

# **China - Control of Nuclear Dual-Use Items and Related Technologies Export, 1998**

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**Regulations of the People’s Republic of China on the Control of Nuclear Dual-Use Items and Related Technologies Export**  
**(Adopted at the 4th Executive Meeting of the State Council on June 1, 1998, promulgated by Decree No.245 of the State Council of the People’s Republic of China, and effective as of the date of promulgation)** **1**

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1 **Regulations of the People's Republic of China on the  
Control of Nuclear Dual-Use Items and Related  
Technologies Export  
(Adopted at the 4th Executive Meeting of the State  
Council on June 1, 1998, promulgated by Decree  
No.245 of the State Council of the People's Republic of  
China, and effective as of the date of  
promulgation)**

2 **Article 1**

3 These Regulations are formulated for the purpose of strengthening  
the export control of nuclear dual-use items and related tech-  
nologies, preventing proliferation of nuclear weapons, promoting  
international cooperation in peaceful utilization of nuclear energy,  
and safeguarding the State security and social and public inter-  
ests.

4 **Article 2**

5 The export of nuclear dual-use items and related technologies re-  
ferred to in these Regulations mean the trading export, gifts to and  
exhibitions in foreign countries and regions, as well as scientific and  
technological cooperation with and assistance to foreign countries  
and regions that involve equipment, materials and related technolo-  
gies outlined in the "Nuclear Dual-Use Items and Related Technolo-  
gies Export Control List" (hereinafter referred to as the Control List)  
attached to these Regulations.

6 **Article 3**

7 The State shall tightly control the export of nuclear dual-use items

and related technologies, and strictly perform its international obli-  
gations with regard to non-proliferation of nuclear weapons.

**Article 4**

8  
9 The export of nuclear dual-use items and related technologies shall  
comply with the provisions of relevant laws and administrative reg-  
ulations of the State as well as these Regulations, and may not  
jeopardize the State security and social and public interests.

**Article 5**

10  
11 The State shall practice a licensing control system on the export of  
nuclear dual-use items and related technologies.

**Article 6**

12  
13 The following principles shall be observed in licensing the export  
of nuclear dual-use items and related technologies:

14 1. The receiving party shall guarantee from using for nuclear explo-  
sion purposes China-supplied nuclear dual-use items and related  
technologies;

15 2. The receiving party shall guarantee from using China-supplied  
nuclear dual-use items and related technologies in nuclear facili-  
ties which are not subject to International Atomic Energy Agency  
safeguards;

16 3. The receiving party shall guarantee from transferring, without  
permit of the Chinese Government, China-supplied nuclear dual-  
use items and related technologies to a third party.

### Article 7

18 Those engaging in the export of nuclear dual-use items and re-  
lated technologies shall register themselves with the Ministry of  
Foreign Trade and Economic Cooperation. Without such registra-  
tion, no enterprise or individual may engage in the export of nuclear  
dual-use items and related technologies. The specific measures  
for such registration shall be formulated by the Ministry of Foreign  
Trade and Economic Cooperation.

### Article 8

19 Anyone who intends to export nuclear dual-use items and related  
20 technologies outlined in the Control List shall apply to the Ministry  
of Foreign Trade and Economic Cooperation, fill in the export ap-  
plication form of nuclear dual-use items and related technologies  
and submit the following documents:

- 21 1. identifications of the applicant's legal representative, principle  
managers and persons in charge;
- 22 2. copy of the contract or agreement;
- 23 3. technological specifications of the nuclear dual-use items and  
related technologies;
- 24 4. the certificate of the end-user;
- 25 5. the guarantee documents provided for in Article 6 of these Reg-  
ulations;
- 26 6. other documents required by the Ministry of Foreign Trade and  
Economic Cooperation.

### Article 9

27 Where the nuclear dual-use items and related technologies to be  
28

17 exported are for exhibition or for Chinese party's own use abroad  
and will be re-imported thereafter with a specified time limit, the re-  
lated documents provided for in Article 8 of these Regulations may  
be exempted from being submitted after examination and approval  
by the Ministry of Foreign Trade and Economic Cooperation when  
making the application.

### Article 10

The applicant shall truthfully fill in the export application form. 29  
The export application forms shall be uniformly produced by the 30  
Ministry of Foreign Trade and Economic Cooperation. 31

### Article 11

Upon receiving the export application form and the documents pro- 32  
vided for in Article 8 of these Regulations, the Ministry of Foreign 33  
Trade and Economic Cooperation shall, within 45 working days,  
examine and approve or disapprove the application jointly with the  
State Atomic Energy Authority or jointly with the State Atomic En-  
ergy Authority and consulting with the relevant departments of the  
State Council, or with the Ministry of Foreign Affairs if the case in-  
volves foreign policies.

