

China Proposes Amendments to Technology Export Catalogue; Interim Registration Requirements Now Apply

Author: FU, Peng LIN, Xixiang YUAN, Shuaiqi

2026-10-21

On October 16, 2026, China's Ministry of Commerce ([MOFCOM](#)) and Ministry of Science and Technology ("[MOST](#)") issued Announcement No. 48 of 2026, seeking public comments on proposed amendments to the Catalogue of Technologies Prohibited or Restricted from Export (the "[Catalogue](#)"). The announcement also introduced interim pre-export registration requirements for specified technologies, which took effect on the same day. A MOFCOM spokesperson addressed the proposed changes in a Q&A released alongside the announcement.

The proposed amendments target 40 technologies in artificial intelligence ([AI](#)), biomedicine and photovoltaics. Although the revised Catalogue has not yet been finalized, companies exporting relevant technologies must already comply with the interim registration requirements.

[At a Glance](#)

40 technologies proposed for addition. The draft identifies 14 technologies for prohibition and 26 for restriction. The proposed controls focus on specified technical capabilities rather than entire industries or product categories.

Interim registration is already required. From October 16, 2026 until the revised Catalogue takes effect, exporters must register technologies listed in the announcement's annex before export. Exports that have commenced but remain incomplete are also covered.

The registration trigger extends beyond standalone technology transfers. It includes transfers of technology ownership, licenses permitting overseas use, and circumstances in which a foreign entity becomes the owner or actual controller of technology in China.

The substance of the activity matters. AI model services, biopharmaceutical licensing and outsourcing, and photovoltaic equipment or production-line projects require careful assessment of the technology actually made available or transferred. The contractual form of a transaction is not necessarily decisive.

Companies should act during the consultation period. They should map their technologies against the proposed entries, review ongoing and planned exports, assess potential registration requirements in cross-border transactions, and consider submitting comments to MOFCOM by November 15, 2026.

1. What Has Changed and What Has Not

1.1. The Proposed Scope Is Technology-Specific

The consultation draft proposes adding 40 technologies across three sectors:

Fourteen technologies are proposed to be prohibited from export, while 26 would be subject to export restrictions.

The proposed amendments focus on key technologies in selected sensitive sectors. Most entries specify technical parameters or thresholds to determine whether a technology is controlled. The draft also identifies certain exclusions and provides for facilitation measures, including automatic licensing, in specified circumstances. MOFCOM has separately clarified that products manufactured using the listed technologies will not themselves be subject to technology-export controls under the Catalogue.

The key question is whether the technology involved meets the specified control parameters – not simply whether a company operates in a particular industry or sells a particular product. Companies should review the proposed technology descriptions, technical thresholds, footnotes and exclusions against their actual technologies and proposed export activities.

The proposed amendments remain subject to public consultation. The final scope of the controls will depend on the revised Catalogue as formally adopted.

1.2. Interim Registration Applies Before the Revised Catalogue Takes Effect

From October 16, 2026 until the revised Catalogue takes effect, technology exporters must register before exporting technologies listed in the announcement's annex. Registration must be completed through the technology trade management application on MOFCOM's Unified Business Platform. The requirement also covers exports that have already commenced but remain incomplete.

The registration information includes:

Basic details of the exporter and recipient, and the destination country or region;

A description of the technology, including its industry classification, confidentiality classification and technical parameters;

The intended purpose of the export, the end user and the end use;

Whether the technology is proprietary or otherwise protected by intellectual property rights;

The expected export value; and

Whether the transaction is an intra-group transaction within a multinational company.

Companies should check the application requirements and the Technology Export Information Registration Form attached to the announcement for the full list of information required.

1.3. Registration May Be Triggered by Changes in Technology Ownership or Control

The announcement identifies four circumstances requiring registration:

Transfer of technology ownership to an overseas party, such as an assignment of intellectual property rights;

Granting an overseas party the right to use technology held in China, including under an intellectual property license;

A change whereby a foreign entity becomes the owner or actual controller of technology in China; and

Other circumstances in which MOFCOM expressly requires registration, including by notice.

