

Regulations on the Export Control of Dual-Use Items of the PRC

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Chapter I — General Provisions

Article 1 — These Regulations are formulated in accordance with the Export Control Law of the People's Republic of China (hereinafter referred to as the "Export Control Law") and other laws, for the purposes of safeguarding national security and interests, fulfilling international obligations such as non-proliferation, and strengthening and regulating the export control of dual-use items.

Article 2 — The state's export control of dual-use items shall be governed by these Regulations.

For the purposes of these Regulations, "dual-use items" means goods, technologies and services that have both civil and military uses or that contribute to enhancing military potential, in particular those that may be

used to design, develop, produce or use weapons of mass destruction and their means of delivery, including relevant technical data and other data.

For the purposes of these Regulations, "export control" means the prohibitive or restrictive measures adopted by the state with respect to the transfer of dual-use items from within the territory of the People's Republic of China to outside the territory, and the provision of dual-use items by citizens, legal persons and unincorporated organizations of the People's Republic of China to foreign organizations and individuals, including the trade-related export of dual-use items and their transfer to foreign parties by way of gifting, exhibition, cooperation, assistance or any other means.

Article 3 — The export control of dual-use items shall uphold the leadership of the Communist Party of China, uphold the holistic approach to national security, maintain international peace, coordinate high-quality development with high-level security, improve the administration of and services for the export control of dual-use items, and enhance the governance capacity for the export control of dual-use items.

The export of dual-use items and related activities shall comply with laws, administrative regulations and the relevant provisions of the state, and shall not harm national security and interests.

Article 4 — The national export control work coordination mechanism shall be responsible for organizing and guiding the export control of dual-use items and for coordinating major matters concerning the export control of dual-use items. The competent commerce department under the State Council shall be responsible for the export control of dual-use items, and other relevant departments of the state shall, in accordance with the division of duties, be responsible for the work related to the export control of dual-use items. The competent commerce department under the State Council and other relevant departments of the state shall cooperate closely and strengthen information sharing.

The competent commerce departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government may, upon entrustment by the competent commerce department under the State Council, carry out work related to the export control of dual-use items.

Article 5 — The competent commerce department under the State Council shall, in conjunction with the relevant departments of the state, establish an expert consultation mechanism for the export control of dual-use items to provide advisory opinions for the export control of dual-use items. Experts shall safeguard national security and interests, provide advisory opinions in an objective, fair, scientific and rigorous manner, and shall, in accordance with the law, bear the obligation to keep confidential the state secrets, work secrets, trade secrets, personal privacy and personal information that they learn of in the course of consultation.

Article 6 — The competent commerce department under the State Council shall formulate and publish compliance guidelines for the export control of dual-use items, and shall encourage and guide export operators, as well as operators providing services such as freight transport, third-party e-commerce platforms and finance to export operators, to establish and improve internal compliance systems for the export control of dual-use items and to conduct business in accordance with the law.

Article 7 — The competent commerce and foreign affairs departments under the State Council shall, in conjunction with other relevant departments of the state, strengthen international cooperation in the export control of dual-use items and participate in the formulation of relevant international rules.

The competent commerce department under the State Council shall, in accordance with treaties and agreements concluded or acceded to, or on the principle of equality and mutual benefit, carry out cooperation and exchange with other countries, regions and international organizations in the export control of dual-use items. Other relevant departments of the state shall, in accordance with the division of duties, carry out cooperation and exchange related to the export control of dual-use items.

Article 8 — Self-regulatory organizations such as relevant chambers of commerce and associations shall, in accordance with laws, regulations and their charters, provide their members with services such as

information, consultation, publicity and training related to the export control of dual-use items, and strengthen industry self-regulation.

Chapter II — Control Policies

Article 9 — The competent commerce department under the State Council shall, in conjunction with the relevant departments of the state, formulate and adjust the export control policies for dual-use items; major policies shall be submitted to the State Council for approval, or to the State Council and the Central Military Commission for approval.

