

**Decree of the General Administration of Customs of the People's Republic of China No.172**

2009-03-17

*The Measures of the General Administration of Customs of the People's Republic of China for the Administration of Manifests of Inbound and Outbound Means of Transport, which were deliberated and adopted at the Executive Meeting of the General Administration of Customs on 10 March 2008, are hereby promulgated and shall come into force as of 1 January 2009. The Administrative Measures of the General Administration of Customs of the People's Republic of China for Transmission of Electronic Data of Manifests promulgated in the form of Decree No. 70 of the General Administration of Customs on 1 February 1999 shall be abolished simultaneously.*

**Sheng Guangzu**

**Minister**

**General Administration of Customs**

**28 March 2008**

**Measures of the General Administration of Customs of the People's Republic of China for the Administration of Manifests of Inbound and Outbound Means of Transport**

*(Adopted at the Executive Meeting of the General Administration of Customs on 10 March 2008, promulgated in the form of Decree No. 172 of the General Administration of Customs of the People's Republic of China on 28 March 2008, and effective as of 1 January 2009)*

**Chapter I General Provisions**

**Article 1** These Measures are formulated in accordance with the Customs Law of the People's Republic of China (hereinafter referred to as the Customs Law) and other laws and administrative regulations of relevance, for the purposes of regulating the customs administration of manifests of inbound and outbound means of transport, facilitating international trade and ensuring international trade security.

**Article 2** Under these Measures, the term "manifest of inbound and outbound means of transport" (hereinafter referred to as "manifest") refers to the carrier of information on goods, articles and passengers on board the inbound and outbound means of transport, which includes original manifest, advance manifest and load/passenger manifest.

If there are goods or articles on board the inbound or outbound means of transport, the manifest shall contain information of the master bill of lading (MB/L) or master waybill and the house bill of lading (HB/L) or house waybill thereunder.

**Article 3** The customs administration of manifests of inbound and outbound vessels, aircrafts, railway trains and highway vehicles shall be governed by these Measures.

**Article 4** Parties which are obliged to transmit electronic manifest data (hereinafter referred to as "manifest transmission parties"), including operators of inbound and outbound means of transport, non-vessel operating common carriers, freight forwarders, shipping agency companies, postal enterprises and express couriers, shall transmit electronic manifest data to Customs within the prescribed time limits and in accordance with the scope of Customs registration.

Parties which are obliged to transmit manifest-related electronic data, including managers of Customs-controlled premises, tally departments and consignors of export goods, shall transmit relevant electronic manifest-related data to Customs within the prescribed time limits.

For any party which fails to transmit manifest or manifest-related electronic data in accordance with the provisions of these Measures, Customs may refuse to carry out entry/exit declaration formalities for the means of transport concerned unless those provisions are observed.

If failure to transmit the manifest or manifest-related electronic data to Customs is caused by special reasons like computer failure, with the approval of Customs, relevant documentation may be presented to Customs in paper form within the prescribed time limits.

**Article 5** Customs shall regard the time of receipt of transmission of main data of the original manifest as the time of transmission of electronic data of the import manifest. Customs shall regard the time of receipt of transmission of main data of the advance manifest as the time of transmission of electronic data of the export manifest.

**Article 6** Manifest transmission parties, managers of Customs-controlled premises, tally departments and consignors of export goods shall register with the Customs of the place of its business operation directly under the General Administration of Customs (also known as "regional Customs") or authorized Customs house under that regional Customs.

The following documents shall be presented by manifest transmission parties to Customs for the registration:

- (a) Application Form for Registration (see Annex 1);
- (b) a sample of bill of lading (or waybill) and a sample of shipping order;
- (c) prints of the corporate seal and relevant business stamps of the parties;
- (d) photocopy of license document or certificate of qualifications issued by competent administrative authorities; and
- (e) other documents as required by Customs.

Managers of Customs-controlled premises, tally departments or consignors of export goods shall submit to Customs the documents listed in preceding paragraphs (a), (d) and (e) of this Article for

registration.

When a photocopy is submitted, the original document shall also be presented to Customs for verification.

Where there is any change to the information registered with Customs, manifest transmission parties, managers of Customs-controlled premises, tally departments or consignors of export goods shall submit a written application and relevant documents to Customs for registration modification formalities.