The third category warrants particular attention in cross-border M&A and group restructurings. A foreign investor's direct or indirect acquisition of a PRC company holding listed technology may trigger registration if the transaction results in a foreign entity becoming the owner or actual controller of that technology. This may be the case even if the transaction documents do not provide for a separate transfer of the technology.

The announcement does not define "actual controller" for this purpose or clarify how the requirement applies to indirect control, transactions at different levels of a corporate group or intra-group restructurings. These questions will need to be assessed on the facts, taking into account the technology concerned, the ownership and control arrangements before and after the transaction, and the transaction structure. An overseas investor's involvement in a PRC business should not, without more, be equated with actual control of the technology.

Technology exports are also not limited to the direct transfer of technical documents. Under the existing framework, they may occur through trade, investment or economic and technical cooperation. For example, sending technical personnel overseas to provide services, guidance or training may, in substance, transfer a technical solution. Whether a particular service, R&D collaboration or equipment delivery triggers the interim registration requirement must nevertheless be determined by reference to its actual content and the circumstances specified in the announcement.

[1.4. Registration Does Not Replace Export Licensing or Other Regulatory Requirements](#)

The announcement establishes a pre-export registration requirement but does not expressly provide for substantive approval as part of that process or require exporters to obtain a separate response from the authorities before proceeding.

Interim registration should therefore be distinguished from the export licensing regime applicable to restricted technologies.

Other existing requirements remain in place. Technologies already covered by the current Catalogue continue to be subject to the applicable prohibitions or licensing requirements. Contracts for the export of freely exportable

technologies must still be registered as required under the existing regime.

A transaction may also raise separate issues under China's dual-use export controls, cross-border data transfer and cybersecurity rules, or foreign investment and outbound investment security review regimes. Those requirements must be assessed independently; registration under the technology-export regime does not satisfy them.

Once the revised Catalogue takes effect, technologies classified as prohibited may not be exported, while restricted technologies will require an export license in accordance with the applicable rules.

2. Sector-Specific Implications

2.1. AI: Distinguish Technology Transfers from Model-Based Services

The proposed AI entries target underlying technological capabilities rather than AI products and applications generally. In addition to technologies relating to the generation or modification of certain types of malicious code and assisted vulnerability discovery, the draft covers large models, AI agents, chip design and computing clusters.

The technologies identified may affect model capabilities, autonomous decision-making or the computing infrastructure needed to train and operate large-scale AI systems. For example, large-model training and optimization technologies relate to the development of model capabilities, including models trained using core data or important data. AI agent decision-making technologies concern autonomous decision-making in complex tasks, while chip design, high-speed interconnects for computing clusters and distributed training technologies support the computing and training capacity required by large-scale AI systems.

Companies should assess their technologies against the proposed control parameters, including model weights, source code, architectures, training and optimization techniques, and related engineering technologies. A model's name or commercial positioning alone is not a reliable basis for determining whether it is controlled.

Open-source releases. MOFCOM has indicated that technologies already in the public domain through open-source releases or academic publications are

proposed to be excluded from export controls. The draft also contemplates automatic licensing or other facilitation measures for certain activities, including open-source releases of AI technologies, the construction and operation of overseas computing centers, overseas chip tape-out and fabrication, joint R&D using overseas resources, and participation in international standard-setting.

Companies should distinguish between technologies already lawfully in the public domain and controlled technologies being disclosed to overseas parties for the first time. An open-source release does not, by itself, establish that no export-control obligations apply. Before releasing technology overseas, companies should determine whether it is controlled and whether a license or other procedure is required. Where the applicable conditions are met, they may then consider whether automatic licensing or another facilitation measure is available.

