

Translation



The following translation is of China's export control regulation for dual-use items and technologies. The regulation gives China's Ministry of Commerce oversight of the process of determining which domestic technologies are dual-use and which destination countries and end users are allowed to import them, and specifies fines and other penalties for noncompliance. It replaces previous Chinese regulations specific to the export of dual-use nuclear, chemical, biological, and missile-related goods and technologies.

Title

Regulation of the People's Republic of China on Export Controls for Dual-Use Items
中华人民共和国两用物项出口管制条例

Author

State Council (国务院). The State Council, also known as the Central People's Government of the People's Republic of China (中华人民共和国中央人民政府), is the executive branch of the Chinese government.

Source

Website of the Central People's Government of the People's Republic of China (中国政府网), September 30, 2024.

The Chinese source text is available online at:

https://www.gov.cn/zhengce/content/202410/content_6981399.htm

An archived version of the Chinese source text is available online at: <https://perma.cc/82YN-NGWW>
U.S. \$1 ≈ 6.8 Chinese Yuan Renminbi (RMB), as of April 9, 2026.

Translation Date

April 9, 2026

Translator

Etcetera Language Group, Inc.

Editor

Ben Murphy, CSET Translation Manager

Order of the State Council of the People's Republic of China

No. 792

The *Regulation of the People's Republic of China on Export Controls for Dual-Use Items*, adopted at the 41st executive meeting of the State Council, is hereby issued and shall be effective as of December 1, 2024.

Premier Li Qiang

September 30, 2024

Regulation of the People's Republic of China on Export Controls for Dual-Use Items

Chapter I General Provisions

Article 1 This Regulation is formulated in accordance with the *Export Control Law of the People's Republic of China* (hereinafter referred to as the Export Control Law)¹ and other laws in order to safeguard national security and national interests, perform international obligations such as nonproliferation, and strengthen and regulate the control of dual-use items.

Article 2 This Regulation shall apply to the export control of dual-use items by the State.

As used in this Regulation, "dual-use items" shall mean goods, technologies, and services that have civilian uses and also have military uses or contribute to the enhancement of military potential, in particular those that can be used for the design, development, production, or use of weapons of mass destruction (WMD) and their means of delivery, including relevant technical reference and other data.

As used in this Regulation, "export control" refers to measures adopted by the State to ban or restrict the transfer of dual-use items from within the People's Republic of China to areas outside the PRC,² as well as the provision of dual-use items by citizens, legal persons, and organizations without legal person status (非法人组织) of the People's Republic of China to foreign (外国) organizations and individuals, including the export of dual-use items for trade purposes and the external (对外) transfer of such items through donation, exhibition, cooperation, assistance, and other means.

Article 3 Work on the export control of dual-use items shall adhere to the leadership of the Chinese Communist Party, adhere to the holistic approach to national security (总体国家安全观), safeguard international peace, and do overall planning for both high-quality development and a high level of security, so as to improve dual-use item export control management and services, and increase governance capacity in the export control of dual-use items.

¹ Translator's note: An archived version of China's official English translation of the *Export Control Law of the People's Republic of China* (中华人民共和国出口管制法) is available online at: <https://perma.cc/9VUS-SE8Z>.

² Translator's note: The Chinese word 境内, translated throughout as "within," as in "within the People's Republic of China," refers specifically to so-called mainland China, that is, the PRC excluding Hong Kong, Macao, and Taiwan. Likewise, the Chinese word 境外, translated throughout as "outside," as in "outside the PRC" can refer either to foreign countries or to Hong Kong, Macao, or Taiwan. Thus, for example, this Regulation applies to transfers of dual-use goods or technology from mainland China to Hong Kong or foreign countries, but not to said transfers from Hong Kong to foreign countries.

Exporting of dual-use items and related activities shall comply with laws, administrative relations, and relevant national provisions, and shall not harm national security or national interests.