Article 10 — The competent commerce department under the State Council may, in conjunction with the foreign affairs and customs departments and other relevant departments of the state, assess the destination countries and regions for the export of dual-use items in light of the following factors, determine the risk levels, and adopt corresponding control measures:

- (1) the impact on national security and interests;
- (2) the need to fulfill international obligations such as non-proliferation;
- (3) the need to perform the treaties and agreements concluded or acceded to by the state;
- (4) the need to implement binding resolutions and measures of the United Nations Security Council; and
- (5) other factors that need to be taken into account.

Article 11 — The competent commerce department under the State Council shall, in accordance with the Export Control Law and these Regulations, and in accordance with the export control policies for dual-use items, formulate and adjust the export control list for dual-use items in accordance with the prescribed procedures in conjunction with the relevant departments of the state, and publish it in a timely manner.

In formulating and adjusting the export control list for dual-use items, opinions of relevant enterprises, chambers of commerce, associations and other parties may be solicited in an appropriate manner, and industry investigation and assessment may be carried out when necessary.

Article 12 — Where necessary for safeguarding national security and interests and for fulfilling international obligations such as non-proliferation, the competent commerce department under the State Council may, with the approval of the State Council, or of the State Council and the Central Military Commission, impose temporary control on goods, technologies and services not included in the export control list for dual-use items, and shall make an announcement thereof. The period of each temporary control shall not exceed two years. An assessment shall be carried out in a timely manner before the expiry of the temporary control period, and the following decisions shall be made based on the assessment results:

- (1) where control is no longer necessary, the temporary control shall be cancelled;
- (2) where control needs to be continued but it is not appropriate to include the items in the export control list for dual-use items, the temporary control shall be extended, and the extension shall not exceed two times; and
- (3) where long-term control is necessary, the items shall be included in the export control list for dual-use items.

Article 13 — Where necessary for safeguarding national security and interests and for fulfilling international obligations such as non-proliferation, the competent commerce department under the State Council may, with the approval of the State Council, or of the State Council and the Central Military Commission, in conjunction with the relevant departments of the state, prohibit the export of specific dual-use items, or prohibit the export of specific dual-use items to specific destination countries and regions or to specific organizations and individuals.

Chapter III — Control Measures

Section 1 — Export Licensing of Dual-Use Items

Article 14 — The state shall implement a licensing system for the export of dual-use items.

An export operator shall apply to the competent commerce department under the State Council for a license to export dual-use items included in the export control list for dual-use items or subject to temporary control.

Where the circumstances specified in paragraph 3 of Article 12 of the Export Control Law exist with respect to relevant goods, technologies or services, the export operator shall apply to the competent commerce department under the State Council for a license in accordance with the Export Control Law and these Regulations. Where laws, administrative regulations or military regulations provide otherwise, such provisions shall prevail.

An export operator shall understand the performance indicators, main uses and other aspects of the goods, technologies and services to be exported, and determine whether they are dual-use items; where it cannot make such determination, it may consult the competent commerce department under the State Council, and the competent commerce department under the State Council shall reply in a timely manner. An export operator that submits a consultation shall simultaneously provide the performance indicators and main uses of the goods, technologies and services to be exported and the reasons why it cannot determine whether they are dual-use items.

Article 15 — The export of dual-use items shall be subject to an individual license or a general license obtained in accordance with the Export Control Law and these Regulations, or an export credential obtained by registering and reporting information.

An individual license permits an export operator to make a single export of specific dual-use items to a single end user within the scope, conditions and validity period specified in the export license. The validity period of an individual license shall not exceed one year; where the export is completed within the validity period, the export license shall automatically become invalid.

A general license permits an export operator to make multiple exports of specific dual-use items to one or more end users within the scope, conditions and validity period specified in the export license. The validity period of a general license shall not exceed three years.

Where an export is made by means of an export credential obtained by registering and reporting information, the export operator shall complete registration with the competent commerce department under the State Council before each export of the specific dual-use items, truthfully report the relevant information in accordance with the provisions to obtain the export credential, and then make the export on its own by virtue of the export credential.

Article 16 — To apply for an individual license, an export operator shall submit an application to the competent commerce department under the State Council in writing or by means of data messages, truthfully fill in the application form for the export of dual-use items, and submit the following materials:

- (1) proof of identity of the applicant's legal representative, principal management personnel and handling personnel;
- (2) copies of the contracts or agreements related to the export of dual-use items, or other supporting documents;
- (3) technical descriptions or inspection reports of the dual-use items;
- (4) certificates of the end user and end use of the dual-use items; and
- (5) other materials required by the competent commerce department under the State Council.