### Article 12

Where the export application of nuclear dual-use items and related 34  
technologies has important effect on the State security, social and 35  
public interests or foreign policy, the Ministry of Foreign Trade and  
Economic Cooperation shall submit it to the State Council for ap-  
proval.

Those submissions to the State Council for approval shall not sub- 36

ject to the limitation on time period stipulated in Article 11 of these Regulations.

37 **Article 13**

38 When an export application of nuclear dual-use items and related technologies is approved after examination, the Ministry of Foreign Trade and Economic Cooperation shall issue an export license for nuclear dual-use items and related technologies (hereinafter referred to as the export license), and notify the Customs in writing.

39 **Article 14**

40 An export license holder who intends to change the nuclear dual-use items and related technologies originally applied for the export shall turn in the original export license and file a new application and obtain a new export license according to the provisions of these Regulations.

41 **Article 15**

42 While exporting nuclear dual-use items and related technologies, the exporter shall submit the export license to the Customs, complete the Customs procedures and be subjected to the Customs supervision and control in accordance with the provisions of the Customs Law.

43 **Article 16**

44 Where the receiving party contravenes the guarantees made according to the provisions of Article 6 of these Regulations or where

a danger of nuclear proliferation appears, the Ministry of Foreign Trade and Economic Cooperation shall, after consulting with the Ministry of Foreign Affairs and the State Atomic Energy Authority, suspend or revoke the export license already granted and notify the Customs in writing for execution.

**Article 17**

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46 Upon approval of the State Council, the Ministry of Foreign Trade and Economic Cooperation may, jointly with the relevant departments of the State Council, temporarily decide to exercise the export control on specific nuclear dual-use items and related technologies other than those outlined in the Control List according to the provisions of these Regulations.

47 The export of specific nuclear dual-use items and related technologies provided for in the preceding paragraph shall be licensed according to the provisions of these Regulations.

**Article 18**

48

49 Anyone who, in violation of the provisions of these Regulations, export the nuclear dual-use items and related technologies, shall be investigated for his criminal responsibility according to law if a crime is constituted, or punished according to the relevant provisions of the Foreign Trade Law and the Customs Law if a crime is not constituted.

**Article 19**

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51 Anyone who counterfeits, alters, sells or buys the export license shall be investigated for his legal responsibility according to law.

52 **Article 20**

53 Any state functionary exercising control on the export the nuclear  
dual-use items and related technologies who neglects his duty,  
seeks personal interests and commits malpractice or abuses his  
power, shall be investigated for his criminal responsibility accord-  
ing to law if a crime is constituted, or be given an administrative  
sanction according to law if a crime is not constituted.

54 **Article 21**

55 In light of real situation, the Ministry of Foreign Trade and Economic  
Cooperation, jointly with the State Atomic Energy Authority and rel-  
evant departments of the State Council, may adjust the Control List  
and submit it to the State Council for approval before implementa-  
tion.

56 **Article 22**

57 Where an international treaty that the People's Republic of China  
has concluded or acceded to contains the provisions different from  
those of these Regulations, the provisions of the international treaty  
shall apply, unless the provisions are those on which the People's  
Republic of China has declared reservations.

58 **Article 23**

59 These Regulations shall enter into force as of the date of promul-  
gation.

60 Annex: The Nuclear Dual-Use Items and Related Technologies Ex-  
port Control List

## Metadata

### SiSU Metadata, document information

**Document Manifest @:**

`<http://www.jus.uio.no/lm/china.export.control.of.nuclear.dual.use.and.related.technologies.1998/sisu_manifest.html>`

**Title:** China - Control of Nuclear Dual-Use Items and Related Technologies Export, 1998

**Creator:** MOFTEC

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**Publisher:** SiSU `<http://www.jus.uio.no/sisu>` (this copy)

**Date:** 1998

**Topics Registered:** statute:China;exports:China;exports control:China

**Version Information**

**Sourcefile:** china.export.control.of.nuclear.dual.use.and.related.technologies.-1998.sst

**Filetype:** SiSU text 2.0

**Source Digest:** SHA256(china.export.control.of.nuclear.dual.use.and.related.-technologies.1998.sst)=146eefd243b6f43320dd519963370f1f549e26f695c39098-da152f0e29d08aa1

**Skin Digest:** SHA256(skin\_lm.rb)=5acda64a9532f9ef6b71693da2b471d4efac2f23-a8499e68de066eec8ea9b8e9

**Generated**

**Document (dal) last generated:** Tue Sep 21 16:14:01 -0400 2010

**Generated by:** SiSU 2.6.3 of 2010w30/3 (2010-07-28)

**Ruby version:** ruby 1.8.7 (2010-08-16 patchlevel 302) [i486-linux]