

# 中华人民共和国出口管制法

## PRC Export Control Law

(2020年10月17日第十三届全国人民代表大会常务委员会第二十二次会议通过)  
(As passed by Standing Committee of the National People's Congress on October 17, 2020)

### 第一章 总则

#### Chapter 1 General Provisions

第一条 为了维护国家安全和利益，履行防扩散等国际义务，加强和规范出口管制，制定本法。

Article 1 This Law is established to safeguard national security and interests, perform non-proliferation and other international obligations, and enhance and regulate export control.

第二条 国家对两用物项、军品、核以及其他与维护国家安全和利益、履行防扩散等国际义务相关的货物、技术、服务等物项（以下统称管制物项）的出口管制，适用本法。

Article 2 This Law applies to the State's export control over dual-use items, military items, nuclear items and other goods, technologies, services and items relating to the maintenance of national security and national interests, and performance of anti-proliferation and other international obligations (collectively referred to as "Controlled Items" hereinafter).

前款所称管制物项，包括物项相关的技术资料等数据。

The term Controlled Items referred to in the previous provision includes technical information and other data related to the items.

本法所称出口管制，是指国家对从中华人民共和国境内向境外转移管制物项，以及中华人民共和国公民、法人和非法组织向外国组织和个人提供管制物项，采取禁止或者限制性措施。

For the purposes of this Law, export control means the prohibitive or restrictive measures taken by the State against the transfer of any Controlled Items out of the People's Republic of China, and the provision of any Controlled Items by any citizens, legal persons or non-corporate organizations of the People's Republic of China to any foreign organizations and individuals.

本法所称两用物项，是指既有民事用途，又有军事用途或者有助于提升军事潜力，特别是可以用于设计、开发、生产或者使用大规模杀伤性武器及其运载工具的货物、技术和服务。

For the purposes of this Law, dual-use items mean goods, technologies and services that can be used for not only civil purposes but also military purposes, or that are helpful to enhance military potential, especially those can be used for the design, development, manufacturing or use of weapons of mass destruction and their delivery vehicles.

本法所称军品，是指用于军事目的的装备、专用生产设备以及其他相关货物、技术和服

务。

For the purposes of this Law, military items mean equipment, special production equipment and other related goods, technologies and services used for military purposes.

本法所称核，是指核材料、核设备、反应堆用非核材料以及相关技术和服

务。

For the purposes of this Law, nuclear items mean nuclear materials, nuclear equipment, non-nuclear materials for reactors and related technologies and services.

第三条 出口管制工作应当坚持总体国家安全观，维护国际和平，统筹安全和发展，完善出口管制管理和服务。

Article 3 Export control work should uphold a comprehensive national security perspective, maintain international peace, plan security and development as a whole, and improve export control administration and services.

第四条 国家实行统一的出口管制制度，通过制定管制清单、名录或者目录（以下统称管制清单）、实施出口许可等方式进行管理。

Article 4 The State implements a unified export control system, and oversees the system by making control lists, directories, and catalogues (collectively referred to as "Control Lists"), and implementing export licensing.

第五条 国务院、中央军事委员会承担出口管制职能的部门（以下统称国家出口管制管理部门）按照职责分工负责出口管制工作。国务院、中央军事委员会其他有关部门按照职责分工负责出口管制有关工作。

Article 5 The departments of the State Council and the Central Military Commission that perform the export control functions (collectively the "State Export Control Administrative Departments" or SECADs) shall be responsible for tasks relating to export control according to their assigned duties. The other departments of the State Council and the Central Military Commission shall be duly responsible for the related tasks according to their assigned duties.

国家建立出口管制工作协调机制，统筹协调出口管制工作重大事项。国家出口管制管理部门和国务院有关部门应当密切配合，加强信息共享。

The State establishes an export control coordination mechanism, and makes overall arrangements for and coordinates key export control matters. The SECADs and the

related departments of the State Council shall work closely and share information with each other.

国家出口管制管理部门会同有关部门建立出口管制专家咨询机制，为出口管制工作提供咨询意见。

The SECADs shall work with the related departments to establish an expert consultancy mechanism for export control to advise on the export control affairs.

国家出口管制管理部门适时发布有关行业出口管制指南，引导出口经营者建立健全出口管制内部合规制度，规范经营。

The SECADs issue guidance on export control for the related industries at appropriate times, and guide export operators in establishing sound export control internal compliance systems and proper operations.