An export operator that has established a sound internal compliance system for the export control of dual-use items that operates well, and that has relevant export records of dual-use items and relatively stable export channels and end users, may apply to the competent commerce department under the State Council for a general license. In applying for a general license, in addition to the materials specified in the preceding paragraph, the export operator shall also submit the following materials:

- (1) a description of the operation of the internal compliance system for the export control of dual-use items;
- (2) a description of the application for and use of export licenses for dual-use items; and
- (3) a description of the export channels and end users for dual-use items.

Article 17 — The competent commerce department under the State Council shall, within 45 working days from the date of acceptance of an application for an export license for dual-use items, examine the application alone or in conjunction with the relevant departments of the state in accordance with the Export Control Law and these Regulations, and make a decision to grant or not to grant the license. Where a license is granted, the competent commerce department under the State Council shall issue the export license; where a license is not granted, the applicant shall be notified in writing.

For the export of dual-use items that has a major impact on national security and interests, the competent commerce department under the State Council shall, in conjunction with the relevant departments of the state, submit the matter to the State Council for approval, or to the State Council and the Central Military Commission for approval. Where submission to the State Council or to the State Council and the Central Military Commission for approval is required, the time limit for examination of export licenses specified in the preceding paragraph shall not apply.

Where, in examining an application for an export license, it is necessary in accordance with the law to organize identification, seek expert opinions, or conduct on-site verification of the export operator or the end user, the time required therefor shall not be counted in the time limit for examination of export licenses specified in paragraph 1 of this Article.

Article 18 — An export operator shall export dual-use items within the scope, conditions and validity period specified in the export license, and shall report the actual export transport, arrival, installation and use of the items.

Where, within the validity period of an export license, an export operator needs to change the categories of the dual-use items, the destination country or region of export, the end user, the end use or other key elements, it shall re-apply for an export license for the dual-use items in accordance with these Regulations, return the original export license, and temporarily suspend the export.

Where, within the validity period of an export license, an export operator needs to change other non-key elements involved in the export of the dual-use items, it shall apply to the competent commerce department under the State Council for modification of the export license for the dual-use items, truthfully submit the relevant supporting materials, and temporarily suspend the use of the export license. The competent commerce department under the State Council shall, within 20 working days from the date of acceptance of the modification application, make a decision on whether to approve the modification, and notify the export operator in writing. Where the modification is approved, a new export license shall be issued and the original export license shall be cancelled; where the modification is not approved, the export operator shall export the dual-use items in accordance with the scope, conditions and validity period specified in the original export license.

Where the competent commerce department under the State Council discovers that the factors specified in Article 13 of the Export Control Law on which the grant of the export license was based have undergone major changes, it shall notify the export operator to temporarily suspend the use of the export license. Where, upon verification, the relevant changes may create a major risk to national security and interests or

to the fulfillment of international obligations such as non-proliferation, it shall, in accordance with the law, withdraw or revoke the relevant export license for the dual-use items, or require the export operator to apply for modification thereof; where there is no such risk, it shall promptly notify the export operator to resume the use of the relevant export license.

Article 19 — Where the export of specific dual-use items satisfies any of the following circumstances, the competent commerce department under the State Council shall permit the export operator to make the export on its own after obtaining an export credential by registering and reporting information before each export:

- (1) the items are returned within a reasonable period to the original end user at the original place of export after being brought into the territory for repair, testing or inspection;
- (2) the items are brought back into the territory within a reasonable period after being taken out of the territory for repair, testing or inspection;
- (3) the items participate in an exhibition held within the territory of the People's Republic of China and are immediately returned in their original form to the original place of export after the end of the exhibition;
- (4) the items participate in an exhibition held outside the territory of the People's Republic of China and are immediately brought back into the territory in their original form after the end of the exhibition;
- (5) the export of spare parts and components for the outbound maintenance of civil aircraft; and
- (6) other circumstances prescribed by the competent commerce department under the State Council.

Where the export elements of the specific dual-use items specified in the preceding paragraph change, the export operator shall re-register and report information to obtain a new export credential, or apply for an individual license or a general license in accordance with Article 16 of these Regulations.