**Article 7** Manifest transmission parties may submit a written request to Customs for keeping their commercial secrets and indicate in detail the specific content to be kept confidential.

Customs shall, in accordance with relevant national provisions, undertake the confidentiality obligation and keep properly the materials involving commercial secrets which are provided by manifest transmission parties and related parties.

## **Chapter II Administration of Manifests of Inbound Means of Transport**

**Article 8** Before transmitting the electronic data of the original manifest, operators of means of transport shall inform Customs of the estimated time of arrival of the means of transport at the port of destination within the Customs territory.

Before the means of transport arrives at the port, the operator of the means of transport shall inform Customs of the exact time of arrival at the port.

When the means of transport arrives at a place with a Customs office, the operator of the means of transport shall make arrival declaration to the Customs regarding the means of transport.

**Article 9** If there are goods or articles on board the inbound means of transport, manifest transmission parties shall transmit to Customs the main data of the original manifest by the following deadlines:

(a) Twenty-four (24) hours before loading onto container vessels, and twenty-four (24) hours before arrival at the first port of call within the Customs territory for non-container vessels;

(b) Before the time of takeoff for aircrafts with flight time below four (4) hours; and four (4) hours before arrival at the first port of call within the Customs territory for aircrafts with flight time above four (4) hours;

(c) Two (2) hours before arrival at the first station of call within the Customs territory for railway trains; or

(d) One (1) hour before arrival at the first station of call within the Customs territory for road

vehicles.

Manifest transmission parties shall transmit to Customs other data of the original manifest before the goods or articles arrive at the port of destination.

Only after Customs has received and accepted the transmitted main data of the original manifest may consignees and entrusted customs brokers make declaration to Customs regarding the goods or articles.

**Article 10** Where Customs finds in the original manifest goods or articles whose entry is prohibited by the Chinese government, Customs may notify the operator of the means of transport not to load nor to ship it into the Customs territory of China.

**Article 11** Where there are passengers on board an inbound means of transport, manifest transmission parties shall transmit to Customs the electronic data of the original manifest by the following deadlines:

- (a) Two (2) hours before arrival at the first port of call within the Customs territory for vessels;
- (b) Thirty (30) minutes before arrival at the first port of call within the Customs territory for aircrafts with flight time below one (1) hour; one (1) hour before arrival at the first port of call within the Customs territory for aircrafts with flight time between one (1) and two (2) hours; and two (2) hours before arrival at the first port of call within the Customs territory for aircrafts with flight time above two (2) hours.
- (c) Two (2) hours before arrival at the first station of call within the Customs territory for railway trains; or
- (d) One (1) hour before arrival at the first station of call within the Customs territory for road vehicles.

**Article 12** After Customs has received and accepted the transmitted main data of the original manifest, if it decides not to allow the discharge of goods or articles or disembarkation of passengers, it shall notify the manifest transmission parties of the decision in electronic form and state the reason(s) therefor.

Where Customs is unable to transmit the notification in electronic form, it shall send staff to the site to go through the formalities prescribed in the preceding paragraph of this Article.

**Article 13** Tally departments or managers of Customs-controlled premises shall, within six (6) hours as of the completion of discharge of goods or articles carried by an inbound means of transport, submit a tally report to Customs in electronic form.

For goods that require second tallying, with Customs approval, the tally report may be submitted to

Customs in electronic form within 24 hours as of the completion of discharge of the goods or articles carried by an inbound means of transport.

**Article 14** Customs shall match the tally report against the original manifest. Where there is any inconsistency, Customs shall notify the operator of the means of transport in electronic form. The operator of the means of transport shall report to Customs the reason(s) for the inconsistency within 48 hours as of the completion of discharge of the goods or articles.

**Article 15** Customs may order the operator of the means of transport to directly ship back the goods or articles not listed in the original manifest.

**Article 16** Where grouping is needed for inbound goods or articles, manifest transmission parties shall file an application with Customs in electronic form for approval. Only after approval is obtained from Customs may the grouping process begin.

After the grouped goods or articles have arrived at Customs-controlled premises, the manager of the Customs-controlled premises shall submit to Customs, in electronic form, an arrival report on the grouped goods or articles.

