EUSME Centre

Customs Clearance for Imports in China

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This EU SME Centre Market Access Guide was written by:

Ingrid Ge, Standards and Conformity Expert, EU SME Centre

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Introduction

In 2019, the EU continues to be China's largest trading partner[1]. China is the EU's second-largest export destination, and its largest source of imports. Top products the EU exports to China include: motor vehicles and parts, aircraft and associated equipment, and electrical apparatus[2]. Imports of agricultural products from the EU to China have increased rapidly due to the swift growth of its domestic demand for safe and high quality products, such as meat, fresh and processed fruits and vegetables, and food and beverages.

But different countries have different customs import requirements and practices; exporting goods from the original countries and efficiently getting through the import customs clearance can be a real challenge.

Although the main actions are taken and major responsibilities (such as fines and penalty) are borne by Chinese importers, failure to complete import clearance may cause goods to be detained at the port of entry and eventually affect EU exporters. In some cases, importing a certain type of product requires overseas exporter registration. Therefore, understanding and managing the Chinese Customs Clearance requirements are critical for companies, especially EU SMEs, to reduce the import operational risks and manage costs.

This guideline will explain the customs clearance procedures, specific import requirements and rules for certain products, and customs clearance in different trade modes to help EU SMEs to successfully import their products into China.

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1 https://www.bloomberg.com/news/articles/2020-01-14/china-s-trade-with-u-s-fell-in-2019-global-surplus-widened

2 https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Most_traded_goods_between_EU-28_and_China,_top_20_of_SITC_level_3_products,_2018.png

Section I. Basic Customs Clearance Process for Imports

1. Structure of China Customs System

The hierarchy of China Customs is composed by/is divided in 3 levels:

(1) The General Administration of China Customs ("GACC")
The GACC is a ministry level authority directly under the State Council. All imports of goods and services to China are subject to the supervision of GACC. After the government restructure in 2018, GACC now takes not only the traditional responsibilities but also additional ones such as inspection and quarantine for animals and plants, and food safety administration. These used to be under the supervision of AQSIQ (Administration of Quality Supervision, Inspection and Quarantine), which does not exist anymore.

(2) Regional Customs
There are 42 regional customs in China (known as "customs districts"), such as Beijing Customs, Shanghai Customs, Tianjin Customs, Dalian Customs, directly under the supervision of GACC.

(3) Local Customs
On the ground, 678 customs houses operate locally and there are nearly 4,000 customs clearance control stations, manned by 100,000 staff, throughout the country[3].

2. Trade Participants

Besides the exporter in the EU, trade participants that play an important role in customs clearance process include: importer of record or import agent, and sometimes more importantly, a qualified customs broker.

Importer of record – Importer of record (IoR) refers to customs registered[4] legal entities, organizations and individuals who sign the import contract with an overseas party, and have the legal responsibilities to ensure the imported goods comply with local laws and regulations.

The importer of record should (i) file all required documents for submission, and (ii) pay the assessed import duties and other taxes timely on imported goods.

Import agent – Companies may act as importer of record to import goods by themselves and can also engage an import agent to conduct import related activities on behalf of them.

If an import agent is engaged and a service agreement is in place, the import agent will be treated as the importer of record, while the company will be regarded as the consignee and the owner of the imported goods. Only when the consignee is the importer of record itself, it can take the full legal responsibilities for the import activities. And the import duty will still be borne by the company i.e. the consignee, although the importer of

[3] http://english.customs.gov.cn/about/mission
[4] From Feb.2019, companies are not required to do customs registration separately as an importer. After China customs confirms the recept of the company's commercial registration information and record, the customs registration automatically completed.

record is the agent who declared the imported goods for the company.

Customs broker – Customs brokers are experts in customs clearance. They are licensed by the local customs office after passing certain customs examination.

A customs broker enterprise is a registered legal entity in China that provides import (and export) declaration and clearance services upon support from the importer of record. Sufficient information and necessary documents should be provided to customs broker to complete the relevant customs procedure.

Qualified customs brokers play an important role in the process of customs clearance, because they are very familiar with local customs practice and know how to facilitate the process to expedite the clearance of goods, and more importantly, they can handle some unexpected challenges from customs.

3. Basic Customs Clearance Procedure

When goods arrive at an airport or a port in China, importers or the authorized customs brokers should make import declaration with port customs. Some local customs in China allow importers to do advanced import declarations prior to the arrival of goods to expedite the import clearance.

