

April

# Customs Clearance News

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## Customs Consulting of Xinhai Newsletter in April

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# Summary of revision of customs administrative regulations

## Regulations of the People's Republic of China on Customs Statistics

The description of "business unit" in the Regulations is changed to "consignee and consignor of import and export goods", which is consistent with the expression in the Customs Law.

## Regulations of the People's Republic of China on Customs Inspection Regulations of the People's Republic of China on the Implementation of Customs Administrative Punishment

The administrative examination and approval item of "registration of customs declaration enterprises" was changed to record management. And the relevant expressions of the above two regulations were adjusted together, and at the same time, the relevant regulatory measures and legal liability clauses were revised and improved.

## Regulations of the People's Republic of China on the Implementation of Import and Export Commodity Inspection Law

Cancel the "Inspection license of import and export commodity inspection and authentication institutions", and at the same time, revise and improve the relevant regulatory measures and legal liability clauses.

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

The administrative examination and approval item of "registration of customs declaration enterprises" has been changed to record management, so the Customs Law has been adjusted accordingly.



# Summary of revision of customs administrative regulations

## Regulations on the Implementation of Commodity Inspection Law

### Article 39

~~The establishment of an inspection institution engaged in the inspection and appraisal of import and export commodities within the territory of the People's Republic of China shall meet the registered capital, technical ability and personnel qualifications stipulated by relevant laws, administrative regulations and rules, and be entrusted with the inspection and appraisal of import and export commodities only after it has been examined and approved by the AQSIQ and relevant competent departments, obtained a license and gone through industrial and commercial registration according to law.~~

#### Analysis:

Similar amendments are embodied in Articles 53 and 58; On April 29, 2021, the Import and Export Commodity Inspection Law of the People's Republic of China and other laws were amended. There are six amendments to the Import and Export Commodity Inspection Law of the People's Republic of China, among which the original Article 22 and Article 34 are deleted. This adjustment is consistent with the above changes.

## Regulations on Customs Statistics

### Article 6, Article 10

~~"Statistical items of import and export goods include:~~

~~.....~~

~~(3) the consignee or consignor of the import and export goods of the business unit~~

~~....."~~

"The consignors and consignors of the business units of import and export goods shall be counted according to the legal persons, other organizations or individuals registered with the customs and engaged in import and export business activities".

#### Parse:

The description of "business unit" is inconsistent with the Customs Law; At present, China's consignee and consignor and customs declaration enterprises have implemented the filing system, canceled the registration procedures, and the revised regulations are consistent with the Regulations of the People's Republic of China on Filing Management of Customs Declaration Units (Order No.253 of the General Administration of Customs).

# Summary of revision of customs administrative regulations

## Regulations on the Implementation of Customs Administrative Punishment

### Article 11 Article 17 Article 30 Article 31

~~"Customs brokerage, customs declaration personnel and enterprises approved by the customs to engage in the transportation, storage, processing, assembly, consignment and display of goods under customs supervision, which constitute a smuggling crime or have more than two smuggling acts within one year, the customs may revoke their registration and cancel their customs declaration qualification. ; Enterprises and customs declaration personnel are prohibited from engaging in customs declaration activities if they have the above circumstances. "~~

~~"If the customs declaration enterprises and customs declaration personnel fail to make a reasonable examination of the authenticity of the information provided by the clients, or the circumstances specified in Article 15 of these Regulations occur due to negligence in their work, they may impose a fine of less than 10% of the goods value on the customs declaration enterprises and suspend their customs declaration business or practice within 6 months; If the circumstances are serious, the registration of customs declaration shall be ~~revoked and the qualification of customs declaration shall be cancelled.~~ It is forbidden to engage in customs declaration activities. "~~

~~"Those who engage in customs declaration business without customs registration and qualification for customs declaration shall be banned and ordered to make rectification, their illegal income shall be confiscated, and a fine of less than 100,000 yuan may be imposed."~~

At present, China's consignee and consignor and customs declaration enterprises have implemented the filing system, canceled the registration procedures, and the revised regulations are consistent with the Regulations of the People's Republic of China on Filing Management of Customs Declaration Units (Order No.253 of the General Administration of Customs).