Large-model deployment and access services. MOFCOM has stated that the deployment of restricted large-model technology outside China falls within the scope of technology-export controls. Where a model is deployed on an enterprise's own overseas cloud infrastructure and the risks are considered manageable, automatic licensing or other facilitation measures may be available.

By contrast, according to MOFCOM's Q&A, providing overseas users with API access to a model deployed in China, or allowing them to interact with the model through an app, website or software-as-a-service ("SaaS") application, does not fall within the specific large-model export controls described in the Q&A. Lightweight on-device deployment is also identified as outside that scope.

The distinction turns on what is actually transferred or made available overseas. Companies should not assume that an arrangement is outside the controls merely because it is structured or marketed as a service rather than a technology transfer. In particular, they should determine whether model weights, source code or other controlled technology are transferred to an overseas recipient.

The boundary between overseas deployment and lightweight on-device models remains unclear. Quantization and knowledge distillation can convert an original large model into a smaller model with lower storage and computing requirements. Although the resulting model may have lower overall performance, it may retain important capabilities of the original model and continue to perform well on specific tasks.

MOFCOM has expressly identified the overseas deployment of restricted large-model technology as subject to control, while indicating that lightweight on-device deployment falls outside the specific large-model controls described in the Q&A. Further clarification is needed on when a model derived through quantization, distillation or similar techniques qualifies as a lightweight on-device model, rather than an overseas deployment of controlled large-model technology.

2.2. Biomedicine: The Treatment Depends on the Technology and Collaboration Model

The five proposed biopharmaceutical additions concern pathogenic microorganisms, cell and gene therapies (“CGT”), and oligonucleotide drugs. The proposed CGT and oligonucleotide drug entries include certain novel technology and process platforms, as well as technologies for discovering and validating entirely new targets. The pathogenic-microorganism entries address specific techniques involving genetic modification and directed passaging.

The proposed changes address both the overseas transfer of advanced biopharmaceutical technologies and certain technologies with potential biosafety sensitivities. The individual entries differ in scope and regulatory treatment. The fact that a business involves cell therapy, gene therapy or oligonucleotide drugs does not mean that all of its R&D and commercial activities will be controlled.

MOFCOM has indicated that certain CGT technology and process platforms involving proprietary intellectual property are proposed to be excluded from the regulatory scope in specified circumstances. These include licensing such platforms to overseas parties and providing outsourced R&D or manufacturing services using them. Licenses for the export of relevant target-discovery and validation technologies are proposed to qualify for automatic licensing or other facilitation measures.

Similar measures are proposed for restricted technologies exported for public health emergencies, humanitarian assistance or joint R&D using overseas resources.

These are technology- and scenario-specific arrangements, not a general exemption for overseas licensing or services. Companies should therefore distinguish between transfers of technology ownership, licenses permitting overseas use, R&D or manufacturing services performed using the technology,

and transfers of R&D results or subsequent improvements.

For cross-border technology licenses, joint R&D, contract research organization (“CRO”) and contract development and manufacturing organization (CDMO”) services, and related investment transactions, companies should examine the technology involved, ownership of the intellectual property and the substance of the deliverables. Relevant agreements should clearly address background intellectual property, the scope of any license, ownership of R&D results and improvements, and the deliverables to be provided overseas. Before a project begins, the parties should determine whether the arrangement involves controlled technology and whether registration or licensing is required.

2.3. Photovoltaics: Equipment and Production-Line Projects May Also Transfer Controlled Technology

The 12 proposed photovoltaic additions relate to polysilicon, silicon wafers and solar-cell manufacturing. They include perovskite and tandem solar-cell module manufacturing technologies proposed to be prohibited from export, and polysilicon engineering technology for a production line with a single-line capacity of at least 30,000 tonnes per year proposed to be restricted from export. Certain key and core equipment embodying the relevant technologies is also covered.