省、自治区、直辖市人民政府有关部门依照法律、行政法规的规定负责出口管制有关工作。

The related departments of all provinces, autonomous regions and municipalities directly under the central government shall be responsible for the tasks relating to export control in accordance with laws, regulations and administrative rules.

第六条 国家加强出口管制国际合作，参与出口管制有关国际规则的制定。

Article 6 The State shall strengthen international cooperation on export control, and participate in the making of international rules relating to export control.

第七条 出口经营者可以依法成立和参加有关的商会、协会等行业自律组织。

Article 7 Export operators may establish and join self-regulatory industrial organizations such as chambers of commerce and associations in accordance with the law.

有关商会、协会等行业自律组织应当遵守法律、行政法规，按照章程对其成员提供与出口管制有关的服务，发挥协调和自律作用。

The related self-regulatory organizations such as chambers of commerce and associations shall comply with laws and administrative regulations, and provide their members with the services relating to export control pursuant to their bylaws, and exercise their coordination and self-regulatory functions.

## 第二章 管制政策、管制清单和管制措施

### Chapter 2 Control Policies, Control Lists and Control Measures

#### 第一节 一般规定

#### Section 1 General Provisions

第八条 国家出口管制管理部门会同有关部门制定出口管制政策，其中重大政策应当报国务院批准，或者报国务院、中央军事委员会批准。

**Article 8** The SECADs shall work with the related departments to establish export control policies of which major policies shall be submitted to either the State Council for approval or the State Council and the Central Military Commission for approval.

国家出口管制管理部门可以对管制物项出口目的国家和地区进行评估，确定风险等级，采取相应的管制措施。

The SECADs may assess the countries and regions to which the Controlled Items will be exported to determine the risk level and take corresponding control measures.

第九条 国家出口管制管理部门依据本法和有关法律、行政法规的规定，根据出口管制政策，按照规定程序会同有关部门制定、调整管制物项出口管制清单，并及时公布。

**Article 9** The SECADs shall work with the related departments pursuant to required procedures to establish and adjust the export control lists for Controlled Items and promptly publish such lists in accordance with the provisions of this Law and related laws and administrative regulations as well as export control policies.

根据维护国家安全和利益、履行防扩散等国际义务的需要，经国务院批准，或者经国务院、中央军事委员会批准，国家出口管制管理部门可以对出口管制清单以外的货物、技术和服务实施临时管制，并予以公告。临时管制的实施期限不超过二年。临时管制实施期限届满前应当及时进行评估，根据评估结果决定取消临时管制、延长临时管制或者将临时管制物项列入出口管制清单。As required for the maintenance of national security and national interests and the performance of anti-proliferation and other international obligations, with the approval of the State Council, or with the approval of the State Council and the Central Military Commission, the SECADs may exercise temporary control over any goods, technologies and services outside the export control lists, and make an announcement of such. A temporary control can be enforced for a term of up to two years. Before the expiration of the temporary control term, an assessment shall be carried out in a timely manner, and, depending on the assessment results, a decision on cancellation of temporary control, extension of temporary control, or inclusion of items under temporary control in the export control lists shall be made.

第十条 根据维护国家安全和利益、履行防扩散等国际义务的需要，经国务院批准，或者经国务院、中央军事委员会批准，国家出口管制管理部门会同有关部门可以禁止相关管制物项的出口，或者禁止相关管制物项向特定目的国家和地区、特定组织和个人出口。

**Article 10** As required for the maintenance of national security and national interests and the performance of anti-proliferation and other international obligations, with the approval of the State Council, or with the approval of the State Council and the Central Military Commission, the SECADs may work with the related departments to prohibit the export of the related Controlled Items, or prohibit the export of the related

Controlled Items to certain destination countries and regions, certain organizations and individuals.

第十一条 出口经营者从事管制物项出口，应当遵守本法和有关法律、行政法规的规定；依法需要取得相关管制物项出口经营资格的，应当取得相应的资格。

Article 11 If export operators export Controlled Items, they shall comply with the provisions of this Law and administrative regulations; if the qualifications for export of the related controlled items are required according to the law, such qualifications shall be obtained.

第十二条 国家对管制物项的出口实行许可制度。

Article 12 The State implements a licensing system for the export of Controlled Items.

