed conditions;

(2) In violation of laws or administrative regulations, examine and allow the exit or entry of persons or transport vehicles that do not meet the prescribed conditions;

(3) Divulge personal information gained in exit/entry administration work and infringing the legitimate rights and interests of relevant parties;

(4) Fail to turn over in accordance with relevant regulations to the State Treasury the fees, fines or illegal gains or property that are collected or confiscated in accordance with the law;

(5) Privately share, encroach on or misappropriate the funds or articles confiscated or seized or the fees collected; or

(6) Other failures in performing statutory duties in accordance with the law, such as abuse of power, dereliction of duty, or resorting to malpractice for personal gain.

Article 86 In the case of violation of regulations on exit/entry administration and that a fine of not more than RMB 500 yuan should be imposed, the exit/entry border inspection authorities may make a penalty decision on the spot.

Article 87 Persons or entities that are fined for violation of regulations on exit/entry administration shall pay their fines in the designated banks within 15 days from the date of receiving the written decision on penalty. Where it is difficult to collect fines after a fine is imposed because the person or entity subject to penalty has no fixed domicile in the place where the fine is imposed or it is difficult to pay fine to the designated bank at the port, the fine may be collected on the spot.

Article 88 Where a violation of this Law constitutes a crime, criminal liabilities shall be investigated in accordance with the law.

## **Chapter VIII**

### **Supplementary Provisions**

Article 89 Definitions of the following terms mentioned in this Law:

Exit refers to leaving the Chinese mainland for other countries or regions, for the Hong Kong Special Administrative Region or the Macao Special Administrative Region, or for Taiwan Region.

Entry refers to entering the Chinese mainland from other countries or regions, from the Hong Kong Special Administrative Region or the Macao Special Administrative Region, or from Taiwan Region.

Foreigners refer to persons without Chinese nationality.

Article 90 Upon approval by the State Council, provinces and autonomous regions bordering on neighboring countries may, in accordance with the boundary administration agreements signed by China with relevant countries, formulate local regulations or local government rules to regulate the association of residents in border areas of the two countries.

Article 91 Where there are other regulations on the administration of the entry/exit, stay or residence of the members of foreign diplomatic and consular missions in China, or the entry/exit, stay or residence of other foreigners who enjoy diplomatic privileges and immunities, these regulations shall prevail.



Article 92 Foreigners who apply for exit/entry documents such as visas or foreigner stay or residence permits or apply for document extension or alteration shall pay visa fees or document fees in accordance with relevant regulations.

Article 93 This Law shall come into force as of July 1, 2013. The Law of the People's Republic of China on the Entry and Exit Administration of Foreigners and the Law of the People's Republic of China on the Entry and Exit Administration of

conduct well the service for and administration of the exit and entry of foreign nationals within their respective administrative regions.

Article 3 The Ministry of Public Security shall, together with the relevant departments of the State Council, establish an information platform for the service for and administration of the exit and entry of foreign nationals to realize the sharing of the relevant information.

Article 4 In the administration of the issuance of visas and the administration of foreign nationals' stay and residence in China, the Ministry of Foreign Affairs, the Ministry of Public Security and other relevant departments of the State Council shall, at their portal websites, places where they accept applications for exit-entry permits and other relevant sites, provide laws and regulations governing the exit and entry of foreign nationals and other information foreign nationals need to know.

## Chapter II Type and Issuance of Visa

Article 5 The scope and measures for issuing of diplomatic, courtesy and service visas shall be determined by the Ministry of Foreign Affairs.

Article 6 Ordinary visas include the following types, and are marked with corresponding Chinese phonetic letters:

(1) C visa is issued to crewmembers performing duties on board of international trains, airliners or vessels, accompanying family members of vessel crews, and drivers of international road transport vehicles.

(2) D visa is issued to foreign nationals who come to reside permanently in China.

(3) F visa is issued to foreign nationals who are invited to China for exchange activities, visits or investigations.

(4) G visa is issued to foreign nationals transiting China.

(5) J1 visa is issued to foreign nationals who come to China as resident correspondents of foreign countries' resident news agencies in China, while J2 visa is issued to foreign correspondents who come to China for covering special events in a short term.

(6) L visa is issued to foreign nationals who come to China for sightseeing; a group visa may be issued to a group of foreign nationals on a sightseeing trip to China.

(7) M visa is issued to foreign nationals who come to China for business or trading activities.

(8) Q1 visa is issued on the ground of family reunion to family members of Chinese citizens residing in China and family members of foreign nationals with permanent resident status in China, as well as to people who need to stay in China for reasons such as foster care, while Q2 visa is issued to people who intend to pay a short visit to their relatives in China who are Chinese citizens residing in China or foreign nationals with permanent resident status in China.

(9) R visa is issued to foreign professionals who are highly skilled or whose skills are imperatively needed by China.

(10) S1 visa is issued to spouses, parents, underage children and parents-in-law of foreign nationals who reside in China for reasons such as work and study, who come to China for long-term visits to relatives, as well as people who need to reside in

China for other private affairs, while S2 visa is issued to family members of foreign nationals who stay or reside in China for reasons such as work and study, who come to China for short-term visits to relatives, as well as people who need to stay in China for other private affairs.

(11) X1 visa is issued to foreign nationals who come to China for long-term study, while X2 visa is issued to foreign nationals who come to China for short-term study.

(12) Z visa is issued to foreign nationals who come to China for employment.

Article 7 To apply for a visa, a foreign national shall fill out an application form and submit his/her passport or any other international travel document, a photo that meets the prescribed requirements, and materials about the purpose of application:

(1) To apply for a C visa, a guarantee letter issued by a foreign transport company or an i

(6) To apply for an L visa, a travel itinerary shall be submitted as required; to enter China in a sightseeing group, an invitation letter issued by a travel agency shall also be submitted.

(7) To apply for an M visa, an invitation letter issued by a Chinese business or trading partner shall be submitted.

(8) To apply for a Q1 visa, if the applicant intends to reside in China for family reunion, an invitation letter issued by a Chinese citizen who resides in China or a foreign national with permanent resident status in China and a family relationship certificate shall be submitted; if the applicant intends to enter China for reasons such as foster care, a power of attorney and other relevant certificates shall be submitted; to apply for a Q2 visa, an invitation letter issued by a Chinese citizen who resides in China or a foreign national with permanent resident status in China and other relevant certificates shall be submitted.

(9) To apply for an R visa, it is required to satisfy the conditions or requirements as set forth by the competent authority of the Chinese Government for the introduction of foreign professionals who are highly skilled or whose skills are imperatively needed, and the relevant certificates shall be submitted as required.

(10) To apply for an S1 or S2 visa, an invitation letter issued by a foreign national who stays or resides in China for reasons such as work or study and a family relationship certificate, or a certificate proving the necessity to reside in China to handle private affairs shall be submitted.

(11) To apply for an X1 visa, an admission offer issued by the host institution and other relevant certificates issued by the competent authorities shall be submitted as

required; to apply for an X2 visa, an admission offer issued by the host institution shall be submitted as required.

(12) To apply for a Z visa, a work permit and other relevant certificates shall be submitted as required.

Visa-issuing authorities may require foreign nationals to submit other application materials in light of the actual situations.

Article 8 Under any of the following circumstances, a foreign national shall accept an interview as requested by the relevant visa-issuing authority stationed abroad:

(1) The foreign national applies for resid 0 scn BT /TT3 1 Tf 12.00000 0 0 12.00000 90.09826 551.1

authority shall indicate in the visa the time limit for applying for a residence permit after entry.

