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## PROVISIONAL REGULATIONS ORIGIN OF IMPORT AND EXPORT GOODS OF THE PEOPLE'S REPUBLIC OF CHINA

The Rules of the People's Republic of China on the Origin of Exported Goods issued by the State Council on March 8, 1992 and the Interim Provisions of the People's Republic of China on the Origin of Imported Goods issued by the General Administration of Customs on December 6, 1986 shall be repealed simultaneously.

These Regulations shall come into force as of January 1, 2005.



#### **Article 1**

These Regulations are formulated in order to correctly determine the origin of import and export goods, effectively implement various trade measures, and promote the development of foreign trade.

#### **Article 2**

These Regulations are applicable to the implementation of non-preferential trade measures such as MFN treatment, anti-dumping and countervailing measures, safeguard measures, origin mark management, country quantity restrictions, tariff quotas, and other activities such as government procurement and trade statistics to determine the origin of import and export goods.

These Regulations are not applicable to the determination of the origin of import and export goods by implementing preferential trade measures. The specific measures shall be formulated separately in accordance with the relevant provisions of the international treaties and agreements concluded or acceded to by the People's Republic of China.

#### **Article 3**

The goods completely obtained in a country (region) shall be the country (region) of origin; For goods produced by more than two countries (regions), the country (region) that has finally completed the substantial change shall be the origin.

#### **Article 4**

The term "goods obtained exclusively in a country (region)" mentioned in Article 3 of these Regulations refers to:

1. Live animals born and raised in the country (region);
2. Animals caught, caught and collected in the wild in the country (region);
3. Unprocessed articles obtained from live animals in the country (region);
4. Plants and plant products harvested in the country (region);
5. Minerals mined in the country (region);
6. Other naturally generated articles obtained in the country (region) other than those within the scope of items (1) to (5) of this article;
7. Waste and crushed materials produced in the production process of the country (region) that can only be discarded or recycled as materials;
8. Items collected in the country (region) that

cannot be repaired or repaired, or parts or materials recovered from such items;

9. Marine catch and other articles obtained by vessels lawfully flying the flag from the waters outside their territorial waters;
10. The products obtained by processing the articles listed in Item (9) of this Article on the processing ships legally flying the national flag;
11. Articles obtained from the seabed or subsoil of the seabed outside the territorial sea of the country with exclusive mining rights;
12. Products produced in the country (region) exclusively from the items listed in items (1) to (11) of this article.

#### **Article 5**

When determining whether the goods are fully obtained in a country (region), the following minor processing or processing shall not be considered:

1. Processing or treatment for the preservation of goods during transportation and storage;
2. Processing or treatment for the convenience of loading and unloading of goods;
3. Packaging and other processing or processing for the sale of goods.

#### **Article 6**

The determination criteria for the substantive changes set forth in Article 3 of these Regulations shall be based on the changes in the classification of tax rules; If the change of tax classification cannot reflect the substantive change, the ad valorem percentage, manufacturing or processing process, etc., shall be taken as the supplementary standard. The specific standards shall be formulated by the General Administration of Customs and the Ministry of Commerce.

The change of tariff classification mentioned in the first paragraph of this article refers to the change of tariff classification of the goods obtained at a certain level in the Import and Export Tariff of the People's Republic of China after the manufacturing and processing of materials not originating in that country (region) in a certain country (region).

The ad valorem percentage mentioned in the first paragraph of this article refers to the value-added part after manufacturing and processing non-originating materials in a certain country (region), which exceeds a certain percentage of the value of the goods.

The manufacturing or processing process mentio-

ned in the first paragraph of this article refers to the main process that gives the basic characteristics of the goods after manufacturing or processing in a certain country (region).

Before the implementation of the Harmonized Non-Preferential Rules of Origin of the World Trade Organization, the specific criteria for determining the substantive changes in the origin of import and export goods shall be separately formulated by the General Administration of Customs and the Ministry of Commerce according to the actual situation.

#### **Article 7**

The origin of energy, plant, equipment, machinery and tools used in the production of goods, as well as the origin of materials that do not constitute the material components or components of the goods, does not affect the determination of the origin of the goods.

#### **Article 8**

If the packaging, packaging materials and containers imported and exported with the packed goods are classified together with the goods in the Import and Export Tariff of the People's Republic of China, the origin of the packaging, packaging materials and containers does not affect the determination of the origin of the packed goods; The origin of the packaging, packaging materials and containers is no longer determined separately, and the origin of the packed goods is the origin of the packaging, packaging materials and containers.

If the packaging, packaging materials and containers imported and exported with the goods are not classified with the goods in the Import and Export Tariff of the People's Republic of China, the origin of the packaging, packaging materials and containers shall be determined in accordance with the provisions of these Regulations.

#### **Article 9**

If the accessories, spare parts, tools and descriptive materials imported and exported with the goods are classified together with the goods in the Import and Export Tariff of the People's Republic of China according to the types and quantities normally provided, the origin of the accessories, spare parts, tools and descriptive materials does not affect the determination of the origin of the goods; The origin of the accessories, spare parts, tools and introductory materials is no longer de-

termined separately. The origin of the goods is the origin of the accessories, spare parts, tools and introductory materials.

Although the accessories, spare parts, tools and descriptive materials accompanying the import and export of goods are classified together with the goods in the Import and Export Tariff of the People's Republic of China, if they exceed the type and quantity normally equipped, and if they are not classified together with the goods in the Import and Export Tariff of the People's Republic of China, the origin of the accessories, spare parts, tools and descriptive materials shall be determined in accordance with the provisions of these Regulations.

#### **Article 10**

Any processing or processing of goods is to avoid the relevant provisions of the People's Republic of China on anti-dumping, countervailing and safeguard measures. The customs may not consider such processing and processing when determining the origin of the goods.