出口管制清单所列管制物项或者临时管制物项，出口经营者应当向国家出口管制管理部门申请许可。

For the export of Controlled Items listed on the control lists and the items subject to temporary control, export operators shall apply for a license to the SECADs.

出口管制清单所列管制物项以及临时管制物项之外的货物、技术和服务，出口经营者知道或者应当知道，或者得到国家出口管制管理部门通知，相关货物、技术和服务可能存在以下风险的，应当向国家出口管制管理部门申请许可：

For the export of any goods, technologies or services that are not Controlled Items on the export control lists or the items subject to temporary control and that may have any of the following risks of which an export operator is or should be aware or is notified by the SECADs, the export operator shall apply for an license to the SECADs:

(一) 危害国家安全和利益；

(1) endangering national security or national interests;

(二) 被用于设计、开发、生产或者使用大规模杀伤性武器及其运载工具；

(2) being used for the design, development, production or use of weapons of mass destruction and their delivery vehicles; or

(三) 被用于恐怖主义目的。

(3) being used for terrorist purposes.

出口经营者无法确定拟出口的货物、技术和服务是否属于本法规定的管制物项，向国家出口管制管理部门提出咨询的，国家出口管制管理部门应当及时答复。

If an export operator is unable to confirm whether any goods, technologies and services to be exported are Controlled Items under this Law, and consult with the SECADs for that, the SECADs shall respond in a timely manner.

第十三条 国家出口管制管理部门综合考虑下列因素，对出口经营者出口管制物项的申请进行审查，作出准予或者不予许可的决定：

**Article 13** The SECADs will take all of the following factors into account in reviewing an export operator's application for the export of Controlled Items, and make an approval or non-approval decision:

- (一) 国家安全和利益；
- (1) national security and national interests;
- (二) 国际义务和对外承诺；
- (2) international obligations and commitments;
- (三) 出口类型；
- (3) type of export;
- (四) 管制物项敏感程度；
- (4) sensitivity of the items;
- (五) 出口目的国家或者地区；
- (5) destination country or region of the export;
- (六) 最终用户和最终用途；
- (6) end users and end use;
- (七) 出口经营者的相关信用记录；
- (7) credit record of the export operator;
- (八) 法律、行政法规规定的其他因素。
- (8) other factors provided in laws and administrative regulations.

第十四条 出口经营者建立出口管制内部合规制度，且运行情况良好的，国家出口管制管理部门可以对其出口有关管制物项给予通用许可等便利措施。具体办法由国家出口管制管理部门规定。

**Article 14** If an export operator establishes an internal compliance system for export control compliance, and the system works well, the SECADs may grant facilitation measures such as a general license for the export of the related Controlled Items by such export operator. The specific measures will be provided by the SECADs.

第十五条 出口经营者应当向国家出口管制管理部门提交管制物项的最终用户和最终用途证明文件，有关证明文件由最终用户或者最终用户所在国家和地区政府机构出具。

**Article 15** Export operators shall submit to the SECADs documents certifying end users and end use of the controlled items, and the related certifying documents shall be issued

by a national or local government agency in the place where such end-use or end-users are located.

第十六条 管制物项的最终用户应当承诺，未经国家出口管制管理部门允许，不得擅自改变相关管制物项的最终用途或者向任何第三方转让。

**Article 16** The end-users of Controlled Items shall undertake not to alter the end use of the related Controlled Items or assign the related Controlled Items to any third party without the approval of the SECADs.

出口经营者、进口商发现最终用户或者最终用途有可能改变的，应当按照规定立即报告国家出口管制管理部门。

If an export operator or importer becomes aware of any possible change of the end-users or end use, it shall immediately report to the SECADs as required.

第十七条 国家出口管制管理部门建立管制物项最终用户和最终用途风险管理制度，对管制物项的最终用户和最终用途进行评估、核查，加强最终用户和最终用途管理。

**Article 17** The SECADs establish a risk management system for end-users and end uses of Controlled Items, evaluate and review end-users and end uses of Controlled Items, and implement a strict management of end-users and end uses.

第十八条 国家出口管制管理部门对有下列情形之一的进口商和最终用户，建立管控名单：

**Article 18** The SECADs shall establish a restricted [or control] list for importers and end-users that:

(一)违反最终用户或者最终用途管理要求的；

(1) violate the requirements regarding the management of end users and end uses

(二)可能危害国家安全和利益的；

(2) may endanger national security or national interests; or

(三)将管制物项用于恐怖主义目的的。

(3) use Controlled Items for terrorist purposes.

