

# Measures for Administration of Import of Specified Used Mechanical and Electronic Products

**Article 1** With a view to maintaining state security and public interests, to protect health or safety of human, life or health of fauna and flora and environment, these measures are formulated in accordance with the *Foreign Trade Law of The People's Republic of China*, the *Law of the People's Republic of China on Import and Export Commodity Inspection*, the *Administrative License Law of the People's Republic of China*, the *Customs Law of the People's Republic of China*, the *Regulation of the People's Republic of China on the Administration of the Import and Export of Goods*, the *Regulation of the People's Republic of China on the Inspection of the Import and Export Commodities* and other relevant laws and administrative regulations.

**Article 2** These Measures shall be applicable to the import of specified used mechanical and electronic products to the People's Republic of China.

These Measures do not apply to the specified used mechanical and electronic products in areas under special customs supervision and customs bonded and supervisory areas from abroad, and the specified used mechanical and electronic products in areas under special customs supervision from outside of the areas (within boundaries of China) and waiting to leave the areas.

These Measures shall apply to the specified used mechanical and electronic products in areas under special customs supervision and customs bonded and supervisory areas from abroad to the outside (within boundaries of China) of areas under special customs supervision and customs bonded and supervisory areas.

**Article 3** Specified used mechanical and electronic products refer to the used mechanical and electronic products concerning state security, social public interests, human health or safety, life or health of fauna and flora and polluting environment. The administration of restrictive import shall be implemented for the specified used mechanical and electronic products.

**Article 4** The *Catalogue of Import of Specified Used mechanical and Electronic Products* is incorporated in the *Catalogue of Commodities Subject to Import License Administration*, and is made, adjusted and promulgated by the Ministry of Commerce (hereafter referred as MOFCOM), together with the General Administration of Customs (hereafter referred as GAC) and the General Administration of Quality Supervision, Inspection and Quarantine (hereafter referred as GAQSIQ).

**Article 5** The MOFCOM is responsible for national administration of import of specified used

mechanical and electronic products.

**Article 6** Import license administration is applicable to the import of specified used mechanical and electronic products. The MOFCOM is responsible for appraisal of import application of specified used mechanical and electronic products and the Bureau of Quota License Affairs of the MOFCOM is responsible for license issuance of *Import License* (see appendix 1).

**Article 7** Applications for import of specified used mechanical and electronic products shall be submitted by final users, and those for import of specified used mechanical and electronic products that used for renovation (including remanufacture) shall be submitted by entities with qualifications of renovation business.

**Article 8** Entities applying for import of specified used mechanical and electronic products shall provide the MOFCOM with the following materials:

- (1) Explanations of purposes of the specified used mechanical and electronic products applied for import.
- (2) The *Application Form for Import of Mechanical and Electronic Products* (see appendix 2).
- (3) Business Licenses (duplicates).
- (4) Evidentiary materials of manufacturing time of the specified used mechanical and electronic products applied for import.
- (5) Descriptions of the equipment situation by the entities applying for import.
- (6) Other documents required by other relevant laws and administrative regulations.

**Article 9** Entities involved in renovation business of imported specified used mechanical and electronic products shall, if there is a requirement for qualification by the state, provide qualification certification documents except materials mentioned in above eight articles.

**Article 10** Importers applying for import of used vessels shall provide materials listed in Item 1 to Item 3 of Article 8 as well as the *Technical Assessment on the Imported Used Vessel* by the Maritime Safety Administration PRC and the *Technical Assessment on the Import Used Fishing Vessel* by the Register of Fishing Vessel PRC.

**Article 11** Import entities can make online or written applications on the import of specified used mechanical and electronic products to the MOFCOM.

Procedures for written application: (1) Entities applying for import can obtain the *Application Form for Import of Mechanical and Electronic Products* (copyable) from issuance agencies or download it in the website authorized by the MOFCOM (<http://www.chinabidding.com/>); (2) Fill the *Application Form for Import of Mechanical and Electronic Products* with true information according to requirements (write down the manufacturing date of the equipment in the “specification and type”

column or technical assessment number if the imports are used vessels); (3) Provide relevant written materials stipulated from Article 8 to Article 10 hereof at the meantime; (4) Mechanical and Electronic Import and Export Offices in local areas and departments report to the MOFCOM after check of relevant materials.

Procedures for online application: (1) Entities applying for import can visit the website authorized by the MOFCOM (<http://www.chinabidding.com/>) to enter the application system of import license for mechanical and electronic products; (2) Fill the *Application Form for Import of Mechanical and Electronic Products* with true information according to requirements (write down the manufacturing date of the equipment in the “specification and type” column or technical assessment number if the imports are used vessels); (3) Mechanical and Electronic Import and Export Offices in local areas and departments report to the MOFCOM after check of relevant materials.

