

## Content

Title :	The Regulations of Tariff Quota <b>Ch</b>
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Legislative :	1.Promulgated on November 29, 2001 2.Article 13 amended on February 21, 2003 3.Article 10, 11, 11-1 amended on December 30, 2003 4.Article 1, 5, 7, 16, 17, 18 amended on July 12, 2004 5.Article 9 amended on May 5, 2009 6.Article 13-1, 14 amended on September 27, 2011
Content :	<p>Article 1 The Regulations are enacted pursuant to the provisions of Paragraph 2, Article 5 of the Customs Act (hereinafter referred to as "the Act ") .</p> <p>Article2 "Tariff Rate Quota" referred to in the Regulations means to specify a certain quantity for specific imported goods. The lower tariff rate (hereinafter referred to as "in-quota tariff rate") applies on imported goods within the quota, and the normal tariff rate applies on imported goods in excess of the quota (hereinafter referred to as "out-quota tariff rate")</p> <p>Article3 The tariff rate quota is allocated by the Ministry of Finance or the delegated organizations or other entrusted authorities.</p> <p>Article4 Whilst in-quota tariff rate applies on imported goods, the quota shall be allocated by the method of first-come first-served or the method of allocation in advance. Under the method of allocation in advance, quota shall be allocated by the following ways: 1.The order of application 2.Ballot 3.The performance of importation 4.Auctions for tariff quota rights 5.Other methods agreed by international treaties or approved by the Ministry of Finance consulting with the related authorities concerned. The performance bond or premium shall be collected whilst quota is allocated in accordance with the preceding Paragraph.</p> <p>Article5 The methods of allocation, period of allocation, the number of installments for distribution, the beginning and final dates of application for allocation, the ways of allocation, the lowest and highest sum of quota, eligibility of application for allocation, the collection of performance bond or premium, and other related issues about the implementation of tariff quota shall be announced before the implementation of tariff quota after consultation with the related authorities concerned and shall be published in the official journal of the government. Under the method of allocation in advance, the announcement should be made public 60 days in advance of the start of the application period, but the period of notice that has been agreed in other international treaties will be applied in accordance with the agreements in those treaties. Under the method of allocation in advance, if the method of installment distribution is used, the quantity of quota in each installment shall be published 21 days in advance of the start of the application period for each installment. In the case where tariff rate quota are increased in accordance with Article 71 of the Customs Act, the ways of allocation, eligibility of application for allocation, the collection of performance bond or premium, the period of notice and other related issues about the implementation of</p>

tariff quota shall be published by the Ministry of Finance after consultation with the related authorities concerned.

#### Article 6

The tariff rate quota can be allocated by countries and territories respectively with consideration of special need or in accordance with international treaties.

The country of origin of imported goods shall be determined under " Rules of Origin On Imported Goods ". The Customs can request the duty-payer to provide the verification documents for the country of origin.

#### Article 7

Under the method of first-come first-serve, quota shall be allocated by the order of the date of importation. Whilst the quantity of declaration within the same date of importation is over the unused quota, the quota shall be allocated by pro rata based on the quantity of declaration respectively. The date of importation referred to in preceding Paragraph shall be the arrival date of transportation means carrying such goods. But if goods are stored in the bonded warehouse under Article 58 of the Act, the date shall be the application date of withdrawal for importation.

#### Article 8

Whilst quota is allocated by the method of first-come first-serve, the Customs shall announce if the quantity of declaration reaches certain volume, and shall examine and release the imported goods after that the procedure of allocation is performed by the Ministry of Finance or the delegated organization or the entrusted authorization. In view of the need to retrieve imported goods in advance, the duty-payers can pay the guaranty deposit equivalent to the amount of customs duties calculated by out-quota tariff rate and apply for the release of imported goods.

The certain volume referred to in preceding Paragraph and the allocation method of goods referred to in Article 5 of the Regulations shall be announced at the same time.

The importers can not request for applying the in-quota tariff rate to imported goods if the importers submit declarations over 15 days from the arrival date of transportation means carrying such goods and the quota has been allocated.

#### Article 9

Under the method of allocation in advance, the importers shall apply to the Ministry of Finance or the delegated organization or the entrusted authorities for participating the allocation of quota before the final application date, which is announced in accordance with the Paragraph 1, Article 5, accompanied with the application form of tariff quota indicating the following items:

1. The Chinese/English name, the number, address and phone number of applicants.

2. The tariff number, description of goods, quantities, units of the imported goods.

If the quota is determined by the country of origin or territories respectively, the application form of tariff quota shall indicate the information of country of origin.

#### Article 10

Under the method of allocation in advance, the Ministry of Finance or the delegated organization or the entrusted authorities shall announce the name list of recipients within 14 days of the close of the application period announced under Paragraph 1 Article 5 of the Regulations, and shall collect the performance bond or premium whilst issuing the certificate of tariff quota.