对列入管控名单的进口商和最终用户，国家出口管制管理部门可以采取禁止、限制有关管制物项交易，责令中止有关管制物项出口等必要的措施。

For importers and end users that are included on the restricted list, the SECADs may take necessary measures such as prohibiting or restricting the related deals relating to Controlled Items, ordering suspension of export of the related Controlled Items, and withholding export licensing facilitation measures.



出口经营者不得违反规定与列入管控名单的进口商、最终用户进行交易。出口经营者在特殊情况下确需与列入管控名单的进口商、最终用户进行交易的，可以向国家出口管制管理部门提出申请。

Export operators shall not enter into any transactions with any importer or end user that is included in the restricted list in violation of the rules. If an export operators has a true need to enter into a transaction with an importer or end user on the restricted list, it can submit an application to the SECADs.

列入管控名单的进口商、最终用户经采取措施，不再有第一款规定情形的，可以向国家出口管制管理部门申请移出管控名单；国家出口管制管理部门可以根据实际情况，决定将列入管控名单的进口商、最终用户移出管控名单。

For importers and end users that are included on the restricted list, if the circumstances referred to in paragraph (1) are eliminated upon implementation of relevant measures, such importers and end users may submit an application to the SECADs for removing them from the restricted list; the SECADs may, based on the actual situation, determine to remove such importers and end users from the restricted list.

第十九条 出口货物的发货人或者代理报关企业出口管制货物时，应当向海关交验由国家出口管制管理部门颁发的许可证件，并按照国家有关规定办理报关手续。

Article 19 When a shipper or customs broker of export goods seeks to export any controlled goods, it shall submit licensing documents issued by the SECADs to the customs for verification, and go through customs formalities in accordance with applicable government policies.

出口货物的发货人未向海关交验由国家出口管制管理部门颁发的许可证件，海关有证据表明出口货物可能属于出口管制范围的，应当向出口货物发货人提出质疑；海关可以向国家出口管制管理部门提出组织鉴别，并根据国家出口管制管理部门作出的鉴别结论依法处置。在鉴别或者质疑期间，海关对出口货物不予放行。

If a shipper of exported goods fails to submit licensing documents or certifying documents for any related licensing facilitation measures issued by the SECADs to the customs for verification, and the customs has evidence that the goods to be exported may be subject to export control, the customs shall challenge the shipper on the goods to be exported; the customs may request appraisal by the SECADs, and shall handle the matter lawfully according to the appraisal results of the SECADs. During the appraisal or challenge period, the customs will not grant clearance to the exported goods.

第二十条 任何组织和个人不得为出口经营者从事出口管制违法行为提供代理、货运、寄递、报关、第三方电子商务交易平台和金融等服务。

Article 20 No organizations or individuals shall provide any agency, shipping, delivery, customs clearance, third-party e-commerce trading platform and financial services for any export operator engaging in any export control violations.



## 第二节 两用物项出口管理

### Section 2 Administration of Export of Dual-use Items

第二十一条 出口经营者向国家两用物项出口管制管理部门申请出口两用物项时，应当依照法律、行政法规的规定如实提交相关材料。

**Article 21** When an export operator applies for export of dual-use items to the State's administrative department for the export control over dual-use items, it shall submit truthful related materials in accordance with laws and administrative regulations.

第二十二条 国家两用物项出口管制管理部门受理两用物项出口申请，单独或者会同有关部门依照本法和有关法律、行政法规的规定对两用物项出口申请进行审查，并在法定期限内作出准予或者不予许可的决定。作出准予许可决定的，由发证机关统一颁发出口许可证。

**Article 22** The State's administrative department for the export control over dual-use items accepts applications for the export of dual-use items, and shall review the applications for the export of dual-use items in accordance with the provisions of this Law and administrative regulations either independently or by working with the related departments, and make a decision within a statutory period on approval or non-approval. If an approval decision is made, an export license shall be issued by the license issuing authority exclusively.