Where an export operator knows or should know that the export no longer satisfies the circumstances specified in paragraph 1 of this Article, or receives a notice from the competent commerce department under the State Council, it shall immediately cease the export and report to the competent commerce department under the State Council.

Article 20 — An export operator falling under any of the following circumstances shall not apply for a general license or obtain an export credential by registering and reporting information:

- (1) the entity has been subject to criminal punishment for violations of the export control of dual-use items, or the directly responsible persons in charge and other directly responsible persons related to the export of dual-use items have been subject to criminal punishment for violations of the export control of dual-use items;
- (2) the entity has been subject to administrative punishment for violations of the export control of dual-use items within five years and the circumstances are serious;
- (3) the entity is a wholly-owned enterprise, representative office or branch established within the territory of the People's Republic of China by an overseas organization or individual included in the control list specified in Article 28 of these Regulations; or
- (4) other circumstances prescribed by the competent commerce department under the State Council.

Where an export operator that has obtained a general license or an export credential by registering and reporting information falls under the circumstances specified in the preceding paragraph, the competent commerce department under the State Council shall revoke the export license already obtained; where export needs to continue, the export operator shall apply for an individual license in accordance with paragraph 1 of Article 16 of these Regulations.

Article 21 — When exporting dual-use items, the consignor of the export goods or the customs declaration agent shall present to the customs the export license issued by the competent commerce department under the State Council and complete the export customs declaration formalities in accordance with the relevant provisions of the state; where the export license cannot be provided, the customs shall not release the goods.

Article 22 — Where the consignor of export goods fails to submit, or fails to truthfully present, the export license issued by the competent commerce department under the State Council, and the customs has evidence that the export goods may fall within the scope of the export control of dual-use items, the customs shall raise a query with the consignor of the export goods, and the consignor shall provide the customs with supporting materials such as the contract for the export goods, performance indicators and main uses. During the period of query, the customs may request the competent commerce department under the State Council to organize identification, and shall handle the matter in accordance with the law based on the identification conclusion made by the competent commerce department under the State Council. During the period of query and identification, the customs shall not release the export goods.

Where the circumstances specified in paragraph 3 of Article 14, paragraph 4 of Article 18 or Article 25 of these Regulations exist with respect to the export goods, and the competent commerce department under the State Council learns of the relevant circumstances, it shall promptly notify the customs; where the export goods have been declared for export to the customs but have not yet been released upon receipt by the customs of the notice from the competent commerce department under the State Council, the customs shall not release them and shall handle the matter in accordance with the law.

Section 2 — End-User and End-Use Administration

Article 23 — The competent commerce department under the State Council shall establish a risk management system for the end users and end uses of dual-use items, assess and verify the end users and end uses of dual-use items, and strengthen the administration of end users and end uses.

Article 24 — When applying for an export license for dual-use items, an export operator shall submit the certificate of end user and end use issued by the end user. The competent commerce department under the State Council may require the export operator to simultaneously submit a certificate of end user and end use issued or certified by the government agency of the country or region where the end user is located.

The end user of dual-use items shall make commitments in accordance with the requirements of the competent commerce department under the State Council, and shall not, without the permission of the competent commerce department under the State Council, change the end use of the dual-use items without authorization or transfer them to any third party.

Article 25 — Where an export operator or an importer discovers any of the following circumstances in the export of dual-use items, it shall immediately cease the export, report to the competent commerce department under the State Council and cooperate with verification; the competent commerce department under the State Council shall handle the matter in accordance with Article 18 of these Regulations:

- (1) the end user or end use of the dual-use items has changed or may change;
- (2) the certificate of end user and end use of the dual-use items has been forged, altered or has become invalid; or
- (3) the certificate of end user and end use of the dual-use items was obtained by improper means such as deception or bribery.

Article 26 — The competent commerce department under the State Council shall, in accordance with the law, verify the end users and end uses of dual-use items, and the relevant organizations and individuals shall cooperate. Where an importer or end user fails to cooperate with the verification or provide the relevant supporting materials within the prescribed time limit, so that the end user and end use of the dual-use items

cannot be verified, the competent commerce department under the State Council may include the relevant importer or end user in a watch list.