Within two (2) hours as of the completion of unpacking of the grouped goods or articles, the tally department or the manager of the Customs-controlled premises shall submit to Customs, in electronic form, a tally report on the grouped goods or articles .

**Article 17** When port congestion diversion is needed for goods or articles, the manager of the Customs-controlled premises shall file an application of port congestion diversion with Customs for approval. Only after approval is obtained from Customs may the diversion process begin.

After port congestion diversion is completed, the manager of the Customs-controlled premises shall submit to Customs, in electronic form, an arrival report on relevant goods or articles diverted.

**Article 18** Customs may carry out inspection and release formalities for the imported or grouped goods or articles upon the submission of the tally report, and for diverted goods or articles upon the submission of the arrival report.

**Article 19** Where there is any passenger on board the inbound means of transport, the operator of the means of transport or the manager of the Customs-controlled premises shall submit to Customs a Customs clearance application for the inbound passenger(s) and his/her/their luggage within three (3) hours as of the completion of disembarkation of the inbound means of transport, and provide the actual numbers of disembarked passengers, claimed check-in luggage and luggage yet to arrive. If the numbers are correct upon verification by Customs, the Customs clearance formalities may be carried out. Where there is any inconsistency between the original manifest and the Customs clearance application, the operator of the means of transport or the manager of the Customs-controlled premises shall report to Customs the reason(s) for the inconsistency within 24 hours as of the completion of disembarkation of the inbound means of transport.

The operator of the means of transport or the manager of the Customs-controlled premises shall deliver the unclaimed check-in luggage over to Customs for disposal.

### **Chapter III Administration of Manifests of Outbound Means of Transport**

**Article 20** For goods or articles to be transported in containers, the consignor of the export goods or articles shall transmit the electronic data of the packing list to Customs before the loading of the goods or articles onto the containers.

**Article 21** Where it is estimated that there will be goods or articles on board the outbound means of transport, manifest transmission parties shall transmit to Customs the main data of the advance manifest in electronic form before going through customs declaration formalities for the goods or articles.

After Customs has received and accepted the transmitted main data of the advance manifest, manifest transmission parties shall transmit to Customs other data of the advance manifest by the following deadlines:

(a) Twenty-four (24) hours before loading onto container vessels, and two (2) hours before loading of goods or articles onto the non-container vessels;

(b) Four (4) hours before loading of goods or articles onto aircrafts;

(c) Two (2) hours before loading of goods or articles onto railway trains; or

(d) One (1) hour before loading of goods or articles onto road vehicles.

Where it is estimated that there will be passengers on board the outbound means of transport, manifest transmission parties shall transmit the electronic data of the advance manifest to Customs one (1) hour before the outbound passengers start checking in for aircrafts/vessels/vehicles.

**Article 22** When outbound goods or articles arrive at Customs-controlled premises, the manager of the Customs-controlled premises shall submit to Customs an arrival report in electronic form. Upon receipt of the arrival report, Customs may carry out inspection and release formalities for the goods or articles.

**Article 23** Manifest transmission parties shall transmit the electronic data of the load manifest to Customs 30 minutes before loading of goods or articles onto the means of transport. Goods and articles listed in the load manifest shall be those that have been released by Customs.

**Article 24** Manifest transmission parties shall transmit the electronic data of the passenger manifest to Customs after passengers have completed the check-in formalities for aircrafts/vessels/vehicles but before the passengers embark on the means of transport.

**Article 25** After Customs has received and accepted the transmitted electronic data of the load/passenger manifest, if it decides not to allow the loading of goods or articles or boarding of passengers, it shall notify manifest transmission parties in electronic form of the decision and state the reason(s) therefor.

Where Customs is unable to transmit the notification in electronic form, it shall send staff to the site to go through the formalities prescribed in the preceding paragraph of this Article.

**Article 26** An operator of a means of transport shall inform Customs of the time of departure of the means of transport two (2) hours before its departure from the place with a Customs office.

The operator of outbound means of transport that is added on short notice shall inform Customs of the time of departure from the place with a Customs office before departure.

**Article 27** After loading or boarding has been completed, the operator of the means of transport shall submit to Customs a Customs clearance application. Only when Customs has finished all the clearance formalities may the means of transport leave the customs territory.

