
PRESIDENTIAL ORDER OF THE PEOPLE'S REPUBLIC OF CHINA

(No. 23)

The Tariff Law of the People's Republic of China was adopted at the 9th Session of the Standing Committee of the Fourteenth National People's Congress on April 26, 2024. It is hereby promulgated and shall come into effect on December 1, 2024.

President of the People's Republic of China: Xi Jinping
April 26, 2024

Tariff Law of the People's Republic of China
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Chapter I: General Provisions

Article 1

This Law is formulated in accordance with the Constitution to standardize the collection and payment of tariffs, maintain import and export order, promote foreign trade, advance high-level opening up, promote high-quality development, safeguard national sovereignty and interests, and protect the lawful rights and interests of taxpayers.

Article 2

Tariffs on goods permitted for import and export and Articles entering the territory of the People's Republic of China shall be levied by customs in accordance with this Law and relevant laws and administrative regulations.

Article 3

The consignee of imported goods, the consignor of exported goods, the carrier or addressee of Articles entering the territory are the taxpayers of tariffs. E-commerce platform operators, logistics enterprises, and customs declaration enterprises engaged in cross-border e-commerce retail import, as well as units and individuals obligated to withhold and remit tariff payments as stipulated by laws and administrative regulations, are the withholding agents for tariffs.

Article 4

The tariff items, tariff rates, and the applicable rules for tariff items and rates for imported and exported goods shall be implemented in accordance with the "Import and Export Tariff Schedule of the People's Republic of China" (hereinafter referred to as the "Tariff Schedule") annexed to this Law.

Article 5

Tariffs on Articles entering the territory for personal use within reasonable quantities shall be levied according to a simplified collection method. Articles entering the territory exceeding reasonable personal quantities shall be subject to tariffs as imported goods.

Articles entering the territory for personal use within reasonable quantities, up to a prescribed amount, shall be exempt from tariffs.

The simplified collection method for tariffs on Articles entering the territory and the amount for tariff exemption shall be stipulated by the State Council

and reported to the Standing Committee of the National People's Congress for the record.

Article 6

Tariff work shall adhere to the leadership of the Communist Party of China, implement the Party and state's guidelines, policies, decisions, and deployments, and serve national economic and social development.

Article 7

The State Council shall establish a Customs Tariff Commission, responsible for the following duties:

1. Deliberating on major plans for tariff work, formulating plans for tariff reform and development, and organizing their implementation;
2. Deliberating on major tariff policies and proposals for external tariff negotiations;
3. Proposing adjustments to the Tariff Schedule;
4. Regularly compiling and publishing the Tariff Schedule;
5. Interpreting tariff items and rates in the Tariff Schedule;
6. Deciding on the imposition of anti-dumping duties, countervailing duties, safeguard tariffs, and implementing other tariff measures decided by the State Council;
7. Other duties prescribed by laws, administrative regulations, and the State Council.

The composition and working rules of the State Council Customs Tariff Commission shall be stipulated by the State Council.

Article 8

Customs and their staff shall, in accordance with the law, keep confidential the business secrets, personal privacy, and personal information of taxpayers and withholding agents obtained in the course of performing their duties, and shall not disclose or illegally provide such information to others.

Chapter II: Tariff Items and Rates

Article 9

Tariff items consist of tariff line numbers, heading texts, etc.

Rules for the application of tariff items include classification rules, etc. The commodity classification of imported and exported goods shall be determined according to the heading texts, general rules for

interpretation, section notes, chapter notes, sub-heading notes, national subheading notes, and other classification notes stipulated in the Tariff Schedule, and shall be classified into the corresponding tariff line numbers.

Based on actual needs, the State Council Customs Tariff Commission may propose adjustments to tariff items and their application rules, which, after approval by the State Council, shall be published and implemented.

Article 10

Import tariffs shall have Most-Favored-Nation (MFN) rates, Agreement rates, Special preferential rates, and General rates.

Export tariffs shall have Export rates.

For imported and exported goods subject to tariff-rate quota management, Tariff-rate quota rates shall apply.

Provisional tariff rates may be applied to imported and exported goods for a specified period.

Article 11

The application of tariff rates shall comply with the corresponding rules of origin.