### Chapter III Stay and Residence Administration

Article 10 After entering China with visa, a foreign national may apply to the exit-entry administrative division of the people's government at or above the county level at his/her place of stay for issuing a new visa to replace the old one if he/she changes the purpose of stay or is given the ease of entry according to the relevant state provisions, if he/she uses a new passport, or if he/she needs to leave the group to continue staying in China due to objective causes after entry on the basis of a group visa.

Article 11 Where a foreign national's visa is lost, damaged, stolen or robbed in China, he/she shall apply to the exit-entry administrative division of the people's government at or above the county level at his/her place of stay for reissuance in a timely manner.

Article 12 To apply for the renewal, replacement or reissuance of his/her visa or for the issuance of a stay permit, a foreign national shall fill out an application form, and submit his/her passport or any other international travel document, a photo that meets the prescribed requirements and materials about the purpose of application.

Article 13 Where a foreign national's application for the renewal, replacement or reissuance of his/her visa or for the issuance of a stay permit conforms to the acceptance provisions, the exit-entry administrative division of the public security organ shall issue an acceptance notice valid not more than seven days, and make a decision of approval or disapproval within the valid period of the acceptance notice.

Where a foreign national's application formalities or materials for the renewal, replacement or reissuance of his/her visa or for the issuance of a stay permit fail to conform to the relevant provisions, the exit-entry administrative division of the public security organ shall notify the applicant of the formalities that need to be handled or the application materials that need to be supplemented or corrected at one time.

During the period when a foreign national's passport or any other international travel document is held due to being accepted for handling the abovementio



(3) Residence permit for journalist is issued to a foreign national who comes to China as a resident correspondent of a foreign country's residence news agency in China;

(4) Residence permit for reunion is issued to the family members of Chinese citizens and foreign nationals with permanent resident status in China, who need to reside in China for family reunion, as well as people who need to reside in China for reasons such as foster care; and

(5) Residence permit for private affairs is issued to the spouses, parents, underage children and parents-in-law of foreign nationals who reside in China for work or study, who come to China to visit relatives for a long period of time, as well as people who need to reside in China for other private affairs.

Article 16 To apply for a residence permit, a foreign national shall submit his/her passport or any other international travel document, a photo that meets the prescribed requirements and materials about the purpose of application, go through the relevant

(2) For a residence permit for study, a letter issued by the institution recruiting him/her bearing the term of study or any other relevant certificate shall be submitted as required.

(3) For a residence permit for journalist, a letter and a press card issued by the competent authorities shall be submitted.

(4) For a residence permit for reunion, if it is for family reunion in China, a family relationship certificate and a certificate on the purpose of application shall be submitted; if it is for foster care, a power of attorney or any other relevant certificate shall be submitted.

(5) For a residence permit for private affairs, if it is a long-term visit to a relative, a certificate on his/her relationship with the relative and the residence permit of the relative shall be submitted; if it is to handle private affairs, a certificate proving the necessity to reside in China to handle private affairs shall be submitted.

To apply for a residence permit valid for one year or more, a foreign national shall submit a health certificate as required. Such a health certificate is valid for six months as of the date of issuance.

Article 17 To apply for the renewal, replacement or reissuance of his/her residence permit, a foreign national shall fill out an application form, and submit his/her passport or any other international travel document, a photo that meets the prescribed requirements and materials about the purpose of application.

Article 18 Where a foreign national's application for the issuance of a residence permit or for the renewal, replacement or reissuance of his/her residence permit conforms to the acceptance provisions, the exit-entry administrative division of the

public security organ shall issue an acceptance notice valid for not more than 15 days, and make a decision of approval or disapproval within the valid period of the acceptance notice.

Where a foreign national's application formalities or materials for the issuance of a residence permit or for the renewal, replacement or reissuance of his/her residence permit fail to conform to the relevant provisions, the exit-entry administrative division of the public security organ shall notify the applicant of the formalities that need to be handled or the application materials that need to be supplemented or corrected at one time.

During the period when a foreign national's passport or any other international travel document is held due to being accepted for handling the abovementioned issues, he/she may legally reside in China on the basis of the acceptance notice.

Article 19 Where a foreign national applies for the renewal, replacement or reissuance of his/her visa or residence permit or the issuance of a stay permit under any of the following circumstances, the entity or individual inviting him/her, any of his/her relatives or a specialized agency may apply on behalf of him/her:

(1) The foreign national is under 16, or has attained 60 and is incapacitated due to reasons such as disease;

(2) The foreign national has entered China before and keeps a good record of stay or residence in China; or

(3) The entity or individual inviting the foreign national has provided guarantee for his/her expenses in China during his/her stay or residence.

In applying for a residence permit, if the applicant is a foreign professional who is highly skilled or whose skills are imperatively needed by the state and is under any of the circumstances mentioned in the preceding paragraph, the entity or individual inviting him/her, any of his/her relatives or a specialized agency may apply on behalf of him/her.

Article 20 The exit-entry administrative divisions of public security organs may verify the authenticity of the purpose of application by interview, inquiry via telephone and field investigation, and applicants and entities or individuals issuing invitations or certificates shall be cooperative.

Article 21 For a foreign national under any of the following circumstances, the exit-entry administrative division of the public security organ concerned may not approve his/her application for the renewal, replacement or reissuance of his/her visa or residence permit, and may not issue a stay permit to him/her:

- (1) Failing to provide application materials as required;
- (2) Engaging in falsification in the course of application;
- (3) Violating the relevant laws or administrative regulations of China and being inappropriate to stay or reside in China; or
- (4) Any other circumstance which makes it inappropriate to renew, replace or reissue his/her visa or residence permit or issue a stay permit to him/her.

Article 22 A foreign national with a residence permit in the study category who needs to take a part-time job or internship outside campus shall, upon approval by his/her school or university, apply to the exit-entry administrative division of the public

security organ for endorsing the place, term and other information of the job or internship on his/her residence permit.

A foreign national with a residence permit for study may not take a part-time job or internship outside campus if his/her residence permit has not been endorsed with the aforesaid information.

Article 23 A foreign national whose valid passport or international travel document is lost, damaged, stolen or robbed in China, if he/she cannot get a new one from the relevant authority stationed by his/her home country in China, may apply to the exit-entry administrative division of the public security organ of the people's government at or above the county level at his/her place of stay or residence for going through the exit formalities.

Article 24 Foreign nationals with stay areas in their exit-entry permits and foreign nationals approved by exit-entry border inspection authorities for temporary stay within designated areas shall stay within designated areas.

Article 25 Under any of the following circumstances in China, a foreign national will be deemed to be residing illegally:

(1) Staying or residing in China beyond the period permitted by his/her visa or stay or residence permit;

(2) For a foreign national entering China with visa exemption, staying beyond the visa-exemption period and failing to apply for a stay or residence permit;

(3) Moving beyond the designated area for his or her stay; or

(4) Any other circumstance that constitutes illegal residence.

Article 26 Under any of the following circumstances, an entity hiring foreign nationals or recruiting foreign students shall timely report it to the exit-entry administrative division of the public security organ of the local people's government at or above the county level:

(1) A foreign national hired by it leaves office or changes work location;

(2) A foreign student recruited by it leaves the entity as he/she graduates, finishes a course, drops out, or leaves the school or university;

(3) A foreign national hired or a foreign student recruited violates the exit-entry administrative provisions; or

(4) A foreign national hired or a foreign student recruited dies or disappears.