**Article 28** Within six (6) hours as of the departure of the outbound means of transport from the port of loading, the manager of the Customs-controlled premises or the tally department shall submit a tally report to Customs in electronic form.

**Article 29** Customs shall match the tally report against the load manifest. Where there is any inconsistency, Customs shall notify the operator of the means of transport in electronic form. The operator shall report to Customs the reason(s) for the inconsistency within 48 hours as of the completion of loading of the goods or articles.

Customs shall match the Customs clearance application against the passenger manifest. Where there is any inconsistency, Customs shall notify the operator of the means of transport in electronic form. The operator shall report to Customs the reason(s) for the inconsistency within 24 hours as of the completion of Customs clearance for the outbound means of transport.

#### **Chapter IV Administration of Manifest Modification**

**Article 30** Where it is necessary to modify the already transmitted electronic manifest data, before the prescribed deadline for transmission of the original manifest or the advance manifest expires, manifest transmission parties may modify the data directly except when owners of the goods or articles have already applied to Customs for clearance of the goods or articles.

The time of Customs' acceptance of the modification of electronic manifest data shall be taken as the time of transmission of the electronic manifest data.

**Article 31** Where the prescribed deadline for the transmission of the original manifest or the advance manifest has expired, under any of the following circumstances, after Customs has approved the written application for manifest modification submitted by a manifest transmission

party, the manifest may be modified:

- (a) when the electronic manifest data is inaccurate due to loss or damage of the goods or articles caused by force majeure;
- (b) when part of or all export goods or articles in the load manifest are shut out or shipped in a different means of transport due to loading, stowing or other reasons;
- (c) when the more-or-less amount of a large amount of goods in bulk or the bulk cargo within a single container is within the prescribed limits; or
- (d) when errors in transmitted data are caused by other external reasons.

**Article 32** After disposal is made in accordance with Article 37 of these Measures, if there is a need to modify the electronic manifest data, manifest transmission parties shall make the modification in accordance with requirements of Customs.

**Article 33** Manifest transmission parties shall submit the following documents to Customs in applying for modification of a manifest of goods or articles:

- (a) Application Form for Manifest Modification (see Annex 2);
- (b) photocopy of issued B/L (or waybill);
- (c) paper-form manifest that is correct and affixed with the seal of manifest transmission parties; and
- (d) other documents that can prove the rationality of the manifest changes.

When applying for modification of a passenger manifest, manifest transmission parties shall submit the documents listed in preceding paragraphs (a), (c) and (d) of this Article to Customs.

When a photocopy is submitted, the original document shall also be presented to Customs for verification.

## **Chapter V Supplementary Provisions**

**Article 34** For the purposes of these Measures:

"Original manifest" refers to the manifest transmitted by manifest transmission parties to Customs that reflects the information on goods, articles or passengers on board an inbound means of transport.

"Advance manifest" refers to the manifest that reflects information on goods, articles or passengers that are estimated to be on board the outbound means of transport.

"Load/passenger manifest" refers to the manifest that reflects information on goods or articles actually loaded onto or passengers actually on board the outbound means of transport.

"Bill of lading (waybill)" refers to the document that is used to prove the shipping contract for the goods or articles, the receipt or loading of the goods or articles by the carrier and the commitment by the carrier to deliver the goods or articles in accordance with the document.

"Master bill of lading (master waybill)" refers to the bill of lading (waybill) issued by an operator of a means of transport or a shipping agent.

"House bill of lading (house waybill)" refers to the bill of lading (waybill) issued by a non-vessel operating common carrier, freight forwarder or express courier, and is under the master bill of lading (master waybill).

"Arrival report" refers to the record submitted by the manager of Customs-controlled premises to Customs at the time of arrival of inbound or outbound goods or articles at the Customs-controlled premises that reflects the actual arrival of the goods or articles.

"Tally report" refers to the record of verification and confirmation made by the manager of a Customs-controlled premises or the tally department on the actual loading and discharge of goods or articles on board inbound and outbound means of transport.

"Port congestion diversion" refers to the act in accordance with the decision of administrative port authorities to prevent congestion in ports and divert relevant goods or articles to other Customs-controlled premises.

"Grouping" refers to the act of moving inbound goods or articles from one Customs-controlled premises to another by the manager of a Customs-controlled premises.

"Packing list" refers to the document that reflects the actual loading information on outbound containerized goods or articles before loading onto the containers.

