

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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**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)**

Article 1

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

Article 2

The export of nuclear dual-use items and related technologies referred 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 technologies outlined in the "Nuclear Dual-Use Items and Related Technologies Export Control List" (hereinafter referred to as the Control List) attached to these Regulations.

Article 3

The State shall tightly control the export of nuclear dual-use items and related technologies, and strictly perform its international obligations with regard to non-proliferation of nuclear weapons.

Article 4

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

Article 5

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

Article 6

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

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

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

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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.

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Article 7

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Those engaging in the export of nuclear dual-use items and related technologies shall register themselves with the Ministry of Foreign Trade and Economic Cooperation. Without such registration, 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.

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Article 8

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

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1. identifications of the applicant's legal representative, principle managers and persons in charge;

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2. copy of the contract or agreement;

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3. technological specifications of the nuclear dual-use items and related technologies;

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4. the certificate of the end-user;

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5. the guarantee documents provided for in Article 6 of these Regulations;

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6. other documents required by the Ministry of Foreign Trade and Economic Cooperation.

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Article 9

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Where the nuclear dual-use items and related technologies to be exported are for exhibition or for Chinese party's own use abroad and will be re-imported thereafter with a specified time limit, the related 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.

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Article 10

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The applicant shall truthfully fill in the export application form.

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The export application forms shall be uniformly produced by the Ministry of Foreign Trade and Economic Cooperation.

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Article 11

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Upon receiving the export application form and the documents provided for in Article 8 of these Regulations, the Ministry of Foreign 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 Energy Authority and consulting with the relevant departments of the State Council, or with the Ministry of Foreign Affairs if the case involves foreign policies.

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Article 12

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

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Those submissions to the State Council for approval shall not subject to the limitation on time period stipulated in Article 11 of these Regulations.

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Article 13

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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.

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Article 14

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An export license holder who intends to change the nuclear dual-use items and related

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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.

Article 15

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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.

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Article 16

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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.

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Article 17

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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.

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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.

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Article 18

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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.

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Article 19

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

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Article 20

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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 mal-practice or abuses his power, shall be investigated for his criminal responsibility according to law if a crime is constituted, or be given an administrative sanction according to law if a crime is not constituted.

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Article 21

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

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Article 22

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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.

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Article 23

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These Regulations shall enter into force as of the date of promulgation.

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Annex: The Nuclear Dual-Use Items and Related Technologies Export Control List

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