Translation

The following notice expands Chinese export controls on rare earths. The notice requires Chinese and foreign exporters to obtain Chinese government approval to export dual-use items containing even trace amounts of certain Chinese-origin rare earths. Moreover, these controls apply to goods—notably semiconductor- and AI-related devices and components—manufactured outside of China, if the goods contain permanent magnet materials or sputtering target materials that include said rare earths. This is one of several new, mostly rare earth-related export controls that China announced on October 9, 2025.

Title
Ministry of Commerce Notice 2025 No. 61: Announcement of the Decision to Implement Controls on Exports of Rare Earth-Related Items to Foreign Countries
商务部公告 2025 第 61 号 公布对境外相关稀土物项实施出口管制的决定

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Source
MOFCOM website, October 9, 2025.

The Chinese source text is available online at:
https://www.mofcom.gov.cn/zwgk/zcfb/art/2025/art_7fc9bff0fb4546ecb02f66ee77d0e5f6.html
An archived version of the Chinese source text is available online at: https://perma.cc/7A9J-WGZR

Translation Date
October 9, 2025

Translator and Editor
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Ministry of Commerce Notice 2025 No. 61: Announcement of the Decision to Implement Controls on Exports of Rare Earth-Related Items to Foreign Countries

In order to safeguard national security and national interests, and in accordance with the relevant stipulations of the *Export Control Law of the People's Republic of China*, *Regulations of the People's Republic of China on Export Controls for Dual-Use Items*, and other laws and regulations, with the approval of the Chinese State Council, it is decided to adopt the following export control measures:

1. Foreign[1] organizations and individuals (hereinafter “designated foreign export operators”) must obtain a dual-use item export permit issued by the Chinese Ministry of Commerce (MOFCOM) before they export the following items to countries or regions outside of China:
    a. Items listed in part 2 of Appendix 1 of this Notice that are manufactured in foreign countries, and that contain, integrate, or have mixed in with them any rare earths listed in part 1 of Appendix 1 of this Notice that were originally produced in (原产于) China, such that the value of said rare earths comprises 0.1% or more of the value of said item;
    b. Items listed in Appendix 1 of this Notice, that use rare earths originally produced in China, and that are produced in foreign countries with technologies related to rare earth extraction, smelting separation (冶炼分离), metal smelting, magnetic material manufacturing, or secondary resource recycling;
    c. Items listed in Appendix 1 of this Notice that were originally produced in China.
2. In principle, export applications for items destined for foreign military users, and for importers and end users (including subsidiaries or branches for which the parent company controls 50% or more of shares) listed in export controls as users subject to controls or users of concern, will not be permitted.
3. In principle, export applications for items used for, or that could possibly be used for, the following end uses, will not be permitted:
    a. For the design, development, production, or use of weapons of mass destruction (WMD) or their delivery vehicles;
    b. For terrorist purposes;
    c. For military use or for improving potential military capabilities (军事潜力).
4. Export applications for items for R&D or production of 14 nm or smaller logic chips or 256-or-more-layer memory chips, or for production equipment, testing equipment, or materials for manufacturing the abovementioned processed semiconductors, or for R&D of artificial intelligence (AI) with potential military uses, will be approved on a case-by-case basis.
5. For export applications for humanitarian rescue end uses such as for emergency medicine, sudden public health incidents, or natural disaster assistance, foreign export operators need not apply for a dual-use export permit, but they should notify MOFCOM by email (jingwaibaogao@mofcom.gov.cn) no later than 10 working days after the export, and should promise that the items involved

[1] Translator's note: The Chinese word 境外 jìngwài, translated throughout as "foreign" or "foreign countries," literally means "outside the borders [of mainland China]." The term encompasses not just foreign countries but also Hong Kong, Macao, and Taiwan.

cannot be used in a manner that harms China's national security or national interests.

6. Designated foreign export operators who apply for a dual-use item export permit should submit the relevant documents in accordance with the requirements of article 16 of the *Regulations of the People's Republic of China on Export Controls for Dual-Use Items* and with the MOFCOM Dual-Use Item Export Permit Approval System. The Chinese version of the relevant documents shall be considered the definitive version. The URL of the Approval System is: http://ecomp.mofcom.gov.cn.

   Designated foreign export operators may submit application documents directly, and may also commission enterprises, intermediary service agencies (中介服务机构), chambers of commerce, or industry associations to handle the paperwork. The intermediary service agencies, chambers of commerce, or industry associations concerned should be either legal persons or be organizations without legal person status that can independently shoulder legal responsibility.

   Designated foreign export operators who are unable to determine if the items they are exporting are items that require them to apply for an export permit as stipulated by this Notice may send inquiries via email (jingwaizixun@mofcom.gov.cn).