## Regulations on Customs Inspection

### Article 30 Article 31

~~"If the auditee commits any of the following acts, the customs shall order it to make corrections within a time limit, and if it fails to do so within the time limit, it shall be fined 20,000 yuan to 100,000 yuan; If the circumstances are serious, the customs declaration registration shall be ~~revoked~~; It is forbidden to engage in customs declaration activities;~~

~~....."~~

~~"If the auditee fails to prepare or keep the customs declaration documents, import and export documents, contracts and other materials directly related to the import and export business in accordance with the regulations, the customs shall order it to make corrections within a time limit. If it fails to do so within the time limit, it shall be fined between 10,000 yuan and 50,000 yuan; If the circumstances are serious, the customs declaration registration shall be ~~revoked~~ and the customs declaration activities shall be prohibited; The directly responsible person in charge and other directly responsible personnel shall be fined between 5000 yuan and 10000 yuan.~~


~~....."~~

#### Analysis:

Keep the content consistent with the Customs Law, Regulations on the Implementation of Administrative Punishment and other rules and regulations.

# Summary of new business development in comprehensive bonded zone

Under the unique policy guarantee, the comprehensive bonded zone can carry out various businesses according to law, and the newly issued Administrative Measures of the Customs Comprehensive Bonded Zone provides strong policy support for the business development of the comprehensive bonded zone under the new situation.



## R&D and remanufacturing

- Enterprises in the region can make comprehensive use of policies such as tax exemption for R&D equipment and bonded materials (tangible materials, reagents, consumables and samples) to reduce the overall R&D cost and enhance the competitiveness of scientific research;
- Announcement No.27, 2019 of the General Administration of Customs (Announcement on Supporting Bonded R&D Business in Comprehensive Bonded Zone)
- Re-manufacturing: the production activity of completely disassembling the imported materials which do not have the original design performance but have recycling value in the main part, repairing and processing the disassembled parts by adopting special technology, and industrially assembling to produce the finished products, which can restore or exceed the performance of the materials;
- The 14th Five-Year Plan for High-Quality Development of Foreign Trade



## Inspection and maintenance

- Goods or means of transport with parts damaged, functional failure, quality defects, etc. are transported from overseas into the comprehensive insurance zone for inspection and repair, and then transported out of the country, or the above-mentioned goods are transported from the domestic zone to the comprehensive insurance zone for inspection and repair, and then transported out of the zone to enter the country;
- Announcement on Issuing the Catalogue of Maintenance Products in Comprehensive Bonded Zone (Announcement No.45, 2021)
- Announcement on Supporting Enterprises in Comprehensive Bonded Zone to Carry out Maintenance Business (Announcement No.16, 2020)
- Opinions of the State Council on Promoting the High-level Opening and High-quality Development of Comprehensive Bonded Zones (Guo Fa [2019] No.3)



## Finance lease

- According to the request of the lessee, the lessor enters into a supply contract with a third party, and the lessor pays for the purchase of equipment selected by the lessee from the supplier; At the same time, the lessor and the lessee conclude a lease contract, lease the equipment to the lessee, and collect a certain rent from the lessee;
- Announcement of the General Administration of Customs on Carrying out Bonded Goods Leasing and Futures Bonded Delivery Business in the Comprehensive Bonded Zone (Announcement No.158 of the General Administration of Customs in 2019);
- Administrative Measures of the People's Republic of China on Taxation of Import and Export Goods by Customs (implemented in 2005 and revised in 2018);
- Notice of China Banking Regulatory Commission on Issues Related to Financial Leasing Companies Setting up Project Companies in Domestic Bonded Areas to Carry out Financial Leasing Business (No.2 [2010] of the Bank of China);
- Notice on Amending and Printing the Accounting Standards for Business Enterprises No.21-Lease (No.35 [2018] of the Ministry of Finance);
- Notice of the State Administration of Foreign Exchange on Issues Related to Foreign Exchange Management of Financial Leasing Business (No.21 [2017] of Huifa)

# Summary of new business development in comprehensive bonded zone

Under the unique policy guarantee, the comprehensive bonded zone can carry out various businesses according to law, and the newly issued Administrative Measures of the Customs Comprehensive Bonded Zone provides strong policy support for the business development of the comprehensive bonded zone under the new situation.