## 第三节 军品出口管理

### Section 3 Administration of Export of Military Items

第二十三条 国家实行军品出口专营制度。从事军品出口的经营者，应当获得军品出口专营资格并在核定的经营范围内从事军品出口经营活动。

**Article 23** The State implements a qualification system for the export of military items. Operators engaging in export of military items shall obtain the qualification for export of military items, and engage in the business activities for export of military items within the authorized business scope.

军品出口专营资格由国家军品出口管制管理部门审查批准。

The qualification for export of military items shall be reviewed and approved by the State's administrative department for the export control over military items.

第二十四条 军品出口经营者应当根据管制政策和产品属性，向国家军品出口管制管理部门申请办理军品出口立项、军品出口项目、军品出口合同审查批准手续。

**Article 24** An export operator of military items shall apply to the State's administrative department for the export control over military items for the review and approval of initiation of the project of export of military items, the project of export of military items and contract on export of military items in accordance with the control policies and the products' properties.

重大军品出口立项、重大军品出口项目、重大军品出口合同，应当经国家军品出口管制管理部门会同有关部门审查，报国务院、中央军事委员会批准。

The initiation of major projects of export of military items, major projects of export of military items and major contracts on export of military items shall be reviewed by the State's administrative department for the export control over military items by working with the related departments, and submitted to the State Council and the Central Military Commission for approval.

**第二十五条** 军品出口经营者在出口军品前，应当向国家军品出口管制管理部门申请领取军品出口许可证。

**Article 25** An export operator of military items shall apply to the State's administrative department for the export control over military items for the export license for military items before exporting any military items.

军品出口经营者出口军品时，应当向海关交验由国家军品出口管制管理部门颁发的许可证件，并按照国家有关规定办理报关手续。

When exporting military items, an export operator of military items shall submit the licensing documents issued by the State's administrative department for the export control over military items to the customs for verification, and go through the customs formalities in accordance with applicable government policies.

**第二十六条** 军品出口经营者应当委托经批准的军品出口运输企业办理军品出口运输及相关业务。具体办法由国家军品出口管制管理部门会同有关部门规定。

**Article 26** An export operator of military items shall engage an approved carrier for the export of military items to perform the transport and other services for the export of military items. The specific measures shall be provided by the State's administrative department for the export control over military items by working with the related departments.

**第二十七条** 军品出口经营者或者科研生产单位参加国际性军品展览，应当按照程序向国家军品出口管制管理部门办理审批手续。

**Article 27** If an export operator of military items or a scientific research and production institution participates in an international exhibition of military items, it shall go through the review and approval formalities with the State's administrative department for the export control over military items in accordance with applicable procedures.

### 第三章 监督管理 Chapter 3 Regulation

第二十八条 国家出口管制管理部门依法对管制物项出口活动进行监督检查。

**Article 28** The SECADs shall lawfully supervise and inspect the activities regarding export of Controlled Items.

国家出口管制管理部门对涉嫌违反本法规定的行为进行调查，可以采取下列措施：

The SECADs may take the following measures against any suspected violation of any provisions of this Law:

(一)进入被调查者营业场所或者其他有关场所进行检查；

(1) entering the place of business or any other related site of the investigated person for inspection;

(二)询问被调查者、利害关系人以及其他有关组织或者个人，要求其对与被调查事件有关的事项作出说明；

(2) interviewing the investigated person, interested parties, or other related organizations or individuals, and asking them to provide explanation related to the investigated matters;

(三)查阅、复制被调查者、利害关系人以及其他有关组织或者个人的有关单证、协议、会计账簿、业务函电等文件、资料；

(3) examining and duplicating the related documents, agreements, accounting books, business correspondence and other files and information of the investigated person, interested parties or other related organizations or individuals.

(四)检查用于出口的运输工具，制止装载可疑的出口物项，责令运回非法出口的物项；

(4) checking the delivery vehicles used for the export, preventing the loading of suspicious export items, and ordering the withdrawing of illegally exported items;

(五)查封、扣押相关涉案物项；

(5) Confiscating and seizing the related items involved in the investigation; and

(六)查询被调查者的银行账户。

(6) Examining the bank accounts of the investigated person;

采取前款第五项、第六项措施，应当经国家出口管制管理部门负责人书面批准。

To take the measures in paragraphs (5) and (6) above, the written approval of a person in charge of the SECADs is required.

第二十九条 国家出口管制管理部门依法履行职责，国务院有关部门、地方人民政府及其有关部门应当予以协助。

**Article 29** The SECADs shall perform their duties in accordance with laws, and the related departments of the State Council, as well as local people's governments and their relevant departments, shall provide assistance therefor.