Goods wholly obtained in one country or region shall have that country or region as the origin; goods produced in two or more countries or regions shall have the country or region where the last substantial transformation was carried out as the origin. If the State Council has other provisions for determining the origin in accordance with international treaties or agreements concluded or acceded to by the People's Republic of China, those provisions shall prevail.

The specific determination of the origin of imported goods shall be implemented in accordance with this Law and the regulations of the State Council and its relevant departments.

Article 12

MFN rates shall apply to imported goods originating from WTO members to which the MFN treatment clause is commonly applied, to imported goods originating from countries or regions that have concluded or jointly acceded to international treaties or agreements containing mutual MFN treatment clauses with the People's Republic of China, and to imported goods originating from within the territory of the People's Republic of China.

Agreement rates shall apply to imported goods

originating from countries or regions that have concluded or jointly acceded to international treaties or agreements containing tariff preference clauses with the People's Republic of China and that comply with the relevant provisions of the international treaties or agreements.

Special preferential rates shall apply to imported goods originating from countries or regions to which the People's Republic of China grants special tariff preferences and that comply with the state's origin management regulations.

General rates shall apply to imported goods originating from countries or regions other than those specified in paragraphs 1 to 3 of this Article, and to imported goods of unknown origin.

Article 13

Where imported goods eligible for MFN rates are subject to provisional tariff rates, the provisional rates shall apply.

Where imported goods eligible for Agreement rates are subject to provisional tariff rates, the lower rate shall apply; where the MFN rate for such goods is lower than the Agreement rate and no provisional rate applies, the MFN rate shall apply.

Where imported goods eligible for Special preferential rates are subject to provisional tariff rates, the lower rate shall apply.

Provisional tariff rates shall not apply to imported goods subject to General rates.

Where exported goods subject to Export rates are subject to provisional tariff rates, the provisional rates shall apply.

Article 14

For imported and exported goods subject to tariff-rate quota management, the tariff-rate quota rate shall apply within the quota, and provisional rates shall apply if applicable; for goods outside the quota, the applicable rates shall be determined in accordance with Articles 12 and 13 of this Law.

Article 15

Adjustments to tariff rates shall be executed according to the following provisions:

1. Where adjustments are needed to the MFN rates, tariff-rate quota rates, and export rates committed to in China's Protocol of Accession to the World Trade Organization, the State Council Customs Tariff Commission shall propose recommendations, which, after review

by the State Council, shall be submitted to the Standing Committee of the National People's Congress for decision.

2. Adjustments to MFN rates, tariff-rate quota rates, and export rates within the scope committed to in China's Protocol of Accession to the World Trade Organization based on actual circumstances, adjustments to the countries or regions, scope of goods, and rates applicable to Special preferential rates, or adjustments to General rates, shall be decided by the State Council and reported to the Standing Committee of the National People's Congress for the record.
3. The application of MFN rates under special circumstances shall be decided by the State Council and reported to the Standing Committee of the National People's Congress for the record.

Agreement rates shall be organized and implemented by the State Council Customs Tariff Commission after completing the ratification or approval procedures for the relevant international treaties or agreements.

The scope of goods, rates, and time limits for the application of provisional tariff rates shall be decided by the State Council Customs Tariff Commission. Technical conversions of rates related to adjustments of tariff items shall be proposed by the State Council Customs Tariff Commission and implemented after approval by the State Council.

Adjustments to tariff rates according to the preceding four paragraphs shall be published by the State Council Customs Tariff Commission.

Article 16

Where anti-dumping duties, countervailing duties, or safeguard tariffs are imposed on imported goods in accordance with the law, the application of their rates shall be implemented according to the provisions of relevant laws and administrative regulations on anti-dumping, countervailing, and safeguards.

Article 17

If any country or region fails to fulfill the MFN treatment clause or tariff preference clauses in international treaties or agreements concluded or jointly acceded to with the People's Republic of China, the State Council Customs Tariff Commission may propose to take corresponding measures in accordance with the principle of reciprocity, which shall be im-

plemented after approval by the State Council.

Article 18

If any country or region, in violation of international treaties or agreements concluded or jointly acceded to with the People's Republic of China, adopts prohibitive, restrictive, tariff-increasing, or other measures affecting normal trade against the People's Republic of China in trade, retaliatory tariffs and other measures may be imposed on imported goods originating from that country or region.