## Bonded transaction

- Enterprises in the comprehensive bonded zone do not need to pay taxes and fees on import links, and through the form of guarantee, import commodities are transported to the special exhibition places in the planned area of the comprehensive bonded zone, the office area outside the fence, or other fixed places outside the comprehensive bonded zone, for business activities of display and sales;
- Announcement of Shanghai Customs on Developing Bonded Exhibition Trading Business in China (Shanghai) Pilot Free Trade Zone (Announcement No.9, 2014 of Shanghai Customs of the People's Republic of China)



## Bonded futures delivery business

- Physical delivery of futures with goods in bonded supervision in special customs supervision areas or places as the subject matter of physical delivery of futures. This subject matter can be a commodity, such as gold, crude oil and agricultural products.
- Shanghai Yangshan Bonded Port Area (copper, aluminum and crude oil)
- Dalian Jinpu New Area (Iron Ore)
- Tianjin Dongjiang Bonded Port Area (Linear Low Density Polyethylene)
- Zhangjiagang Bonded Port Area (Methanol)
- Announcement No.158, 2019 of the General Administration of Customs (Announcement on the development of bonded goods leasing and futures bonded delivery business in comprehensive bonded areas)
- Rules for the Implementation of Bonded Delivery of Shanghai Futures Exchange



## Other businesses involved in National Public [2019] No.3

- General VAT taxpayer qualification pilot
- Announcement No.29, 2019 of State Taxation Administration of The People's Republic of China
- Key products such as mobile phones and auto parts manufactured in the comprehensive bonded area are removed from the catalogue of goods under automatic import license management, so as to facilitate the domestic sales of enterprises;
- Optimize the supervision mode of cultural relics and cultural artworks entering the zone from abroad, simplify the filing procedures of cultural artworks, implement the registration and audit of cultural relics entering and leaving the zone, and promote the storage and display of cultural relics and cultural artworks in the comprehensive bonded zone;
- Simplify the customs business approval procedures, and support enterprises in the comprehensive bonded zone to independently record, reasonably set their own write-off cycle, independently report and independently pay taxes.

# Summary of emergency preventive measures in April

## Pakistan

Covid-19 nucleic acid was detected from one outer package sample of a batch of frozen sand sharp fish imported from Pakistan (which was declared before the last emergency preventive measures were taken), one inner package sample of a batch of frozen boiled snail, two outer packages of a batch of frozen sand hairtail, two outer packages and one inner package sample of a batch of frozen white ribbon fish. According to the regulation of General Administration of Customs Announcement No.103 in 2020, Since April 16th, the national customs has suspended the acceptance of the import declaration of products from Pakistan's aquatic products manufacturing enterprises M/s. Pak International (registration number T-245/2012) and M/S. B.K Trading Co. (registration number T-516/G-2018) for one week, and M/s. Ocean Gold Seafood (registration number T-2018) Continue to suspend the acceptance of the product import declaration of Pakistan aquatic product enterprise M/S Mukhi Noordin& Sons (registration number T-03/98) for 4 weeks.

## Myanmar

As Covid-19 nucleic acid was detected in two outer packaging samples of two batches of frozen hairtail imported from Myanmar (the latest application was made before emergency preventive measures were taken), according to the regulation of General Administration of Customs Announcement No.103 of 2020, the national customs continued to suspend the acceptance of product import declaration of Yadanar Theingi Cold Store (registered number YGN/055/YTC/DOF), a Myanmar aquatic product manufacturer, for 8 weeks from April 15th.

