



MITA Webinar

Insights into China's ECL

Johnny Xie

Johnny Xie

Managing Director



Phone

Tel: +86 21 2315 1019

Mailbox

Johnny.Xie@fticonsulting.com

Location

Shanghai

Education

B.B.A., Shanghai Jiao Tong University, China
M.P.A., Shanghai Jiao Tong University, China

Johnny Xie is a Managing Director in the Export Controls and Sanctions offering in the Forensics and Litigation Consulting segment of FTI and he is based in Shanghai. Johnny is an expert in export controls, economic sanctions, international trade strategy, and customs affairs.

With respect to export controls and economic sanctions, Johnny is one of the earliest pioneers and the most experienced professionals in China. In 2006, he managed the first large-scale proliferation and prevention workshop for China Customs – the key export controls enforcement body in China where American and Chinese professionals worked together and during which over 200 China Customs officers received export controls training. During this time, Johnny also received his International Export Controls certificate from the Center for International Trade and Security (CITS) at the University of Georgia.

With a solid understanding of multilateral export control regimes, as well as the U.S. export control system, Johnny has been actively engaged for more than 12 years in helping China’s regulatory bodies and trade communities develop and improve their export and trade control policies, regulatory implementation, enforcement mechanisms, and compliance practices. Johnny regularly assists companies with their trade compliance strategic reviews, export control and sanctions audits, and internal controls program development. Both multi-national companies and domestic Chinese companies benefit from his services that are recognized as systematic, practical, and useful.

Johnny’s practice is not limited to the Chinese territory and he is a sought-after for his expertise throughout Asia and beyond. He has assisted developing countries to build their strategic control capacity including, Malaysia, Cambodia and Mongolia. He is a frequent speaker on trade and export control-related topics, and regularly contributes articles and chapters to international export control publications.

Johnny began his career with China Customs where he worked for 11 years. During his time, he was instrumental in forging cooperation agreements at the multinational level including the World Trade Organization (WTO), the World Customs Organization (WCO), and several United Nations entities. Johnny has a deep understanding of extensive customs procedures and formalities. From HS classification to valuation and duty mitigation strategies, Johnny’s customs expertise is a benefit to clients across multiple industries.

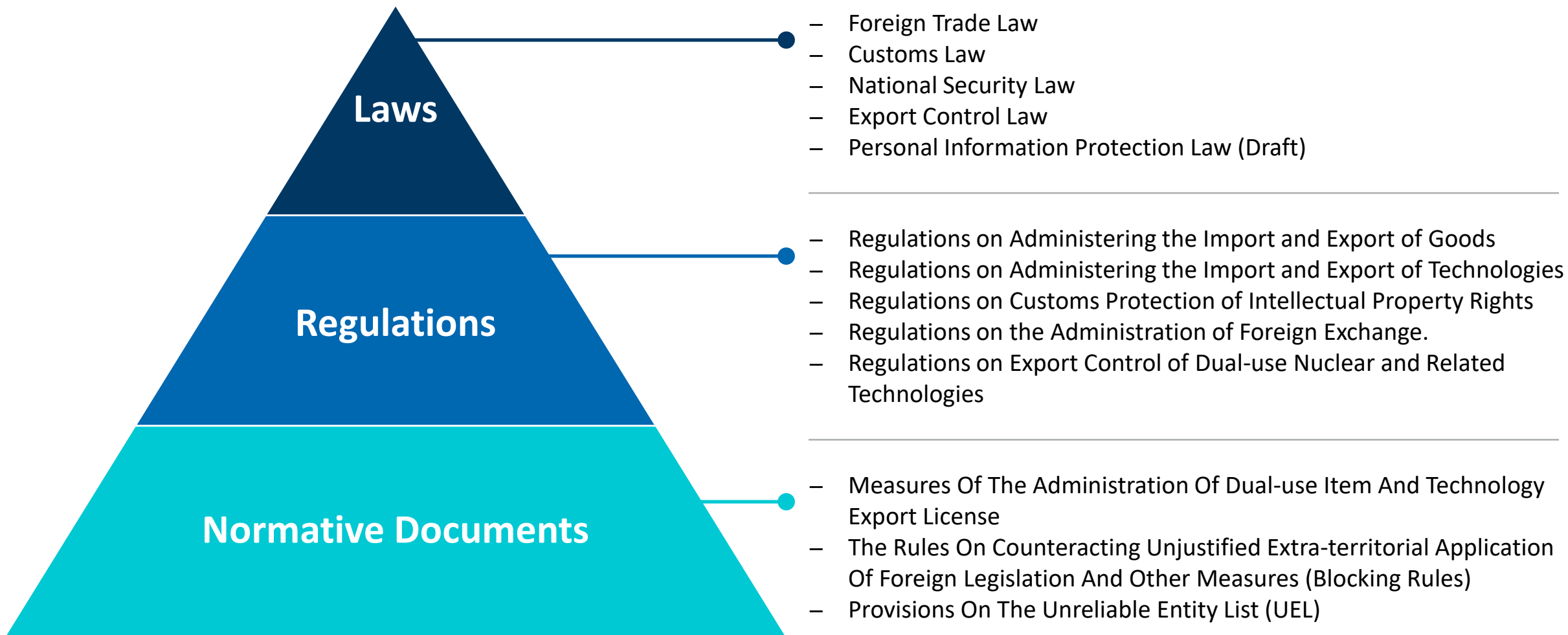
Johnny received a Bachelor of Business Administration and a Master of Public Administration degrees from Shanghai Jiao Tong University. He is fluent in Mandarin and English.

