



中国军控与裁军协会
China Arms Control and Disarmament Association

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CHINA'S EXPORT CONTROL MECHANISM

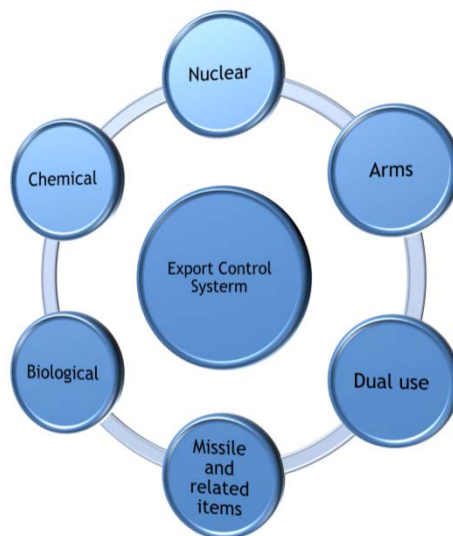
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China Arms Control and Disarmament Association



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NUCLEAR EXPORT CONTROL

1987

- Regulations on the Control of Nuclear Materials

1997

- Regulations of the PRC on the Control of Nuclear Export

1998

- Regulations of the PRC on the Control of Nuclear Dual-Use Items and Related Technologies Export

2006

- Decision of the State Council on Amending the Regulation of the People's Republic of China on the Control of Nuclear Export

2007

- amended the Regulations of the People's Republic of China on Control of Nuclear Dual-Use Items and Related Technologies Export



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MISSILE AND RELATED ITEMS

1992

- The Chinese Government declared that it would act in line with the guidelines and parameters of the MTCR in its export of missiles and related technologies.

1994

- The Chinese Government committed itself not to export ground-to-ground missiles featuring the primary parameters of the MTCR.

2000

- China further declared that it had no intention to assist, in any way, any country in the development of ballistic missiles.

2002

- Regulations of the PRC on Export Control of Missiles and Missile-Related Items and Technologies
- the Control List



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BIOLOGICAL EXPORT CONTROL

2002

- Regulations of the PRC on the Export Control of Dual-Use Biological Agents and Related Equipment and Technologies
- Control List

2006

- Amended the Control List



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CHEMICAL EXPORT CONTROL

1995

- Regulations of the People's Republic of China on the Administration of the Controlled Chemicals

1996

- Controlled Chemicals List

1997

- Detailed Rules for the Implementation of the Regulations of the PRC on the Administration of the controlled Chemicals

1998

- added 10 controlled chemicals to the Controlled Chemicals List

2001

- Amendments to the Criminal Law of the PRC

2002

- Regulations of the PRC on the Export Control of Dual-Use Biological Agents and Related Equipment and Technologies



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ARMS EXPORT CONTROL

1997

- Regulations of the PRC on the Administration of Arms Export

2002

- Revised Regulations of the PRC on the Administration of Arms Export

2002

- Military Products Export Control List



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THREE PRINCIPLES OF ARMS EXPORT CONTROL



- ◉ The exports should be conducive to the legitimate self-defence capability of the recipient country.
- ◉ The exports should not undermine the peace, security and stability of the region concerned and the world as a whole.
- ◉ The exports should not be used as a means of interfering in the internal affairs of the recipient country.



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DUAL USE ITEMS EXPORT CONTROL

2005

- Regulations of the Administration of Import and Export License of Dual-use Items and Technologies

2007

- MOFCOM's Instruction for Exporters of Dual-Use Items and Related Technologies on Establishing Internal Compliance Program

2009

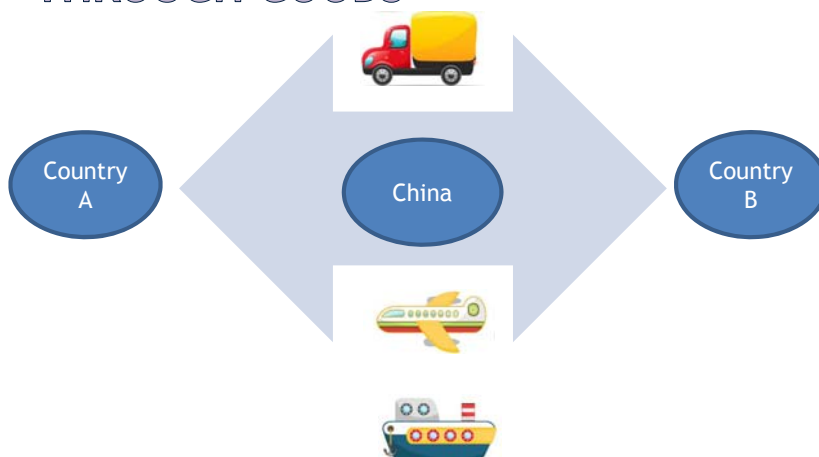
- Regulations of the Administration of General License of Dual-use Items and Technologies Export