"Above", "below" and "within" all include the number itself.

**Article 35** The serial number of a B/L (waybill) in a manifest shall be non-repetitive within two (2) years.

Manifest transmission parties, managers of Customs-controlled premises and tally departments shall keep properly the paper-form manifests, tally reports, arrival reports and relevant account books within three (3) years as of the date of Customs' acceptance of the manifest and related electronic data.

**Article 36** The formats of the following manifests and related electronic data as mentioned in these Measures shall be specified by the General Administration of Customs separately:

(a) original manifest (including main data and other data);

- (b) tally report;
- (c) application for the grouping of goods and articles;
- (d) tally report on grouped goods or articles;
- (e) application for port congestion diversion;
- (f) arrival report on goods or articles diverted against port congestion;
- (g) packing list;
- (h) advance manifest (including main data and other data);
- (i) arrival report; and
- (j) load/passenger manifest

**Article 37** Acts in violation of these Measures that constitute smuggling, violation of Customs control regulations or other breaches of the Customs Law shall be dealt with by Customs in accordance with the Customs Law and the Regulations of the People's Republic of China on Implementing Customs Administrative Penalty. Where such an act constitutes a crime, criminal liability shall be imposed in accordance with law.

**Article 38** The right of interpretation of these Measures shall remain with the General Administration of Customs of the People's Republic of China.

**Article 39** These Measures shall enter into force as of 1 January 2009. The Administrative Measures of the General Administration of Customs of the People's Republic of China for Transmission of Electronic Data of Manifests promulgated in the form of Decree No. 70 of the General Administration of Customs on 1 February 1999 shall be abolished simultaneously.

- Annexes: 1. Application Form for Registration  
2. Application Form for Manifest Modification


Annex 1

## Application Form for Registration

Customs Serial Number:

Company Full Name	(Chinese)	Abbreviation		
	(English)			
Registration Type	<input type="checkbox"/> Manifest transmission party	<input type="checkbox"/> Tally report maker	<input type="checkbox"/> Arrival report maker	
Company Type	<input type="checkbox"/> Operator or agent of inbound and outbound means of transport <input type="checkbox"/> Enterprises authorized by competent authorities <input type="checkbox"/> Other enterprises authorized to issue bill of lading (waybill)	<input type="checkbox"/> Tally Company <input type="checkbox"/> Manager of Customs-controlled premises <input type="checkbox"/> Other	<input type="checkbox"/> Cargo arrival after diversion <input type="checkbox"/> Cargo arrival after grouping	
Transmission Type	<input type="checkbox"/> Master bill of lading (master waybill) <input type="checkbox"/> Original Manifest <input type="checkbox"/> Tally Report of Means of Transport <input type="checkbox"/> House bill of lading (house waybill) <input type="checkbox"/> Advance manifest <input type="checkbox"/> Consolidation Tally Report <input type="checkbox"/> Passenger Manifest <input type="checkbox"/> Load manifest <input type="checkbox"/> Packing list <input type="checkbox"/> Other _____			
Transport Type	<input type="checkbox"/> Vessel <input type="checkbox"/> Aircraft <input type="checkbox"/> Railway Train <input type="checkbox"/> Road Vehicle <input type="checkbox"/> Other ____			
Contact Person	Name		Contact Details	
Other	Organization Code		Document No. of Sector Approval	
	Tax Registration Certificate Code		Uniform Code of Enterprise and granted by	
Documentation to submit	<input type="checkbox"/> sample of bill of lading (or waybill) and sample of shipping order; <input type="checkbox"/> prints of the corporate seal and relevant business stamps of the transmission party; <input type="checkbox"/> photocopy of license document or certificate of qualifications issued by competent administrative authorities; and <input type="checkbox"/> other documents required by Customs			
Customs Remarks	Registration Comments		Review Comments	
	Result:			



Remarks	Corporate Seal:	Customs Remarks
		Initial Review:
	<p>The Company ensures that the above modifications are true, correct and effective; otherwise the Company shall be responsible for all consequences, liabilities and costs arising from the modifications.</p>	Second Review:
		Results:

*(All information in this document is authentic in Chinese. English is provided for reference only. In case of any discrepancy, the Chinese version shall prevail.)*