Article 4 The National Mechanism for Coordinating Export Controls (国家出口管制工作协调机制) is responsible for organizing and guiding work on the export control of dual-use items, and for the integrated coordination of major matters of dual-use item export control. The State Council main oversight department (主管部门) for commerce shall be responsible for dual-use item export control work. Other relevant national departments shall be responsible for relevant dual-use item export control work in accordance with their assigned duties. The State Council main oversight department for commerce and other relevant national departments shall cooperate closely and strengthen information sharing.

The main oversight departments for commerce in the people's governments of provinces, autonomous regions, and province-level municipalities may be entrusted by the State Council main oversight department for commerce to carry out relevant work involving the export control of dual-use items.

Article 5 The State Council main oversight department for commerce, in conjunction with relevant national departments, shall establish an expert advisory mechanism to provide advisory opinions for dual-use item export control work. Experts shall safeguard national security and national interests, advise in an objective, impartial, scientific, and rigorous manner, and have an obligation to keep confidential the state secrets, work secrets, trade secrets, confidential information about individuals (个人隐私), and personal information they become aware of in the course of advisory work.

Article 6 The State Council main oversight department for commerce shall formulate and issue compliance guidelines on the export control of dual-use items, and encourage and guide exporters, as well as businesses that provide exporters shipping, third-party e-commerce transaction platform, financial, and other services, to establish internal compliance systems for the export control of dual-use items, and regulate their operations in accordance with law.

Article 7 The State Council main oversight departments for commerce and foreign affairs, in conjunction with other relevant departments, shall strengthen international cooperation on the export control of dual-use items, and participate in the formulation of international rules related to export controls.

The State Council main oversight department for commerce shall carry out cooperation and exchanges on dual-use item export control with other countries, regions, and international organizations, based on the treaties and agreements

concluded or acceded to, or in accordance with the principle of equality and reciprocity. Other relevant national departments shall be responsible for carrying out cooperation and exchanges on the export control of dual-use items in accordance with their assigned duties.

Article 8 Relevant chambers of commerce, associations, and other industry self-regulatory organizations shall, in accordance with laws and regulations and their charters, provide their members information and consultation, propaganda (宣传) and training, and other services related to the export control of dual-use items.

Chapter II Control Policies

Article 9 The State Council main oversight department for commerce, in conjunction with other relevant national departments, shall formulate and adjust policies on dual-use item export control, and major policies shall be reported for approval to the State Council, or to the State Council and the Central Military Commission (CMC).

Article 10 The State Council main oversight department for commerce, in conjunction with relevant national departments such as those for foreign affairs and customs, may take into consideration the following factors to assess the destination countries and regions of dual-use item exports, determine their risk levels, and take appropriate control measures:

- a) Effect on national security and national interests;
- b) The need to fulfill international obligations such as nonproliferation;
- c) The need to fulfill treaties and agreements concluded or acceded to;
- d) The need to execute related binding resolutions and measures of the United Nations Security Council;
- e) Other factors that need to be considered.

Article 11 The State Council main oversight department for commerce, in conjunction with other relevant national departments, shall develop and revise a dual-use item export control list³ and publish it in a timely fashion, in accordance with the provisions of the Export Control Law and this Regulation, based on dual-use item export control policies, and in accordance with the prescribed procedures.

In formulating and revising the dual-use item export control list, the opinions of relevant enterprises, chambers of commerce, and associations may be solicited using

³ Translator's note: As of the publication date of this translation, China's most up-to-date dual-use item export control list was released on November 15, 2024. An archived version of this dual-use item export control list is available online (in Chinese) at: <https://perma.cc/GWB2-KCTK>.

appropriate means, and industry surveys and assessments may be carried out when necessary.

Article 12 Based on the need to safeguard national security and national interests, and to fulfill international obligations such as nonproliferation, and with the approval of the State Council, or with the approval of the State Council and the CMC, the State Council main oversight department for commerce may implement temporary controls on goods, technologies, and services other than those on the dual-use item export control list, and shall announce such controls. The implementation period for temporary controls shall not exceed two years each time. Before the implementation period for a temporary control expires, a review shall be conducted in a timely fashion, and the following decisions shall be made based on the results of the review:

- a) Where control no longer needs to be implemented, the temporary control shall be canceled;
- b) Where it is necessary to continue implementing the control but inclusion in the dual-use item export control list is not appropriate, the temporary control shall be extended, but the temporary control shall not be extended more than twice;
- c) Where long-term implementation of the control is necessary, it shall be included in the dual-use item export control list.