Article 27 When they need to verify the identity of foreign nationals in business operations, entities in the financial, education, medical or telecommunication sector may apply to the exit-entry administrative divisions of public security organs for verification.

Article 28 The administration of the issuance of stay or residence permits to foreign nationals for diplomatic or service purposes shall be governed by the relevant provisions of the Ministry of Foreign Affairs.

#### Chapter IV Investigation and Repatriation

Article 29 Public security organs may set up repatriation facilities in light of the actual needs.

A foreign national who is detained for investigation under Article 60 of the Exit-Entry Administration Law shall be transferred to a detention house or repatriation facility within 24 hours.

Where a repatriation or deportation cannot be immediately executed due to the weather or the health condition of the party concerned, the foreign national shall be detained at a detention house or repatriation facility on the basis of the relevant legal papers.

Article 30 Where a foreign national's scope of activities is restricted under Article 61 of the Exit-Entry Administration Law, a written decision thereon shall be issued. The foreign national shall report to the public security organ concerned at the designated time, and may not change domicile or leave the designated area without approval by the organ making the decision.

Article 31 Where a foreign national is repatriated under Article 62 of the Exit-Entry Administration Law, the organ making the repatriation decision shall specify the period of time during which the foreign national is not allowed to enter China.

Article 32 Repatriation expenses shall be borne by the repatriated foreign national. For one who is unable to pay for such expenses, if he/she is repatriated for illegal employment, repatriation expenses shall be paid by the entity or individual illegally employing him/her; if he/she is repatriated for other causes, repatriation expenses shall be paid by the entity or individual providing guarantee for his/her stay or residence in China.

Repatriation shall be executed by the public security organs of the local people's governments at or above the county level or exit-entry border inspection authorities.

Article 33 Where a foreign national is ordered to leave China within a certain time limit, the deciding organ shall, after canceling or confiscating his/her exit-entry permit, handle formalities for his/her stay and specify the time limit for his/her exit. The time limit for exit may not exceed 15 days at most.

Article 34 For a foreign national under any of the following circumstances, his/her visa or stay or residence permit shall be declared null and void by the issuing organ:

(1) The visa or stay or residence permit is damaged, lost, stolen or robbed;

(2) The visa or stay or residence permit has not been confiscated or cancelled after the foreign national is ordered to exit within a certain time limit, repatriated or deported;

(3) The original purpose of residence changes but the foreign national fails to report the change to the exit-entry administrative division of the public security organ and still fails to do so after the public security organ makes an announcement thereon; or

(4) He/she is under any of the circumstances described in Article 21 or 31 of the Exit-Entry Administration Law, under which no visa or residence permit should be issued.

To declare a visa or a stay or residence permit null and void, an issuing organ may declare on the spot or make an announcement thereon.

Article 35 Under any of the following circumstances, a foreign national's visa or stay or residence permit shall be cancelled or confiscated by the public security organ:

(1) The visa or permit is declared null and void by the issuing organ or is falsely used by another person;



(2) The visa or permit is forged, altered, defrauded or otherwise illegally obtained; or

(3) The foreign national is ordered to exit within a certain time limit, repatriated or deported.

The organ deciding to cancel or confiscate a visa or permit shall notify the issuing authority in time.

## Chapter V Supplementary Provisions

Article 36 The meaning of terms mentioned in this Regulation is as follows:

(1) “Number of entries” means the number of entries that could be made by a visa holder within the valid period of visa.

(2) “Valid period of entry” means the valid period of an entry made by a visa holder. Unless otherwise endorsed by the visa-issuing authority, a visa shall be valid as of the date of issuance and become invalid at 24:00 of the expiry date on the basis of Beijing Time.

(3) “Duration of stay” means the time a visa holder is permitted to stay for each entry, which is calculated from the next day after entry.

(4) “Short term” means a stay of not more than 180 days in China.

(5) “Long term” or “permanent” means a stay of more than 180 days in China.

For the purpose of this Regulation, the time limit for examination and approval by the exit-entry administrative divisions of public security organs and the valid period for acceptance notices shall be calculated on the basis of working days, excluding statutory holidays.

Article 37 Upon approval by the Ministry of Foreign Affairs, visa-issuing authorities stationed abroad may engage local institutions to provide receipt, entry, consulting and other services for foreign nationals' applications for visa.

Article 38 The format of visa shall be determined by the Ministry of Foreign Affairs together with the Ministry of Public Security. The format of stay or residence permit shall be determined by the Ministry of Public Security.

Article 39 This Regulation shall come into force on September 1, 2013. The Detailed Rules for the Implementation of the Law of the People's Republic of China Governing the Administration of the Entry and Exit of Foreigners, which were adopted by the State Council on December 3, 1986, issued by the Ministry of Public Security and the Ministry of Foreign Affairs on December 27, 1986 and revised by the State Council on July 13, 1994 and April 24, 2010 respectively, shall be repealed simultaneously.

## **Customs Law of the People's Republic of China**

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### Chapter I General Provisions

Article 1 This Law is formulated for the purpose of safeguarding state sovereignty and national interests, strengthening Customs supervision and control, promoting exchanges with foreign countries in economic affairs, trade, science and technology, and culture and ensuring socialist modernization.

Article 2 The Customs of the People's Republic of China is a governmental organization responsible for supervision and control over all arrivals in and departures from the Customs territory (hereinafter referred to as the territory ). It shall, in accordance with this Law and other related laws and administrative regulations, exercise control over means of transport, goods, travellers' luggage, postal items and other articles entering or leaving the territory (hereinafter referred to as inward and outward means of transport, goods and articles), collect Customs duties and other taxes and fees, prevent and combat smuggling, compile Customs statistics and handle other Customs operations.

Article 3 The State Council sets up the Customs General Administration, which is charged with the responsibility of carrying unified administration of all the Customs offices throughout the country.

Customs offices are set up by the State at ports of entry open to foreign trade and at places and regions that require concentrated Customs operations. The subordination of one Customs office to another shall not be restricted by administrative divisions.

The Customs offices exercise their functions and powers

independently in accordance with the law and are accountable to the Customs General Administration.

Article 4 In the Customs General Administration, the State sets up a special police department responsible for the investigation of smuggling crimes, which is staffed with special anti-smuggling police officers and charged with the responsibility of conducting investigations, making detentions and arrests, and carrying out preliminary inquiries related to smuggling cases under its jurisdiction.

The police department responsible for the investigation of smuggling crimes shall fulfill its responsibility of conducting investigations, making detentions and arrests and carrying out preliminary inquiries in accordance with the Criminal Procedure Law of the People's Republic of China.

The police department responsible for the investigation of smuggling crimes may, based on relevant regulations of the State, set up its branch offices, which shall, in accordance with the law, hand over to the competent People's Procuratorate for prosecution of the smuggling cases of which they have completed investigations under their jurisdiction.

Local public security organs at all levels shall assist the Customs

police department responsible for the investigation of smuggling crimes to perform its duty according to law.

Article 5 The State maintains a counter-smuggling mechanism of joint suppression, unified handling and comprehensive governance. The Customs General Administration is responsible for organizing, coordinating and managing counter-smuggling initiatives. Detailed regulations in this regard shall be formulated by the State Council.

Smuggling cases discovered by the concerned administrative enforcement departments and involving administrative penalties shall be handed over to the Customs for its settlement according to law; Those cases suspected of involving a crime shall be transferred to the Customs police department and local police department to be dealt with according to the division of their jurisdiction and following a legal procedure.

