

## Information Circular

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# Communication of 10 December 2003 from the Permanent Mission of the People's Republic of China to the International Atomic Energy Agency regarding China's Nuclear Policies and Practices

1. The Director General has received a letter of 10 December 2003 from the Permanent Mission of the People's Republic of China providing a White Paper on the nuclear non-proliferation policy and measures of the People's Republic of China.
2. In light of the wish expressed in the penultimate paragraph, the letter and the White Paper are attached hereto.

中华人民共和国常驻维也纳联合国和其他国际组织代表团  
PERMANENT MISSION OF THE PEOPLE'S REPUBLIC OF CHINA TO THE  
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS IN VIENNA

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H.E. Dr. Mohamed ElBaradei  
Director-General  
International Atomic Energy Agency  
P.O. Box 100  
Wagramer Strasse 5  
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10 December 2003

Excellency:

I have the honour to inform you that the Chinese Government published a White Paper on China's Non-Proliferation Policy and Measures on 3 December 2003. As the first authoritative document on China's non-proliferation policy, the White Paper comprehensively illustrates China's non-proliferation policy, stance and propositions, and introduces China's export control system and concrete measures as well as China's active participation in strengthening international non-proliferation regime.

As a signatory state to a series of international non-proliferation treaties, China will continue to take an active part in the international non-proliferation efforts and will further strengthen communication and enhance cooperation with IAEA and other relevant multinational non-proliferation mechanisms with a view to promote world peace, stability and development.

I hereby forward a copy for your perusal. I would be grateful if you could also circulate the attached paper to the Member States of the IAEA as an INFCIRC document.

Please accept, Excellency, the assurances of my highest consideration and I remain with kind regards

Yours Sincerely



Zhang Yan

Ambassador  
Permanent Representative

# **China's Non-Proliferation Policy and Measures**

**Information Office of the State Council of the People's Republic of China**

December 3, 2003

## **Foreword**

To prevent the proliferation of weapons of mass destruction (WMD) and their means of delivery is conducive to the preservation of international and regional peace and security, and compatible with the common interests of the international community. This has become a consensus of the international community. Through protracted and unremitting efforts, the international community has established a relatively complete international non-proliferation regime, which has played a positive role in preventing and slowing down the proliferation of WMD and their means of delivery, and in safeguarding peace and security both regional and global.

Economic globalization and the rapid advancement of science and technology have provided the international community good opportunities for cooperation and development, and also many new challenges. At present, traditional and non-traditional security factors are interwoven, with the latter being steadily on the rise. Countries are linked more closely to each other in security matters, and their interdependence is continually deepening. It is an inevitable demand of the times to strengthen international cooperation and seek common security for all countries.

The non-proliferation efforts of all countries and the development of the international non-proliferation mechanism are mutually complementary and inseparably linked with each other. Given the new international security situation, it is particularly important and urgent to step up international cooperation in the field of non-proliferation, and develop and improve the international non-proliferation mechanism. The purpose of China's foreign policy is to help safeguard world peace and promote common development. A developing China needs both an international and a peripheral environment of long-term peace and stability. The proliferation of WMD and their means of delivery benefits neither world peace and stability nor China's own security. Over the years, with its strong sense of responsibility, China has step by step formulated a whole set of non-proliferation policies and put in place a fairly complete legal framework on non-proliferation and export control. It has taken positive and constructive measures to accelerate the international non-proliferation process with concrete actions, thus making a significant contribution to safeguarding and promoting international and regional peace and security.

## **I. China's Basic Stand on Non-Proliferation**

China has always taken a responsible attitude toward international affairs, stood for the complete prohibition and thorough destruction of all kinds of WMD, including nuclear, biological and chemical weapons, and resolutely opposed the proliferation of such weapons and their means of delivery. China

does not support, encourage or assist any country to develop WMD and their means of delivery.

China holds that the fundamental purpose of non-proliferation is to safeguard and promote international and regional peace and security, and all measures to this end should be conducive to attaining this goal. The proliferation of WMD and their means of delivery has its complicated causes; it has everything to do with the international and regional security environment. To pursue the universal improvement of international relations, to promote the democratization of such relations and to accelerate fair and rational settlement of the security issues of regions concerned will help international non-proliferation efforts to proceed in a smooth manner.