Article 13 Based on the need to safeguard national security and national interests, and to perform international obligations such as nonproliferation, the State Council main oversight department for commerce, in conjunction with other relevant national departments, may, with the approval of the State Council or with the approval of the State Council and the CMC, prohibit the export of specific dual-use items, or prohibit the export of specific dual-use items to specific countries and regions or specific organizations and individuals.

Chapter III Control Measures

Section 1 Dual-Use Item Export Licenses

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

To export items included in the dual-use item export control list or on which temporary controls have been implemented, exporters must apply to the State Council main oversight department for commerce for licenses.

Where the circumstances specified in Paragraph 3, Article 12 of the Export Control Law exist for a relevant good, technology, or service, the exporter shall apply to the State Council main oversight department for commerce for a license in

accordance with the provisions of the Export Control Law and this Regulation. Where otherwise stipulated in laws, administrative regulations, or military regulations, such provisions shall prevail.

Exporters shall determine whether the goods, technologies, or services intended for export constitute dual-use items by understanding their performance indicators, primary uses, and other relevant characteristics. Where such determination cannot be made, the operator may submit an inquiry to the State Council main oversight department for commerce, which shall respond in a timely fashion. When submitting an inquiry, the exporter shall also provide the performance indicators and primary uses of the goods, technologies, or services intended for export, and the reasons why they are unable to determine whether they are dual-use in nature.

Article 15 The export of dual-use items shall require obtaining, in accordance with the Export Control Law and this Regulation, a single-item license or general license, or an export certificate (出口凭证) obtained through registration and submission of paperwork.

A single-item license allows an exporter to export a specific dual-use item to a single end user once, within the scope, conditions, and validity period specified in the export license. The validity period of a single-item license shall not exceed one year. If the export is completed within the validity period, the export license shall automatically expire.

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

When exporting is done using an export certificate obtained through registration and submission of paperwork, the exporter shall register with the State Council main oversight department for commerce prior to each time it intends to export a specific dual-use item, and export after truthfully filling out the relevant paperwork as required and obtaining the export certificate.

Article 16 When an exporter applies for a single-item license, it shall submit the application in writing or electronically to the State Council main oversight department for commerce, truthfully complete the dual-use item export application form, and submit the following materials:

- a) Proof of identity of the applicant's legal representative, main business manager, and agent(s);
- b) Copies of contracts, agreements, or other supporting documents relating to

the export of the dual-use item;

- c) Technical descriptions or testing reports of the dual-use item,
- d) Documents certifying the end user and end use of the dual-use item;
- e) Other materials that the State Council main oversight department for commerce requires to be submitted.

Exporters that have established and effectively operate an internal compliance system for dual-use item export control, possess export records for the relevant dual-use items, and maintain relatively fixed export channels and end users may apply to the State Council main oversight department for commerce for a general license. When applying for a general license, the following materials shall also be submitted in addition to the materials specified in the preceding paragraph:

- a) A description of the operation of the internal compliance system for dual-use item export control;
- b) A description of the application for and use of the dual-use item export license;
- c) A description of the export channels and end users of dual-use items.

Article 17 The State Council main oversight department for commerce shall review the application for a dual-use item export license, either alone or in conjunction with relevant national departments, in accordance with the Export Control Law and this Regulation, and make a decision to grant or deny the license within 45 working days from the date of acceptance of the application. If the license is granted, the State Council main oversight department for commerce shall issue the export license; if the license is not granted, the applicant shall be notified in writing.