The scope of goods, applicable countries or regions, rates, time limits, and collection methods for imposing retaliatory tariffs shall be proposed by the State Council Customs Tariff Commission and implemented after approval by the State Council.

Article 19

For imported goods involving the measures stipulated in Articles 16, 17, and 18 of this Law, where the taxpayer fails to provide supporting materials, or provides supporting materials but after customs review, the goods cannot be excluded from originating from the country or region subject to the stipulated measures, the higher of the following two rates shall apply to such goods:

1. The sum of the highest rate applied to the relevant goods due to the stipulated measures and the rate applicable according to Articles 12, 13, and 14 of this Law;
2. The General rate.

Article 20

Imported and exported goods and Articles entering the territory shall be subject to the tariff rates in effect on the date the taxpayer or withholding agent completes the declaration.

For imported goods declared in advance with customs approval before arrival, the tariff rates in effect on the date the means of transport carrying the goods declares entry shall apply.

Article 21

Under any of the following circumstances, the tariff rates in effect on the date the taxpayer or withholding agent goes through the tax payment procedures shall apply:

1. Bonded goods are not shipped out of the territory and are sold domestically;
2. Duty-reduced or duty-exempt goods are transferred, diverted to other uses, or otherwise dis-

- posed of with approval;
3. Temporarily imported goods are not shipped out of the territory or temporarily exported goods are not shipped back into the territory;
 4. Leased imported goods are purchased at the end of the lease or taxes are paid in installments.

Article 22 For recovering or refunding tariff payments, the applicable rates shall be determined according to Article 20 or 21 of this Law.

Where taxes need to be recovered due to violations by the taxpayer or withholding agent, the rates in effect on the date of the violation shall apply; if the date of the violation cannot be determined, the rates in effect on the date customs discovers the violation shall apply.

Chapter III: Tax Payable

Article 23

Tariffs shall be levied on an ad valorem, specific, or compound basis.

For ad valorem duties, the tax payable is calculated as the dutiable value multiplied by the ad valorem rate.

For specific duties, the tax payable is calculated as the quantity of goods multiplied by the specific rate.

For compound duties, the tax payable is calculated as the sum of the dutiable value multiplied by the ad valorem rate and the quantity of goods multiplied by the specific rate.

Article 24

The dutiable value of imported goods shall be determined based on the transaction value and the cost of transport, insurance, and related charges incurred in bringing the goods to the place of entry into the territory of the People's Republic of China. The transaction value of imported goods refers to the total price actually paid or payable by the buyer to the seller for the goods when sold for import into the territory of the People's Republic of China, adjusted in accordance with Articles 25 and 26 of this Law, including directly and indirectly paid prices.

The transaction value of imported goods shall meet the following conditions:

1. There are no restrictions on the buyer's disposition or use of the goods, except for restrictions imposed by laws or administrative regulations, restrictions on the geographical area

- in which the goods may be resold, and restrictions that do not substantially affect the value of the goods;
2. The transaction value of the goods is not indeterminate due to tie-in sales or other conditions;
3. The seller does not obtain, directly or indirectly, any proceeds from any subsequent resale, disposal, or use of the goods by the buyer, or if there are such proceeds, they can be adjusted in accordance with Articles 25 and 26 of this Law;
4. The buyer and seller are not related, or if related, the relationship did not influence the transaction value.

Article 25

The following charges relating to imported goods shall be included in the dutiable value:

1. Commissions and brokerage fees, except buying commissions, borne by the buyer;
2. The cost of containers which are treated as being one for customs purposes with the goods in question, borne by the buyer;
3. The cost of packing materials and packing labor borne by the buyer;
4. The value, apportioned as appropriate, of materials, components, parts, tools, dies, consumables, and similar items used in the production of the imported goods, and of engineering, development, artwork, design work, and plans and sketches undertaken elsewhere than in the territory of the People's Republic of China and necessary for the production of the imported goods, where such items and services are supplied directly or indirectly by the buyer free of charge or at a reduced cost for use in connection with the production and sale for import of the goods;
5. Royalties and license fees related to the goods that the buyer must pay, either directly or indirectly, as a condition of sale of the goods for import into the territory of the People's Republic of China;
6. The proceeds of any subsequent resale, disposal, or use of the imported goods that accrue, directly or indirectly, to the seller.