China resolutely supports international non-proliferation efforts, and at the same time cares very much for peace and stability in the region and the world at large. China stands for the attainment of the non-proliferation goal through peaceful means, i.e. on the one hand, the international non-proliferation mechanism must be continually improved and export controls of individual countries must be updated and strengthened, and, on the other hand, proliferation issues must be settled through dialogue and international cooperation.

China maintains that a universal participation of the international community is essential for progress in non-proliferation. To have the understanding and support of the overwhelming majority of the international community, it is highly important to ensure a fair, rational and non-discriminatory non-proliferation regime. Either the improvement of the existing regime or the establishment of a new regime should be based on the universal participation of all countries and on their decisions made through a democratic process. Unilateralism and double standards must be abandoned, and great importance should be attached and full play given to the role of the United Nations. China believes that given the dual-use nature of many of the materials, equipment and technologies involved in the nuclear, biological, chemical and aerospace fields, it is important that all countries, in the course of implementing their non-proliferation policies, strike a proper balance between non-proliferation and international cooperation for peaceful use of the relevant high technologies. In this connection, China maintains that, while it is necessary to guarantee the rights of all countries, especially the developing nations, to utilize and share dual-use scientific and technological achievements and products for peaceful purposes subject to full compliance with the non-proliferation goal, it is also necessary to prevent any country from engaging in proliferation under the pretext of peaceful utilization.

## **II. Actively Participating in International Non-Proliferation Efforts**

Over the years, China has participated extensively in the construction of the multilateral non-proliferation regime and actively promoted its constant improvement and development. China has signed all international treaties related to non-proliferation, and joined most of the relevant international organizations.

In the nuclear field, China joined the International Atomic Energy Agency (IAEA) in 1984, and voluntarily placed its civilian nuclear facilities under IAEA safeguards. It acceded to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in 1992. It took an active part in the negotiations of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) at the Conference on Disarmament in Geneva and made important contributions to the conclusion of the treaty. China was also among the first countries to sign

CTBT in 1996. China became a member of the Zangger Committee in 1997. China signed the Protocol Additional to the Agreement Between China and IAEA for the Application of Safeguards in China in 1998, and in early 2002 formally completed the domestic legal procedures necessary for the entry into force of the Additional Protocol, thus becoming the first nuclear-weapon state to complete the relevant procedures. China actively participated in the work of the IAEA, the Preparatory Commission for the CTBTO and other related international organizations. It supported the IAEA's contribution to the prevention of potential nuclear terrorist activities, and took an active and constructive part in the revision of the Convention on the Physical Protection of Nuclear Materials.

China has energetically backed up countries concerned in their efforts to establish nuclear-weapon-free zones. It has signed and ratified the protocols to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), the South Pacific Nuclear-Free Zone Treaty (Treaty of Rarotonga), and the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba). China has expressly committed itself to signing the protocol to the Southeast Asia Nuclear-Weapon-Free Zone Treaty (Treaty of Bangkok) and supported the initiative for the establishment of a Central Asian nuclear-weapon-free region. In the biological field, China has always strictly observed its obligations under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BWC) since its accession in 1984. As from 1988, it has, on an annual basis, submitted to the UN the declaration data of the confidence-building measures for the BWC in accordance with the decision of its Review Conference. China has also enthusiastically contributed to the international efforts aimed at enhancing the BWC effectiveness, and actively participated in the negotiations on the protocol to the BWC and in international affairs related to the BWC. In the chemical field, China made a positive contribution to the negotiation and conclusion of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC). It signed the Convention in 1993 and deposited its instrument of ratification in 1997. Since the CWC came into force, China has stood firmly by the Organization for the Prohibition of Chemical Weapons (OPCW) in carrying out its work, and earnestly fulfilled its obligations under the CWC. China has set up the National Authority for the performance of its obligations envisaged in the CWC, and submitted initial and annual declarations of all kinds on schedule and in their entirety. By the end of October 2003, China had received 68 on-site verifications by the OPCW. In the missile field, China supports the international community in its efforts to prevent the proliferation of missiles and related technologies and materials, and adopts a positive and open attitude toward all international proposals for strengthening the missile non-proliferation mechanism. China has constructively participated in the work of the UN Group of Governmental Experts on Missiles, as well as the international discussions on the draft of the International Code of Conduct Against Ballistic Missile Proliferation and the proposal of a Global Control System.