An export operator that exports dual-use items to an importer or end user included in the watch list shall not apply for a general license or obtain an export credential by registering and reporting information; when applying for an individual license, it shall submit a risk assessment report on the importer or end user included in the watch list and make a commitment to comply with the laws, regulations and relevant requirements on export control. The time limit for examination of the license shall not be subject to the time limit specified in paragraph 1 of Article 17 of these Regulations.

Where an importer or end user specified in paragraph 1 of this Article cooperates with the verification, and it is verified that there are no circumstances such as changing the end use without authorization or transferring to a third party without authorization, the competent commerce department under the State Council may remove it from the watch list.

Article 27 — An export operator shall properly preserve the certificates of end user and end use related to the export of dual-use items, as well as contracts, invoices, account books, documents, business correspondence and other relevant materials, for a period of not less than five years. Where laws or administrative regulations provide otherwise, such provisions shall prevail.

Section 3 — Control List

Article 28 — The competent commerce department under the State Council may, ex officio or based on suggestions or reports from relevant parties, decide to include an importer or end user falling under any of the following circumstances in the control list:

- (1) violation of the requirements for the administration of end users or end uses;
- (2) possible harm to national security and interests; or
- (3) use of dual-use items for terrorist purposes.

Where an importer or end user falls under any of the following circumstances and harms national security and interests, the preceding paragraph shall apply:

- (1) use of dual-use items to design, develop, produce or use weapons of mass destruction and their means of delivery; or
- (2) being subject, in accordance with the law, to measures such as prohibition or restriction of the relevant transactions or cooperation adopted by the relevant departments of the state.

Where an importer or end user included in the watch list in accordance with Article 26 of these Regulations falls under the circumstances specified in paragraph 1 or paragraph 2 of this Article, the competent commerce department under the State Council may include it in the control list and simultaneously remove it from the watch list.

Article 29 — The competent commerce department under the State Council may, according to the seriousness of the circumstances and the specific situation, take one or more of the following measures against an importer or end user included in the control list:

- (1) prohibiting the relevant transactions of dual-use items;
- (2) restricting the relevant transactions of dual-use items;
- (3) ordering the suspension of the relevant export of dual-use items; or
- (4) other necessary measures.

An export operator shall not, in violation of the provisions, conduct the relevant transactions of dual-use items with an importer or end user included in the control list. Where it is truly necessary to conduct the

relevant transactions under special circumstances, the export operator shall apply to the competent commerce department under the State Council and may, upon approval, conduct the corresponding transactions with the importer or end user and report as required.

Article 30 — Where an importer or end user included in the control list cooperates with the investigation by the competent commerce department under the State Council, truthfully states the relevant facts, ceases the illegal acts, takes the initiative to adopt measures, eliminates the harmful consequences, makes and fulfills commitments as required, and no longer has the circumstances specified in Article 28 of these Regulations, it may apply to the competent commerce department under the State Council for removal from the control list. The competent commerce department under the State Council may, based on the actual circumstances, make a decision to remove it from the control list.

Chapter IV — Supervision and Inspection

Article 31 — The state shall establish and improve the law-enforcement coordination system for the export control of dual-use items, strengthen whole-process supervision, and promptly discover, stop and investigate illegal acts in the export of dual-use items.

The competent commerce department under the State Council shall, in accordance with the law, supervise and enforce the law with respect to export activities of dual-use items.

Article 32 — The competent commerce department under the State Council shall, alone or in conjunction with the relevant departments of the state, supervise and inspect export activities of dual-use items and investigate suspected illegal acts in accordance with the law, and the relevant organizations and individuals shall cooperate and shall not refuse or obstruct.

The number of law-enforcement personnel conducting supervision, inspection or case investigation shall not be fewer than two; they shall proactively present their law-enforcement credentials and the relevant legal documents, and may take the measures specified in Article 28 of the Export Control Law. Where the number is fewer than two or the law-enforcement credentials and relevant legal documents are not presented, the organizations and individuals being inspected or investigated shall have the right to refuse.

Article 33 — The competent commerce department under the State Council shall, ex officio or based on the need for identification raised by the customs, organize the identification of the relevant dual-use items, and may entrust relevant professional institutions or experts in the relevant fields to provide identification opinions.

