

Ministry of Commerce Announcement [2025] No.61
Decisions on the Implementation of Export Control over Relevant Rare Earth Items From Overseas

[Issuing authority] Bureau of Safety and Control

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To safeguard national security and interests, in accordance with the relevant provisions of laws and regulations such as the Export Control Law of the People's Republic of China and the Regulations on Export Control of Dual-Use Items of the People's Republic of China, and upon approval by the State Council of China, the following export control measures are hereby decided to be implemented:

1. Overseas organizations and individuals (hereinafter referred to as "overseas specific export operators") must obtain dual-use items export licenses issued by the Ministry of Commerce of China before exporting the following items to countries and regions outside China:

(1) Items listed in Part I of Annex 1 to this Announcement, which are manufactured overseas and contain, integrate, or mix with items listed in Part II of Annex 1 to this Announcement originating from China, and the proportion of items listed in Part I of Annex 1 to the value of items manufactured overseas in Part II of Annex 1 reaches 0.1% or more;

(2) Items listed in Annex 1 to this Announcement produced overseas using technologies related to rare earth mining, smelting and separation, metal smelting, magnetic material manufacturing, and recycling of rare earth secondary resources originating from China;

(3) Items listed in Annex 1 of this announcement originating from China.

2. In principle, export applications to overseas military users and to importers and end users listed in the export control control list and watch list (including their subsidiaries, branches and other branches holding 50% or more of the shares) shall not be approved.

3. Export applications for or likely to be used for the following end uses shall not be approved in principle:

(1) designing, developing, producing and using weapons of mass destruction and their means of delivery;

(2) the purpose of terrorism;

(3) Military purposes or enhancement of military potential.

4. Export applications for the final use of developing and producing 14nm or below logic chips or 256 layers or above memory chips, as well as production equipment, test equipment and materials for manufacturing the above-mentioned process semiconductors, or for developing artificial intelligence with potential military applications shall be examined and approved on a case-by-case basis.

5. For export applications with end-use purposes such as emergency medical services, response to public health emergencies, natural disaster relief, and other humanitarian assistance, overseas export operators are exempt from applying for dual-use items export licenses. However, they must report to the Ministry of Commerce of China via email (jingwaibaogao@mofcom.gov.cn) no later than 10 working days after the export and commit that the items will not be used for purposes that endanger China's national security and interests.

6. Overseas specific export operators applying for dual-use item export licenses shall submit relevant documents in accordance with Article 16 of the Regulations of the People's Republic of China on Dual-Use Item Export Control and the requirements of the China Ministry of Commerce Dual-Use Item Export License Approval System, with Chinese documents being the official version. The approval system website is: <http://ecomp.mofcom.gov.cn>.

Overseas specific export operators may directly submit application documents or entrust enterprises, intermediary service agencies, chambers of commerce, associations, etc. located within China to handle the procedures. The relevant intermediary service agencies, chambers of commerce, or associations shall be independent legal entities or non-legal person organizations capable of independently assuming legal liabilities.

If the designated overseas exporter is unable to determine whether the items to be exported are items that should apply for export license in accordance with the provisions of this announcement, it may consult by email (jingwaizixun@mofcom.gov.cn).

7. When exporting dual-use items listed in Part 1 of Annex 1 to this Announcement, domestic export operators shall fill in the final destination country or region as required during export declaration, and issue a Compliance Notice to overseas importers and end users in accordance with the compliance guidelines attached to this Announcement.

An overseas exporter shall, in accordance with the compliance guidelines attached to this Announcement, issue a Compliance Notice to the next recipient when transferring or exporting items controlled by this Announcement.

8. Part 1 (1) and Part 1 (2) of this Announcement shall come into force on December 1, 2025. Part 1 (3) of this Announcement shall come into force on October 9, 2025.

Ministry of Commerce
October 9th, 2025