### **III. Non-Proliferation Export Control System**

Effective control of materials, equipment and technologies that could be used in the development and production of WMD and their means of delivery is an important aspect in a country's implementation of

its international non-proliferation obligation, and an important guarantee for the success of the international non-proliferation efforts. As a country with some sci-tech and industrial capabilities, China is well aware of its non-proliferation responsibility in this field. For a long time, the Chinese government has adopted rigorous measures both for the domestic control of sensitive items and technologies and for their export control, and has kept making improvements in light of the changing situation. For a fairly long time in the past, China practiced a planned economy, whereby the state relied mainly on administrative measures for import and export control. This proved to be effective for implementing the non-proliferation policy under the then prevailing historical conditions. But with the deepening of China's reform and opening-up, and especially following the country's entry into the World Trade Organization (WTO), tremendous changes have taken place in the environments of China's domestic economy and foreign trade. So far, China has initially established a socialist market economy, and its non-proliferation export control pattern has changed from an administrative control to a law-based control. In recent years, the Chinese government has constantly strengthened the work of building the legal system to bolster non-proliferation on the principle of rule of law to ensure the effective enforcement of its non-proliferation policy. China has attached great importance to studying the current international standards of non-proliferation export control. Integrating the multinational export control mechanism and the valuable experience of other countries with its own national conditions, China has widely adopted the current international standards and practices, vigorously strengthened and improved the system for ensuring non-proliferation export control, and formulated and enforced a number of laws and regulations, which form a complete system for the export control of nuclear, biological, chemical, missile and other sensitive items and technologies, and all military products, and provide a full legal basis and mechanism guarantee for the better attainment of the non-proliferation goal. This export control regime has embraced the following practices:

**Export Registration System** All exporters of sensitive items or technologies must be registered with the competent departments of the central government. Without such registration, no entity or individual is permitted to engage in such exports. Only designated entities are authorized to handle nuclear exports and the export of controlled chemicals and military products. No other entity or individual is permitted to go in for trade activities in this respect.

**Licensing System** It is stipulated that the export of sensitive items and technologies shall be subject to examination and approval by the competent departments of the central government on a case-by-case basis. No license, no exports. The holder of an export license must engage in export activities strictly as prescribed by the license within its period of validity. If any export item or contents are changed, the original license must be returned and an application made for a new export license. When exporting the above-mentioned items and technologies, an exporter shall produce the export license to the Customs, go through the Customs formalities as stipulated by the Customs Law of the People's Republic of China, and the relevant control regulations and control measures, and shall be subject to supervision and control by the Customs.

**End-User and End-Use Certification** An exporter of sensitive items and technologies is required to provide a certificate specifying the end-user and the end-use, produced by the end-user that imports them. Different kinds of certificates must be produced, depending on the circumstances and particularly the sensitivity of the exported items or technologies. In some cases, the certificates must be produced by the

end-user and authenticated by the official organ of the end-user's country and the Chinese embassy or consulate in that country, while in others, they must be produced by the relevant government department of the importing country. The end-user must clarify the end-user and end-use of the imported materials or technologies in the above-mentioned certificates, and definitely guarantee that without permission from the Chinese government, it shall not use the relevant item provided by China for purposes other than the certified end-use, or transfer it to a third party other than the certified end-user. List Control Method China has drawn up detailed control lists of sensitive materials, equipment and technologies. In the nuclear, biological and chemical fields, the relevant lists cover virtually all of the materials and technologies included in the control lists of the Zangger Committee, the Nuclear Suppliers' Group, the Chemical Weapons Convention (CWC), and the Australian Group. In the missile field, the scope of the Chinese list is generally the same as the Technical Annex of the Missile Technology Control Regime (MTCR). In the arms export field, the Chinese government also drew on the experience of the relevant multilateral mechanism and the relevant practice of other countries when it first formulated and issued the arms export control list in 2002. The Chinese government will make timely adjustments to the above lists in light of actual conditions.

Principle of Nonproliferation-oriented Examination and Approval Before making a decision on whether to issue an export license, the competent department will give overall consideration to the possible effect of the relevant exports on national security and the interests of general public, as well as its effect on international and regional peace and stability.