For exports of dual-use items that have a significant impact on national security and national interests, the State Council main oversight department for commerce, in conjunction with relevant national departments, shall report to the State Council for approval, or report to the State Council and the CMC for approval. Where approval by the State Council or by the State Council and the CMC is required, the time limit for reviewing the export license specified in the preceding paragraph shall not apply.

Where the State Council main oversight department for commerce reviews an export license application and, in accordance with law, needs to organize a differentiation (鉴别), seek expert opinions, or conduct on-site verification of the exporter or end user, the time required for such activities shall not be counted as part of the export license review period specified in Paragraph 1 of this Article.

Article 18 Exporters shall export dual-use items within the scope, conditions, and validity period stated in the export license, and report the actual export shipping,

arrival, installation, and usage details.

During the validity period of the export license, if the exporter needs to change any key element such as the type, destination country or region, end user, or end use of a dual-use item, the exporter shall reapply for a dual-use item export license in accordance with the provisions of this Regulation, return the original export license, and temporarily suspend exports.

During the validity period of an export license, if the exporter needs to change other non-critical elements related to the export of dual-use items, it shall submit an application for alteration of the dual-use item export license to the State Council main oversight department for commerce, truthfully submit relevant supporting materials, and temporarily suspend the use of the export license. The State Council main oversight department for commerce shall make a decision on whether to approve the alteration within 20 working days from the date of receipt of the application for alteration, and notify the exporter in writing. If the alteration is approved, a new export license shall be issued and the original export license shall be revoked. If the alteration is not approved, the exporter shall export the dual-use items in accordance with the scope, conditions, and validity period stated in the original export license.

If the State Council main oversight department for commerce discovers significant changes in the factors specified in Article 13 of the Export Control Law upon which the dual-use item export license was granted, it shall notify the exporter to temporarily suspend the use of the export license. If it finds upon verification that the relevant changes may pose significant risks to national security and national interests or to the performance of international obligations such as nonproliferation, it shall, in accordance with law, withdraw or revoke the license, or require the exporter to apply for alteration of the relevant dual-use item export license. If there are no such risks, the exporter shall be promptly notified to resume using the relevant export license.

Article 19 Where the export of specific dual-use items conforms to any of the following circumstances, the State Council main oversight department for commerce shall permit the exporter to export after obtaining an export certificate through registration and submission of paperwork prior to each export:

- a) Items are to be re-exported to the original end user at the original export destination within a reasonable period after being sent back to the exporter for repair, testing, or inspection;
- b) Items are to be returned within a reasonable period after export, after repair, testing, or inspection in the importer's country or region;
- c) Items included in an exhibition held within the People's Republic of China are to be shipped back to the original place of export immediately after the end of the

exhibition;

d) Items included in exhibitions held outside of the People's Republic of China are to be shipped back to China in their original form immediately after the end of the exhibition;

e) Components for civilian aircraft are to be sent abroad for maintenance and spare parts are to be exported;

f) Other circumstances specified by the State Council main oversight department for commerce.

Where changes occur in elements of the specific dual-use item exports specified in the preceding paragraph, the exporter shall re-register and report information to obtain a new export certificate, or apply for a single-item license or a general license in accordance with Article 16 of this Regulation.

Where an exporter knows or should know that the export no longer conforms to the circumstances specified in Paragraph 1 of this Article, or receives notification from the State Council main oversight department for commerce, it shall immediately cease the export and report to the State Council main oversight department for commerce.

Article 20 Where any of the following circumstances exist for an exporter, it shall not apply for a general license or use registration and submission of paperwork to obtain an export certificate:

a) The work unit (单位) has been subject to criminal penalties for violations of dual-use item export controls, or its directly responsible manager and other directly responsible personnel involved in dual-use item exports have been subject to criminal penalties for such violations;

b) It has been subject to administrative penalties for violations of dual-use item export controls within the past five years, and the circumstances were serious;

c) It is a wholly foreign-owned enterprise, representative office, or branch established within the People's Republic of China by a foreign organization or individual included in the control list specified in Article 28 of this Regulation;

d) Other circumstances specified by the State Council main oversight department for commerce.