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TRANSIT, TRANSSHIPMENT AND THROUGH GOODS





CUSTOMS CHECK



The customs suspect that there is forbidden goods in the cargo.



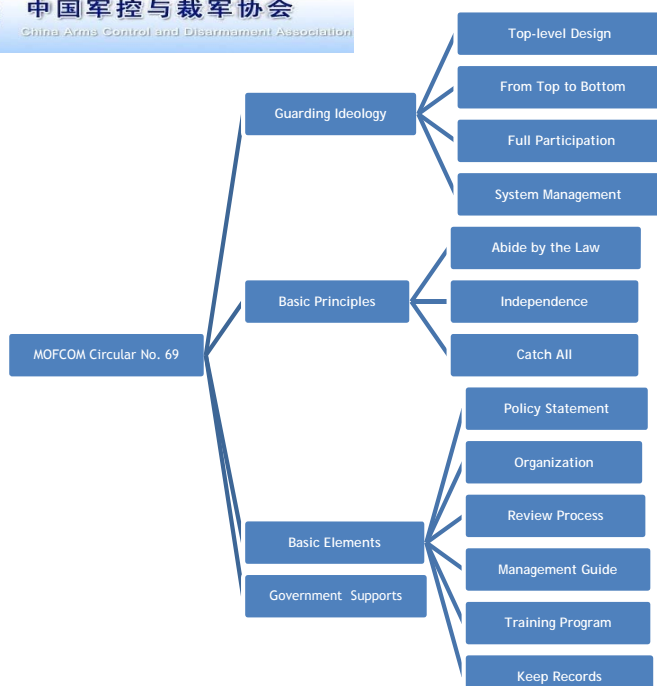
The sealing marks fall off or been opened.



The name or numbers is different with the cargo manifest.

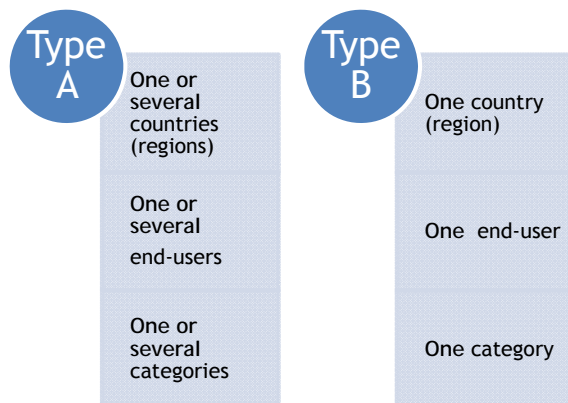


The goods is suspected of smuggling.