## Ecuador

One outer package sample of each batch of frozen South American white shrimp imported from two aquatic products manufacturing enterprises (registration numbers 32 and 4251 respectively) in Ecuador, one outer package sample of frozen pomfret from one aquatic product manufacturing enterprise (registration number 6807), and one batch of frozen South American white shrimp from one aquatic product manufacturing enterprise (registration number 5658) (which was declared before the last emergency preventive measures were taken) Covid-19 nucleic acid was detected in 8 outer packaging samples of 7 batches of frozen South American white shrimp (which was declared before the last emergency preventive measures were taken) from an aquatic product production enterprise (registration number 41068). According to the regulation of Announcement No.103 of General Administration of Customs in 2020, the national customs suspended the import declaration of Ecuador's products with registration number 32 for one week and those with registration numbers 4251 and 6807 for four weeks respectively from April 3rd. Continue to suspend the acceptance of the import declaration of enterprise products with registration number 5658 for 1 week, and the import declaration of enterprise products with registration number 41068 for 28 weeks.

## India

As Covid-19 nucleic acid was detected in five outer packaging samples of one batch of frozen hairtail and one batch of frozen sole imported from an aquatic product manufacturing enterprise in India (registration number 214) and one outer packaging sample of one batch of frozen hairtail imported from an aquatic product manufacturing enterprise (registration number 1206), according to the regulation of Announcement No.103 of General Administration of Customs in 2020, the national customs suspended the acceptance of Indian enterprises with registration number 1206 from April 3rd.



# Summary of emergency preventive measures in April

## Ecuador

Covid-19 nucleic acid was positive in four outer packaging samples of three batches of frozen South American white shrimp imported from Ecuador. According to the provisions of the General Administration of Customs Announcement No.103 of 2020, the national customs will continue to suspend the acceptance of the product import declarations of Operandora y Procesadora de Productos Marinos Omar SA S.A. (registration number 41068) and EMPACRECI (registration number 681) from April 1st, 2020 for 4 weeks.

## India

Covid-19 nucleic acid was detected in two outer packaging samples of two batches of frozen hairtail imported from India. According to the regulations of General Administration of Customs Announcement No.103, 2020, the national customs will continue to suspend the acceptance of the product import declaration of M/s. Pesca Marine Products Pvt. Ltd (registered No.164), an Indian aquatic product manufacturer, for four weeks from April 1st.

## Vietnam

Covid-19 nucleic acid was positive in 7 outer packaging samples and 1 container wall sample of 7 batches of frozen Basha fish imported from Vietnam, 5 outer packaging samples of 3 batches of frozen South American white shrimp, 2 outer packaging samples of 2 batches of frozen black tiger shrimp, and 1 outer packaging sample of 1 batch of golden thread fillets. According to the provisions of the General Administration of Customs Announcement No.103, 2020, the national customs has suspended the product import declaration of one aquatic product production enterprise (registered number DL 649) in Vietnam for two weeks and suspended the product import declaration of two aquatic product production enterprises (registered number DL 714 and HK 187 respectively) in Vietnam for four weeks since April 20th.

## Ecuador

As Covid-19 nucleic acid was detected in 29 outer packaging samples and 9 inner packaging samples of 22 batches of frozen South American white shrimp imported from 14 aquatic products production enterprises in Ecuador, and 31 outer packaging samples of 4 batches of frozen pomfret from one aquatic product production enterprise, according to the regulation of Announcement No.103 of General Administration of Customs in 2020, the national customs suspended the acceptance of the import declaration of Ecuador's products with registration numbers of 13717 and 6107 for 4 weeks from April 20th. Suspend the import declaration of Ecuador's enterprise products with registration numbers 51 and 684 for 5 weeks, enterprise products with registration number 5658 for 8 weeks, enterprise products with registration number 24 for 9 weeks, enterprise products with registration number 7453 for 10 weeks and enterprise products with registration number 31991 for 13 weeks; Continue to suspend the acceptance of product import declarations of enterprises with registration numbers of 6807, 143 and 681 (all of which were declared before the last emergency preventive measures were taken) for 4 weeks.

# Summary of emergency preventive measures in April

## United States

As Covid-19 nucleic acid was detected in five outer packing samples and one inner packing sample of three batches of frozen coarse yellow-capped flounder imported from the United States, and one outer packing sample of one batch of frozen narrow cod, according to the regulation of General Administration of Customs Announcement No.103 in 2020, the national customs suspended the import of M/V Savage, Inc.-F/T Seafisher (registered number 3025093) from April 22nd.