Where any of the circumstances specified in the preceding paragraph arises for an exporter that has obtained a general export license or an export certificate through registration and submission of paperwork, the State Council main oversight department for commerce shall revoke the export license or certificate already obtained. If the exporter needs to continue exporting, it shall apply for a single-item license in accordance with the provisions of Article 16, Paragraph 1 of this Regulation.

Article 21 When the consignor of goods for export or the customs declaration agency (代理报关企业) exports dual-use items, it shall present the export license issued by the State Council main oversight department for commerce to Customs for inspection and complete export customs declaration procedures in accordance with relevant national regulations. If the export license cannot be provided, Customs shall not release the goods.

Article 22 Where the consignor of goods for export fails to submit or fails to truthfully present for inspection the export license issued by the State Council main oversight department for commerce to Customs, and Customs has evidence indicating that the export goods may fall within the scope of dual-use item export control, Customs shall challenge the consignor, and the consignor shall provide Customs with supporting materials such as the goods export contract, performance indicators, and primary intended use. During the challenge period, Customs may request the State Council main oversight department for commerce to organize a differentiation and shall handle the matter in accordance with law based on the differentiation conclusion made by the State Council main oversight department for commerce. During the challenge and differentiation periods, Customs shall not release the export goods.

Where the export goods fall under the circumstances specified in Paragraph 3 of Article 14, Paragraph 4 of Article 18, or Article 25 of this Regulation, and the State Council main oversight department for commerce becomes aware of the relevant circumstances, it shall promptly notify Customs. Upon receiving such notification from the State Council main oversight department for commerce, if the export goods have been declared for export to Customs but have not yet been released, Customs shall withhold release and handle the matter in accordance with law.

Section 2 End User and End Use Management

Article 23 The State Council main oversight department for commerce shall establish a risk management system for end users and end uses of dual-use items, and carry out assessment and verification of dual-use item end users and end uses, so as to strengthen the management of end users and end uses.

Article 24 When exporters apply for dual-use item export licenses, they shall submit documents certifying (证明) the end users and end uses. The State Council main oversight department for commerce may require exporters to also submit end use and end user certification documents issued or certified by government agencies of the countries or regions where the end users are located.

End users of dual-use items shall make commitments as required by the State Council main oversight department for commerce, and shall not arbitrarily alter the end

use of dual-use items or transfer them to any third party without the permission of the State Council main oversight department for commerce.

Article 25 Where an exporter or importer discovers any of the following circumstances regarding the export of dual-use items, it shall immediately cease export, report to the State Council main oversight department for commerce, and cooperate with verification; the State Council main oversight department for commerce shall handle the matter in accordance with Article 18 of this Regulation:

- a) The end user or end use of the dual-use items has changed or may change;
- b) The documents certifying the end user and end use of the dual-use items are forged, altered, or invalid;
- c) Fraud, bribery, or other improper means were used to obtain the documents certifying the end user and end use of dual-use items.

Article 26 The State Council main oversight department for commerce shall conduct verification of end users and end uses of dual-use items in accordance with law, and relevant organizations and individuals shall give their cooperation. Where importers or end users fail to cooperate with the verification or to provide relevant supporting materials within the prescribed time limit, resulting in the inability to verify the end users or end uses of dual-use items, the State Council main oversight department for commerce may place the relevant importers or end users on a watchlist.

Exporters that are to export dual-use items to importers or end users on the watchlist shall not apply for general licenses or obtain export certificates through registration and submission of paperwork. When applying for single-item licenses, they shall submit a risk assessment report on the importers or end users on the watchlist and make a commitment to comply with export control laws, regulations, and relevant requirements. The review period for such licenses shall not be subject to the time limit specified in Article 17, Paragraph 1 of this Regulation.

Where the importers or end users specified in Paragraph 1 of this Article cooperate with the verification and it is verified that there are no circumstances such as unauthorized alteration of the end use or unauthorized transfer to a third party, the State Council main oversight department for commerce may remove them from the watchlist.