Export Control Legislation in China

China did have export control legislation and enforcement before the Export Control Law came into being, which can be traced back to early 1990s.

LAWS, REGULATIONS AND MEASURES	DATE OF RELEASE	DATE OF ENFORCEMENT	REVISION DATE
Foreign Trade law of the People's Republic of China	May 1994	May 1994	April,2004 November,2016
Regulations on the Administration of Import and Export of Goods	December 2001	January 2002	/
Regulations on the Administration of Technology Import and Export	December 2001	January 2002	/
Measures for the Administration of the General Licensing for Export of Dual-use Items and Technologies	May 2009	July 2009	/
Regulations on the Administration of Arms Export	October 1997	January 1998	October 2002
Regulations on the Control of Nuclear Export	September 1997	September 1997	November 2006
Regulations on Export Control of Dual-use Nuclear and Related Technologies	June 1998	June 1998	January 2007
Regulations on Export Control of Missiles and Related Items and Technologies	August 2002	August 2002	/
Regulations on Export Control of Biological Dual-use Items, Related Equipment and Technologies	October 2002	December 2002	/
Regulations on the Administration of Controlled Chemicals	December 1995	December 1995	January 2011
Regulations on the Administration of Precursor Chemicals	August 2005	November 2005	July 2008 August 2012 April 2014 February 2016 November 2017 September 2018
Measures for Export Control of Certain in Chemicals, Related Equipment and Technologies	October 2002	November 2002	/
Measures for the Foreign Transfer of Intellectual Property Rights (Trial Implementation)	March 2018	March 2018	/

Legislative Hierarchy



Key Legislation

September 19, 2020

Provisions on the Unreliable Entity List (UEL)

[China Lays Legal Basis for Unreliable Entity List Enforcement | LinkedIn](#)