Article 6 Customs shall exercise the following powers:

(a) to check inward and outward means of transport, examine inward and outward goods and articles, and detain those in violation of this Law or other relevant laws and administrative regulations;

(b) to examine the identification documents of persons entering or

leaving the territory, interrogate the suspects violating this Law or other relevant laws and administrative regulations, and investigate the illegal activities thereof;

(c) to examine and replicate contracts, invoices, accounts, bills, records, documents, business letters and cables, audio and video products and other materials related to the inward and outward means of transport, goods and articles, and detain those relevant to the inward and outward means of transport, or goods and articles found in violation of this Law or other laws and administrative regulations;

(d) to search, within Customs surveillance zones and the designated coastal or land border area in the vicinity of a Customs office, the means of transport suspected of involving in smuggling activities, and the places suspected of concealing smuggled goods and articles, and search the body of smuggling suspects; to detain, subject to approval from the head of a regional Customs office or the head of its subordinate Customs office authorized by the former, the means of transport, and the goods and articles suspected of involving in smuggling activities, and the persons suspected of having committed a crime in smuggling; the length of detention of smuggling crime suspects shall be no longer than 24 hours, which may be extended to

48 hours under special circumstances;

to search, while investigating a smuggling case beyond Customs surveillance zones and the designated coastal or land border area in the vicinity of a Customs office, subject to approval from the head of a regional Customs or that from the head of its subordinate Customs authorized by the former, and with the presence of the persons concerned, the means of transport suspected of involving in smuggling activities, and the places suspected of concealing smuggled goods and articles other than citizens' residences. Provided a witness is present, the Customs is entitled to effect such examination without the presence of the person concerned and may detain the means of transport, goods, articles suspected of smuggling, as proved by evidence.

The designated coastal or land border areas shall be defined by the Customs General Administration and the public security department under the State Council in collaboration with the concerned provincial governments.

(e) to inquire while investigating a smuggling case, subject to approval from the head of a regional Customs or the head of its subordinate Customs authorized by the former, about the bank accounts and

remittances of the suspected persons in financial institutions or postal services.

(f) to pursue, and continue to pursue beyond, Customs surveillance zones and the designated coastal or land border area in the vicinity of a Customs office, the means of transport or persons defying and escaping from Customs control for seizure and bring them back to be properly dealt with;

(g) to be equipped weapons to ensure proper fulfillment of its responsibility. Rules governing carriage and use of arms by Customs officers shall be formulated by the Customs General Administration in collaboration with public security department under the State Council, and approved by the State Council.

(h) to exercise other powers that is afforded to the Customs by the law and administrative regulations.

Article 7 Local authorities and departments of the State Council shall support the Customs establishments in performing their responsibilities according to law, without illegally giving intervention in the Customs enforcement operations.

Article 8 All inward and outward means of transport, goods and



articles shall enter or leave the territory at a place where there is a Customs office. Under special circumstances where there is a need to enter or leave the territory temporarily at a place without a Customs office, permission shall be obtained from the State Council or the department authorized by the former, with all the Customs formalities duly completed in accordance with this Law.

Article 9 Unless otherwise provided for, the declaration of import or export goods and the payment of duties and taxes may be completed by the exporters or importers on their own, and such formalities may also be completed by their entrusted Customs clearing agent registered with the Customs.

The declaration on inward and outward articles and payment of duties thereon may be made by the owner of the articles or by his entrusted person.

Article 10 Any Customs clearing agent entrusted by the exporter or the importer of import or export goods to complete Customs formalities in the principal's name shall produce to the Customs a letter of authorization and comply with all the provisions governing the principal provided for in this Law.

Where a Customs clearing agent is entrusted by the importer or

exporter of import or export goods to complete Customs formalities in its own name, it shall bear the same legal liability as the importer or exporter.

A principal shall, in the case of entrusting a Customs clearing agent to complete the Customs formalities, provide to the enterprise true information regarding the entrusted declaration. Enterprises so entrusted shall verify where appropriate the authenticity of the information provided by the principal.

Article 11 The importer or exporter of import or export goods, and the Customs clearing agent shall be registered with the Customs according to law to make the Customs declarations. Individuals making declarations to the Customs shall obtain the qualification in this field according to law. Any enterprise without registration with the Customs and any individual without obtaining qualification to make declarations to the Customs shall not be allowed to engage in making declarations to the Customs.

Any Customs clearing agent and individual engaged in making a declaration to the Customs shall not illegally make Customs declaration on behalf of others or go beyond their approved business scope.

Article 12 The concerned entity or individual shall give true answers to inquiries made by the Customs when performing their duty in accordance with the law, and be cooperative. No entity or individual shall obstruct the Customs from performing their duty.

Where Customs officers meet with violent resistance while carrying out their duty, the public security units and the People's Armed Police performing related tasks shall provide assistance.

Article 13 The Customs shall establish a system whereby activities in violation of the provisions in this Law shall be reported.

All entities and individuals have the right to report to the Customs on activities violating the provisions of this Law.

The Customs shall give spiritual encouragement or material rewards to such entities or individuals for meritorious service in reporting or assistance which leads to the discovery and seizure of Customs offences in violation of this Law.

The Customs shall keep the identities of the reporters confidential.

## Chapter II Inward and Outward Means of Transport

Article 14 When a means of transport arrives at or departs from a place where there is a Customs office, the person in charge of the

means of transport shall make an accurate declaration to the Customs, submit relevant papers for examination and accept Customs control and examination.

The inward and outward means of transport staying at a place with a Customs office shall not depart there unless permitted by the Customs.

Before a means of transport moves from one place with a Customs office to another place with a Customs office, it shall comply with control requirements of the Customs and complete Customs formalities. No means of transport is allowed to change its course and leave the territory unless it is properly cleared.

Article 15 The inward means of transport which has entered the territory but has not made the declaration to the Customs, and the outward means of transport which has cleared the Customs but has not left the territory shall move along the route specified by competent communication authorities. In the absence of such specifications, the routes shall be designated by the Customs.

Article 16 The Customs shall be notified in advance either by the person in charge of the means of transport or by the relevant transport and communication department of such details as when an inward or outward vessel, train or aircraft will arrive and depart, where it will

stay, where it will move to during its stay and when the loading or unloading of goods and articles will take place.

Article 17 The loading and unloading of import or export goods and articles onto and from any means of transport and embarking and disembarking of its passengers shall be subject to Customs control.

Upon completion of such loading and unloading, the person in charge of the means of transport shall submit to the Customs documents and records reflecting the actual situation of the loading and unloading.

Articles carried by individuals embarking on and disembarking from an inward and outward means of transport shall be truly declared to the Customs and be subject to Customs examination.

Article 18 When an inward and outward means of transport is being checked by the Customs, the person in charge of the means of transport shall be present, and open holds, cabins, rooms or doors of the means of transport at the request of the Customs. Where smuggling is suspected, the person in charge of the means of transport shall dismantle the part thereof which may conceal smuggled goods and articles, and remove the goods and materials.

In accordance with work requirements, the Customs may dispatch

officers to perform duties on board the means of transport. The person in charge of the means of transport shall provide them with convenience.

Article 19 An inward means of transport belonging to countries or regions outside the territory or an outward means of transport domestically owned inside the territory shall not be transferred or devoted to other uses prior to completion of Customs formalities and payment of Customs duties.

