

Measures on Export Control of Certain Chemicals and Related Equipment and Technologies

Article 1 These Measures are formulated for the purpose of strengthening export control of certain chemicals and related equipment and technologies, and safeguarding the State security and social and public interests.

Article 2 The export of certain chemicals and related equipment and technologies referred to in these Measures means the export for trade of items and technologies listed in the "Certain Chemicals and Related Equipment and Technologies Export Control List" (hereinafter referred to as the Control List) attached to these Measures, and the gift to, exhibition in, scientific and technological cooperation with, assistance to, provision of service for as such and other forms of technological transfer thereof to foreign countries and regions.

Article 3 The export of certain chemicals and related equipment and technologies shall be in accordance with relevant laws and administrative regulations of the State and these Measures, and shall not imperil the State security and social and public interests.

Article 4 The State shall exercise strict control on the export of certain chemicals and related equipment and technologies, so as to prevent the items and technologies listed in the Control List from being used for the purpose of chemical weapons.

Article 5 The State shall practice a licensing system for the export of items and technologies listed in the Control List. Without being licensed, no unit or individual shall export such items or technologies.

Article 6 The receiving party of certain chemicals and related equipment and technologies shall guarantee not to use such chemicals and related equipment and technologies supplied by China in the storing, processing, producing and treating of chemical weapons or in the production of chemical weapons precursors. Without the consent of the Chinese Government, the receiving party shall not use the chemicals and related equipment and technologies supplied by China for purposes other than the declared end-use, or transfer such chemicals and related equipment and technologies to any third party other than the declared end-user.

Article 7 Exporters of certain chemicals and related equipment and technologies shall register themselves with the Ministry of Foreign Trade and Economic Cooperation (hereinafter referred to as MOFTEC). Without such registration, no unit or individual shall export certain chemicals and related equipment and technologies. The specific measures for such registration shall be formulated by MOFTEC.

Article 8 Anyone who intends to export items and technologies in the Control List shall apply to MOFTEC, fill in the export application form for certain chemicals and related equipment and technologies (hereinafter referred to as the export application form), and submit the following documents:

1. certificate of registration for the exporter to export certain chemicals and related

equipment and technologies;

2. identifications of the applicant's legal representative, chief manager(s) and the person(s) handling the deal;

3. duplicates of the contract or agreement;

4. technical specifications of the certain chemicals and related equipment and technologies;

5. certificates of the end-user and end-use;

6. documents of guarantee as defined in Article 6 of these Measures;

7. other documents as may be required by MOFTEC.

Article 9 An applicant shall truthfully fill in the export application form. Export application forms shall be uniformly produced by MOFTEC.

Article 10 MOFTEC shall, within 45 working days from the date of receipt of the export application form and the documents specified in Article 8 of these Measures, examine, or jointly with other relevant departments of the State Council examine the application, and make a decision of approval or denial.

Article 11 Where the export of certain chemicals and related equipment and technologies entails significant impact on the State security and social and public interests or foreign policy, MOFTEC shall, jointly with relevant departments, submit the case to the State Council for approval.

Where the export of certain chemicals and related equipment and technologies is submitted to the State Council for approval, the timing restriction set forth in Article 10 of these Measures shall not apply.

Article 12 Where an application for the export of certain chemicals and related equipment and technologies is examined and approved, MOFTEC shall issue a license for the export of certain chemicals and related equipment and technologies (hereinafter referred to as an export license), and notify the Customs in writing.

Article 13 An export license holder who intends to change the certain chemicals and related equipment and technologies originally applied for export shall return the original export license and file a new application to obtain a new export license according to relevant provisions of these Measures.

Article 14 While exporting certain chemicals and related equipment and technologies, the exporter shall present the export license to the Customs and complete customs procedures in accordance with the provisions of the Customs.

Article 15 Where the receiving party contravenes the guarantees made under Article 6 of these Measures, or there is a risk of proliferation of certain chemicals and related equipment and technologies in the Control List for the purpose of chemical weapons, MOFTEC shall suspend or revoke the export license granted and notify the Customs in writing.

Article 16 Where the exporter knows or should know that the certain chemicals and related equipment and technologies to be exported will be used by the receiving party directly for the purpose of chemical weapons or for the production of chemical weapons precursor, it shall not export such chemicals and related equipment and technologies, whether included in the Control List or not.

Article 17 Upon approval by the State Council, MOFTEC may, jointly with relevant departments of the State Council, temporarily decide to exercise export control on specific items and technologies other than those listed in the Control List in accordance with the provisions of these Measures.

The export of the specific items and technologies set forth in the preceding paragraph shall be licensed in accordance with the provision of these Measures.

Article 18 Those who export certain chemicals and related equipment and technologies without being licensed or export certain chemicals and related equipment and technologies beyond the scope of the export license without authorization, shall be investigated for criminal liability in accordance with the provisions of the criminal law on the crime of smuggling, the crime of illegal business operations, the crime of divulging State secrets or other crimes; if such acts are not serious enough for criminal punishment, by distinguishing different circumstances, they shall be punished in accordance with relevant provisions of the Customs Law, or be given a warning and fined for not less than twice but not more than five times the illegal income by MOFTEC, according to the circumstances; MOFTEC may concurrently revoke the licensing for their foreign trade operations.

Article 19 Those who forge, alter, buy or sell, or obtain by fraud or other illegal means the license for the export of certain chemicals and related equipment and technologies shall be investigated for criminal liability in accordance with the provisions of the criminal law on the crime of illegal business operations or the crime of forging, altering, buying or selling official documents, certificates or seals of a State organ; if such acts are serious enough for punishment, they shall be punished in accordance with relevant provisions of the Customs Law, and MOFTEC may concurrently revoke the licensing for their foreign trade operations.

Article 20 Where the State functionaries in charge of the control on the export of certain chemicals and related equipment and technologies abuse their powers, neglect their duties or extort or accept money or properties from others by taking advantage of their positions, they shall be investigated for criminal liability in accordance with the provisions of the criminal law on the crime of abuse of power, the crime of neglect of duties, the crime of accepting bribes and other crimes; if such acts are not serious enough for criminal punishment, they shall be given administrative sanctions according to law.

Article 21 In light of actual situations, MOFTEC may, jointly with relevant departments of the State Council, amend the Control List.

Article 22 These Measures shall be effective as of ____.