Article 26

The following charges and taxes, specified in the price of the goods at the time of import, shall not be included in the dutiable value of the goods:

1. Charges for construction, erection, assembly, maintenance, or technical assistance undertaken after importation of the goods, such as for industrial plants, machinery, or equipment, except for warranty charges;
2. Cost of transport, insurance, and related charges incurred after the goods have arrived at the place of entry into the territory of the People's Republic of China;
3. Import duties and domestic taxes.

Article 27

Where the transaction value of imported goods does not meet the conditions stipulated in paragraph 3 of Article 24 of this Law, or where the transaction value cannot be determined, the customs, after understanding the relevant circumstances and consulting with the taxpayer on the price, shall determine the dutiable value of the goods in sequence using the following prices:

1. The transaction value of identical goods sold for import into the territory of the People's Republic of China at or about the same time as the goods being valued;
 2. The transaction value of similar goods sold for import into the territory of the People's Republic of China at or about the same time as the goods being valued;
 3. The unit price, in the greatest aggregate quantity, at which the imported goods, or identical or similar imported goods, are sold in the territory of the People's Republic of China in the first commercial level to unrelated buyers at or about the time of importation of the goods being valued, after deducting the items specified in Article 28 of this Law;
 4. The computed value, consisting of the sum of: the cost or value of materials and fabrication or other processing employed in producing the imported goods; an amount for profit and general expenses equal to that usually reflected in sales of goods of the same class or kind as the goods being valued; and the cost of transport, insurance, and related charges incurred in bringing the goods to the place of entry into the territory of the People's Republic of China;
 5. The value determined using reasonable means.
- The taxpayer may provide relevant information to customs and apply to adjust the order of application of items (3) and (4) of the preceding paragraph.

Article 28 When determining the dutiable value according to item (3) of paragraph 1 of Article 27 of this Law, the following items shall be deducted:

1. The usual profit and general expenses and usually paid commissions on the sale in the territory of the People's Republic of China of goods of the same class or kind in the first commercial level;
2. The cost of transport, insurance, and related charges incurred after the goods have arrived at the place of entry into the territory of the People's Republic of China;
3. Import duties and domestic taxes.

Article 29

The dutiable value of exported goods shall be determined based on the transaction value of the goods and the cost of transport, insurance, and related charges incurred in bringing the goods to the place of departure from the territory of the People's Republic of China.

The transaction value of exported goods refers to the total amount payable, directly and indirectly, by the buyer to the seller for the goods at the time of export.

Export duties shall not be included in the dutiable value.

Article 30

Where the transaction value of exported goods cannot be determined, the customs, after understanding the relevant circumstances and consulting with the taxpayer on the price, shall determine the dutiable value of the goods in sequence using the following prices:

1. The transaction value of identical goods exported to the same country or region at or about the same time as the goods being valued;
2. The transaction value of similar goods exported to the same country or region at or about the same time as the goods being valued;
3. The computed value, consisting of the sum of: the cost or value of materials and fabrication or other processing employed in producing identical or similar goods in the territory of the People's Republic of China; an amount for profit and general expenses usually reflected in sales of such goods; and the cost of transport, insurance, and related charges incurred within the territory of the People's Republic of China;
4. The value determined using reasonable means.

Article 31

Customs may, upon application or ex officio, determine the dutiable value, commodity classification, and origin of imported and exported goods and Articles entering the territory according to law. When necessary, customs may organize testing or inspection, and the results recognized by customs may be used as the basis for determining the dutiable value, commodity classification, and origin.

Chapter IV: Tariff Preferences and Tariff Collection in Special Circumstances

Article 32

The following imported and exported goods and Articles entering the territory shall be exempt from tariffs:

1. A single consignment of goods within the exemption amount stipulated by the State Council;
2. Advertising materials and samples of no commercial value;
3. Fuel, materials, and food and beverages essential for the journey carried by means of transport entering or leaving the territory;
4. Goods and
5. Articles entering the territory that are damaged or lost before customs release;
6. Materials donated without compensation by foreign governments or international organizations;
7. Goods and Articles entering the territory exempt from tariffs as stipulated by international treaties or agreements concluded or jointly acceded to by the People's Republic of China;
8. Other goods and Articles entering the territory exempt from tariffs as stipulated by relevant laws.

