

China's Export Controls

中国的出口管制

Remarks by State Councilor Wang Yi at the Meeting of the Advisory Council of the Belt and Road Forum for International Cooperation 2021

王毅国务委员在2021年度“一带一路”国际合作高峰论坛咨询委员会会议上的致辞

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Preamble

Export controls are a standard international practice. They involve prohibitive or restrictive measures on the export of dual-use items, military products, nuclear materials, and other goods, technologies and services related to safeguarding national security and national interests, and other restrictions related to fulfilling non-proliferation and other international obligations.

The world is undergoing profound changes of a scale unseen in a century, with an increase in destabilizing factors and uncertainties, disruption to international security and order, and challenges and threats to world peace. The status and role of fair, reasonable, and non-discriminatory export control measures is growing in importance as an effective means to address international and regional security risks and challenges and safeguard world peace and development. All countries pay close attention to export controls and take an active approach to strengthening and standardizing their approach by establishing and enforcing measures through their legal systems.

As a permanent member of the UN Security Council, and the largest trader and manufacturer of goods, China has always been committed to the principle of safeguarding national security, world peace and regional security by steadily improving export control governance. Guided by Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, China is pursuing a holistic approach to national security and taking more active steps to integrate into the process of economic globalization. To build a more open economy and a more peaceful China, China strives to achieve sound interaction between high-quality development and guaranteed security, modernize its export control regime, and make new progress in export control governance. China will assume its responsibilities from a global perspective, conscientiously undertake its international obligations, and step up international exchanges and cooperation. It will take concrete actions to participate in the

前言

出口管制是指对两用物项、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、服务等物项出口，采取禁止或者限制性措施，是国际上通行的做法。

当今世界正经历百年未有之大变局，不稳定性不确定性显著上升，国际安全体系和秩序受到冲击，世界和平面临多元挑战和威胁。公正、合理、非歧视的出口管制，对于有效应对新形势下国际和地区安全风险与挑战、维护世界和平与发展，地位和作用日益凸显。各国普遍高度重视和积极推进出口管制工作，通过建立和执行法律制度，加强和规范出口管制。

中国作为联合国安理会常任理事国、世界货物贸易和制造业第一大国，始终本着维护国家安全，维护世界和平与地区安全的原则，不断完善出口管制治理。进入新时代，中国在习近平新时代中国特色社会主义思想指引下，坚持总体国家安全观，更加积极地融入经济全球化进程。中国着眼于更好地建设更高水平开放型经济新体制和建设更高水平的平安中国，实现高质量发展和高水平安全的良性互动，推动出口管制体系现代化，出口管制治理取得新发展、新成就。中国从全球视角思考责任担当，认真履行国际义务，加强国际交流与合作，以实际

international coordination of export controls, make progress on related international processes, and work together with all other countries in building a global community of shared future and delivering a strong boost to world peace and development.

The Chinese government is publishing this white paper to provide a full picture of China's policies on export controls, and to help the international community better understand China's position.

I. China's Basic Position on Export Controls

As a responsible country, China firmly stands by the international system centered on the UN and the international order underpinned by international law. China safeguards the authority of international treaties and mechanisms that uphold true multilateralism, and actively promotes the implementation of fair, reasonable and non-discriminatory international export controls.

1. Maintaining a Holistic Approach to National Security

In the age of economic globalization, no country's security can be independent of and isolated from all others. China maintains a holistic approach to national security, which means coordinating development and security, opening up and security, traditional security and non-traditional security, and China's own security and the security of others. It means safeguarding and shaping national security to build an export control system that is commensurate with its international standing and aligned with its national security and interests. China holds that all countries need to develop a fresh perspective and adopt a common, comprehensive, cooperative and sustainable outlook on global security. In particular, major countries should fulfill their obligations, show a sense of responsibility, and promote international security in the field of export controls to build a global community of universal security.

2. Honoring International Obligations and Commitments

It is China's solemn commitment to maintain international peace, and to respect non-proliferation and other international obligations. China actively draws useful experience from international standard practices, and employs that experience to strengthen and improve its export control system. China stands firmly against the proliferation of all forms of weapons of mass destruction and their delivery systems and has established an export control system governed by the Export Control Law that covers dual-use items, military products, nuclear materials, and other goods, technologies and services related to safeguarding national security and national interests, and other restrictions related to fulfilling non-proliferation and other international obligations.

3. Promoting International Cooperation and Coordination

In today's world, countries are increasingly part of a community of shared future. The more significant the global challenges we face, the greater the need for cooperative responses. China believes in addressing differences and disputes through international coordination and cooperation and multilateral mechanisms, so that all countries can become partners who trust and work with one another on an equal footing. As reform of the global governance system has reached a historic turning point, China advocates increased representation for emerging markets and developing countries in international coordination on export controls, to promote equal rights, opportunities and rules for all in international cooperation. This will reflect the wishes and interests of the majority in a more balanced manner, and help to build an international environment of peace

行动积极参与出口管制国际协调,推动相关国际进程,与各国携手构建人类命运共同体,为世界和平与发展注入了正能量。

为全面介绍中国出口管制的基本立场和政策主张,增进国际社会对中国出口管制的了解,特发布本白皮书。

一、中国出口管制的基本立场

中国作为负责任大国,坚定维护以联合国为核心的国际体系和以国际法为基础的国际秩序,切实维护符合真正多边主义的国际条约和机制的权威,积极推进国际出口管制朝着公正、合理、非歧视的正确方向发展。