Article 34 — Where the competent commerce department under the State Council, ex officio or based on suggestions or reports from relevant parties, discovers that relevant organizations or individuals have risks of violating the law in the export of dual-use items, it may take measures such as conducting supervisory interviews or issuing warning letters.

Article 35 — Where an export operator discovers, or receives a notice from the competent commerce department under the State Council, that the circumstances specified in paragraph 3 of Article 14, paragraph 4 of Article 18 or Article 25 of these Regulations exist in its export activities, it shall promptly report the relevant circumstances to the competent commerce department under the State Council, take measures as required to eliminate or mitigate the harm, and cooperate with the investigation and handling.

Article 36 — No organization or individual shall provide services such as agency, freight transport, mailing and delivery, customs declaration, third-party e-commerce platforms and finance for illegal acts in the export control of dual-use items. An operator providing services such as agency, freight transport, mailing and delivery, customs declaration, third-party e-commerce platforms and finance that discovers a suspected illegal act in the export control of dual-use items shall promptly report to the competent commerce department under the State Council, and the competent commerce department under the State Council shall

promptly verify and handle the matter.

Article 37 — The competent commerce department under the State Council may, upon application by domestic import operators and end users, issue certificates of end user and end use to the governments of other countries and regions, and administer the relevant matters.

Domestic import operators and end users applying for certificates of end user and end use shall truthfully submit the relevant materials in accordance with the requirements of the competent commerce department under the State Council, strictly fulfill the commitments made when obtaining the certificates, and accept the supervision and inspection of the competent commerce department under the State Council.

Article 38 — Where a citizen, legal person or unincorporated organization of the People's Republic of China receives a request from a foreign government for visits, on-site verification and the like related to export control, it shall immediately report to the competent commerce department under the State Council. Without the consent of the competent commerce department under the State Council, it shall not accept or undertake to accept the relevant visits, on-site verification and the like by a foreign government.

Chapter V — Legal Liability

Article 39 — An export operator that commits any of the following acts shall be punished in accordance with Article 34 of the Export Control Law:

- (1) exporting dual-use items without a license without authorization;
- (2) exporting dual-use items beyond the scope, conditions and validity period specified in the export license;
- (3) exporting dual-use items whose export is prohibited;
- (4) exporting dual-use items by evading the license through modification or division into parts or components, or by other means; or
- (5) exporting in the circumstances specified in Article 18 of these Regulations by using the license in violation of the provisions.

Article 40 — An export operator that, in violation of these Regulations, fails to fulfill its reporting obligation shall be given a warning and ordered to make corrections; where the circumstances are serious, its illegal gains shall be confiscated, and where the illegal business volume is 500,000 yuan or more, a fine of not less than five times and not more than ten times the illegal business volume shall be imposed concurrently; where there are no illegal gains or the illegal business volume is less than 500,000 yuan, a fine of not less than 500,000 yuan and not more than 3,000,000 yuan shall be imposed concurrently.

An operator providing services such as agency, freight transport, mailing and delivery, customs declaration, third-party e-commerce platforms and finance that, in violation of Article 36 of these Regulations, fails to fulfill its reporting obligation shall be given a warning and ordered to make corrections, and may be fined not more than 100,000 yuan; where the circumstances are serious, a fine of not less than 100,000 yuan and not more than 500,000 yuan shall be imposed concurrently.

Article 41 — Whoever instigates or assists an export operator, importer or end user to evade the Export Control Law and these Regulations in committing illegal acts shall be given a warning and ordered to cease the illegal acts, and the illegal gains shall be confiscated; where the illegal gains are 100,000 yuan or more, a fine of not less than three times and not more than five times the illegal gains shall be imposed concurrently; where there are no illegal gains or the illegal gains are less than 100,000 yuan, a fine of not less than 100,000 yuan and not more than 500,000 yuan shall be imposed concurrently.

Article 42 — A domestic import operator or end user that violates the commitments it has made to the competent commerce department under the State Council shall be given a warning and ordered to make corrections, and the illegal gains shall be confiscated; where the illegal business volume is 500,000 yuan or

more, a fine of not less than three times and not more than five times the illegal business volume shall be imposed concurrently; where there are no illegal gains or the illegal business volume is less than 500,000 yuan, a fine of not less than 300,000 yuan and not more than 3,000,000 yuan shall be imposed concurrently. The competent commerce department under the State Council may, within five years from the effective date of the punishment decision, refuse to accept its application for certificates of end user and end use.