Article 33

Tariffs on the following imported and exported goods and Articles entering the territory shall be reduced:

1. Goods and Articles entering the territory damaged before customs release;
2. Goods and Articles entering the territory subject to tariff reduction as stipulated by international treaties or agreements concluded or jointly acceded to by the People's Republic of China;
3. Other goods and Articles entering the territory

subject to tariff reduction as stipulated by relevant laws.

The reduction of tariffs under item (1) of the preceding paragraph shall be processed based on the extent of damage determined by customs.

Article 34

Based on the needs of safeguarding national interests, promoting foreign relations, economic and social development, scientific and technological innovation, or due to emergencies, the State Council may formulate special tariff preferential policies and report them to the Standing Committee of the National People's Congress for the record.

Article 35

Duty-reduced or duty-exempt goods shall go through procedures according to law. Duty-reduced or duty-exempt goods requiring customs supervision during use shall be subject to customs supervision. If they are transferred, diverted to other uses, or otherwise disposed of during the supervision period, and need to pay taxes in accordance with relevant state regulations, tariffs shall be paid.

Duty-reduced or duty-exempt Articles entering the territory requiring customs supervision during use shall be handled with reference to the preceding paragraph.

Article 36

Bonded goods shipped out of the territory shall be exempt from tariffs; if not shipped out of the territory and sold domestically, tariffs shall be levied according to regulations. For the domestic sale of bonded imported materials or their manufactured products in processing trade, in addition to levying tariffs according to regulations, interest for deferred tax payment shall also be levied.

Article 37

The following goods and Articles temporarily entering or leaving the territory may, according to law, temporarily not be subject to tariffs, provided that the goods or Articles shall be shipped out of or back into the territory within six months from the date of entry or exit; if an extension of the time limit for shipping out of or back into the territory is needed, an extension procedure shall be completed with customs according to the regulations of the General Administration of Customs:

1. Goods and Articles for display or use at exhi-

bitions, trade fairs, conferences, and similar events;

2. Performance and competition Articles used in cultural and sports exchange activities;
3. Instruments, equipment, and Articles used for news reporting or film and television program production;
4. Instruments, equipment, and Articles used in scientific research, teaching, and medical and health activities;
5. Means of transport and special vehicles used in the activities listed in items (1) to (4) of this paragraph;
6. Samples;
7. Instruments and tools used for the installation, debugging, and testing of equipment;
8. Packaging materials for goods;
9. Other goods and Articles for non-commercial purposes.

If the goods and Articles listed in the preceding paragraph are not shipped out of or back into the territory within the specified time limit, tariffs shall be levied according to law.

Article 38

For other temporarily imported goods and Articles not listed in Article 37 of this Law, import tariffs shall be calculated based on the dutiable value of the goods or Articles and the ratio of their retention time within the territory to the depreciation period; if such goods or Articles are not shipped out of the territory upon expiration of the specified time limit, the legally payable tariffs shall be paid in full.

For other temporarily exported goods not listed in Article 37 of this Law, if they are not shipped back into the territory upon expiration of the specified time limit, tariffs shall be levied according to law.

Article 39

Import duties shall not be levied on exported goods returned to the territory in the same state within one year from the date of export due to quality, specification reasons, or force majeure. Export duties shall not be levied on imported goods returned out of the territory in the same state within one year from the date of import due to quality, specification reasons, or force majeure.

Under special circumstances, the time limit stipulated in the preceding paragraph may be appropriately extended with customs approval; specific

measures shall be stipulated by the General Administration of Customs.

Article 40

Identical goods provided free of charge as compensation or replacement by the consignor, carrier, or insurance company of imported or exported goods due to damage, shortage, poor quality, or non-conformity to specifications shall not be subject to tariffs upon import or export. If the original imported goods replaced free of charge are not shipped out of the territory or the original exported goods are not shipped back into the territory, customs shall re-levy tariffs on the original imported or exported goods according to regulations.

The taxpayer shall go through the import or export procedures for the goods provided free of charge as compensation or replacement with customs within the period for claiming compensation agreed in the original import or export contract and not exceeding three years from the date of release of the original import or export.

Chapter V: Collection and Administration

Article 41

The collection and administration of tariffs may implement a model separating goods release from tax amount determination.

The collection and administration of tariffs shall adapt to the development needs of new forms and models of foreign trade, and enhance the level of informatization, intelligence, standardization, and facilitation.