Article 27 Exporters shall properly retain the end-user and end-use certification documents related to the export of dual-use items, as well as relevant materials such as contracts, invoices, account books, receipts, and business correspondence, with the retention period to be no fewer than five years. If other laws and administrative

regulations have different provisions, these laws and regulations should be followed.

Section 3 Control List

Article 28 The State Council main oversight department for commerce, acting on its own authority or based on suggestions or reports from relevant third parties, may decide to place an importer or end user, for which any of the following circumstances apply, on a control list:

- a) It has violated end user or end use management requirements;
- b) It may endanger national security and national interests;
- c) It will use dual-use items for purposes of terrorism.

Where any of the following circumstances apply for an importer or end user, endangering national security and national interests, it shall be subject to the provisions of the preceding paragraph:

- a) It has used dual-use items in the design, development, production, or use of WMD or their delivery systems;
- b) It has been subject to measures taken by relevant national departments in accordance with law, including prohibition or restriction of relevant transactions or cooperation.

Where any of the circumstances specified in Paragraph 1 or Paragraph 2 of this Article exist for an importer or end-user included on the watchlist in accordance with Article 26 of this Regulation, the State Council main oversight department for commerce may place said importer or end-user on the control list and concurrently remove it from the watchlist.

Article 29 The State Council main oversight department for commerce may, based on the severity of the circumstances and the specific situation, take one or more of the following measures against importers or end-users on the control list:

- a) Prohibit transactions involving the relevant dual-use items;
- b) Restrict transactions involving the relevant dual-use items;
- c) Order the cessation of exports of the relevant dual-use items;
- d) Other necessary measures.

Exporters may not carry out transactions involving the relevant dual-use items with importers or end users that have violated regulations and have been included on the control list. In special circumstances where it is indeed necessary to carry out the relevant transactions, the exporter shall submit an application to the State Council main oversight department for commerce. Upon approval, it may conduct the

corresponding transactions with the importer or end-user and report as required.

Article 30 Importers and end users on the control list who cooperate with investigations by the State Council main oversight department for commerce, truthfully state relevant facts, cease illegal activities, proactively take measures, eliminate harmful consequences, make and fulfill commitments as required, and no longer have any of the circumstances specified in Article 28 of this Regulation, may apply to the State Council main oversight department for commerce for removal from the control list. The State Council main oversight department for commerce may decide to remove them from the control list based on actual circumstances.

Chapter 4 Supervision and Inspection

Article 31 The State shall establish and improve a collaborative enforcement system for dual-use item export control, strengthen supervision throughout the entire process, and promptly detect, stop, investigate, and punish dual-use item export violations.

The State Council main oversight department for commerce shall conduct supervision and law enforcement of dual-use item export activities in accordance with law.

Article 32 The State Council main oversight department for commerce, either alone or in conjunction with relevant national departments, shall conduct supervision and inspection of dual-use item export activities and investigate suspected violations, in accordance with law. Relevant organizations and individuals shall give their cooperation and shall not refuse or obstruct such activities.

The law enforcement officers conducting supervision, inspection, or case investigations shall be no fewer than two persons. They shall proactively present their law enforcement credentials and relevant legal documents, and may take measures as provided in Article 28 of the Export Control Law. Where they are fewer than two persons or they fail to present law enforcement credentials and relevant legal documents, the organizations and individuals being inspected or investigated have the right to refuse.

Article 33 The State Council main oversight department for commerce may, on its own initiative or based on a need to organize a differentiation as raised by Customs, organize the differentiation of relevant dual-use items. It may entrust relevant professional institutions or experts in related fields to provide differentiation opinions.

Article 34 Where the State Council main oversight department for commerce, on its own authority or based on suggestions or reports from relevant parties, discovers

that organizations or individuals pose risks of illegal export of dual-use items, it may take measures such as regulatory interviews (监管谈话) or issuing warning letters.