For goods imported into China under general trade mode, the basic import clearance process is divided into 5 major steps: customs declaration, inspection and quarantine, price evaluation, tax payment and goods release.

To illustrate key steps for EU exporters, we extend the process starting from the contract set-up to better understand each step at the very beginning of the exporting process:

	Steps	**Remarks**
1	Contract set-up	Choose Incoterms carefully
2	Import license application (if applicable)	Be sure to understand related import rules in advance, and secure import license/registration if applicable
3	China customs e-Port system online pre-declaration	Provide all necessary declaration data and information to importer/agent/broker
4	Shipment arrival at China port	Goods will be stored in a warehouse supervised by customs before clearance
5	Paper document and license submission for customs review	Customs will check all declared data and information (HS code, declared price, license etc.)
6	Import inspection and quarantine	Customs may have sample testing and check label and package
7	Pay import duty and fees	Customs tariff, VAT and consumption tax need to be paid. Other fees may include port fees and warehouse fees.
8	Customs released	Goods are allowed to leave the port

Section II. Managing China Inbound Customs Clearance (General Trade)

1. Understand your products

Accurate customs declaration and documents preparation is the key to pass through the customs clearance swiftly, as they are essential for customs to evaluate the value of goods and measure the imports. This requires EU exporters to understand your products properly, make sure all pre-shipment necessary documents are well prepared, and have sufficient communication with Chinese importer or broker.

2. Import License and exporter requirements

Before arrival of shipment, it is crucial for EU exporters to understand whether the products are subject to any special license or certificate and if there is any pre-market approval requirement (e.g. exporter registration) according to China's trade and customs law.

Special attention needs to be paid when exporting the following listed products from Europe to China, either special license and documents or export registration to China authority or labeling is required:

- Animal products;
- Plant products;
- Aquatic products;
- Meat products;
- Fruits;
- Dairy products;
- Bird nests;
- Casing;
- Honey products;
- Health food;
- Foods for special medical purpose (FSMP);
- Pre-packaged food;
- Drugs and Medicine;
- Medical devices;
- Cosmetics;
- Some electronics and machinery products;
- Certain battery products;
- Certain toys;
- Pesticide;
- Pet food;
- GMO (Genetically Modified Organism) products;
- Hazardous material (such as paints);
- Used mechanical and electrical products; and,
- Other product subject to special import requirements

For example, if the products intended for export to China are certain types of electronics or machinery products, the CCC (China Compulsory Certification) might be required beforehand.

For more information about CCC and other import requirements on specific products, such as cosmetics, meat, seafood etc, please refer to the EU SME Centre's report and webinar at https://www.eusmecentre.org.cn/

3. HS Code

HS Code stands for Harmonized Commodity Description and Coding System. It is developed by the WCO (World Customs Organization) and adopted by most of the countries worldwide to describe and classify commodities.

HS Codes normally consist of 8 to 10 digits, covering more than 5,000 product descriptions. The first 4 digit HS codes represent headings, and 5^{th} digit or 6^{th} digit HS codes are sub-headings. In the system, all products are grouped into 21 sections with 97 chapters[5]. The first 2 digits of HS Code can identify the chapter of products; the 3^{rd} digit and 4^{th} digit helps to narrow groupings within that chapter, while 5-digit and 6-digit are more specific.

China uses a 10-digit numbering scheme. A typical HS Code in China consists of 8 to 10 digits. The first 6 digits follow the international HS code, the 7^{th} and 8^{th} are designed for tariff and other purposes. The 9^{th} and 10^{th} digits are for statistical and regulatory purposes.

Sample HS Code:

$$\underbrace{0203}_{\text{Uniform in all WCO members}}.11.\overbrace{1010}^{\text{National code assigned by China}}$$

An accurate declaration of HS Codes is crucial for customs clearance, as it determines the applicable customs duty and import license and standard requirements.

The importer should self-assess the HS Code of the import product and declare it to the local customs. As the exporter, the HS Code of your product in your home country can be a reference for the importer of the same product in China.

One of the big issues exporters may encounter is that the HS code used in the exporting country could differ from the one confirmed by the China customs. This is due to the fact that normally only the first 6 digits of HS code are universally used, but the 7^{th} to 10^{th} digit may vary from country to country.