Article 42

Taxpayers and withholding agents for imported and exported goods may choose the customs office for declaration and tax payment according to regulations. Taxpayers and withholding agents shall declare the tax amount to customs truthfully within the prescribed time limit and according to requirements, and provide relevant materials. When necessary, customs may require taxpayers and withholding agents to make supplementary declarations.

Article 43

Taxpayers and withholding agents for imported and exported goods shall pay the tax within fifteen days from the date of completing the declaration; those

meeting customs regulations and providing security may pay the tax on a consolidated basis before the end of the fifth working day of the following month. In case of inability to pay on time due to force majeure or state tax policy adjustments, payment may be deferred upon application to customs and provision of security, but the deferral shall not exceed six months.

If a taxpayer or withholding agent fails to pay the tax within the time limit prescribed in the preceding paragraph, a late payment surcharge of 0.05% per day shall be imposed from the day following the expiration of the prescribed time limit.

If the tax has not been paid, and the taxpayer or withholding agent applies for release of the goods by providing security in accordance with relevant laws and administrative regulations, customs shall handle the security procedures according to law.

Article 44

If a taxpayer for imported or exported goods, within the prescribed tax payment period, shows clear signs of transferring or concealing the taxable goods and other property, or there are other risks that may result in inability to pay the tax, customs may order the taxpayer to provide security; if the taxpayer fails to provide security, upon approval by the director of the directly affiliated customs or the authorized director of a subordinate customs, customs may implement the following mandatory measures:

1. Notify banking financial institutions in writing to freeze deposits or remittances of the taxpayer equivalent to the amount of tax payable;
2. Seal up or detain goods or other property of the taxpayer equivalent to the value of the tax payable.

If the taxpayer pays the tax within the prescribed tax payment period, customs shall immediately lift the mandatory measures.

Article 45

Within three years from the date the taxpayer or withholding agent pays the tax or the goods are released, customs has the right to confirm the tax payable of the taxpayer or withholding agent.

If the tax amount confirmed by customs is inconsistent with the amount declared by the taxpayer or withholding agent, customs shall issue a tax confirmation notice to the taxpayer or withholding agent. The taxpayer or withholding agent shall, in

accordance with the tax payable stated in the tax confirmation notice, pay the outstanding tax or go through the refund procedures within the time limit prescribed by customs.

If, after customs confirms the tax payable, payment of outstanding tax is required but not paid within the prescribed time limit, a late payment surcharge of 0.05% per day shall be imposed from the day following the expiration of the prescribed time limit.

Article 46

Where underpayment or non-levy of tax occurs due to violations by the taxpayer or withholding agent, customs may recover the tax within three years from the date of tax payment or release of the goods, and impose a late payment surcharge of 0.05% per day from the date of tax payment or release of the goods.

Article 47

For smuggling activities, the time limit for customs to recover tax and late payment surcharges is not subject to the restrictions in the preceding Article, and customs has the right to assess the tax payable.

Article 48

Where customs discovers that underpayment or non-levy of tax on goods under customs supervision occurred due to violations by the taxpayer or withholding agent, customs shall recover the tax within three years from the date the taxpayer or withholding agent should have paid the tax, and impose a late payment surcharge of 0.05% per day from the date the tax should have been paid.

Article 49

Customs may announce the situation of taxpayers or withholding agents in arrears.

If a taxpayer fails to pay the outstanding tax and late payment surcharge in full and fails to provide security to customs, upon approval by the director of the directly affiliated customs or the authorized director of a subordinate customs, customs may, according to regulations, notify immigration authorities to take exit restriction measures against the taxpayer or its legal representative according to law.

Article 50

If a taxpayer or withholding agent fails to pay or remit the tax within the prescribed time limit, cus-

toms shall order payment within a time limit; if payment is still not made after the expiration of the time limit without justifiable reasons, upon approval by the director of the directly affiliated customs or the authorized director of a subordinate customs, customs may implement the following enforcement measures:

1. Notify banking financial institutions in writing to transfer deposits or remittances of the taxpayer or withholding agent equivalent to the amount of tax payable;
2. Seal up or detain goods or other property of the taxpayer or withholding agent equivalent to the value of the tax payable, and auction or sell off the sealed up or detained goods or other property according to law, using the proceeds to offset the tax payable, and return the remaining portion to the taxpayer or withholding agent.