The specific factors for reference in the examination and approval process include China's incumbent international obligations and international commitments, whether the export of the sensitive items or technologies will directly or indirectly jeopardize China's national security or public interests, or constitute a potential threat, and whether it conforms to the international non-proliferation situation and China's foreign policy.

An assessment of the degree of proliferation risk of exporting a sensitive item or technology shall be made by an independent panel of technical experts organized by the examination and approval department. The assessment will serve as an important reference in the examination and approval process. The examination and approval department shall also make an overall examination of the situation of the country or region where the end-user is located. It shall give special consideration to whether there is any risk of proliferation in the country where the end-user is located or any risk of proliferation to a third country or region, including: whether the importing country will present a potential threat to China's national security; whether it has a program for the development of WMD and their means of delivery; whether it has close trade ties with a country or region having a program for the development of WMD and their means of delivery; whether it is subject to sanctions under a UN Security Council resolution; and whether it supports terrorism or has any links with terrorist organizations. Moreover, the examination and approval department shall also pay attention to the ability of the importing country in exercising export control and whether its domestic political situation and surrounding environment are stable. The focus of examination of the end-user and end-use is to judge the ability of the importing country to use the imported items or technologies, and to assess whether the importer and the end-user are authentic and reliable, and whether the end-use is justified. "Catch-all" Principle If an exporter knows or should know that there is a risk of proliferation of an item or

technology to be exported, the exporter is required to apply for an export license even if the item or technology does not figure in the export control list. When considering an export application or deciding on whether to issue an export license, the export examination and approval departments shall make an overall assessment of the end-use and end-user of the item or technology to be exported and the risk of proliferation of WMD. Once such a risk is identified, the competent departments have the right to immediately refuse the requested export license, and terminate the export activity. Moreover, the competent departments may also exercise, on an ad hoc basis, export control on specific items not contained on the relevant control list.

Penalties Exporters who export controlled items or technologies without approval, arbitrarily export items beyond the approved scope, or forge, alter, buy or sell export licenses shall be investigated for criminal liability in accordance with provisions in the Criminal Law of the People's Republic of China (PRC) on smuggling, illegal business operation, disclosure of state secrets or other crimes. For cases that do not constitute crimes, the competent government department(s) shall impose administrative sanctions, including warning, confiscation of illicit proceeds, fines, suspension or even revocation of foreign trade licenses.

#### **IV. Concrete Measures for Non-Proliferation Export Control**

In the nuclear field, China has persisted in exercising stringent control over nuclear exports and nuclear materials. In nuclear materials control, since its accession to the IAEA, China has established a "State System for the Accountancy and Control of Nuclear Materials," and a "Nuclear Materials Security System" that measures up to the requirements of the Convention on the Physical Protection of Nuclear Materials. In 1987, the Chinese government issued the Regulations on the Control of Nuclear Materials. Under the Regulations it instituted a licensing system for nuclear materials. It designated the department for supervision and control over nuclear materials and defined its duties, the measures for nuclear materials control, the application for, and examination and issuance of, nuclear materials licenses, the management of nuclear materials accounts, the accountancy of nuclear materials, the physical protection of nuclear materials, and relevant rewards and punishments.

China's nuclear export is handled exclusively by the companies designated by the State Council. China adheres to the following three principles: guarantee for peaceful use only, acceptance of the safeguards of the IAEA, and no retransfer to a third country without the prior consent of the Chinese government. The Chinese government issued the Regulations of the PRC on the Control of Nuclear Export in 1997. Apart from the above-mentioned three principles, the Regulations also expound on China's policy of not advocating, not encouraging and not engaging in the proliferation of nuclear weapons, not helping other countries to develop nuclear weapons, not providing any assistance to any nuclear facility not placed under IAEA safeguards, not providing nuclear exports to it, and not conducting personnel and technological exchange or cooperation with it. The Regulations also provide for a rigorous examination system for nuclear export, severe violation punishments and a comprehensive and detailed control list. In 1998, the Chinese government promulgated the Regulations of the PRC on the Control of Nuclear Dual-Use Items and Related Technologies Export. Therein it reaffirms its determination of strictly performing its international nuclear non-proliferation obligations and exercising strict control over the

export of nuclear dual-use items and related technologies, and it instituted a licensing system for related exports. It established a registration system for exporters and the procedures for the examination and approval of exports, and defined punishments for violations of the Regulations. The Amendments to the Criminal Law of the PRC adopted in December 2001 designate as criminal offenses such acts as illegally manufacturing, trafficking and transporting radioactive substances, and stipulate corresponding punishments for such offenses.