The premium referred to in Paragraph 1 shall pay to the national treasury except that the premium of agricultural products shall be used as the source of salvage fund for agricultural products injured by importation.

#### Article 11

The quota allocated in accordance with the Article 9 can be transferred partially or wholly within the valid period of the tariff quota certificate.

To transfer quota referred to in Paragraph, both obligee and transferee shall fill the application form of tariff quota and apply to the original authority which allocated the quota for transference of quota and the performance bond accompanied by the following documents :

- 1.The original tariff quota certificate
- 2.The agreement of transference of tariff quota with mutual subscription
- 3.The agreement of transference of the performance bond with mutual subscription.

On receiving an application for transference of quota referred to in the preceding paragraph, the original authority may separately re-issue TRQ certificates for the transferred quota, and the remainder of the quota which the imported or transferred quota are deducted from the quota written on the original tariff quota certificate. The validity of the certificate shall be the same as the date written on the original tariff quota certificate.

#### Article 11-1

Both obligee and transferee may apply to the original authority which allocated the quota for return of the performance bond referred to in the preceding paragraph after the importation of the entire goods or the amount of the goods after transference, within the valid period of the tariff quota certificate.

The performance bond shall belong to the national treasury instead of refunding if neither the obligee nor the transferee apply for refund within 5 years or do not import the goods entirely within the valid period of the tariff quota certificate.

The un-imported goods of the obligee and transferee which are less than a certain proportion of the quota written on the tariff quota certificate shall be regarded as imported entirely. The aforementioned proportion shall be included in the announcement made by the Ministry of Finance in accordance with the provision of Article 5.

#### Article 12

Under the method of allocation in advance, the importers can import goods partially or wholly within the valid period of the tariff quota certificate. The customs shall deduct the imported quantity from quota after examining the exactly arrived goods and then forward the quantity of deduction to the original authority which allocated the quota.

#### Article 13

Under the method of allocation in advance, if the quantity of quota can not be imported entirely before the expiration of the tariff quota certificate, the importers can apply to the original authority which allocated quota for extension before the expiration of the valid period , accompanied by the transaction contract and the original certification of the tariff quota.

Under the method of allocation in advance, if the method of installment distribution is used, the quota allocated in each installment must be imported entirely before the expiration of the tariff quota certificate in the given period, and no extension may be applied for. Such importers as import rice and rice products may apply for extension to the final date in the such year in accordance with the preceding paragraph.

#### Article 13-1

Under the method of allocation in advance, due to natural disasters, force majeure events or other subject matter, as a result of transport disruption or port closure, a quota quantity can not be imported entirely before the expiration of the tariff quota certificate, an importer can apply to the Ministry of Finance for extension attached with relevant concrete documents within ten days after the cause of the matter was eliminated, and the extension period applicable to the imported quota is limited on the period, that the port closure and transport disruption affect the normal operation of transportation.

#### Article 14

If the quota was allocated in accordance with Article 9 but without the issuance of tariff quota certificate or without the application of importation at the same year, the Ministry of Finance shall reallocate the tariff quota and announce 21 days prior to the beginning date of application for reallocation, except that such extension of period is approved in accordance with the preceding 2 articles.

The application for participating the reallocation, the allocation and the issuance of tariff quota certificate referred to in preceding Paragraph, should be implemented in accordance with the Article 9 and Article10.

#### Article 15

In view of the need to amend the name of profit-seeking enterprise

registration, address or telephone number, the importers shall apply to the original authority which allocated the quota for amendment within the valid period of the certificate, accompanied by the authentic writing of certificate and related documents.

#### Article 16

Under the situation that imported goods are applying the in-quota tariff rate of the method of allocation in advance, whilst the importers can not submit tariff quota certificate on time but can rectify the procedure, the importers can apply for goods examined and released accompanied with the payment of guaranty deposit equivalent to the amount of customs duties calculated by the out-quota rate and rectify the procedure within the valid period of the certificate. If the procedures can not be rectified, the guaranty deposit shall be confiscated under the Paragraph 3, Article 18 of the Act.

#### Article 17

If the imported goods can not apply the in-quota tariff rate, the importers can import good with the declaration under out-quota tariff rate, or act by the following methods before goods released by the Customs

1. Apply to re-export the goods.

2. Apply to store in a bounded house under Article 58 of the Act and "the Regulations Governing the Establishment and Management of Bonded Warehouse".

#### Article 18

The implementation of the tariff rate quota increase according to Article 71 of the Act, with the exception of Paragraph 1, Article 5, shall be implemented in accordance with the Regulations of Tariff Quota.

The implementation of the tariff rate quota adopted according to Article 72 of the Act, shall be implemented in accordance with the Regulations of Tariff Quota.

#### Article 19

These Regulations shall be come into force from the date of promulgation