The proposed controls are not confined to manufacturing processes. They also address certain equipment and engineering technologies used to translate those processes into production capabilities. In photovoltaic manufacturing, important know-how may reside in process parameters, equipment configurations, production-line design, installation and commissioning, and subsequent modifications or upgrades – not just in individual technologies or items of equipment.

MOFCOM has clarified that technologies which do not meet the specified control thresholds may remain freely exportable, equipment not expressly listed is generally not subject to the relevant requirements, and products manufactured using the technologies are not themselves controlled under the Catalogue.

The interim registration requirement nevertheless applies now. MOFCOM has specifically stated that exports of photovoltaic key and core equipment falling within the relevant controls must be registered in accordance with the

announcement. Once the revised Catalogue takes effect, technology transfers may arise in connection with equipment and production-line exports, installation, commissioning, modification or upgrading. Where these activities involve technologies listed in the Catalogue, the applicable technology-export procedures must be followed.

The contractual label is not decisive. An equipment sale may also involve a technology export if the delivery includes process documentation, core technical parameters, manufacturing know-how, installation and commissioning guidance, or process optimization. For engineering, procurement and construction (“EPC”) projects, turnkey production lines, overseas factory construction and technical modification projects, companies should identify the relevant technology entries and control parameters early in the project. Equipment exports, technology licenses, engineering services and subsequent modifications or upgrades should be assessed separately where appropriate, and contracts should clearly define the parties’ deliverables and compliance responsibilities.

3. Recommended Actions for Businesses

3.1. Map Technologies Against the Proposed Catalogue and Consider Submitting Comments

Companies should review the consultation draft and the announcement’s annex entry by entry, focusing on technology descriptions, control parameters, applicable conditions and exclusions. The review should extend beyond patents and other registered intellectual property rights. Depending on the business, it may also need to cover model weights, source code, trade secrets, process parameters, engineering documentation and key equipment.

Where it is unclear whether a technology meets a control threshold, companies should retain a technical description and the basis for their internal assessment, and consider consulting the competent authorities.

Companies may submit comments to MOFCOM by November 15, 2026. Comments may address the clarity and practical application of technology definitions and control parameters, the treatment of specific business scenarios, the scope of exclusions and facilitation measures, and the procedures for interim registration and subsequent licensing.

Companies should continue to monitor the final Catalogue and any accompanying implementation guidance.

3.2. Review Current Exports, Ongoing Projects and Planned Transactions

Companies should review existing contractual commitments, ongoing projects and planned activities involving technology transfers, overseas licensing, R&D outside China, technical services and production-line deliveries. Cross-border acquisitions and group restructurings involving the listed technologies should also be reviewed.

Particular attention should be given to:

Exports that have commenced but remain incomplete, to determine whether interim registration is required;

Proposed licenses, technology transfers and services involving overseas recipients;

Equipment and production-line deliveries that may include process know-how, technical documentation or engineering support; and

Transactions that may result in a foreign entity becoming the owner or actual controller of technology in China.

Companies should also conduct a separate dual-use export-control screening. The Catalogue and the dual-use export-control regime are distinct frameworks: the proposed amendments do not determine whether a technology is also a dual-use item, nor do they displace applicable dual-use controls. Relevant control lists, temporary control measures, end-user requirements and end-use restrictions must be checked independently.

3.3. Build Export-Control Review into the Contracting and Delivery Process

Companies should determine, for each proposed export, whether interim registration is required under the announcement, whether an export license or contract registration is required under the existing technology-export regime, and whether the transaction also triggers licensing or other obligations under the dual-use export-control regime.

These checks should form part of the company's internal approval process before contracts are signed and technology is delivered. Responsibilities should be clearly allocated among the business, legal, R&D, intellectual property and compliance teams.

Before technology is exported or otherwise made available overseas, the business team should work with technical personnel to confirm exactly what will be delivered and which version of the technology is involved. The company should then check the applicable Catalogue entries, technical thresholds, footnotes and exclusions; identify the recipient, destination, end use, delivery method and timing; and retain the supporting technical analysis and internal assessment.