In the biological field, China has promulgated and implemented a series of laws, statutes and regulations in the past two decades and more, including: the Criminal Law of the PRC in 1979; the Tentative Measures on the Stockpiling and Management of Veterinarian Bacteria Culture in 1980; the Regulations on the Management of Veterinary Medicines in 1987; the Law of the PRC on the Prevention and Control of Infectious Diseases in 1989; the Law on the Quarantine of Animals and Plants Brought into or Taken Out of the Chinese Territory in 1991; the Measures for the Control of Biological Products for Animal Uses and the Procedures for the Safe Administration of Agricultural Biological Gene Engineering in 1996; and the Standards for the Quality of the Biological Products for Animal Uses in 2001. These laws, statutes and regulations have made strict provisions on the production, control, use, stockpiling, carriage and transfer of relevant bacteria (viruses), vaccines and biological products. The Amendments to the Criminal Law of the PRC adopted in December 2001 designate as criminal offenses such acts as illegally manufacturing, trafficking, transporting, stockpiling or using infectious pathogens, and stipulate corresponding punishments for such offenses.

In October 2002, the Chinese government promulgated the Regulations of the PRC on the Export Control of Dual-Use Biological Agents and Related Equipment and Technologies, and the control list. It instituted a licensing system for the export of dual-use biological agents and related equipment and technologies, and a registration system for the exporters, and established the principle that the relevant exports shall not be used for biological weapon purposes, that without prior consent of the Chinese government, the dual-use biological agents and related equipment and technologies supplied by China shall not be used for purposes other than the declared end-use, or be retransferred to a third party other than the declared end-user. Besides, the Regulations also provide strict procedures for export examination and approval and punishments for violations of the Regulations.

In the chemical field, the Chinese government promulgated between 1995 and 1997 the Regulations of the PRC on the Administration of the Controlled Chemicals, the Controlled Chemicals List and the Detailed Rules for the Implementation of the Regulations of the PRC on the Administration of the Controlled Chemicals, designating the department in charge of the supervision of the controlled chemicals and defining its duties, making a detailed classification of the controlled chemicals and exercising strict control over the production, sale, use, import, and export of sensitive chemicals. Under the Regulations, the import and export of the controlled chemicals must be handled by the designated departments. No other department or individual is permitted to engage in import and export of these items. In 1998, the Chinese government added 10 controlled chemicals to the Controlled Chemicals List. The Amendments to the Criminal Law of the PRC adopted in December 2001 designate as criminal offenses such acts as illegally manufacturing, trafficking, transporting, stockpiling or using toxic materials, and stipulate corresponding punishments for such offenses.

In October 2002, the Chinese government further promulgated the Measures on the Export Control of

Certain Chemicals and Related Equipment and Technologies, and the control list. The Measures are a substantive supplement to the Regulations on the Administration of the Controlled Chemicals, not only adding 10 chemicals to the list, but also providing for the export control of the related equipment and technologies. The Measures provide a licensing system for the export of the materials and technologies on the control list. They require importers to guarantee that the controlled chemicals and related equipment and technologies supplied by China shall not be used for stockpiling, processing, producing or handling chemical weapons, or for producing precursor chemicals for chemical weapons, and that, without the prior consent of the Chinese government, the related materials and technologies shall not be used for purposes other than the declared end-use or be retransferred to a third party other than the declared end-user. The Measures also provide a registration system for exporters and corresponding rules for the examination and approval of such exports, as well as punishments for violations of the Regulations. In the missile field, China has always taken a prudent and responsible attitude toward the export of missiles and related technologies. The Chinese government declared in 1992 that it would act in line with the guidelines and parameters of the MTCR in its export of missiles and related technologies. In 1994, it committed itself not to export ground-to-ground missiles featuring the primary parameters of the MTCR - i.e. inherently capable of reaching a range of at least 300 km with a payload of at least 500 kg. In 2000, China further declared that it had no intention to assist, in any way, any country in the development of ballistic missiles that can be used to deliver nuclear weapons, and that it would formulate and publish regulations on the missile export control and the relevant control list.