Article 20 Where inward and outward vessels and aircraft are concurrently engaged in transportation of goods and passengers within the territory, Customs approval shall be obtained and requirements for Customs control shall be fulfilled.

Customs formalities shall be completed in the case of an inward and outward means of transport wishing to shift to domestic transport business.

Article 21 Coastal transport vessels, fishing boats and ships engaged in specific operations at sea may not carry, obtain on an exchange basis, purchase and transfer inward and outward goods and articles without the Customs approval.

Article 22 When, owing to force majeure, an inward or outward vessel or aircraft is forced to berth, land or jettison and discharge goods and articles at a place without a Customs office, the person in charge of the means of transport shall immediately report to the Customs office nearby.

### Chapter III Inward and Outward Goods

Article 23 Import goods, throughout the period from the time of arrival in the territory to the time of accomplishment of all Customs formalities, export goods, throughout the period from the time of declaration to the Customs to the time of departure from the territory; and transit, transshipment and through goods, throughout the period from the arrival in the territory to the time of departure from the territory, shall be subject to Customs control.

Article 24 The importer of import goods and the exporter of export goods shall make an accurate declaration and submit the import or export licensing documents and relevant papers to the Customs for examination. In the absence of import or export licensing documents; goods subject to import or export restrictions by the State shall not be released. Specific measures for handling such matters shall be enacted by the State Council.

Declaration of import goods shall be made to the Customs by the importer within 14 days of the declaration of the arrival of the means of transport; declaration of export goods shall be made by the exporter upon the arrival of the goods at Customs surveillance zone, and 24 hours prior to loading unless otherwise specially approved by the Customs.

Where the importer fails to declare the import goods within the time limit prescribed in the preceding paragraph, a fee for delayed declaration shall be imposed by the Customs.

Article 25 Declaration for import and export goods shall be made in paper form and by electronic means.

Article 26 After the acceptance by the Customs, goods declaration and the relevant documents as well as their contents are not allowed to be amended or withdrawn unless the reason is deemed valid and approved by the Customs.

Article 27 Prior to the declaration, the importer of the import goods, upon the approval of the Customs, may check goods or draw samples. The goods required for quarantine according to law, shall not be drawn samples unless they are qualified for the quarantine standard.



Article 28 All import and export goods shall be subject to Customs examination. While the examination is being carried out, the importer of the import goods or the exporter of the export goods shall be present and responsible for moving the goods and opening and restoring the package. The Customs shall be entitled to examine or re-examine the goods or take samples from them without the presence of the importer or the exporter whenever it considers this necessary.

Import and export goods may be exempted from examination if an application has been made by the importer or exporter and approved by the Customs General Administration.

Article 29 Unless specially approved by the Customs, import and export goods shall be released upon Customs endorsement only after the payment of duties and taxes or the provision of security by the importer or exporter.

Article 30 Where the importer of the import goods fails to declare the import goods to the Customs within three months of the declaration of the arrival of the means of transport, the goods shall be taken over and sold off by the Customs according to law. After the costs of transport, loading and unloading and storage and the duties and taxes are deducted from the money obtained from the sale, the remaining sum,

if any, shall be returned to the importer provided that he submits an application to the Customs within one year of the sale of the goods; those restricted for importation by the State subject to the licensing documents which fails to be submitted, shall not be returned. If nobody applies within the time limit, or the money shall not be returned, the money shall be turned over to the State Treasury.

Inward goods misdischarged or over-discharged confirmed by the Customs may be taken out of the territory or imported upon completion of necessary formalities by the person in charge of the means of transport carrying the goods or the importer or the exporter of the goods within three months of the discharging. When necessary, an extension of three months may be granted through Customs approval. If the formalities are not completed within the time limit, the goods shall be disposed of by the Customs in accordance with the provisions laid down in the preceding paragraph.

Where goods listed in the preceding two paragraphs are not suitable for storage over long period, the Customs may, according to actual circumstances, dispose of them before the time limit is reached.

Import goods declared to be abandoned by the importer or the owner shall be taken over and sold off by the Customs according to law. The

money thus obtained shall be turned over to the State Treasury after the costs of transport, loading, unloading and storage are deducted.

Article 31 Goods that are temporarily imported or exported with the approval of the Customs shall be re-transported out of or into the territory within six months. An extension may be granted in special circumstances through Customs approval.

Article 32 The operation of the storage, processing, assembling, exhibition, transportation and consignment sales of bonded goods, and the operation of duty free shop shall be complied with the requirements of Customs control and approved by as well as registered with the Customs.

The transfer of ownership of the bonded goods and their being admitted to and removed from the bonded premises are subject to the Customs formalities concerned, Customs control and examination.

Article 33 The enterprises dealing with inward processing are required to register with the Customs with relevant authorized documents and contracts of inward processing. The yield rate of the products resulting from inward processing shall be fixed by the Customs in accordance with the relevant provisions.

The products resulting from inward processing shall be re-exported within the time limit. The imported materials used in the operation approved by the State to be bonded, are subject to closing the case after verification by the Customs; those duties and taxes collected in advance shall be granted repayment in accordance with the relevant provisions.

The Customs shall collect duties and taxes on the bonded materials according to law against the approved documents on importation for home use for certain reasons, provided that the bonded materials for or the products from inward processing are placed under home use. Where restrictions are laid down by the State, licensing documents for importation shall also be required to be submitted to the Customs.

Article 34 The special Customs controlling areas such as bonded areas authorized by the State Council to be established in the territory of the People's Republic of China, shall be in the execution of control by the Customs in accordance with the relevant national provisions.

Article 35 Customs formalities for import goods shall be completed by the importer at the Customs office through which the goods enter the territory; those for export goods shall be completed by the exporter at the Customs office through which the goods depart from the territory.

If applied for by the importer or the exporter and approved by the Customs, Customs formalities for import goods may be completed at the Customs office of destination, and those for export goods at the Customs office of departure. The transport under Customs transit shall comply with the control requirements by the Customs. When necessary, the goods may be transported under Customs escort.

Where the goods enter or leave the territory by electric cables, pipelines or other special means of conveyance, the importers shall report at regular intervals to the designated Customs office and complete Customs formalities as required.

Article 36 All transit, transshipment and through goods shall be truthfully declared by the carrier to the Customs office through which the goods enter the territory, and shall be transported out of the territory within the designated time limit.

The Customs may examine such goods whenever it considers this necessary.

Article 37 The goods under Customs control, without Customs permission, shall not be opened, taken, delivered, forwarded, changed, repacked, mortgaged, pledged, held a lien, transferred the ownership, changed the marks, used for other purpose or disposed by other

means.

Seals affixed by the Customs shall not be opened or broken without Customs authorization.

Where a people's court delivers a verdict, ruling or an administrative authority concerned makes a decision to dispose of the goods under Customs control, the person concerned is required to accomplish all the necessary Customs formalities.

independently or jointly with the departments concerned under the State Council, rules for control over inward and outward containers; rules for control over the salvage of inward and outward goods and sunken vessels; rules for control over inward and outward goods involved in small volumes of border transactions and other rules over inward and outward goods not specified concretely in this Law.

Article 40 Where the State specifies the provisions in respect of prohibitions or restrictions on inward and outward goods and articles, Customs shall carry out control in accordance with laws, administrative regulations, and the provisions of the State Council or the provisions laid down by its departments concerned who are authorized upon laws and administrative regulations. The detailed rules of control shall be specified by the Customs General Administration.

Article 41 The origin of import and export goods shall be determined according to the provisions on the rules of origin laid down by the State.