#### **Article 11**

When the consignee of imported goods goes through the customs declaration formalities of imported goods in accordance with the Customs Law of the People's Republic of China and relevant provisions, he shall truthfully declare the origin of the imported goods in accordance with the criteria for determining the origin specified in these Regulations; If the origin of the same batch of goods is different, the origin shall be declared separately.

#### **Article 12**

Before the import of imported goods, the consignee of the imported goods or other parties directly related to the imported goods may, with justifiable reasons, apply in writing to the customs to make a pre-determined decision on the origin of the goods to be imported; The applicant shall provide the customs with the information necessary for making the pre-determination of the origin according to the regulations.

The customs shall, within 150 days from the date of receipt of the written application for pre-determination of the place of origin and all necessary information, make a pre-determination decision on the place of origin of the imported goods in accordance with the provisions of these Regulations and make it public.

#### **Article 13**

After accepting the declaration, the customs shall examine and determine the origin of the imported goods in accordance with the provisions of these Regulations.

For the goods that have made the pre-determined decision of origin, when the goods are actually imported within 3 years from the date of the pre-determined decision, the customs will not re-determine the origin of the imported goods if the goods that are actually imported are consistent with the goods described in the pre-determined decision after verification by the customs, and the standards for determining the origin specified in these regulations have not changed; If the goods actually imported by the customs are not consistent with the goods mentioned in the pre-determined decision, the customs shall re-examine and determine the origin of the imported goods in accordance with the provisions of these Regulations.

#### **Article 14**

When examining and determining the origin of imported goods, the customs may require the consignee of imported goods to submit the certificate of origin of the imported goods and examine it; If necessary, the relevant authorities of the country (region) where the goods are exported can be requested to verify the origin of the goods.

#### **Article 15**

According to the written application submitted by the foreign trade operator, the customs may, in accordance with the provisions of **Article 43** of the Customs Law of the People's Republic of China, make an administrative ruling in advance to determine the origin of the goods to be imported and make it public.

The same administrative ruling shall apply to the import of the same goods.

#### **Article 16**

The State exercises control over the marks of origin. Where the goods or their packages are marked with a mark of origin, the place of origin indicated by the mark of origin shall be consistent with the place of origin determined in accordance with these Regulations.

#### **Article 17**

The consignor of export goods may apply to the

customs, the China Council for the Promotion of International Trade and its local branches (hereinafter referred to as the visa agency) for the certificate of origin of export goods.

#### **Article 18**

When applying for the certificate of origin of export goods, the consignor of export goods shall go through the registration formalities with the certification authority, truthfully declare the origin of export goods in accordance with the provisions, and provide the certification authority with the information necessary for issuing the certificate of origin of export goods.

#### **Article 19**

After accepting the application of the consignor of export goods, the certification authority shall examine and determine the origin of export goods and issue the certificate of origin of export goods in accordance with the provisions; For export goods not originating in the People's Republic of China, the certificate of origin of export goods shall be refused.

The specific measures for the issuance and administration of certificates of origin for export goods shall be formulated separately by the General Administration of Customs in conjunction with other relevant departments and agencies of the State Council.

#### **Article 20**

At the request of the relevant authorities of the country (region) where the export goods are imported, the customs and visa authorities may verify the origin of the export goods and timely feed back the verification results to the relevant authorities of the importing country (region).

#### **Article 21**

The customs and visa agencies shall keep confidential the data and information used to determine the origin of goods, except that they can be provided according to relevant regulations or with the permission of the unit or individual providing the data and information.

#### **Article 22**

Those who declare the origin of imported goods in violation of the provisions of these Regulations shall be punished in accordance with the relevant

provisions of the Foreign Trade Law of the People's Republic of China, the Customs Law of the People's Republic of China and the Regulations of the People's Republic of China on the Implementation of Customs Administrative Penalties.

#### **Article 23**

Where anyone provides false materials to defraud the certificate of origin of export goods or forges, alters, trades or steals the certificate of origin of export goods, the customs shall impose a fine of not less than 5000 yuan but not more than 100000 yuan; Anyone who fraudulently obtains, forges, alters, buys or sells or steals the certificate of origin of export goods as a certificate of customs clearance shall be fined less than the value of the goods, but if the value of the goods is less than 5000 yuan, he shall be fined 5000 yuan. If there are illegal gains, the customs shall confiscate the illegal gains. If a crime is constituted, criminal responsibility shall be investigated according to law.

#### **Article 24**

If the mark of origin of import and export goods is inconsistent with the place of origin determined in accordance with these Regulations, the customs shall order correction.

#### **Article 25**

Any staff member who determines the origin of import and export goods in violation of the procedures prescribed in these Regulations, or divulges the known trade secrets, or abuses his power, neglects his duty, or engages in malpractices for personal gain, shall be given administrative sanctions according to law; The illegal gains, if any, shall be confiscated; If a crime is constituted, criminal responsibility shall be investigated according to law.

#### **Article 26**

The meaning of the following terms in these Regulations:

Acquisition refers to capture, fishing, collection, harvesting, mining, processing or production.

The origin of goods refers to the country (region) that has obtained a certain goods according to these regulations.

A certificate of origin is a written document issued by the exporting country (region) in accordance with the rules of origin and relevant requirements, clearly indicating that the goods listed in the certifi-

cate originate from a specific country (region).

The origin mark refers to the words and graphics used to indicate the origin of the goods on the goods or packages.

#### **Article 27**

These Regulations shall come into force as of January 1, 2005. The Rules of the People's Republic of China on the Origin of Exported Goods issued by the State Council on March 8, 1992 and the Interim Provisions of the People's Republic of China on the Origin of Imported Goods issued by the General Administration of Customs on December 6, 1986 shall be repealed simultaneously.



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