Relevant written materials that required in Article 8 to Article 10 hereof yet unable to submit with the *Application Form for Import of Mechanical and Electronic Products* shall send to the MOFCOM after check by corresponding Mechanical and Electronic Import and export Offices in local areas and departments.

The application information provided by the entities applying for import shall be accurate and valid.

**Article 12** The MOFCOM shall accept an application officially and issue a notice of acceptance to the entity applying for import if its application materials are complete.

The MOFCOM shall notify the entity applying for import within five working days upon receipt of application materials for one time if it deems the application materials do not comply with requirements and require the entity to make explanation of some issues, supplement relevant documents or adjust relevant filled contents.

**Article 13** The MOFCOM can collect opinions of relevant departments or trade associations, if necessary, after formal acceptance of application.

**Article 14** The MOFCOM shall verify applications in accordance with following requirements:

- (1) The specified used mechanical and electronic products applied for import shall meet requirements of state security and public interests and those of protection of human safety or health and life or health of fauna and flora.
- (2) The specified used mechanical and electronic products applied for import shall meet compulsory requirements of state technical norms concerning safety, sanitation and environmental protection.
- (3) The specified used mechanical and electronic products applied for import by entities

applying for import shall coincide with the entities' business scopes.

- (4) Entities applying for import shall have no illegal acts such as crimes of smuggling, smuggling acts, dodging and evasion of exchanges, and scalping of import certificates in straight three years.
- (5) Observance of relevant provisions provided in other laws and administrative regulations.

**Article 15** The MOFCOM shall determine whether approve the import application or not within 20 days after official acceptance.

If collection of opinions from relevant departments or trade associations are needed, the MOFCOM shall determine whether approve the import application or not within 35 days after official acceptance.

**Article 16** The Bureau of Quota License Affairs of the MOFCOM shall issue Import License against approval documents by the MOFCOM.

**Article 17** Entities applying for import shall go through inspecting procedures in inspection and quarantine agencies with relevant certificates of import of used mechanical and electronic products and other relevant documents, and inspection and quarantine agencies shall issue an *Inbound Goods Notice* for the products met requirements (write “for file of import of used mechanical and electronic products” in the remark column).

**Article 18** The specified used mechanical and electronic products are allowed to be imported when they passed inspection and quarantine.

The Maritime Safety Administration PRC and its authorized agencies are responsible for inspection of imported used vessels; the Register of Fishing Vessel PRC is responsible for inspection of used fishing vessels; the Civil Aviation Administration of China is responsible for inspection of used airplanes.

The GAQSIQ and its authorized agencies are responsible for quarantine of all other imported specified used mechanical and electronic products as well as inspection of specified used mechanical and electronic products except imported used vessels and aircrafts.

**Article 19** The *Import License* is in quadruplicate.

Import entities shall conclude overseas contracts and purchase exchanges from banks with the *Import License*, and handle clearance procedures in customs with the *Import License* (mark “old” in “product name” column) and the *Customs Clearance Form of Entry of Goods* (mark “file of import of used mechanical and electronic products” in Remark column).

**Article 20** The “one-batch-one-license” and “non-one-batch-one–license” is applicable to the administration of *Import License*.

“One-batch-one-license” means the same Import License shall not be used for clearance for several times accumulatively.

“Non-one-batch-one-license” means the same *Import License* can be used for clearance for several times accumulatively within the period of validity, but shall not exceed 12 times accumulatively. Customs shall write remarks in the column of “customs examination remark” of the original *Import License* (first page) with round hand and keep copies, and retain the original one after its final usage.

**Article 21** *Import License* has one-year period of validity and is valid in the same year. In special cases when it is needed to use in the next year, the maximal period of validity shall not exceed March 31 of the next year.

In the case of some contents of the *Import License* are needed to be altered for special reasons within the valid term, import entities shall take the original *Import License* to the original issuance agency to apply for alteration or replacement of license; the original issuance agency shall withdraw the used license. No alteration of the *Import License* is needed if the actual foreign exchange used is less than 10% of the foreign exchange quota.

Import entities that need to extend *Import License* for special reasons shall apply for transaction of procedures for extended replacement of license. *Import License* can be extended for only once and for 3 month to the maximal extent.

If the *Import License* subject to “non-one-batch-one-license” is needed to be extended or altered, new license can be issued according to the rest amount deducted those have cleared from the total amount in the original license.

**Article 22** If the *Import License* is lost, the import entity shall report the loss to the original issuance agency immediately. If there is no negative consequence after check of the original issuance agency, license shall be reissued.

**Article 23** The power of interpretation hereof rest with the MOFCOM, the GAC and the GAQSIQ.

**Article 24** These Measures take effect as of May 1, 2008.

**The Ministry of the Ministry of Commerce,  
the Ministry of the General Administration  
of Customs and the Ministry of the General  
Administration of Quality Supervision,  
Inspection and Quarantine  
April 7, 2008**

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