GENERAL LICENSE

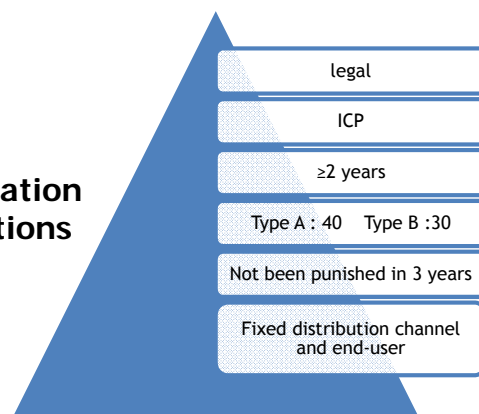


Period of validity: ≤ 3 years



GENERAL LICENSE

Application Conditions



Exceptions: 1) ICP does not work well
2) a risk of proliferation



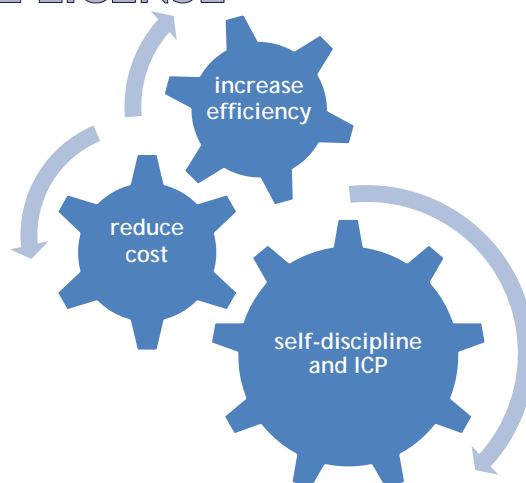
GENERAL LICENSE

Punishment



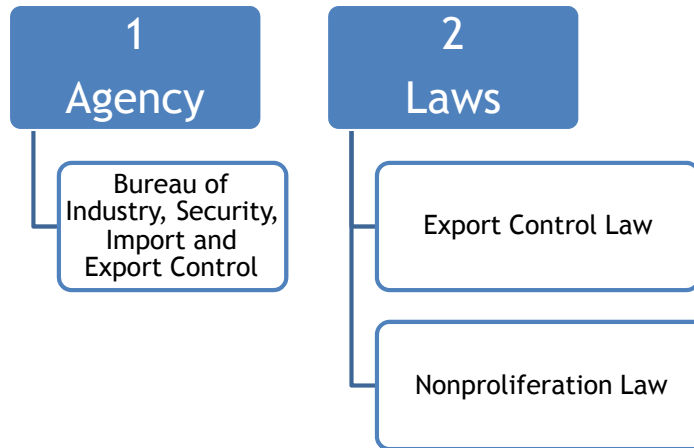
GENERAL LICENSE

Functions





RECENT PROGRESS



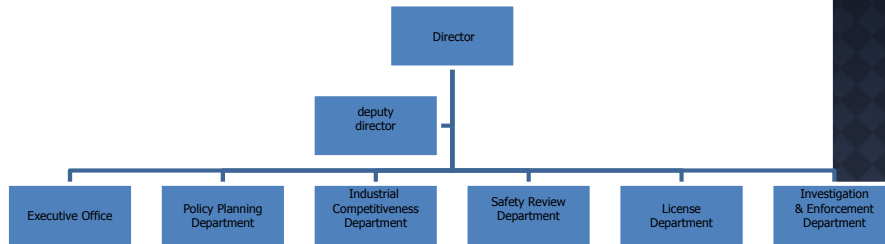
BUREAU OF INDUSTRY, SECURITY, IMPORT AND EXPORT CONTROL





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BUREAU OF INDUSTRY, SECURITY, IMPORT AND EXPORT CONTROL

- **Policy Planning Department** to formulate and implement national policies and rules on import and export control;
- **License Department** to issue import and export licenses for dual-use goods and technologies in accordance with law;
- **Safety Review Department** to establish and improve the early-warning mechanism of industry security;
- **Industrial Competitiveness Department** to be responsible for investigations on industrial competitiveness as well as response to and evaluation of industry security;
- **Investigation & Enforcement Department** to direct and coordinate the response to industry security.



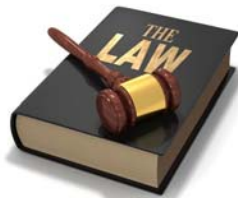


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EXPORT CONTROL LAW

- ◉ Rely on existing Control Lists
- ◉ Coordinate government agencies
- ◉ Standardize export control process
- ◉ Build an effective enforcement mechanism
- ◉ Raise the cost of breaking the law



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THE EXPORT CONTROL LAW

- ◉ **What's the main contents?**
- ◉ The Applicable Objects
- ◉ The Control Methods
- ◉ The Competent Departments
- ◉ The Legal Responsibilities





- ◉ a responsible big country strictly complies with UN resolutions
- ◉ a series of systematic and perfect laws and regulations
- ◉ a systematic organizing structure & tight export approval procedure
- ◉ imposes strict control on exporters; ICP



- ◉ A Comprehensive Export Control Mechanism



CHINA'S EFFORTS IN NON-PROLIFERATION

The current non-proliferation situation?

- ◉ Undergoing profound changes.
- ◉ Traditional security threats intertwined with the non-traditional ones.
- ◉ Opportunities and challenges coexist.
- ◉ Complicated causes.



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PROLIFERATION CHALLENGES

- ◉ Surrounded by proliferation hot-spots areas
- ◉ Huge quantity of enterprises brings high regulatory pressure
 - since 2004, more than 600 proliferation cases investigated
 - 1000 companies involved
- ◉ More concealed proliferation activity
 - E-Commerce, intermediary agent, intangible technology, etc.