As China Customs are now responsible for product inspection and quarantine, from 1 August 2018, the HS Code to be filled in on the Import Declaration Form has been changed from the original 10-digit HS Code to

[5] Based on the latest version Harmonized System 2017.

the new 13-digit HS Code. The 11th to 13th affixed code stands for inspection and quarantine code for customs supervision purpose only.

4. Customs Classification

As in most countries, customs classification in China is based on the HS Systems, as has been adopted in the PRC Customs Tariff Book, and determined in accordance with the Explanatory Notes to the HS.

When products are imported into China, the importer should assess and declare the HS Code to the customs at the port of entry, who will check the correction of the HS Code.

In some cases, China customs may challenge and even reject the HS code the importer declares. When it happens, the importer or broker should be able to explain the relevant question about the product details and possible other questions from port customs and provide necessary information and documents as proof if required. If disputed, the tariff classification at Regional Customs may be consulted. If dispute still exists, the issue may be escalated to a tariff classification sub-centre either at Shanghai, Dalian, Guangzhou or Tianjin, depending on the type of the products in question. In extreme cases when the dispute cannot be solved, it will be passed on to the GACC, Tariff Classification Committee to make a ruling. When there is an "international discrepancy", the classification may be determined with reference to the rulings or opinions of the WCO.

Ensuring proper classification of a product can be complex and time-consuming, depending on the nature of the imported products, especially for those tricky products or new created products. Therefore, besides necessary classification skills, correct classification requires full understanding of the product, including the materials it is made of, working functions etc.

In practice, sometimes inconsistency in translation between the origin language and Chinese language may also cause incorrect classification.

Incorrect classification may lead to serious consequences, such as seizure of products, interruption to the supply chain, additional assessment of duty and potential penalty, and customs clearance may be taken under cash deposit and consequently additional cost.

If you are exporting to China for the first time, and you are not confident about the classification of your product, it is suggested to consult local customs through importers or professional companies for advice on the HS Code.

5. Customs Valuation

In the process of customs clearance, customs will appraise the value of imported products, which is the base to calculate the amount of import duty and relevant taxes. Therefore, customs valuation is essential to both customs and importers/exporters.

Customs valuation regulation in China follows the principles set out in the World Trade Organization's Valuation Agreement. The core of customs valuation is to ensure that the value of imported products are in line with commercial reality, and are not influenced by other factors, such as related-party transaction or transfer pricing.

According to China's customs valuation rules, the dutiable value of imported products has to be assessed based on the transaction value, which is the complete actual price of the products, including both direct and indirect payments made by the transaction parties. It can be illustrated as follows:
Dutiable value = Transaction price + Insurance and Freight +/- Adjustment[6]

In cases when the transaction value is deemed unacceptable (for example, due to conditions attached to the sale of the product) by customs at the port of entry, there are another 5 methods provided, in hierarchical order, to assess the transaction value, i.e.:
(1) Transaction value of identical goods;
(2) Transaction value of similar goods;
(3) Computed value;
(4) Deductive value[7];
(5) Fall-back value.

Due to the complexity of customs valuation, and the majority of SMEs will not confront such situations[8], no details of these 5 methods will be discussed in this guideline.

It is suggested to SMEs to provide documents stating the CIF price (with cost, insurance and freight), and it is important to be aware that China customs have an internal valuation database to check whether the CIF price declared is reasonable and acceptable. Normally, China customs will accept the declared price. Around 5% differences are acceptable. However, if the price declared is too far out of line with the database, then customs at the port of entry will challenge the reliability of the price and need further explanation to persuade them. Otherwise additional fees and penalties may incur.

6. Import Customs Duty and Taxes

China Customs assess and collect import tariffs and taxes. When products are imported into China, 3 types of duties need to be paid to China Customs[9]:

Import Customs Duty and Taxes	Rate
Customs Duty	Varies on different type of products (HS Code)
Value Added Tax	9% or 13%
Consumption Tax	1% to 56% depending on the type of products

(1) Customs Duty
There are six categories of import customs duty, i.e.
- General rate;

[6] The transaction price can be adjusted when include the dutiable items, such as certain expenses borne by buyer (e.g. packing cost etc.); assists; license fee or royalties; and subsequent proceeds etc.
[7] The sequence of method 3 and 4 may be interchange.
[8] Mostly happens in MNCs.
[9] Duty rate may change in the future if new policy releases.