Article 35 Where an exporter discovers or receives notification from the State Council main oversight department for commerce that its export activities involve circumstances specified in Paragraph 3 of Article 14, Paragraph 4 of Article 18, or Article 25 of this Regulation, it shall promptly report the relevant circumstances to the State Council main oversight department for commerce, take measures as required to eliminate or mitigate the harm, and cooperate with the investigation and handling of the case.

Article 36 No organization or individual may provide agent, freight, delivery, customs declaration, third-party e-commerce trading platforms, or financial services for acts that violate dual-use item export controls. Where a provider of agent, freight, delivery, customs declaration, third-party e-commerce trading platforms, or financial services discovers a suspected violation of dual-use item export controls, it shall promptly report the matter to the State Council main oversight department for commerce, which shall verify and handle the matter in a timely fashion.

Article 37 The State Council main oversight department for commerce may, based on the application of domestic importers and end-users, issue end-user and end-use documentation to other countries and regions, and shall manage related matters.

Domestic importers and end users applying for end-user and end-use documentation shall truthfully submit relevant materials as required by the State Council main oversight department for commerce, strictly fulfill the commitments made when obtaining the documentation, and accept supervision and inspection by the State Council main oversight department for commerce.

Article 38 Citizens, legal persons, and organizations without legal person status of the People's Republic of China shall immediately report to the State Council main oversight department for commerce upon receiving requests from foreign governments for visits, on-site inspections, or other matters related to export controls. They shall not accept or commit to accepting visits, on-site inspections, or other matters from foreign governments without the consent of the State Council main oversight department for commerce.

Section 5 Legal Liability

Article 39 Exporters engaging in any of the following acts shall be penalized in accordance with Article 34 of the Export Control Law:

- a) Exporting dual-use items without authorization;
- b) Exporting dual-use items beyond the scope, conditions, or validity period specified in the export license;
- c) Exporting dual-use items prohibited from being exported;
- d) Circumventing licensing requirements by means such as modification or disassembly into parts or components;
- e) Improperly using export licenses to export under the circumstances specified in Article 18 of this Regulation.

Article 40 Where an exporter violates the provisions of this Regulation by failing to perform reporting obligations, a warning shall be given and rectification ordered; where the circumstances are serious, illegal business revenue shall be confiscated, and where the illegal business revenue exceeds Chinese Yuan Renminbi (RMB) 500,000, a fine of five to ten times the illegal business revenue shall also be imposed. Where there is no illegal business revenue or the illegal business revenue is less than RMB 500,000, a fine of RMB 500,000 to RMB 3,000,000 shall be imposed.

Where providers of agent, freight shipping, customs clearance, third-party e-commerce trading platforms, or financial services violate Article 36 of this Regulation by failing to fulfill their reporting obligations, they shall be given a warning and ordered to rectify the violation, and may be fined not more than RMB 100,000. Where the circumstances are serious, a fine of RMB 100,000 to RMB 500,000 shall also be imposed.

Article 41 Those who incite or assist exporters, importers, or end users to circumvent the provisions of the Export Control Law and this Regulation in committing illegal acts shall be given a warning, ordered to cease the illegal acts, and have their illegal gains confiscated. Where the illegal gains exceed RMB 100,000, a fine of three to five times the amount of the illegal gains shall also be imposed. Where there are no illegal gains or the illegal gains are less than RMB 100,000, a fine of RMB 100,000 to RMB 500,000 shall be imposed.

Article 42 Domestic importers and end-users who violate commitments made to the State Council main oversight department for commerce shall be given a warning, ordered to rectify the violation, and have their illegal gains confiscated. If the illegal business revenue exceeds RMB 500,000, a fine of three to five times the illegal business revenue shall be imposed. If there is no illegal business revenue or the illegal business revenue is less than RMB 500,000, a fine of RMB 300,000 to RMB 3,000,000 shall be imposed. The State Council main oversight department for commerce may decline to accept the applications for end-user and end-use documentation submitted by such importers and end-users for a period of five years from the effective date of the

penalty decision.