When implementing enforcement, customs shall simultaneously enforce the collection of any unpaid late payment surcharge.

Article 51

Where customs discovers an overpayment of tax, it shall promptly notify the taxpayer to go through the refund procedures.

If a taxpayer discovers an overpayment of tax, it may, within three years from the date of tax payment, apply in writing to customs for a refund of the overpaid tax. Customs shall verify the case within thirty days from the date of accepting the application and notify the taxpayer to go through the refund procedures. The taxpayer shall go through the refund procedures within three months from the date of receiving the notice.

Article 52

Under any of the following circumstances, the taxpayer may apply to customs for a tariff refund within one year from the date of tax payment:

1. Imported goods on which import duties have been levied are returned out of the territory in the same state within one year due to quality, specification reasons, or force majeure;
2. Exported goods on which export duties have been levied are returned to the territory in the same state within one year due to quality, specification reasons, or force majeure, and relevant domestic taxes refunded due to export have been repaid;

3. Exported goods on which export duties have been levied are not shipped out for some reason, and declaration for cancellation of export is made.

An application for a tariff refund shall be made in writing, and the original payment voucher and relevant materials shall be provided. Customs shall verify the case within thirty days from the date of accepting the application and notify the taxpayer to go through the refund procedures. The taxpayer shall go through the refund procedures within three months from the date of receiving the notice. Where a tariff refund should be granted according to other relevant laws and administrative regulations, customs shall grant the refund according to law.

Article 53

When refunding tariffs according to regulations, interest at the current deposit rate of banks for the corresponding period shall be added.

Article 54

For acts that circumvent the relevant provisions of Chapters II and III of this Law, lack reasonable commercial purpose, and reduce the tax payable, the state may take anti-circumvention measures such as adjusting tariffs.

Article 55

Where a customs declaration enterprise, entrusted by a taxpayer, handles customs declaration and tax payment procedures in the name of the taxpayer, and underpayment or non-levy of tax by customs occurs due to violations by the customs declaration enterprise, the customs declaration enterprise shall bear joint and several liability for the underpaid or non-levied tax and the late payment surcharge with the taxpayer.

Where a customs declaration enterprise, entrusted by a taxpayer, handles customs declaration and tax payment procedures in its own name, the customs declaration enterprise and the taxpayer shall bear joint and several liability for tax payment.

Article 56

Except in cases of force majeure, if goods under customs supervision are damaged or lost during the period of custody, the unit or individual obligated to keep the goods under customs supervision shall bear the corresponding tax liability.

Article 57

Where a taxpayer who has not fulfilled its tax obligations undergoes a merger or division, it shall report to customs before the merger or division, and pay the tax and late payment surcharge in full according to law or provide security. If a taxpayer fails to pay the tax and late payment surcharge in full or provide security at the time of merger, the legal person or unincorporated organization after the merger shall continue to fulfill the unfulfilled tax obligations. If a taxpayer fails to pay the tax and late payment surcharge in full or provide security at the time of division, the legal persons or unincorporated organizations after the division shall bear joint and several liability for the unfulfilled tax obligations.

Where a taxpayer, during the supervision period for duty-reduced/duty-exempt goods or bonded goods, undergoes a merger, division, or other asset reorganization, it shall report to customs; if tax payment is required according to regulations, it shall pay the tax and late payment surcharge in full according to law or provide security; if it may continue to enjoy duty reduction/exemption or bonded status according to regulations, it shall go through the procedures for changing the taxpayer with customs.

Where a taxpayer who has not fulfilled its tax obligations or is under supervision for duty-reduced/duty-exempt goods or bonded goods undergoes dissolution, bankruptcy, or other termination of operations according to law, it shall report to customs before liquidation. Customs shall clear the tax and late payment surcharge according to law.

Article 58

Taxes collected by customs take priority over unsecured claims, unless otherwise provided by law. Where a taxpayer's tax arrears occurred before the taxpayer created a mortgage or pledge on its property, the taxes shall be paid prior to the satisfaction of the mortgage or pledge.

Where a taxpayer has tax arrears and is simultaneously fined or has illegal gains confiscated by an administrative organ, and its property is insufficient for simultaneous payment, the taxes shall be paid first.