In August 2002, the Chinese government promulgated the Regulations of the PRC on Export Control of Missiles and Missile-Related Items and Technologies, and the control list. The Regulations and the list, in light of the actual conditions in China and the prevailing international practice, adopt a licensing system for the export of missiles, items and technologies directly used for missiles, and missile-related dual-use items and technologies. The Regulations provide that the receiving party of the export shall guarantee not to use missile-related items and technologies supplied by China for purposes other than the declared end-use, or retransfer them to a third party other than the declared end-user without the consent of the Chinese government. They also provide for strict procedures for the examination and approval of such exports, and the punishments for violations of the Regulations.

In the arms export field, in addition to the above-mentioned special regulations, the Chinese government promulgated the Regulations of the PRC on the Administration of Arms Export in 1997, and revised them in 2002 in order to strengthen the administration of arms export and to regulate arms export. The Regulations reaffirm the three principles that China has always adhered to in its arms exports: being conducive to the capability for just self-defense of the recipient country, no injury to the peace, security and stability of the region concerned and the world as a whole, and no interference in the internal affairs of the recipient country. The Regulations also stipulate that arms export can only be handled by arms trading companies which have obtained the business operations right for arms export; that arms export shall be subjected to a licensing system; and that dual-use products whose end-use is for a military purpose shall be regarded as military products and be placed under control. In November 2002, the Chinese government issued the Military Products Export Control List as a supplement to the Regulations on the Administration of Arms Export, exercising, for the first time, arms export control according to the list. The List contains a detailed classification of conventional weapons and armaments, constituting a

framework structure with the main body of four levels of weapon components, weapon categories, main systems or components of weapons, and the parts and components, technologies and services directly related to the weapon equipment, thus providing a scientific and powerful legal guarantee for strengthening the control of the arms trade and arms export.

In addition, the Regulations on the Import and Export Control of Technologies issued by the Chinese government in 2001 also stipulate that strict control shall be exercised over the export of nuclear technologies, technologies related to dual-use nuclear products, the production technologies of controlled chemicals, and military technologies. The Customs Law of the PRC and the Administrative Punishments Law of the PRC also provide a legal basis for non-proliferation export control.

## **V. Strictly Implementing the Laws and Regulations on Non-Proliferation Export Control**

Through the past years, China has steadily improved and developed its laws and regulations on non-proliferation, providing a solid legal basis and strong guarantee for the better attainment of the government's non-proliferation goals and, at the same time, setting a new demand for law-enforcement capability of the relevant functional departments of the government. In order to ensure the effective implementation of these laws and regulations concerning non-proliferation export control, the departments concerned of the Chinese government have devoted a great deal of effort to improving non-proliferation export control organs, publicizing the relevant policies and regulations, conducting education for enterprises, and investigating and handling cases of violation. Export Control Organs China's non-proliferation export control involves many of the government's functional departments. So far, a mechanism for a clear division of responsibility and coordination has been established among these departments.

China's nuclear export comes under the control of the Commission of Science, Technology and Industry for National Defense (COSTIND), jointly with other relevant government departments. Arms export, including the export of missiles, and facilities and key equipment used directly for the production of missiles, is under the control of COSTIND and the relevant department under the Ministry of National Defense, jointly with other government departments concerned.

The export of nuclear dual-use items, dual-use biological agents, certain chemicals, and the missile-related dual-use items and technology for civilian use is under the control of the Ministry of Commerce (MOFCOM), jointly with other government departments concerned. Among them, the export of nuclear dual-use items and missile-related dual-use items and technologies is subject to examination by the MOFCOM, jointly with COSTIND. The export of dual-use biological agents and technologies related to animals and plants is subject to examination by the MOFCOM, jointly with the Ministry of Agriculture if needed. The export of dual-use biological agents and technologies related to humans is subject to examination by the MOFCOM, jointly with the Ministry of Health if needed. The export of equipment and technologies related to dual-use biological agents and of equipment and technologies related to certain chemicals is subject to examination by the MOFCOM, jointly with the State Development and Reform Commission if needed. The export of controlled chemicals is subject to examination by the State Development and Reform Commission, jointly with the MOFCOM.

The export of sensitive items and related equipment and technologies that relate to foreign policy is subject to examination by the above-mentioned competent departments, jointly with the Ministry of Foreign Affairs. Where the export items entail significant impact on national security and public interests, the competent departments shall, jointly with other relevant departments, submit the case to the State Council and the Central Military Commission for approval.