Article 42 The classification of import and export goods shall be decided according to the provisions on the classification of commodities laid down by the State.

Customs may require the importer of import goods and the exporter of export goods to provide with the information indispensable for determination of classification. Customs may, whenever necessary, carry out laboratory analysis and inspection and such results confirmed by Customs shall be taken as the basis of classification.

Article 43 Customs may issue administrative rulings on pre-classification, etc. in respect of goods intended to be imported and exported subject to the written application by importer of import goods and exporter of export goods.

The administrative rulings on pre-classification of certain goods, etc. shall apply to other identical import and export goods.

The administrative rulings on classification made by Customs shall be publicized.

Article 44 Customs may carry out protection of intellectual property rights, which are related to import and export goods according to laws and regulations.

Where the status of intellectual property rights need to be declared to the Customs, the importer of import goods and the exporter of export goods as well as their agents are required to make an accurate



declaration and submit legal certificates for intellectual property rights to the Customs according to the provisions of the State.

Article 45 Customs are entitled to carry out Customs audit over accounts, accounting vouchers, declaration documents and other relevant information as well as the import and export goods of the enterprises and institutions directly related to import and export within the period of three years from the date of release of import and export goods or within the period when the bonded goods, goods relieved or deducted from duties and taxes are subject to Customs control and of three years thereafter. The detailed rules shall be laid down by the State Council.

#### Chapter IV Inward and Outward Articles

Article 46 Inward and outward luggage carried by travellers and inward and outward postal items shall be limited to reasonable quantities for personal use and subject to Customs control.

Article 47 All inward and outward articles shall be accurately declared to the Customs by the owner and subject to Customs examination.

Seals affixed by the Customs are not allowed to be opened or broken without authorization.

Article 48 The loading, unloading, transshipment and transit of inward and outward mailbags shall be subject to Customs control. A waybill shall be submitted to the Customs by the postal service.

The postal service shall inform the Customs in advance of the schedule for the opening and sealing of international mailbags. The Customs shall dispatch officers on time for the purpose of control and examination on the spot.

Article 49 Inward and outward postal items are not allowed to be posted or delivered by the operators unless they have been released after Customs examination.

Article 50 Articles upon approval by and registration with the Customs, temporarily entering or leaving the territory with the exemption from duties and taxes, are required to be taken out or brought in by the person, who originally carried them into or outside the territory.

Transit passengers are not allowed to leave in the territory, the articles they bring in, without Customs approval.

Article 51 The Customs shall, in accordance with Article 30 of this Law, dispose of the inward and outward articles declared to be

abandoned by the owner, the articles for which the Customs formalities are not completed or to which no one makes a claim and inward postal items which can neither be delivered nor be returned.

Article 52 Inward and outward articles for official or personal use by foreign missions or personnel enjoying diplomatic privileges and immunities shall be dealt with in accordance with the related laws and administrative regulations.

#### Chapter V Customs Duties

Article 53 Customs duties shall be collected on goods permitted to be imported or exported and on articles permitted to enter or leave the territory by the Customs according to law.

Article 54 The importer of import goods, the exporter of export goods and the owner of inward and outward articles shall be the persons obliged to pay Customs duties.

Article 55 The Customs valuation of import and export goods shall be determined by the Customs on the basis of the transaction value of the goods. If the transaction value cannot be ascertained, the Customs valuation shall be determined by the Customs according to law.

The Customs valuation of import goods shall include the value of the

goods, cost of transport, charges associated with transport of the goods and cost of insurance occurred before the goods are unloaded at the entering point of the territory of the People's Republic of China; the Customs valuation of export goods shall include the value of the goods, cost of transport, charges associated with transport of the goods and cost of insurance occurred before the goods are loaded at the leaving point of the territory of the People's Republic of China, from which the amount of export duties shall be deducted.

The Customs valuation of inward and outward articles shall be determined by the Customs according to law.

Article 56 Duty reduction or exemption shall be granted to the following import and export goods and inward and outward articles:

- (a) advertising items and trade samples of no commercial value;
- (b) materials presented free of charge by foreign governments and international organizations;
- (c) goods to which damage and loss occurred prior to Customs release;
- (d) articles of a quantity or value within the fixed limit;
- (e) other goods and articles specified by law as items subject to duty

reduction or exemption; and

(f) goods and articles specified as items subject to duty reduction or exemption by international treaties to which the People's Republic of China either a contracting party or an acceding party.

Article 57 Duty reduction or exemption may be granted to import and export goods of specific areas, specific enterprises or for specific purposes. The State Council shall define the scope and formulate the rules of such duty reduction or exemption.

All import goods to which duty reduction or exemption have been granted in accordance with the preceding paragraph shall be used only in specific areas, specific enterprises or for specific purposes. They shall not be utilized otherwise unless Customs approval is obtained and duties are paid.

Article 58 Ad hoc duty reduction or exemption not within the scope specified in Article 56 and the first paragraph of Article 57 of this Law shall be decided by the State Council.

Article 59 Temporary duty reduction or exemption shall be granted to goods approved by the Customs as temporary import or export goods and to bonded goods imported by special permission after the importer

or exporter of the goods submits to the Customs a deposit of an amount equal to the duties or provides a security.

Article 60 The person obliged to pay the Customs duties and taxes on import and export goods shall pay the amount payable within 15 days from the date of issuance of the duty memorandum. In case of failure to meet this time limit, a fee for delayed payment shall be imposed by the Customs. Where the person obliged to pay the Customs duties and taxes or the surety fails to pay the duties within 3 months, the Customs may take the following coercive measures on approval of the director of regional Customs or the authorized director of the subordinate Customs:

(a) to notify the bank of deposit of the person concerned or other financial institution to deduct the amount of duties due from its deposits in written form;

(b) to offset the duties and taxes with the proceeds from the selling of the goods subject to duty payment according to law;

(c) to detain and sell the goods or other property of the person concerned at an amount which is equal to the payable duties and taxes to offset the duties according to law;

Customs shall impose a fee for delayed payment of duties which has not been paid by the obligatory duty payer or the surety at the same time while taking the coercive measures

The payment of duties on inward or outward articles shall be made prior to their release by the obligatory duty payer.

Article 61 Where there is an obvious indication of transferring, concealing the duty-payable goods and other property by the obligatory duty payer of the import or export goods before the due date of duty payment, the Customs may ask the obligatory duty payer to provide a security; If he cannot provide a security for duty payment, the Customs may take the following measures to secure the collection of duties and taxes on approval of the director of regional Customs or the authorized director of the subordinate Customs:

(a) to notify the bank in which the obligatory duty payer has opened an account or other financial institution to suspend paying the amount of duties due from the deposits of the duty payer in written form;

(b) to detain the goods or other property which are equal to the value of the duties to be paid

The Customs shall discharge the measures to secure the duties as soon

as the obligatory duty payer pays the duties before the due date of duty payment; The Customs may, on approval of the director of regional Customs or the authorized director of subordinate Customs, inform the bank in which the obligatory duty payer has opened an account or other financial institution to deduct the amount of duties due from the deposits which has been suspended in written form, or sell the goods or other property detained to offset the duties according to law.

If the measures to secure duties are taken in an improper way, or the Customs fails to discharge the measures for secure the Customs duties when the obligatory duty payer has paid the duties before the due date, and damages are caused to the legitimate interest of the obligatory duty payer, the Customs shall bear its compensation liability according to law.