7. When making their export customs declarations, domestic (境内) export operators who export dual-use items listed in part 2 of Appendix 1 of this Notice should fill in the ultimate destination country or region in accordance with requirements, and should provide the foreign importer and end user with the *Declaration of Compliance* in accordance with the Compliance Guide attached to this Notice.

   When transferring or exporting items subject to the controls in this Notice, foreign export operators should provide the next recipient with the *Declaration of Compliance* in accordance with the requirements of the Compliance Guide attached to this Notice.

8. Parts 1(a) and 1(b) of this Notice shall take effect on December 1, 2025. Part 1(c) of this Notice takes effect on the date of issuance of this Notice [October 9, 2025].

Appendices:

Appendix 1: List of Items[2]

Part 1

Metallic samarium, metallic dysprosium, metallic gadolinium, metallic terbium, metallic lutetium, metallic scandium, metallic yttrium, samarium-cobalt alloys, terbium-iron alloys, dysprosium-iron alloys, terbium-dysprosium-iron alloys, dysprosium oxide, terbium oxide

Part 2

I. Rare earth permanent magnet materials
1. Samarium cobalt permanent magnet materials;
2. Neodymium permanent magnet materials that contain terbium;
3. Neodymium permanent magnet materials that contain dysprosium;
4. Parts, components, and modules that contain the abovementioned materials.

II. Rare earth target materials
1. Target materials that contain samarium:
    a. Samarium targets;
    b. Samarium-cobalt alloy targets;
    c. Samarium-iron alloy targets.
2. Target materials that contain gadolinium:
    a. Gadolinium targets;
    b. Gadolinium-iron alloy targets;
    c. Gadolinium-cobalt alloy targets.
3. Target materials that contain terbium:
    a. Terbium targets;
    b. Terbium-cobalt alloy targets;
    c. Terbium-dysprosium-iron alloy targets.
4. Target materials that contain dysprosium:
    a. Dysprosium targets;
    b. Terbium-dysprosium-iron alloy targets.
5. Lutetium targets.
6. Scandium targets.
7. Target materials that contain yttrium:
    a. Yttrium targets;
    b. Yttrium-aluminum alloy targets;

[2] Translator's note: An archived version of the Chinese text of Appendix 1 is available online at: https://perma.cc/QPD6-SPTP.

c. Yttrium-cobalt alloy targets.

Appendix 2: Guide to the *Declaration of Compliance*[3]

When Chinese domestic export operators export controlled items listed in part 1 of Appendix 1 of this Notice to foreign countries, or when designated foreign export operators export any items subject to the controls in this Notice to a third country or region (or when they transfer said items within China), they should provide the next recipient of the goods, the importer, or the end user with the *Declaration of Compliance*. By the same token, the next recipient of the goods, the importer, or the end user may request that the Chinese domestic export operator or the upstream designated foreign export operator provide them with the *Declaration*. Providing this *Declaration of Compliance* does not exempt them from the obligation to conduct necessary due diligence in accordance with the stipulations of Chinese export control laws and regulations.

Declaration of Compliance template

[Receiver of goods / importer / next end user]:

Our company is exporting / transferring [item name, etc. information] that contains Chinese-produced rare earth content that is subject to controls to your company. This content constitutes [ ]% of the value of the item. Per MOFCOM Notice 2025 No. 61, please abide by the following stipulations:

1. When exporting this item to countries or regions other than China, you must obtain an export permit issued by MOFCOM;
2. If this item constitutes raw material (or a component or module) for another item: for any such item that can be used independently and that has Chinese-produced rare earth content that is subject to controls and that constitutes more than 0.1% of the value of the item, the item so constituted falls under the purview of items controlled by MOFCOM Notice 2025 No. 61. When exporting said item to a country or region other than China, you must obtain an export permit issued by MOFCOM.
3. When transferring or providing items that fall under the above points 1 and 2 of this *Declaration* to the next receiver of goods / importer / end user, you must

[3] Translator's note: An archived version of the Chinese text of Appendix 2 is available online at: https://perma.cc/JQ7E-JWRL.

provide a *Declaration of Compliance* filled out in accordance with the requirements of MOFCOM Notice 2025 No. 61 to them along with the item.

[Name of the designated foreign export operator / Chinese domestic export operator]

[Seal or signature of legal representative]

[Date]

Note: When Chinese domestic export operators export controlled items listed in part 1 of Appendix 1 of this Notice to foreign countries, they should fill in “100%” as the percentage of the item’s value constituted by rare earths in the first paragraph of this *Declaration*.

Ministry of Commerce
October 9, 2025