- Most-favored-nation (MFN) rate;
- Conventional rate;
- Preferential rate;
- Tariff rate quota (TRQ) rate; and
- Temporary duty rate.

For the majority of products originating from the EU to China, the applicable rate is the MFN rate, as there is no FTA agreement between the EU and China yet.

Besides the common-used MFN rate, the other rate that needs to be explained here is the temporary duty rate, which is made in order to develop certain China domestic industries to boost imports. Temporary duty is a preferential rate and is lower than the MFN rate. It is assessed and published by the Tariff Commission of the State Council annually.

According to the latest Temporary Duty Schedule for Imports, there are 859 items of products that can enjoy the temporary duty rate in 2020, with the lowest rate at zero, include some sea food and diary products, certain raw materials of anti-cancer drugs, diapers etc.[10]

As mentioned hereinabove, calculation of customs duty is based on the CIF price of imported products. Both insurance and freight fees for international transportation are subject to customs duty. If the commercial contract in signed with FOB or other Incoterms, the Insurance and Freight should be declared as well.

The Customs duty is calculated as below:
Customs duty = CIF price × applicable duty rate

(2) Value Added Tax (VAT)
For all products imported into China, import VAT should be paid besides the customs duty. China reduced the VAT rate twice in 2018 and 2019, and end up in 2020 at either 9% or 13% rate depending on categories of products. The import VAT is input VAT and deductable against output VAT.

It is calculated as below:
Import VAT = (declared value + customs duty + consumption tax, if applicable) × VAT rate

(3) Consumption Tax
Consumption tax only applies to limited categories of products, include (a) those that are harmful to health e.g. tobaccos, alcohol; (b) luxury products, e.g. yachts, high-end watches and cosmetics; and (c) high-end products, like passenger vehicles.

Consumption tax is calculated on the following principles:
Consumption tax
= (declared value + customs duty)÷(1-consumption tax rate)×consumption tax rate

[10] http://www.gov.cn/xinwen/2019-12/23/content_5463213.htm

On 13 March 2020, China announced a shift in the collection of consumption tax on luxury watches, precious jewelry and jade from import to domestic retail link[11]. The collection of consumption tax on other items remains at the import link.

7. GB Standards and labeling

GB (an abbreviation of "GuoBiao" in Chinese) Standards means China national standards. A standard starting with "GB" is a mandatory national standard, for example: GB 5296.3-2008 (*Instruction for use of consumer products - General labeling for cosmetics*). You may also see some other China national standards starting with prefix "GB/T", which means recommended or voluntary standards, for example: GB/T 23347-2009 (*Olive oil and olive-pomace oil*).

Before exporting to China, EU exporters should make sure that all products meet the corresponding "GB Standards" in China. Although most of GB Standards are derived from international standards or European standards, it does not necessarily mean that a product conforming to EU standard can automatically meet the corresponding GB Standard, especially for products such as cosmetics, more and stricter GB Standards are required[12].

The Standardization Administration of China (SAC) under the State Administration for Market Regulation (SAMR) is responsible for management and supervision of GB Standards in China. The SAC has a database with more than 2,000 existing GB Standards and more than 35,000 existing GB/T Standards to be searched online[13]. It is recommended to contact your importer or professional agent to confirm the corresponding GB Standards for your products before exporting.

Labeling requirements is another issue to comply with before arrival of the products at the Chinese port. It is also an issue that can be easily ignored. Incompliance of labeling may also lead to delay of products. For first-time exporters, the process of labeling and customs clearance can be quite an ordeal. It happens affixing labels for improper labeled products at the port of entry before customs clearance can proceed.

China regulates product labeling through certain decrees, announcements and more specifically, a number of GB Standards as well. For example, *Food Safety Law;* and *GB 29337-2012 (General labeling for oral care and cleansing products*).

Although from Oct. 2019, China removed label registration requirement for pre-packaged food, the size and content of the label in Chinese (such as name of manufacturer, ingredients expiry date etc.) still have to be in line with relevant regulation and standards.