Article 62 Where the Customs finds that the duties are short-levied or not levied on a consignment of import or export goods or on inward or outward articles after the release, the Customs shall collect the money payable from the obligatory duty payer within one year of the previous duty payment or the release of the item. If the short-levied or non-levied duties are attributable to the duty payer's violation of the Customs regulations, the Customs may collect the unpaid amount



from him within 3 years.

Article 63 Where the duties are over-levied, the Customs, upon discovery, shall refund the money without delay. The obligatory duty payer may ask the Customs for refunding within one year of the date of duty payment.

Article 64 Where the obligatory duty payer is involved in a dispute over duty payment with the Customs, he shall pay the duties, and may

the goods against the securities provided by the importer or exporter which is compatible with his legal obligation according to law. Securities shall not be required in case as provided by laws and administrative regulations.

Laws and administrative regulations specially provided for the securities for obligation of fulfilling Customs formalities shall be abided by first.

The Customs shall not release goods against securities in circumstances where the import or export goods and inward or outward articles related are subject to national restriction and relevant license or documents could not be provided, and other circumstances where the laws and administrative regulations have provided for.

Article 67 Any legal person, other organization and natural person who is capable of fulfilling Customs security may be the surety, unless the law otherwise provided.

Article 68 The guarantor may provide security by the following property and rights:

- (a) Chinese Yuan (Renminbi) and other convertible currencies;
- (b) draft, cashier's check, check, bond and certificate of deposit;

(c) letter of guarantee issued by the bank and other financial institutions; and

(d) other property and rights ratified by the Customs according to law.

Article 69 The surety shall assume his obligation within the guaranty period. The guarantor's performance of security obligation shall not prevent the guaranteed from fulfilling other Customs formalities.

Article 70 Regulations on Customs securities shall be formulated by the State Council.

#### Chapter VII Enforcement Supervision

Article 71 Customs shall, in the course of carrying out duties, abide by laws and regulations, safeguard national interests, enforce the law strictly in pursuant to the legal authorization and procedure and accept supervision.

Article 72 Customs personnel shall enforce the law impartially, be probity and self-disciplined, devote himself to his duties, render services with civility, and shall not commit the following acts:

(a) to shield, connive at smuggling or collude with others in smuggling;

(b) to illegally confine personal disengagement, search body, residence or premises, inspect or detain means of transport, goods and articles;

(c) to seek expedience for oneself or others by jobbery;

(d) to extort or receive bribery;

(e) to betray the State, commercial and Customs operational confidentiality;

(f) to abuse powers, intentionally create difficulties or delay in supervision or inspection;

(g) to purchase, distribute or occupy confiscated smuggling goods and articles illicitly

(h) to engage or engage in disguised form in profit-making operations;

(i) to carry out duties in violation of legal procedures or exceed the authorization;

(j) other malpractice.

Article 73 Customs shall, according to the necessity of carrying out duties in compliance with laws and regulations, strengthen Customs personnel construction and make them possess good political and

operational qualifications.

The Customs professional staff shall have legal and relevant professional knowledge, conform to the job requirements of special post set by Customs.

Customs shall, in accordance with national regulations, take examination openly, assess strictly and employ selectively by excellency while recruiting personnel.

Customs shall conduct training and assessment to its personnel in political ideology, legal system and Customs operation. Customs personnel must accept training and assessment periodically, whoever fail to pass the examinations shall not keep carrying out duties.

Article 74 The Customs General Administration shall implement the periodical rotating system for the heads of local Customs ;

The head of Customs shall report to his superior Customs about his work, present the situations on carrying out his duties accurately. The Customs General Administration shall assess the directors of regional Customs periodically, and the regional Customs shall assess the heads of its subordinate Customs periodically.

Article 75 The administrative enforcement of Customs and its

personnel shall accept the supervision of supervising departments in accordance with law; the anti-smuggling police shall accept the supervision of the People's Procuratorate when proceeding investigations.

Article 76 The auditing department conducts audit supervision on fiscal income and expenses of Customs, and it has the right to run special audit investigation on matters related to national fiscal income and expenses handled by Customs.

Article 77 The superior Customs shall conduct supervision over enforcement of the Customs at a lower level. The superior Customs may alter or repeal any inadequate settlement or decision according to law made by Customs at a lower level.

Article 78 Customs shall, in accordance with the provisions of this Law and other related laws and administrative regulations, establish and strengthen internal surveillance system, conduct supervision and inspection on the execution of laws and administrative regulations and the observance of disciplines by its personnel.

Article 79 The responsibility and authorization of the main posts in charge of documents examination, inspection and release of goods, external auditing and investigation inside Customs shall be clear, and

these posts should be separated and restricted mutually.

Article 80 Any entity and individual shall have the right to accuse and impeach the acts of Customs and its personnel that violate the laws and disciplines. The departments receiving the accusations and impeachment shall investigate in time according to their respective responsibilities by law where they have the right to do so. The departments receiving the accusations and impeachment and those are responsible for dealing with this matters shall keep secrecy for libelants and prosecutors.

Article 81 While investigating and handling cases of illegality, Customs personnel shall withdraw in any of the following situations:

- (a) Where he is a party or a close relative of a party to the case;
- (b) Where he or his close relative has an interest in the case;
- (c) Where he has any other relations with a party to the case that could affect the impartial settlement of the case.

#### Chapter VIII Legal Responsibilities

Article 82 Breach of this Law and relevant laws and administrative regulations, evasion of Customs control, defraud payable impost, elusion of national inward and outward prohibition or restriction in

any of the situations listed below shall be deemed as smuggling:

(a) to transport, carry or mail into or out of the territory goods and articles prohibited or restricted by the State from entering or leaving the territory or goods and articles subject to render duties and taxes according to law ;

(b) to sell within the territory, without Customs permission and without having paid the payable duties and taxes or producing relevant licensing document, bonded goods, goods under specific duty reduction or exemption and other goods, articles or inward foreign means of transport under Customs control;

(c) to have other acts evading Customs supervision and control that constitute smuggling;

If any of the acts listed in the preceding paragraph does not constitute the crime of smuggling, the Customs may, while confiscating the smuggled goods, articles and illegal proceeds obtained therefrom, concurrently impose a fine on the person or persons concerned; goods or articles that are specially or repeatedly used for smuggling, means of transport that are specially or repeatedly used for smuggling shall be confiscated, equipment specially made for concealing smuggled



goods or articles shall be demolished or confiscated.

Where any of the acts listed in the first paragraph of this Article that constitutes a crime, the person or persons concerned shall be investigated for criminal liability according to law.

Article 83 Any of the following acts shall be deemed as smuggling actions and punished in accordance with the provisions of Article 82 of this Law:

(a) whoever purchases the imported goods or articles by smuggling directly and illegally from the smugglers;

(b) vessels and their crew members which transport, purchase or sell goods or articles prohibited or restricted by the State from being imported or exported, or transport, purchase or sell goods subject to duties and taxes according to law without legal certificates in inland sea, territorial waters, boundary rivers and boundary lakes.

Article 84 Whoever counterfeits, falsifies, purchases or sells Customs documents, conspires with smugglers and provides loans, funds, account numbers, invoices, certificates or Customs documents, conspires with smugglers and provides transport, storage, mailing or other conveniences, where the case constitutes a crime he shall be

investigated for criminal liability according to law; where the case does not yet constitute a crime, the Customs may, while confiscate the illegal proceeds obtained therefrom, concurrently impose a fine on the person or persons concerned.