The State General Administration of Customs shall be responsible for the supervision and control of the import and export of the above-mentioned items and technologies.

Special organs, staffed with specialists, have been set up in the above-mentioned ministries and commissions to take charge of the export control work.

**Publicity for Laws and Regulations and Education for Enterprises** Immediately after the non-proliferation export control regulations were issued, a news release was announced through the national media, and the full text of the regulations and control lists was published in the professional publications and on the web sites of the government departments, foreign trade enterprises and research institutes concerned. The publicity has provided favorable conditions in informing the concerned exporters of the regulations and control lists. Competent departments concerned have also taken positive steps to ensure earnest implementation of the regulations by relevant enterprises and institutions, and to make export enterprises familiarized with the contents of the regulations and procedures for export examination and approval by organizing lectures and training courses on these regulations.

**Building of the Export Examination System** In order to effectively implement the export control regulations, China has established a system involving application, examination and approval, certificate issuance and Customs control, inspection and clearance, and this system applies to all interested exporters. The Ministry of Commerce and other competent departments are formulating the Export Licensing Catalogue of Sensitive Items and Technologies (i.e. the commodities on the lists attached to relevant export control regulations bearing Customs HS codes), and are doing their best to ensure compliance by export enterprises at all stages of export, and enhance the government's capability to exercise supervision on export control.

To make it more convenient for export enterprises to apply for export licenses, the Ministry of Commerce plans to provide an online service for license application, examination and approval geared to the needs of the general public once the operation system is available. The government will also establish a corresponding export control information exchange network among the examining, approving and license-issuing organs and the Customs office.

**Investigation and Handling of Law Violations** The Chinese government attaches great importance to the investigation and handling of cases of law violations relating to non-proliferation. After being informed of possible illegal exports, concerned competent departments will make earnest investigations and administer corresponding administrative punishments, or transfer the cases to the judicial organs for ascertaining criminal responsibility, depending on the seriousness of the law-breaking acts. In recent years, the Chinese government has dealt with a number of law-breaking export cases and administered corresponding punishments to the units and individuals involved according to law. Strengthening the ability to enforce the law and to effectively implement the non-proliferation export control regulations is a complex systems engineering project that involves many aspects and requires coordination and cooperation among different government departments. At the same time, understanding

of the relevant state policies and regulations by domestic enterprises, their increased consciousness of the importance of non-proliferation, and the establishment of a self-discipline mechanism among them also have a direct bearing on the implementation of the non-proliferation laws and regulations. The concerned departments of the Chinese government are summing up their experience, constantly strengthening the training of the law-enforcing personnel, intensifying publicity and further improving the domestic non-proliferation export control system.

## **Conclusion**

While sparing no effort to implement the non-proliferation policy, strengthening and improving the non-proliferation laws and regulations and export control mechanism, the Chinese government is fully aware that the above efforts should proceed in a systematic way and advance step by step. The international non-proliferation effort is inseparable from the policies and measures of the countries involved, and the building of the domestic mechanisms in various countries is inseparable from the establishment of international non-proliferation standards. China will continue to take an active part in international non-proliferation endeavors, and exert great efforts to maintain and strengthen the existing non-proliferation international law system within the UN framework. It will constantly increase consultations and exchanges with the multinational non-proliferation mechanisms, including the "Nuclear Suppliers' Group," the MTCR, the "Australia Group" and the "Wassenaar Arrangement," and continue to take an active part in international discussions related to non-proliferation. The Chinese government will continue to keep in touch and hold consultations with other countries on non-proliferation issues, and is willing to strengthen its exchange and cooperation with all sides in the fields related to non-proliferation export control to keep improving their respective non-proliferation export control systems.

Confronted with the complicated and changeable international security situation, China stands for the fostering of a new security concept of seeking security through cooperation, dialogue, mutual trust and development. Non-proliferation is an important link in the preservation of international and regional peace and security in the new century. China will join the members of the international community who love peace and stability in making contributions to accelerating the development and improvement of the international non-proliferation mechanism and to promoting world peace, stability and development through unremitting international efforts and cooperation and by persisting in settling the issue of proliferation of WMD and their means of delivery through peaceful means.