[11] https://www.ndrc.gov.cn/xxgk/zcfb/tz/202003/t20200313_1223046.html
[12] https://www.export2asia.com/blog/gb-standards-china/
[13] http://openstd.samr.gov.cn/bzgk/gb/index

Section III. Customs Clearance for Cross-border E-commerce (CBEC)

In recent years, trading through cross-border platforms to China has been booming. According to MOFCOM (Ministry of Commerce of China), the CBEC import value in 2019 reached RMB 91.8 billion (about Euro 12 billion), with a year-on-year increase of 16.9%[14]. It has its advantages for SMEs to consider, such as higher effectiveness and convenience in comparison with traditional trade.

According to customs regulation[15], all CBEC players are required to register at customs. Foreign companies undertaking CBEC should authorize a China domestic agent to register at customs for them. The authorized agent will take joint liability on product safety and quality.

The customs clearance under CBEC is different from general trade mode. The whole process has been significantly shortened since 2015. China customs are required by GACC to provide all-year-round services to CBEC, and customs clearance is required to be processed within 24 hours, provided all required documents and data are correct. In practice, some products can be cleared within a few hours.

Before arrival of shipments, customs clearance data should be online submitted to the system of China customs at the port of entry. The port customs will check whether all the 3 types of data can match with each other, i.e. transaction data, payment data, and logistics data. Other key information need customs check before clearance including: name and ID information of buyer, transaction value and annual transaction value, import price, import taxes etc.

1. Positive list

In spite of the advantages of CBEC, it is not applicable for all products. Only products that fall into the *List of Goods under CBEC Retail Import* (also known as the "Positive List") are permitted to be traded to China via CBEC.

The Positive List was first released in 2016, and has been revised and expanded for several times. The latest Positive List, that came into effect on 1 January 2020, covers a total of 1,413 HS Codes items, with an increase of 92 types of products in comparison with the previous version, including certain frozen sea food, alcohol products and household appliances[16]. The names of the products on the Positive Listed are only for reference, the HS code listed is the criterion to determine whether the product is permitted to use the CBEC mode.

2. CBEC Pilot Regions

More and more pilot cities and regions are approved to conduct CBEC since first approved in 2015. In January 2020, China announced the expansion of CBEC pilot areas to Hainan Island and 50 other cities, including Jinan, Lhasa, and Urumqi. Till now, the total number of CBEC pilot cities and regions has reached 87.[17]

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[14] http://www.mofcom.gov.cn/article/ae/ai/202001/20200102931392.shtml

[15] GAC Announcement [2018] No. 194, http://www.customs.gov.cn/customs/302249/302266/302267/2141321/index.html

[16] The list can be downloaded at http://gss.mof.gov.cn/gzdt/zhengcefabu/201912/t20191227_3451448.htm

[17] In Jan.2019, the expansion of 22 cities was announced, making the CBEC pilot cities to 37. Cities such as Beijing, Shanghai, Tianjin, Shenyang, Nanjing, Wuhan, Kunming, Xi'an, Xiamen etc. were included.

3. License, labeling and registration requirements

An important CBEC policy effective on 1 January 2019 stipulates that products imported to China via CBEC platforms should be treated as "personal articles", and thus be exempted from mandatory administration license requirements, registration or filing management when imported[18]. For example, first-time imported products such as cosmetics via CBEC platform do not need to apply the in-advance registration or filing as it does under general trade mode.

4. Import Duty

Calculation of import duty under CBEC is also different from that under general trade. Products traded via CBEC will be levied on a "comprehensive tax", which is a tax with combination of import tariff, VAT and consumption tax (if any). The dutiable value is based on the actual CIF price.

According to the existing CBEC policy, on the condition that a single transaction value is under RMB 5,000, and the annual transaction value is within RMB 26,000, the import tariff rate is fixed at 0%, and at the same time, the import VAT and consumption tax enjoys 70% of the tax payable.

Therefore, the CBEC tax rate is calculated as below:
CBEC Comprehensive Tax Rate = [(VAT rate + Consumption tax rate) ÷ (1 - Consumption tax rate)] × 70%

But on the condition that a single transaction exceeds RMB 5,000 or/and the annual transaction value beyond RMB 26,000, the products imported via CBEC should be subject to the same rates of the taxes under general trade mode, i.e. cannot enjoy the 0% import tariff, and no more 70% VAT and consumption tax rate.

It is worth mentioning that China's CBEC policy and tax management develops and changes frequently. It is advised to monitor the updates of CBEC policy in a timely manner.

