



中华人民共和国商务部

Ministry of Commerce of the People's Republic of China



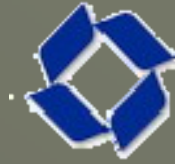
Export Controls in China

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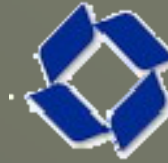
People's Republic of China

Overview



- ◆ Legal Framework
- ◆ Key Elements of Licensing
- ◆ Enforcement Practices

Legal Framework



- ◆ Laws
 - ◆ Foreign Trade law, Customs Law
- ◆ Regulations
 - ◆ Regulations on Export Control of Nuclear Dual-Use Items and Related Technologies
 - ◆ Regulations on Management of Chemicals Subject to Supervision and Control
 - ◆ Regulations on Export Control of Dual-Use Biological Agents and Related Equipment and Technologies
 - ◆ Regulations on Export Control of Missiles and Missile-related Items and Technologies

Legal Framework (cont.)



- ◆ Ministerial Decrees
 - ◆ Measures on the Administration of Export Registration for Sensitive Items and Technologies
 - ◆ Measures for the Administration on Import and Export License for Dual-use Items and Technologies

Legislation Update



- ◆ Regulations on Export Control of Nuclear Dual-use Items and related Technologies (Revised,2007)
 - Enterprises should establish ICP
 - Applied to transit, transshipment
- ◆ Measures on General License for Export and Import of Dual-Use Items and Technology (2009)
 - ICP strictly required
 - Audit



Key Elements of Licensing

- ◆ Exporter Registration
- ◆ Licensing Certificate
- ◆ Control List
- ◆ End-User and End-Use Certification
- ◆ Criteria of Review and Approval

Controls on non-listed items (catch-all)



- ◆ Licensing authority informs exporter or exporter is aware of, there is a risk of proliferation of a non-listed item or technology to be exported, the exporter is required to apply for an export license.

Internal Compliance Programs

- ◆ MOFCOM issued ICP guideline in 2007,
 - ICP is required for general license application.
 - ICP core elements is recommended.

Enforcement Practices



- ◆ Preventive enforcement measures
 - Outreach to Industry
Publication, Hotline service, E-platform, Training courses, International seminars
 - Export license review

Enforcement Practices (cont.)



- ◆ Monitoring export transactions
 - Red flags
 - Query export information
 - Shipment inspection
- ◆ Interagency cooperation
 - Information sharing

Investigations and sanctions



- ◆ Investigations:
 - Criminal
 - Administrative

- ◆ Sanctions:
 - confiscation of goods and fines
 - suspension of export privileges
 - imprisonment



THANKS !