国家出口管制管理部门单独或者会同有关部门依法开展监督检查和调查工作，有关组织和个人应当予以配合，不得拒绝、阻碍。

The SECADs shall, in accordance with laws, perform the regulatory, inspection, and investigation duties independently or by working with the related departments, and the involved organizations and individuals shall cooperate with rather than refuse or obstruct the performance of such duties.

有关国家机关及其工作人员对调查中知悉的国家秘密、商业秘密、个人隐私和个人信息依法负有保密义务。

The involved government departments and their employees shall be legally bound to keep any national secrets, trade secrets, personal privacy, and personal information that become known to them in the investigation confidential.

第三十条 为加强管制物项出口管理，防范管制物项出口违法风险，国家出口管制管理部门可以采取监管谈话、出具警示函等措施。

**Article 30** To enhance the administration of export of Controlled Items, and prevent the risks of illegal export of Controlled Items, the SECADs may take measures such as holding a regulatory interview or issuing a warning letter.

第三十一条 对涉嫌违反本法规定的行为，任何组织和个人有权向国家出口管制管理部门举报，国家出口管制管理部门接到举报后应当依法及时处理，并为举报人保密。

**Article 31** Any organization and individual has the right to report any suspected violation of the provisions of this Law to the SECADs, and SECADs shall handle the report upon receipt thereof in a lawful and timely manner, and keep the identity of the reporting person(s) confidential.

第三十二条 国家出口管制管理部门根据缔结或者参加的国际条约，或者按照平等互惠原则，与其他国家或者地区、国际组织等开展出口管制合作与交流。

**Article 32** The SECADs shall cooperate and communicate with the other countries or regions and international organizations, etc. on export control in accordance with the international treaties concluded or ratified by China or on the basis of principles of equality and reciprocity.

中华人民共和国境内的组织和个人向境外提供出口管制相关信息，应当依法进行；可能危害国家安全和利益的，不得提供。

Any provision of export control-related information by an organization or individual within the territory of the People's Republic of China to those outside of the territory of the People's Republic of China shall be in conformity with laws; in case of any possibility of endangering the national security or national interests, such provision of information is prohibited.

#### 第四章 法律责任

### Chapter 4 Legal Liability

第三十三条 出口经营者未取得相关管制物项的出口经营资格从事有关管制物项出口的，给予警告，责令停止违法行为，没收违法所得，违法经营额五十万元以上的，并处违法经营额五倍以上十倍以下罚款；没有违法经营额或者违法经营额不足五十万元的，并处五十万元以上五百万元以下罚款。

Article 33 If an export operator engages in any export of Controlled Items without obtaining the qualification for export operations with respect to relevant Controlled Items, [the authorities shall] issue a warning, order that the violation be stopped, confiscate any illegal income, and impose a fine that is greater than five times of and smaller than ten times of the illegal turnover if the illegal turnover is more than RMB 500,000, or a fine that is greater than RMB 500,000 and smaller than RMB 5 million if there is no illegal turnover or the illegal turnover is less than RMB 500,000.

第三十四条 出口经营者有下列行为之一的，责令停止违法行为，没收违法所得，违法经营额五十万元以上的，并处违法经营额五倍以上十倍以下罚款；没有违法经营额或者违法经营额不足五十万元的，并处五十万元以上五百万元以下罚款；情节严重的，责令停业整顿，直至吊销相关管制物项出口经营资格：

Article 34 If an export operator has committed any of the following violations, [the authorities shall] order the violation to be stopped, confiscate any illegal income, and impose a fine that is greater than five times of and smaller than ten times of the illegal turnover if the illegal turnover is more than RMB 500,000, or a fine that is greater than RMB 500,000 and smaller than RMB 5 million if there is no illegal turnover or the illegal turnover is less than RMB 500,000; in serious cases, the export operator shall be ordered to suspend business for rectification, and its qualification to export related Controlled Items may even be revoked.

(一)未经许可擅自出口管制物项；

(1) exporting any Controlled Items without approval;

(二)超出出口许可证件规定的许可范围出口管制物项；

(2) exporting any Controlled Items beyond the approved scope specified in the export license; or

(三)出口禁止出口的管制物项。

(3) exporting any Controlled Items that are prohibited from being exported.