Article 43 — Whoever, in violation of these Regulations, accepts or undertakes to accept, without authorization, a request from a foreign government for visits, on-site verification and the like related to export control shall be given a warning and fined not more than 500,000 yuan; where the circumstances are serious, a fine of not less than 500,000 yuan and not more than 3,000,000 yuan shall be imposed concurrently; where the circumstances are particularly serious, the offender shall be ordered to suspend business for rectification.

Article 44 — An expert or professional institution that provides consultation or identification opinions in violation of professional ethics and these Regulations shall be subject to a notice of criticism and ordered to make rectification within a prescribed time limit; where the circumstances are serious, its qualification for consultation or identification shall be cancelled, and the corresponding legal liability shall be pursued in accordance with the law.

Article 45 — Illegal acts in the export control of dual-use items prescribed by these Regulations shall be punished by the competent commerce department under the State Council; where laws or administrative regulations provide that the customs shall impose punishment, the customs shall impose punishment in accordance with the Export Control Law and these Regulations.

Article 46 — Whoever violates the Export Control Law and these Regulations and harms national security and interests shall, in addition to being punished in accordance with the Export Control Law and these Regulations, be handled and punished in accordance with the relevant laws, administrative regulations and departmental rules.

Whoever violates the Export Control Law and these Regulations, where a crime is constituted, shall be investigated for criminal liability in accordance with the law.

Chapter VI — Supplementary Provisions

Article 47 — The export control of other goods, technologies and services specified in Article 2 of the Export Control Law that are related to safeguarding national security and interests and to fulfilling international obligations such as non-proliferation shall be governed by these Regulations.

The export control of monitored chemicals among dual-use items shall be governed by the Regulations of the People's Republic of China on the Administration of Monitored Chemicals; matters not prescribed by the Regulations of the People's Republic of China on the Administration of Monitored Chemicals shall be handled by the competent industry and information technology department under the State Council in accordance with the Export Control Law and these Regulations.

The export of the items and technologies listed in Part 1 of the Export Control List for Missiles and Related Items and Technologies annexed to the Regulations of the People's Republic of China on the Export Control of Missiles and Related Items and Technologies shall be incorporated into the export administration list for military products and shall be handled in accordance with the Regulations of the People's Republic of China on the Administration of the Export of Military Products and other relevant provisions.

Article 48 — The transit, transshipment, through-transport and re-export of dual-use items, or their export from special customs supervision zones and bonded supervision premises to outside the territory, shall be handled in accordance with the Export Control Law and the relevant provisions of these Regulations. The specific measures shall be formulated by the competent commerce department under the State Council in

conjunction with the General Administration of Customs.

Within the territory of the People's Republic of China, the entry and exit of dual-use items between special customs supervision zones and bonded supervision premises, or from outside a special customs supervision zone or bonded supervision premise into a special customs supervision zone or bonded supervision premise, shall not require an export license, and shall be subject to supervision by the customs.

Article 49 — Where an overseas organization or individual, outside the territory of the People's Republic of China, transfers or provides to specific destination countries and regions, or to specific organizations and individuals, the following goods, technologies and services, the competent commerce department under the State Council may require the relevant operator to handle the matter by reference to the relevant provisions of these Regulations:

- (1) dual-use items manufactured outside the territory that contain, integrate or mix specific dual-use items originating in the People's Republic of China;
- (2) dual-use items manufactured outside the territory using specific technologies and other dual-use items originating in the People's Republic of China; or
- (3) specific dual-use items originating in the People's Republic of China.

Article 50 — These Regulations shall enter into force on December 1, 2024. The Regulations of the People's Republic of China on the Export Control of Nuclear Dual-Use Items and Related Technologies, the Regulations of the People's Republic of China on the Export Control of Missiles and Related Items and Technologies, the Regulations of the People's Republic of China on the Export Control of Biological Dual-Use Items and Related Equipment and Technologies, and the Measures for the Export Control of Certain Chemicals and Related Equipment and Technologies shall be repealed simultaneously.

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