Article 59

Taxes and late payment surcharges shall be paid into the state treasury in a timely manner according to state regulations.

Where tax refunds and interest involve refunds

from the state treasury, they shall be handled according to the provisions of laws and administrative regulations on state treasury management.

Article 60

Taxes, late payment surcharges, interest, etc., shall be calculated in Renminbi.

Where the price of imported or exported goods or Articles entering the territory and related charges are calculated in a currency other than Renminbi, they shall be converted into Renminbi at the applicable exchange rate on the date the taxpayer completes the declaration.

The applicable exchange rate mentioned in the preceding paragraph refers to the central parity rate of Renminbi on the date determined according to the regulations of the General Administration of Customs.

Article 61

For the needs of tariff collection, customs may, according to law, inquire with relevant government departments and institutions about information concerning taxpayers related to tariffs, such as identity, accounts, and fund flows. The relevant government departments and institutions shall provide assistance and cooperation within the scope of their duties. Information concerning tariffs obtained by customs may only be used for the purpose of tariff collection.

Chapter VI: Legal Liability

Article 62

Under any of the following circumstances, a warning shall be given by customs; if the circumstances are serious, a fine of not more than 30,000 yuan shall be imposed:

1. A taxpayer who has not fulfilled its tax obligations undergoes a merger or division and fails to report to customs before the merger or division;
2. A taxpayer, during the supervision period for duty-reduced/duty-exempt goods or bonded goods, undergoes a merger, division, or other asset reorganization and fails to report to customs;
3. A taxpayer who has not fulfilled its tax obligations or is under supervision for duty-reduced/duty-exempt goods or bonded goods undergoes dissolution, bankruptcy, or other termination of operations according to law and fails to report to customs before liquidation.

Article 63

Where a taxpayer in arrears of tax payable adopts means such as transferring or concealing property, obstructing customs from recovering the tax arrears according to law, in addition to recovering the tax arrears and late payment surcharge, a fine of not less than 50% but not more than five times the amount of tax in arrears shall be imposed.

Article 64

Where a withholding agent fails to withhold or collect tax that should have been withheld or collected, customs shall recover the tax from the taxpayer, and impose a fine of not less than 50% but not more than three times the amount of tax that should have been withheld or collected on the withholding agent.

Article 65

For other acts violating this Law not covered by Articles 62, 63, and 64, penalties shall be imposed by customs in accordance with the “Customs Law of the People’s Republic of China” and other laws and administrative regulations.

Article 66

If a taxpayer, withholding agent, or guarantor disagrees with customs’ determination regarding the taxpayer, commodity classification, origin of goods, place of tax payment, method of tax calculation, dutiable value, applicable tariff rate or exchange rate, decision on tax reduction or exemption, confirmation of tax payable, recovery of tax, refund of tax, or imposition of late payment surcharge, an application for administrative reconsideration shall first be filed with the customs at the next higher level according to law; if dissatisfied with the reconsideration decision, an administrative lawsuit may be filed with the People’s Court according to law.

If a party disagrees with other administrative acts by customs not covered by the preceding paragraph, an application for administrative reconsideration may be filed according to law, or an administrative lawsuit may be filed with the People’s Court according to law.

Article 67

Those who, in violation of this Law, abuse their power, neglect their duties, engage in malpractices for personal gain, or disclose or illegally provide to others business secrets, personal privacy, or personal in-

formation learned in the performance of their duties shall be given sanctions according to law.

Article 68

If a violation of this Law constitutes a crime, criminal liability shall be pursued according to law.

Chapter VII: Supplementary Provisions

Article 69

If the “Hainan Free Trade Port Law of the People’s Republic of China” has other provisions on tariff matters for the Hainan Free Trade Port, those provisions shall apply.

Article 70

The provisions on tariff collection and administration shall apply to the collection and administration of taxes collected by customs on behalf of other authorities at the import stage.

For the collection of tonnage dues, where the “Ship Tonnage Tax Law of the People’s Republic of China” has no provisions, the provisions on tariff collection and administration shall apply.

Article 71

Engaging in duty-free retail business shall require approval; specific measures shall be stipulated by the State Council.

Article 72

This Law shall come into effect on December 1, 2024. The “Regulations of the People’s Republic of China on Import and Export Duties” shall be simultaneously repealed.



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