第三十五条 以欺骗、贿赂等不正当手段获取管制物项出口许可证件，或者非法转让管制物项出口许可证件的，撤销许可，收缴出口许可证，没收违法所得，违法经营额二十万元以上的，并处违法经营额五倍以上十倍以下罚款；没有违法经营额或者违法经营额不足二十万元的，并处二十万元以上二百万元以下罚款。

Article 35 If any license for the export of Controlled Items is obtained by fraudulent or corruptive or other improper means, or is transferred illegally, [the authorities shall] withdraw the approval and revoke the export license, and confiscate any illegal income, and impose a fine that is greater than five times of and smaller than ten times of the illegal turnover if the illegal turnover is more than RMB 200,000, or a fine that is greater than RMB 200,000 and smaller than RMB 2 million if there is no illegal turnover or the illegal turnover is less than RMB 200,000.

伪造、变造、买卖管制物项出口许可证件的，没收违法所得，违法经营额五万元以上的，并处违法经营额五倍以上十倍以下罚款；没有违法经营额或者违法经营额不足五万元的，并处五万元以上五十万元以下罚款。

If any license for the export of Controlled Items is forged, falsified, purchased or sold, [the authorities shall] confiscate any illegal income, and impose a fine that is greater than five times of and smaller than ten times of the illegal turnover if the illegal turnover is more than RMB 50,000, or a fine that is greater than RMB 50,000 and smaller than RMB 500,000 if there is no illegal turnover or the illegal turnover is less than RMB 50,000.

第三十六条 明知出口经营者从事出口管制违法行为仍为其提供代理、货运、寄递、报关、第三方电子商务交易平台和金融等服务的，给予警告，责令停止违法行为，没收违法所得，违法经营额十万元以上的，并处违法经营额三倍以上五倍以下罚款；没有违法经营额或者违法经营额不足十万元的，并处十万元以上五十万元以下罚款。

Article 36 If any person provides any agency, shipping, delivery, customs clearance, third-party e-commerce trading platform, financial, and other services for any export operator in the circumstances of knowing such operator's engagement in export control violations, [the authorities shall] issue a warning, order that the violation be stopped, confiscate any illegal income, and impose a fine that is greater than three times of and smaller than five times of the illegal turnover if the illegal turnover is more than RMB 100,000, or a fine that is greater than RMB 100,000 and smaller than RMB 500,000 if there is no illegal turnover or the illegal turnover is less than RMB 100,000.

第三十七条 出口经营者违反本法规定与列入管控名单的进口商、最终用户进行交易的，给予警告，责令停止违法行为，没收违法所得，违法经营额五十万元以上的，并处违法经营额十倍以上二十倍以下罚款；没有违法经营额或者违法经营额不足五十万元的，并处五



十万元以上五百万元以下罚款；情节严重的，责令停业整顿，直至吊销相关管制物项出口经营资格。

**Article 37** If an export operator violates the provisions and enters into a transaction with an importer or end user on the Restricted List, [the authorities shall] issue a warning, order that the violation be stopped, confiscate any illegal income, and impose a fine that is greater than ten times of and smaller than twenty times of the illegal turnover if the illegal turnover is more than RMB 500,000, or a fine that is greater than RMB 500,000 and smaller than RMB 5 million if there is no illegal turnover or the illegal turnover is less than RMB 500,000; in serious cases, the export operator shall be ordered to suspend business for rectification, and its qualification to export related Controlled Items may even be revoked.

第三十八条 出口经营者拒绝、阻碍监督检查的，给予警告，并处十万元以上三十万元以下罚款；情节严重的，责令停业整顿，直至吊销相关管制物项出口经营资格。

**Article 38** If an export operator refuses or obstructs any regulatory inspection, [the authorities shall] issue a warning, and impose a fine of greater than RMB 100,000 and smaller than RMB 300,000; in serious cases, the export operator shall be ordered to suspend business for rectification, and its qualification to export related Controlled Items may even be revoked.