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NATIONAL NON-PROLIFERATION LEGISLATION

- ◉ 1994, Foreign Trade Law of PRC, Revised in 2004
- ◉ 1995, Regulations on Administration of Controlled Chemicals of PRC
- ◉ 1997, Regulations on Nuclear Export Control of PRC, Revised in 2006
- ◉ 1998, Regulations on Export Control of Nuclear Dual-use Items and related Technologies of PRC, Revised 2007
- ◉ 1998, Regulations on Arms Export of PRC, Revised in 2002
- ◉ 2002, Regulations on Export Control of Missiles and Missile-Related Items and Technologies of PRC
- ◉ 2002, Regulations on Export Control of Dual-Use Biological Agents and Related Equipment and Technologies of PRC, Revised in 2006
- ◉ 2002, Measures on Export Control of Certain Chemicals and Related Equipment and technologies of PRC



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NONPROLIFERATION LAW

Why we need ?

- Serious situation of proliferation
- Weakness of current system
- Turn international law into domestic law
- Provide a legal basis for sanction

What's the difference?

- Higher law vs. Lower law
- New law vs. Old law
- Principle vs. Implementation

What's the importance?

- Control on the entire export procedure



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THE NON-PROLIFERATION LAW

- — started from June 2014;
- — 15 Ministries and 17 legal institutes/experts participated;
- — revised more than 10 versions;
- — intensive bilateral legislative exchanges with foreign governments and institutes;
- — refer to more than 6 countries' relevant non-proliferation laws;
- — apply control on entire export procedures





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INSTITUTIONAL BUILDING

- ◉ Inter-agency coordinating system;
 - more than 19 central ministries ;
 - policy review, licensing, enforcement, etc.
 - highly-sensitive cases investigations ;
 - panel of experts & supporting teams ;
- ◉ The concept of “Whole Process Control”;
 - intelligence, manufacture, research, transportation, export, financing, etc.
- ◉ Coordinator for Non-proliferation Affairs;
 - directly report to China Central National Security Committee
- ◉ Non-proliferation Attache;
 - pilot post in around 10 Chinese embassies



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INSTITUTIONAL BUILDING

- ◉ pilot provinces expanded from 6 to 9 ,
from Northeast China to eastern coastal areas;
- ◉ expand to nationwide in the near future;
- ◉ assisting in investigations on certain proliferation cases;
- ◉ training courses at local level for law enforcement officials, esp. frontline;



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STRINGENT ENFORCEMENT

- ◉ Enforcement Capacity Building
 - More advanced equipment and technology
- ◉ Investigations & penalties
 - nonproliferation intelligence exchanges
 - foreign & domestic entities and individuals



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INTERNATIONAL COOPERATION AND EXCHANGES

- ◉ Supporting UNSCR and related regime building:
 - training courses for 1540 POC
- ◉ Bilateral exchanges



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CHINA'S EFFORTS IN CYBER SECURITY

- ◉ The draft Measures for Security Assessment of Export of Personal Information and Critical Data.
- ◉ The Cyber Security Law of PRC.



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THE DRAFT MEASURES FOR SECURITY ASSESSMENT OF EXPORT OF PERSONAL INFORMATION AND CRITICAL DATA

- ◉ The main provision:
The outbound data contains personal information of over 500,000 persons and exceeding 1000GB, must be evaluated by relevant departments before departure.





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THE CYBER SECURITY LAW

- ◉ The principles:
 - Cyberspace sovereignty.
 - Equal importance to cyber security and information technology development.
 - Shared governance



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THE CYBER SECURITY LAW

- ◉ The main contents:
 - —institutionalize the regulatory system and clarify the division of responsibilities of the departments.
 - —strengthen the network operation security and focus on protecting information infrastructure.
 - —improved the network security obligations and responsibilities, and increased the penalties for breaking the law.
 - —institutionalized and legalized the measures of monitoring and emergency treatment.



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THE CYBER SECURITY LAW

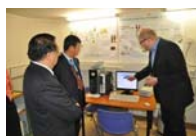
◎ The main characteristics:

- –in line with international practices;
- –attaches importance to procedural justice and civil rights;
- –follows the principle of non-discrimination and avoids discriminatory provisions.



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THANK YOU !