

#[Status of Effect]=In Force  
#[Organ of Promulgation]=The State Council  
#[Date of Promulgation]=19920308  
#[Effective Date]=19920501  
#[Date of Invalidation]=  
#[Modified Date]=  
#[Category]=FOREIGN TRADE

## **RULES OF THE PEOPLE'S REPUBLIC OF CHINA ON THE ORIGIN OF EXPORT COMMODITIES**

[Note]=(Adopted at the 99th Executive Meeting of the State Council on February 28, 1992, promulgated by Decree No. 94 of the State Council of the People's Republic of China on March 8, 1992, and effective as of May 1, 1992)

### Full Text

Article 1 These Rules are formulated to strengthen the control on the work of origin of export commodities and to promote the development of foreign economic relations and trade.

Article 2 The People's Republic of China Export Commodity Origin Certificate (hereinafter referred to as the Certificate of Origin) shall be a certificate testifying that the People's Republic of China is the origin of the export commodity.

Article 3 The State competent department in charge of foreign economic relations and trade shall be responsible for the unified supervision and control on the work of origin of export commodities conducted throughout China.

The competent departments in charge of foreign economic relations and trade under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall be responsible for coordinating the work of origin of export commodities within their respective administrative regions.

Article 4 Import and export commodity inspection organs established locally by the State administrations for import and export commodity inspection, China Council for the Promotion of International Trade and its sub-councils, as well as other authorities designated by the State competent department in charge of foreign economic relations and trade shall sign and issue Certificates of Origin in accordance with the provisions of the State competent department in charge of foreign economic relations and trade.

Article 5 Enterprises established according to law within the territory of the People's Republic of China which are authorized to conduct foreign trade operations, enterprises engaging in "commission processing," "sample processing," "commissioned parts assembly" and "compensation trade" and enterprises with foreign investment may, pursuant to their requirements, apply to the certificate issuing authorities stipulated in Article 4 of these Rules to obtain Certificates of Origin.

Article 6 The People's Republic of China shall be the origin of these export commodities complying with one of the following standards:

1. Products produced or manufactured entirely within the territory of the People's Republic of China, including:

(1) mineral products extracted from within the territory and the continental shelf of the People's Republic of China;

- (2) plants and plant products harvested or gathered from within the territory of the People's Republic of China;
- (3) animals and animal products bred and raised within the territory of the People's Republic of China;
- (4) products obtained through hunting and fishing within the territory of the People's Republic of China;
- (5) marine products and other products, as well as their processed products, obtained from the ocean by vessels or other means of the People's Republic of China;
- (6) waste and waste materials resulting from manufacturing and processing work undertaken within the territory of the People's Republic of China, as well as other waste and used items collected within the territory of the People's Republic of China;
- (7) products processed within the territory of the People's Republic of China entirely with the use of the aforesaid products and other non-imported raw materials.

2. Those products the raw materials and parts used for which are partly or entirely imported and the main and final manufacturing and processing stages of which are conducted within the territory of the People's Republic of China, causing thus substantive change in the products' appearance, properties, form or usage. The State competent department in charge of foreign economic relations and trade shall, in consultation with the relevant departments under the State Council, formulate and adjust a detailed list of manufacturing and processing procedures, pursuant to the principle of manufacturing and processing processes as the main part, while the composition ratio as the supplementary part.

Article 7 An export commodity under application for a Certificate of Origin must comply with the origin standards. If a commodity fails to comply with these standards, the certificate-issuing authority shall refuse to sign and issue a Certificate of Origin.

Article 8 The procedures for the application for and the issuing of Certificates of Origin shall be stipulated by the State competent department in charge of foreign economic relations and trade.

Article 9 The State competent department in charge of foreign economic relations and trade may, on its own or according to the proposals of the competent departments in charge of foreign economic relations and trade under the people's governments of provinces, autonomous regions or municipalities directly under the Central Government depending on the circumstances, circulate a notice of criticism, suspend or even disqualify an enterprise from applying for a Certificate of Origin if the enterprise violates these Rules in any of the following ways:

- (1) providing false materials in order to fraudulently obtain a Certificate of Origin;
- (2) forging or altering a Certificate of Origin;
- (3) illegally assigning a Certificate of Origin.

The persons in charge of the enterprise involved in any of the aforesaid acts and the persons directly responsible for such acts shall be the subject of administrative sanctions; if circumstances are serious enough to constitute a crime, criminal responsibility shall be investigated in accordance with the law.

Article 10 If a certificateissuing authority, violating provisions, issues or refuses to issue a Certificate of Origin, the State competent department in charge of foreign economic relations and trade may, on its own or according to the proposals of the competent departments in charge of foreign economic relations and trade under the people's governments of provinces, autonomous regions or municipalities directly under the Central Government, depending on the circumstances, circulate a notice of criticism or suspend the authority's right to issue Certificates of Origin.

Personnel of certificateissuing authorities who practise graft, abuse their powers of office or neglect their duties shall be the subject of administrative sanctions; if circumstances are serious enough to constitute a crime, criminal responsibility shall be investigated in accordance with the law.

Article 11 Generalized System of Preference Certificates of Origin shall be handled in accordance with the origin rules of the Generalized System of Preference giving country.

If a bilateral agreement concluded between the governments of the People's Republic of China and a foreign country stipulates special provisions on the issuing of Certificates of Origin, matters shall be handled pursuant to the provisions of the agreement.

Article 12 The State competent department in charge of foreign economic relations and trade shall formulate implementing measures in accordance with these Rules.

Article 13 The State competent department in charge of foreign economic relations and trade shall be responsible for the interpretation of these Rules.

Article 14 These Rules shall enter into effect as of May 1, 1992.