Article 85 Any individual who carries or mails articles for personal use into or out of the territory in a quantity exceeding the reasonable limit fails to declare to Customs according to law shall be ordered to pay the duties and a fine may be imposed thereof.

Article 86 A fine may be imposed for any of the following acts which violate this Law and the illegal proceeds obtained therefrom shall be confiscated if there any:

(a) for a means of transport to enter or leave the territory at a place without a Customs office;

(b) to fail to inform the Customs of the arrival or departure time, the place of stay or any change of the place of an inward or outward means of transport;

(c) to fail to declare truthfully to the Customs the import or export of goods or articles or the transit, transshipment and through goods;

(d) to fail to accept ,in accordance with relevant provisions, the check

and inspection by Customs of the means of transport, goods or articles entering or leaving the territory;

(e) for an inward or outward means of transport to load or unload inward or outward goods or articles or embark or disembark passengers without Customs approval;

(f) for an inward or outward means of transport staying at a place with Customs office to leave without Customs approval;

(g) for an inward or outward means of transport, on the way from a place with Customs office to another, failing to complete the Customs formalities and without Customs approval, to move out of the territory or to a place within the territory without Customs office;

(h) for an inward or outward means of transport to engage concurrently or change to engage in domestic transport without Customs approval;

(i) for an inward or outward vessel or aircraft which, due to force majeure, being forced to anchor or descend at a place without Customs office, or chuck or unload goods or articles within the territory, to fail to report to Customs nearby without reasonable excuse;

(j) to open and dismantle, collect, deliver, forward, transpose, refit, mortgage, impawn, keep, transfer, replace label, shift to other use or conduct other treatment on goods under Customs supervision and control without Customs permission;

(k) to open or break Customs seals without permission;

(l) while engaging in such operations as transportation, storage and process of goods under Customs supervision and control, the records of loss of goods or related records are untrue without reasonable excuse; or

(m) to have any other acts violating provisions of Customs supervision and control.

Article 87 Where an enterprise approved by Customs engaging in related operations violates relevant provisions of this Law, Customs may order it to correct, render it a warning, suspend it from engaging in related operations or revoke its registration.

Article 88 Whoever engages in declaration business without Customs registration or occupation qualification of declaration shall be banned by Customs, the illegal proceeds obtained therefrom shall be confiscated, and a fine shall be imposed concurrently;

Article 89 Where a Customs clearing agent or its staff engaging in declaration declares on behalf of others illegally or conducts its declaration operation that exceeds its business scope, Customs may order it to correct, impose a fine on it or suspend it from operating; if the circumstance is serious, Customs may revoke its declaration registration or its occupation qualification for declaration.

Article 90 Where an importer of import goods or an exporter of export goods, a Customs clearing agent or its staff bribes Customs personnel, Customs may revoke its declaration registration or its occupation qualification and concurrently impose a fine; whoever constitutes a crime shall be investigated for criminal liability according to law and shall not be re-registered to be a Customs clearing agent or re-acquire a declaration qualification certificate.

Article 91 Whoever imports or exports goods which constitute infringement on the intellectual property rights under protection by laws and administrative regulations of the People's Republic of China which violating the provisions of this Law, the infringing goods shall be confiscated by Customs and a fine shall be imposed thereof; where the case constitutes a crime the person or persons concerned shall be investigated for criminal liability according to law.

Article 92 Goods, articles or means of transport detained by Customs according to law shall not be disposed of before the People's Court makes a judgement or Customs makes a decision of punishment. However, hazard goods or such goods and articles not suitable for storage for a long time as fresh and live ones, perishable ones or easy to be expired ones and goods or articles that the owner applies to sell off in advance may, on approval of director of regional Customs or the authorized director of a subordinate Customs, be sold off in advance according to law, and Customs shall keep the money thus obtained and inform the owner of the goods or articles.

The smuggled goods or articles, illegal proceeds obtained therefrom, means of transport or equipment specially made for smuggling being confiscated by judgement of the People's Court or punishment decision of Customs shall be disposed by Customs according to law, the money thus obtained and the fine imposed by Customs shall be turned over to the State Treasury.

Article 93 Where a person concerned refuses to carry out punishment decision of Customs overdue nor apply for reviewing or file a lawsuit to the People's Court, the Customs giving the punishment decision may hand over his security or, sell off the detained goods, articles or means of transport of the party and hand over the money thus obtained

according to law, or apply to the People's Court for a compulsory execution.

Article 94 When inspecting inward and outward goods and articles, Customs shall compensate for the actual loss where it causes damage to goods and articles being inspected.

Article 95 Customs shall bear compensation liability when illegally detaining goods, articles and means of transport and rendering losses in legal rights and interests of the person concerned.

Article 96 Customs personnel shall be imposed upon administrative sanctions according to law where he has any of the acts listed in Article 72 of this Law; the illegal proceeds obtained therefrom shall be confiscated if there any; where the case constitutes a crime they shall be investigated for criminal liability according to law.

Article 97 Where fiscal income and expenses of a Customs breach laws and regulations, it shall be treated according to the provisions of laws and regulations by the auditing department and relevant departments; the person in charge which bearing direct responsibilities and other persons directly responsible shall be imposed upon administrative sanctions according to law; where the case constitutes a

crime they shall be investigated for criminal liability according to law.

Article 98 Failing to keep secrecy for labelant, accuser or informant according to the provisions of this Law, the person in charge which bearing direct responsibilities and other persons directly responsible shall be imposed upon administrative sanctions according to law by the entity to which they belong or relevant entities.

Article 99 Where Customs personnel fail to withdraw according to the provisions of this Law in investigating and handling cases of illegality, the person in charge which bearing direct responsibilities and other persons directly responsible shall be imposed upon disciplinary sanctions according to law.

#### Chapter IX Supplementary Provisions

Article 100 Terms used in this Law are defined as follows:

The term "regional Customs" means the Customs under the direct leadership of the Customs General Administration and responsible for the administration of the Customs work in a certain area. The term "subordinate Customs" means the Customs under the leadership of a regional Customs and dealing with specific Customs formalities.

The term "inward and outward means of transport" means various



vessels, vehicles, aircraft and animals of burden which enter or leave the territory carrying persons, goods and articles.

The term "transit, transshipment and through goods" means goods which come from a place outside the territory and pass through the territory en route to a place outside the territory. Among them, "transit goods" are those which pass through the territory by land, "transshipment goods" are those which do not pass through the territory by land but call for a change of the means of transport at a place with a Customs office, and "through goods" are those which are carried into and out of the territory by the same vessel or aircraft.

The term "goods under Customs control" means import and export goods, transit goods, transshipment goods and through goods listed under Article 23 of this Law, goods granted with specific duty reduction and exemption, temporary import and export goods, bonded goods and other inward and outward goods for which Customs formalities have not been completed.

The term "bonded goods" means goods which have entered the territory, approved by the Customs as items for which no formalities are performed in the way of duty payment, and will be reshipped out of the territory after being stored, processed or assembled in the

territory.

The term "Customs surveillance zone" means any seaport, railway and highway station, airport, border pass or international postal matter exchange where there is a Customs office, any other place where Customs control is conducted, or any place without a Customs office but which has been approved by the State Council as a point of entry into and exit from the territory.

Article 101 The State Council will draw up rules governing the control over the means of transport, goods and articles of other parts of the territory entering and leaving the Special Economic Zone and other specially designated areas.

Article 102 This Law goes into effect as of July 1, 1987 whereupon the Provisional Customs Law of the People's Republic of China pro