第三十九条 违反本法规定受到处罚的出口经营者，自处罚决定生效之日起，国家出口管制管理部门可以在五年内不受理其提出的出口许可申请；对其直接负责的主管人员和其他直接责任人员，可以禁止其在五年内从事有关出口经营活动，因出口管制违法行为受到刑事处罚的，终身不得从事有关出口经营活动。国家出口管制管理部门依法将出口经营者违反本法的情况纳入信用记录。

**Article 39** For an export operator punished for any violation of this Law, as from the date when the penalty decision becomes effective, the SECADs may refuse to accept any export license application submitted by such operator within five years; any supervisors directly responsible for such violation or any other directly responsible persons may be prohibited from engaging in relevant export operation activities within five years, and any person who receives any criminal penalty for any export control violation shall not engage in relevant export operation activities during his/her lifetime. The SECADs shall include such export operator's violations of this Law into its credit record in accordance with laws.

第四十条 本法规定的出口管制违法行为，由国家出口管制管理部门进行处罚；法律、行政法规规定由海关处罚的，由其依照本法进行处罚。

**Article 40** The SECADs shall impose a punishment as to the export control violations stipulated in this Law; to the extent that Customs is authorized by laws and administrative regulations to punish, Customs shall impose a punishment in accordance with this Law.



第四十一条 有关组织或者个人对国家出口管制管理部门的不予许可决定不服的，可以依法申请行政复议。行政复议决定为最终裁决。

**Article 41** If a relevant organization or individual is dissatisfied with a decision of non-approval made by the SECADs, they may apply for administrative reconsideration lawfully. The decision of the administrative reconsideration is final.

第四十二条 从事出口管制管理的国家工作人员玩忽职守、徇私舞弊、滥用职权的，依法给予处分。

**Article 42** If any State functionary neglects his/her duties, plays favorites and commits irregularities, or abuses his/her authority or position in export control management, such functionary shall be punished in accordance with the law.

第四十三条 违反本法有关出口管制管理规定，危害国家安全和利益的，除依照本法规定处罚外，还应当依照有关法律、行政法规的规定进行处理和处罚。

**Article 43** Anyone who violates the relevant export control regulations of this Law and endangers national security and national interests, in addition to the punishment in accordance with this Law, shall also, in accordance with relevant laws and administrative regulations, be dealt with and punished.

违反本法规定，出口国家禁止出口的管制物项或者未经许可出口管制物项的，依法追究刑事责任。

Anyone who violates the provisions of this Law and exports Controlled Items prohibited by China, or exports Controlled Items without a license, shall be investigated for criminal responsibility according to law.

第四十四条 中华人民共和国境外的组织和个人，违反本法有关出口管制管理规定，危害中华人民共和国国家安全和利益，妨碍履行防扩散等国际义务的，依法处理并追究其法律责任。

**Article 44** An organization or individual outside of the territory of the People's Republic of China that violates the provisions of this Law in relation to administration of export control, endangers the national security and national interests of the People's Republic of China, [and] hinders the performance of non-proliferation and other international obligations, shall be subject to investigation and legal liability in accordance with the law.

## 第五章 附则

### Chapter 5 Supplemental Provisions

第四十五条 管制物项的过境、转运、通运、再出口或者从保税区、出口加工区等海关特殊监管区域和出口监管仓库、保税物流中心等保税监管场所向境外出口，依照本法的有关规定执行。

**Article 45** The transit, transshipment and through shipment, re-export of any Controlled Items or the export of any Controlled Items from bonded areas, export processing zones and other areas specially regulated by the customs and regulated bonded places such as regulated export warehouses and bonded logistics centers shall be governed by the applicable provisions of this Law.

第四十六条 核以及其他管制物项的出口，本法未作规定的，依照有关法律、行政法规的规定执行。

**Article 46** For any matter concerning the export of nuclear and other Controlled Items not covered herein, the provisions of applicable laws and administrative regulations shall apply.

第四十七条 用于武装力量海外运用、对外军事交流、军事援助等的军品出口，依照有关法律法规的规定执行。

**Article 47** For the export of any military items to be used for overseas military force, foreign military exchanges and military aid, etc., the provisions of applicable laws and regulations shall apply.

第四十八条 任何国家或者地区滥用出口管制措施危害中华人民共和国国家安全和利益的，中华人民共和国可以根据实际情况对该国家或者地区对等采取措施。

**Article 48** If any country or region abuses export control measures to endanger the national security and national interests of the People's Republic of China, the People's Republic of China may, based on the actual situation, take reciprocal measures against that country or region.

第四十九条 本法自 2020 年 12 月 1 日起施行。

**Article 49** This Law shall come into force as of December 1, 2020.