## Pakistan

As Covid-19 nucleic acid was detected in an outer packaging sample of a batch of frozen squid imported from Pakistan. According to the regulations of General Administration of Customs Announcement No.103, 2020, the national customs suspended the acceptance of the product import declaration of M/s. Coastal Seafoods (registration number TEC-65/94), a Pakistani aquatic product manufacturer, for one week from April 23rd.

## Spain

As Covid-19 nucleic acid was detected in an outer packing sample of a batch of frozen squid imported from Spain. According to the regulation of General Administration of Customs Announcement No.103 in 2020, the national customs suspended the acceptance of the import declaration of the products of Spanish fishing boat Pesqueras Manuel Nores Canarias, S.L. (registration number 12.12085/PO) for one week from April 23rd.

## Indonesia

As Covid-19 nucleic acid was positive from two outer packaging samples of a batch of frozen prawns, two outer packaging samples of a batch of frozen mackerel and one outer packaging sample of a batch of frozen cuttlefish imported from Indonesia. According to the regulation of Announcement No.103 of General Administration of Customs in 2020, Since April 23rd, the national customs has suspended the acceptance of the product import declaration of PT. HOLI MINA JAYA (registered number CR 209-14), an Indonesian aquatic product manufacturer, for one week, and continuously suspended the acceptance of PT. SAMBU PERKASA MANDIRI (registered number CR 040-13), an Indonesian aquatic product manufacturer, for two weeks.

# Analysis of new CIQ policies in April

Category	Announcement No.	Comments
Animal and plant product supervision	Announcement No.30, 2022, Ministry of Agriculture and Rural Affairs, General Administration of Customs	Announcement on preventing foot-and-mouth disease in South Africa from being introduced into China. Since April 1, 2022, it is forbidden to directly or indirectly import cloven-hoofed animals and their related products from South Africa, including products originating from cloven-hoofed animals that are unprocessed or processed but may still spread epidemic diseases. To stop the import of cloven-hoofed animals and their related products from South Africa, and to revoke the Entry Animal and Plant Quarantine Permit that has been issued within the validity period. All cloven-hoofed animals and related products from South Africa shipped from the date of the announcement shall be returned or destroyed. The cloven-hoofed animals and their related products from South Africa shipped before the announcement date should be quarantined, and they can only be released after passing the quarantine inspection.
	Announcement No.28 of General Administration of Customs in 2022	Announcement on inspection and quarantine requirements of dried konjac chips imported from Indonesia. Since March 25, 2022, dried konjac chips from Indonesia that meet the inspection and quarantine requirements are allowed to be imported. The dried konjac slices allowed to be exported to China refer to the dried slices made from the tubers of <i>Amorphophallus muelleri</i> planted and processed in Indonesia, which are processed by cleaning, slicing, drying and other processes, and are not directly for human consumption and exported to China. The announcement regulates the requirements of production enterprises, phytosanitary requirements, production requirements, food safety requirements, packaging requirements, quarantine requirements of means of transport, phytosanitary certificate requirements and registration requirements of production enterprises.
	Announcement No.27 of General Administration of Customs in 2022	Announcement on Cancellation of Registration Qualification of Two Indian Aquatic Products Production Enterprises in China. Since March 15th, 2022, the registration qualifications of two Indian aquatic products manufacturers in China with the registration numbers of CIND18PP1802010539 and CIND18PP1802010523 have been revoked.
Administrative approval	Announcement No.31 of General Administration of Customs in 2022	Announcement on issuing three customs industry standards, such as the Rules for Compiling Customs Standards. The new standards issued by the customs are the Compilation Rules of Customs Standards, the Technical Requirements for Millimeter Wave Personal Security Scanning Equipment of the Customs, and the Compilation Rules of Commodity Catalogue of Customs Statistics and Main Import and Export Commodities. The three standards will be implemented on October 1, 2022.
	Decree No.54 of the State Administration of Market Supervision	Measures for the supervision and administration of medical device management. The management method will be implemented from May 1, 2022, and the main points of modification are: 1. Promote the informatization construction; 2. Strengthen the quality responsibility of enterprises; 3. Strengthen the whole life cycle quality and safety responsibility; 4. Simplify the relevant application procedures from 30 days to 20 days.

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