(一) 坚持总体国家安全观

经济全球化时代,各国安全相互关联,彼此影响。中国始终坚持总体国家安全观,统筹发展和安全,统筹开放和安全,统筹传统安全和非传统安全,统筹自身安全和共同安全,统筹维护和塑造国家安全,努力建设与中国国际地位相称,同国家安全和利益相适应的出口管制体系。中国主张,各国创新安全理念,树立共同、综合、合作、可持续的全球安全观,特别是大国应当履行大国义务,展现大国责任担当,在出口管制领域推进国际共同安全,共同构建普遍安全的人类命运共同体。

(二) 认真履行国际义务和承诺

维护国际和平,履行防扩散等国际义务是中国的庄严承诺。中国积极履行国际义务,广泛借鉴国际通行做法,大力加强和完善出口管制体系建设。中国坚决反对一切形式的大规模杀伤性武器及其运载工具的扩散,并形成以《出口管制法》为统领,涵盖两用物项、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、服务等物项的出口管制体系。

(三) 积极推进国际合作协调

当今世界,各国日益成为命运共同体。越是面临全球性挑战,越要合作应对。中国主张,通过国际协调合作和多边机制,妥善解决分歧和争端,使各国成为相互信任、平等合作的伙伴。当前,全球治理体制变革正处在历史转折点,中国主张,出口管制国际协调应切实增加新兴市场国家和发展中国家的代表性,更好实现各国在国际合作中权利平

and stability, equality and mutual trust, and win-win cooperation.

4. Opposing the Abuse of Export Control Measures

No country or region should abuse export control measures, gratuitously impose discriminatory restrictions, apply double standards to matters related to non-proliferation, or abuse multi-lateral mechanisms related to export controls for the purposes of discrimination and exclusion. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BWC), the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC) and a host of resolutions of the UN General Assembly and Security Council all provide for the right of countries to fully enjoy peaceful use of controlled items and technological achievements free from discrimination. China believes that export controls should be fair, reasonable, and non-discriminatory. They should not undermine the legitimate right of other countries to the peaceful use of controlled items, obstruct the peaceful use of outcomes of scientific and technological advances designed to promote development, interfere with normal international science and technology exchanges and economic and trade cooperation, or obstruct the secure and smooth operation of global industrial and supply chains. With deeper globalization and more new technologies emerging, China calls upon all countries to promote inclusive sharing of the benefits of scientific and technological development, to increase human wellbeing, to effectively manage risks and threats related to export controls, and to create a secure environment for economic and social development.

II. Ongoing Improvements to the Legal and Regulatory System for Export Controls

Committed to the basic principle of pursuing law-based governance in all respects, China continues to improve its legal and regulatory system for export controls. To provide law-based and institutional export control guarantees, it bases its efforts on its national conditions and draws upon helpful experience from overseas.

1. Establishing and Improving a Legal System for Export Controls

Since the beginning of reform and opening up in 1978, profound changes in the internal and external environment have impacted economic development in China. There have been continuous improvements in China's socialist market economic system, and its law-based export control work has improved steadily. Since the 1990s, China has promulgated six administrative regulations: Regulations of the People's Republic of China on the Administration of the Controlled Chemicals, Regulations of the People's Republic of China on the Control of Nuclear Export, Regulations of the People's Republic of China on Administration of Arms Export, Regulations of the People's Republic of China on the Control of Nuclear Dual-use Items and Related Technologies Export, Regulations of the People's Republic of China on Export Control of Missiles and Missile-related Items and Technologies, and Regulations of the People's Republic of China on Export Control of Dual-use Biological Agents and Related Equipment and Technologies. The Ministry of Commerce, the Ministry of Industry and Information Technology, the General Administration of Customs, the State Administration of Science, Technology and Industry for National

等、机会平等、规则平等，更加平衡地反映大多数国家意愿和利益，共同营造和平稳定、平等互信、合作共赢的国际环境。

(四) 坚决反对滥用出口管制措施

任何国家和地区都不应滥用出口管制措施，无理实施歧视性限制措施，在防扩散问题上推行双重标准，甚至推动出口管制有关多边机制趋向歧视性和排他性。《不扩散核武器条约》《禁止细菌（生物）及毒素武器的发展、生产及储存以及销毁这类武器的公约》（以下简称《禁止生物武器公约》）《关于禁止发展、生产、储存和使用化学武器及销毁此种武器的公约》（以下简称《禁止化学武器公约》）以及一系列联大、联合国安理会决议，都规定了确保各国不受歧视地充分享有和平利用的权利。中国主张，出口管制应当遵守公正、合理、非歧视原则，不应当损害其他国家和平利用出口管制物项的正当权益，不应当对和平利用科技进步成果促进发展、正常国际科技交流与经贸合作、全球产业链供应链安全顺畅运转设置障碍。中国呼吁，在全球化日益深入、新技术不断涌现的今天，各国既应对出口管制有关风险和威胁实施有效管控，营造有利于经济社会发展的安全环境，也要积极推动科技发展的普惠共享，不断增进全人类福祉。

二、不断完善出口管制法律制度和管理体系

中国坚持全面依法治国基本方略，既立足中国国情，又借鉴国外有益经验，不断健全出口管制法律制度，完善出口管制管理体系，为出口管制提供法治和体制保障。

(一) 建立健全出口管制法律制度

改革开放以来，中国经济发展的内外环境发生了深刻变化，社会主义市场经济体制不断完善，出口管制工作的法治化水平不断提升。自20世纪90年代起，中国先后颁布《监控化学品管理条例》《核出口管制条例》《军品出口管理条例》《核两用品及相关技术出口管制条例》《导弹及相关物项和技术出口管制条例》和《生物两用品及相关设备和技术出口管制条例》等6部行政法规。商务部、工业和信息化部、海关总署、国家国防科技工业局、国家原子能机构、中央军委装备发展部等相关部门配套出台数十项部门规章及相关规范性文件，细化出