October 17, 2020

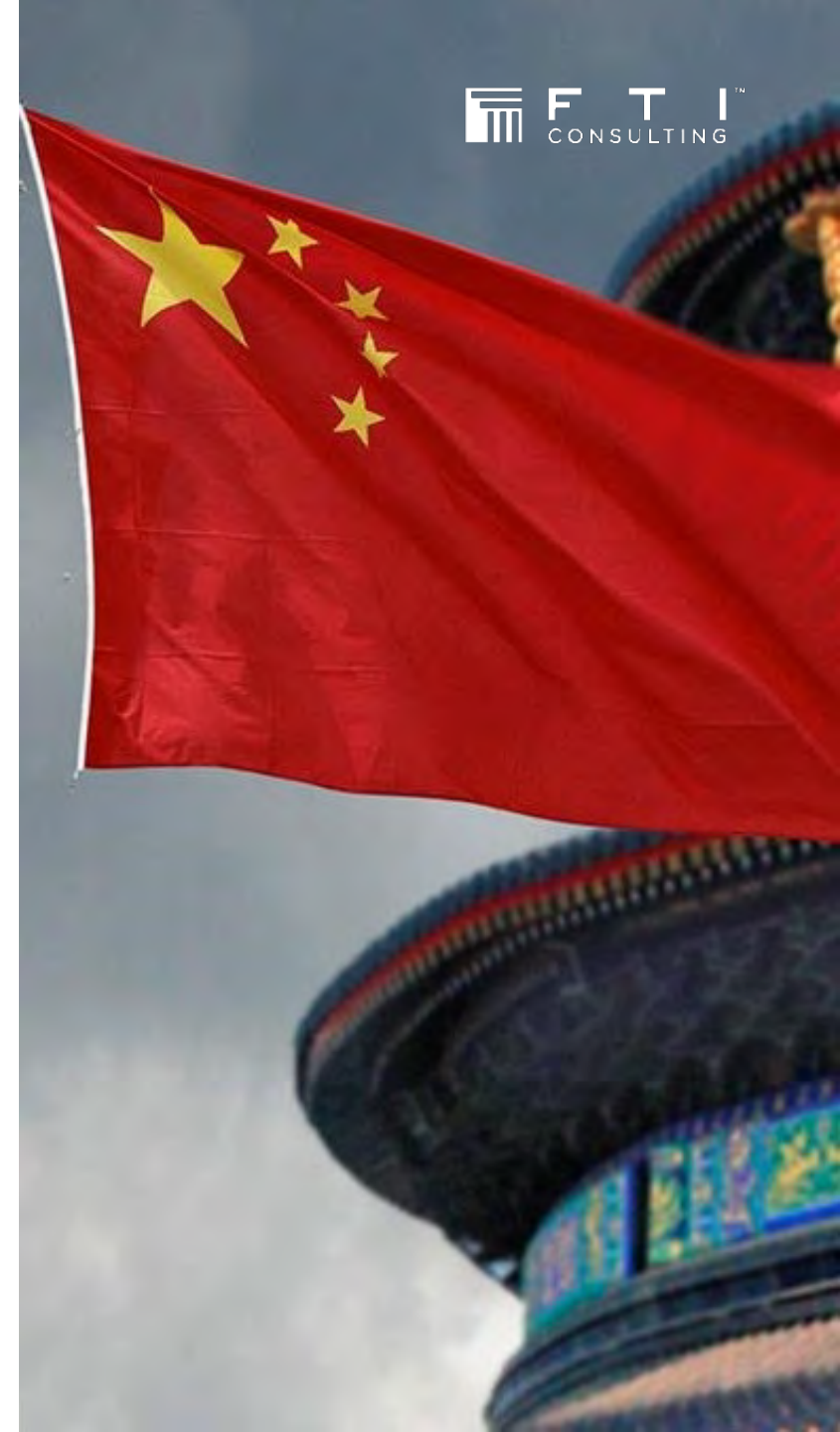
Export Control Law

[China Enacts Export Control Law | LinkedIn](#)

January 9, 2021

The Rules on Counteracting Unjustified Extra-Territorial Application of Foreign Legislation and Other Measures

[Counteracting and Beyond | LinkedIn](#)



ECL – Control List

商务部 海关总署公告2020年第75号 《两用物项和技术进出口许可证管理目录》

【发布单位】安全与管制局

【发布文号】商务部公告2020年第75号

【发文日期】2020年12月31日

— Parameters

— N-N

— Tangible / Intangible

II、两用物项和技术出口许可证管理目录				
一、核出口管制清单所列物项和技术				
(一) 核材料				
序号	商品名称	描述	海关商品编号	单位
1	天然铀及其化合物	包括呈金属、合金、化合物或浓缩物形态的各种材料 不包括： (1)政府确信仅用于非核活动的源材料； (2)一个自然年（1月1日至12月31日）内向某一接受国出口；少于500kg的天然铀。	2844100010 2844100090	克/百万贝可
2	贫化铀、钍及其化合物	包括呈金属、合金、化合物或浓缩物形态的各种材料 不包括： (1)政府确信仅用于非核活动的源材料； (2)一个自然年（1月1日至12月	2844300000	克/百万贝可

ECL – Licensing & License

France – Dual-use Export Licenses

Union General Export Authorization (UGEA)

National General Export Authorization (NGEA)

Individual License

Global License (LIGLO)

Brokerage License

Non-License File (DHL)

International Import Certificate & Delivery Verification Certificate

Delivery Verification Certificate

中华人民共和国两用物项和技术出口许可证
EXPORT LICENCE FOR DUAL-USE ITEMS AND TECHNOLOGIES OF PRC
No. 3449612

1. 出口商 Exporter 4403667583854 深圳市德之丰贸易有限公司	2. 出口许可证号 Export License No. 18-41-X02195				
3. 收货人 Consignee 91440300687583854X 4403667583854 深圳市德之丰贸易有限公司	4. 出口许可证有效截止日期 Export License validity date 2019年02月01日				
5. 贸易方式 Terms of trade 一般贸易	6. 进口国(地区) Country/Region of destination 俄罗斯				
7. 许可证号 Licence No. 100100	8. 贸易方式 Payment C/O				
9. 装运口岸 Place of shipment 大连港	10. 运输方式 Mode of transport 海上运输				
11. 发货人 Shipper Tishin Freight Car Building Plant	12. 收货人 Consignee Tishin Freight Car Building Plant				
13. 许可证日期 Date of issued licence 2018年06月08日	14. 目的地(地区) Destination 俄罗斯				
15. 商品名称 许可证号 Description of goods 许可证号 3545116000					
16. 规格、型号 Specification	17. 单位 Unit	18. 数量 Quantity	19. 单价 (USD) Unit price	20. 总值 (USD) Amount	21. 总值 (CNY) Amount in CNY
D400	个	*18,000.0	*2,000	*36,000	936,000
D810	个	*24,000.0	*2,000	*48,000	1,488,000
合计 Total	个	*42,000.0		*84,000	1,424,000
22. 备注 Remarks/notes		23. 发证机关 Issuing authority's name & signature			
		 中华人民共和国商务部 对外贸易司 出口许可证管理司 北京 2018年06月08日 License date: 2018年06月08日			