Article 43 Those who violate this Regulation by accepting or agreeing to accept, without authorization, requests from foreign governments related to export controls, such as visits or on-site inspections, shall be given a warning and fined not more than RMB 500,000. Where the circumstances are serious, a fine of RMB 500,000 to RMB 3,000,000 shall be imposed. Where the circumstances are particularly serious, they shall be ordered to suspend operations for rectification.

Article 44 Experts and professional institutions providing advisory or differentiation opinions who violate professional ethics or the provisions of this Regulation shall be publicly criticized and ordered to rectify the violation within a specified time period. In serious cases, their advisory or differentiation qualifications shall be revoked, and their legal liability shall be investigated in accordance with law.

Article 45 The State Council main oversight department for commerce shall impose punishment for violations of the dual-use item export controls stipulated in this regulation. Where laws and administrative regulations stipulate that punishment shall be imposed by Customs, Customs shall impose punishment in accordance with the Export Control Law and this Regulation.

Article 46 Those who violate provisions of the Export Control Law and this Regulation, harming national security and national interests, in addition to being punished in accordance with the provisions of the Export Control Law and this Regulation, shall also be dealt with and punished in accordance with the provisions of relevant laws and administrative regulations.

Where violations of the Export Control Law and this Regulation constitute crimes, criminal liability shall be investigated in accordance with law.

Chapter 6 Supplementary Provisions

Article 47 The export control of other items as specified in Article 2 of the Export Control Law—other items such as goods, technologies, and services related to safeguarding national security and national interests, and to performing international obligations such as nonproliferation—shall be governed by this Regulation.

The export control of dual-use items that are monitored and controlled chemicals shall be governed by the *Regulation of the People's Republic of China on Administration of Chemicals Subjected to Monitoring and Control*; matters not specified in the *Regulations of the People's Republic of China on Administration of Chemicals Subjected to Monitoring and Control* shall be implemented by the State Council main oversight department for industry and information technology in accordance with the

Export Control Law and this Regulation.

The export of items and technologies listed in Part I of the *List of Guided Missiles and Related Items and Technologies Subject to Export Controls* attached to the *Regulation of the People's Republic of China on Export Control of Guided Missiles and Related Items and Technologies* shall be incorporated into the Military Product Export Management List and handled in accordance with the *Regulation of the People's Republic of China on the Management of Military Product Exports* and other relevant provisions.

Article 48 The overland shipment (过境), transshipment (转运), sea or air shipment (通运), and re-export of dual-use items, and the export abroad of dual-use items from areas under special customs oversight (海关特殊监管区) and bonded oversight venues (保税监管场所), shall be enforced in accordance with the relevant provisions of the Export Control Act and this Regulation. Specific measures shall be formulated by the State Council main oversight department for commerce in conjunction with the General Administration of Customs.

Within the People's Republic of China, dual-use items moving between areas under special customs oversight and bonded oversight venues, or entering areas under special customs oversight and bonded oversight venues from outside such areas and venues, shall not require export licenses and shall be subject to Customs supervision.

Article 49 Where organizations and individuals outside the PRC transfer or provide the following goods, technologies, and services to specific countries, regions, organizations, or individuals outside the People's Republic of China, the State Council main oversight department for commerce may require the relevant operators to comply with the relevant provisions of this Regulation:

- a) Dual-use items manufactured outside the PRC that contain, incorporate, or are mixed with specific dual-use items originating in the People's Republic of China;
- b) Dual-use items manufactured outside the PRC using specific technologies or other dual-use items originating in the People's Republic of China;
- c) Specific dual-use items originating in the People's Republic of China.

Article 50 This Regulation shall come into force on December 1, 2024. The *Regulation of the People's Republic of China on Export Control of Dual-Use Nuclear Products and Related Technologies*, *Regulation of the People's Republic of China on Export Control of Guided Missiles and Related Items and Technologies*, *Regulation of the People's Republic of China on Export Control of Dual-Use Biological Products and Related Equipment and Technologies*, and *Measures for Export Control of Relevant Chemical Products and Related Equipment and Technologies* shall be annulled on the same date.