For more detailed CBEC regulations and operation, please download the *Guideline on Cross-border E-Commerce in China* at EU SME's website at: https:www.eusme.org.cn

[18] Joint Notice of MOFCOM,MOF, NDRC [2018] No. 486, http://www.gov.cn/xinwen/2018-12/01/content_5345041.htm

Section IV. Conclusion and recommendation

Precise and accurate customs declaration is the prerequisite for fast customs clearance. Make sure that all declared information and data are consistent and complete (e.g. HS Code, declared price, volume, Incoterms), and all required license, registration and labeling are ready for customs check.

Failure to submit accurate information or required documents may lead to products detained at port of entry, and if in severe cases, may cause major fines and penalties and negative influence on company's reputation. The result of a false declaration depends on whether it is an intentional or unintentional action. If it is made unintentionally, China customs normally are willing to accept error correction, especially voluntary disclosure.

As an exporter, EU SMEs should understand their products properly from the customs clearance perspective. Make sure to have sufficient communication with your importer in advance and cooperate with local customs in a timely manner during the process of customs clearance. Involving a qualified broker to handle tricky issues when necessary is also important. They are more professional in customs clearance and familiar with local customs' practice.

To better manage customs clearance procedures and avoid potential risks and unnecessary costs, the following best practices are for reference:

1. Double check the HS Code of your product

The HS Code should be checked with the importer in China before exporting, as it decides the applied import duty rate and import license requirement. Improper declaration of HS code could also result in challenges from customs and consequent risks.

It is prudent to consult customs at the port of entry beforehand through your importer, or professionals such as broker or consulting companies if the HS code is tricky to determine.

2. Make sure all import requirements are met

If there are any special import requirements, such as exporter registration, import license or label requirement, make sure all are met before exporting.

3. Do not under-declare the import value

Normally 5% differences are accepted. Big difference may lead to unnecessary difficulties and even serious consequences.

4. Choose proper Incoterms carefully

Keep in mind that China customs levies import duties on the CIF price. If your commercial contract is not signed in the CIF price, relevant conversion will be done. It is important to take it into consideration, as it relates to the import cost and may affect the budget of the buyer and consequently the competitiveness of your products in the China market.

5. Other To Dos in Special Cases

Understanding your products and customs import policies is crucial. In some niche cases, special attention needs to be paid.

For example, if the products are packed in wooden packages, the IPPC (Internationals Plant Protection Convention) logo should be marked on the surface of the package, indicating that the wooden package has been fumigated properly.

In case the products from the EU happen to be related to anti-dumping, a COO (Country of Origin) Certificate is required to be obtained beforehand for submission to China customs. In other certain cases, customs may also ask for COO Certificate depending on different practices.

Another case that needs special attention is customs clearance for a "temporary import" product[19], such as samples for testing or product for exhibition. In this case it is recommended to apply for an ATA Carnet (Admission Temporary of Goods) for customs clearance. For products imported temporarily without an ATA document, the consignee or consignor of the products has to provide guarantee to the in-charge customs.

Last but not least, when dealing with complicated cases, engaging with a professional broker will facilitate the customs clearance process and reduce potential risks.

[19] According to the existing temporary import rules in China, there are 13 criteria that are applicable to temporary import. Details see GAC Order [2017] No. 233: http://www.customs.gov.cn/customs/302249/302266/302267/755412/index.html

About the Centre

The EU SME Centre helps EU SMEs prepare to do business in China, by providing them with a range of information, advice, training and support services. Established in October 2010 and funded by the European Union, the Centre has entered its second phase which will run until April 2020.

The Centre is implemented by a consortium of six partners – the China-Britain Business Council, the Benelux Chamber of Commerce, the China-Italy Chamber of Commerce, the French Chamber of Commerce in China, the Eurochambres, and the European Union Chamber of Commerce in China. All services are available on the Centre's website after registration, please visit: www.eusmecentre.org.cn.

Contact the Centre at

Room 910, Sunflower Tower - 37 Maizidian West Street
Chaoyang District - Beijing, 100125
T: +86 10 8527 5300; F: +86 10 8527 5093
www.eusmecentre.org.cn; info@eusmecentre.org.cn

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EU SME Centre
Room 910, Sunflower Tower
37 Maizidian West Street
Chaoyang District, Beijing, 100125
China

Phone: +86 10 8527 5300
Email: **info@eusmecentre.org.cn**
Website: **www.eusmecentre.org.cn**