中华人民共和国商务部备案证 19948

Challenges

1. Ignorance / Lack of Awareness About Regulations
2. Heavy Reliance on 3rd Party
3. Disproportional Investment
4. Technical Obsolescence



Export Control Compliance – Recommendations



1. ICP



2. SOP



3. Training



4. Record Keeping



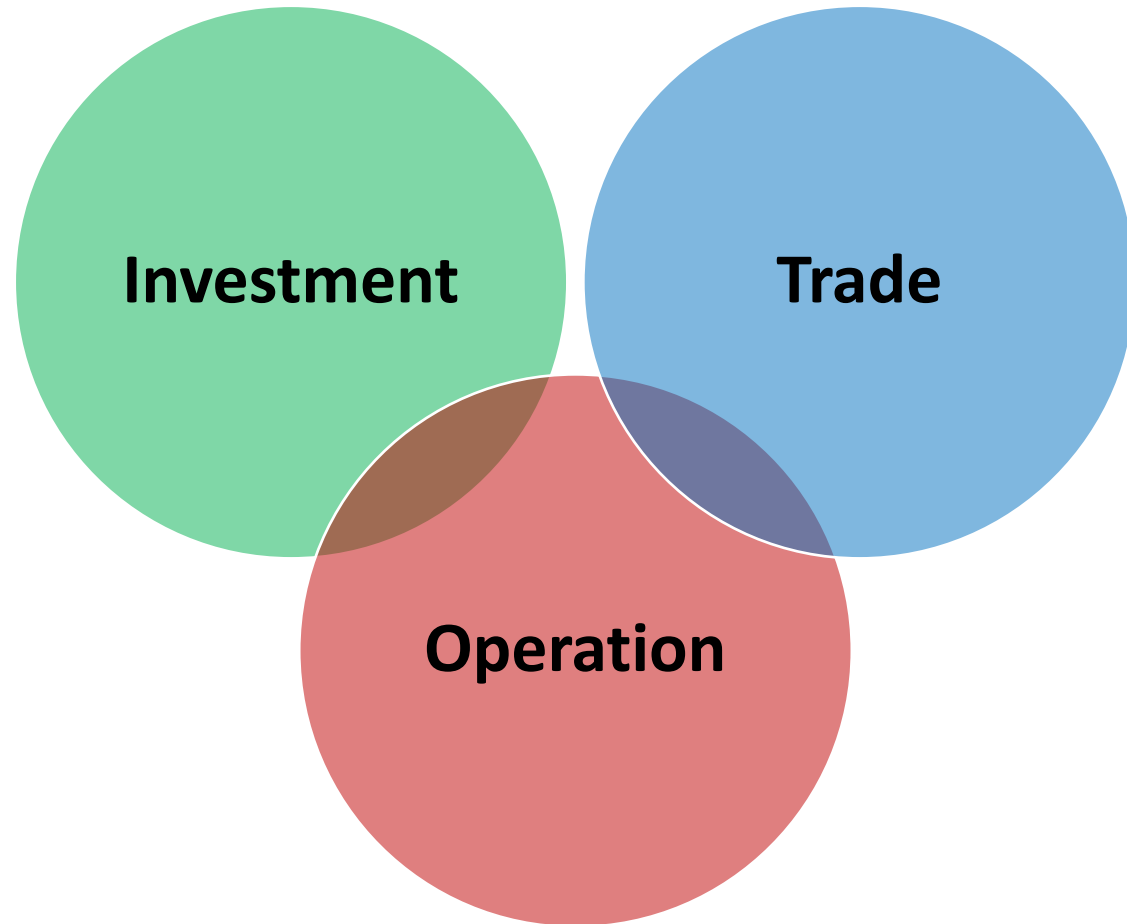
5. ICT



6. Audit



China Business



Q & A

EXPERTS WITH IMPACT™

FTI Consulting is an independent global business advisory firm dedicated to helping organizations manage change, mitigate risk and resolve disputes: financial, legal, operational, political & regulatory, reputational and transactional. FTI Consulting professionals, located in all major business centers throughout the world, work closely with clients to anticipate, illuminate and overcome complex business challenges and opportunities.

©2020 FTI Consulting, Inc. All rights reserved. www.fticonsulting.com