For equipment, production-line and technical service projects, the review should cover any technology transferred as part of installation, commissioning, training, modification or upgrading. Contracts should specify the deliverables, intellectual property ownership and license rights, and each party's obligations to cooperate with registration, licensing and compliance reviews.

[3.4. Address Technology Controls and National Security Review in Cross-Border M&A](#)

Transactions involving PRC businesses that hold relevant technologies raise additional questions. Buyers and sellers should consider four issues.

Due diligence and existing registration obligations. Review the target's principal business activities, core technologies and actual operating arrangements against the technology entries, control parameters and exclusions in the announcement's annex. Examine the target's export activities involving listed technologies and the corresponding registration records. Where an export has commenced but remains incomplete, confirm whether registration has been completed. Any identified gaps should be assessed promptly, including their potential impact on the target's operations and the transaction timetable.

Whether the transaction itself triggers registration. A foreign investor's acquisition of a PRC company holding listed technology – or another arrangement through which a foreign entity obtains control of that technology – may trigger registration even if the target does not separately transfer the technology overseas. The parties should assess the ownership structure, governance arrangements, ownership of the technology and actual control before

and after closing. They should not assume that an equity acquisition falls outside the requirement simply because the transaction documents contain no separate technology-transfer provision. Responsibility for registration and related cooperation should be allocated, and any necessary steps reflected in the transaction timetable.

The announcement does not yet clarify how “actual controller” is to be determined or how indirect control should be treated. An overseas investor’s participation in, or influence over, a PRC business should not automatically be equated with actual control of the technology.

Foreign investment and outbound investment security review. For investments by foreign investors in PRC businesses, particularly where the target holds relevant technologies and the investor may acquire actual control, the parties should assess whether the business involves an important area or critical technology relevant to national security and whether a filing may be required under China’s foreign investment security review regime. PRC investors undertaking outbound investments, or transactions involving the transfer or disposal of overseas assets or interests, should likewise consider potential national security implications and any applicable review requirements.

Although the Catalogue primarily governs technology exports, its entries and technical parameters may help identify sensitive technologies in a national security review. The assessment should also take into account the target’s business, the intended uses of its core technologies, the post-transaction control arrangements and the anticipated flow of technology. Where the position is uncertain, the parties may consider consulting the relevant security review authorities. If a filing is required, they should develop an appropriate filing strategy and comply with the applicable requirements. Transaction documents should allocate approval risks appropriately, including through conditions precedent, cooperation obligations, a long-stop date and termination-fee arrangements, as appropriate.

Business plan and valuation. Identify any material part of the target’s business that depends on overseas licenses, technology transfers or other exports involving the listed technologies. Determine whether the expected revenue from those activities is significant to the target’s business outlook or has been incorporated into the transaction model and valuation.

If a technology is ultimately classified as restricted, assess the prospects of obtaining an export license and the uncertainty around timing. Consider how a refusal or delay would affect revenue forecasts, business plans and valuation. If a technology is ultimately prohibited from export, the business case should no longer assume that the export can proceed under a license. For transactions that depend heavily on the affected overseas business, the parties should revisit the forecasts and valuation and, where appropriate, address the resulting risks through conditions precedent, price adjustments, indemnities or other contractual protections.

本文作者



傅鹏 (FU Peng)

合伙人 Partner

fupeng@haiwen-law.com



扫描二维码查阅律师简历
Scan QR Code for Attorney Profile



林熙翔 (LIN Xixiang)

合伙人 Partner

linxixiang@haiwen-law.com



扫描二维码查阅律师简历
Scan QR Code for Attorney Profile



袁帅琦 (YUAN Shuaiqi)

国际合伙人 International Partner

yuanshuaiqi@haiwen-law.com



扫描二维码查阅律师简历
Scan QR Code for Attorney Profile

声明：本文不代表海问律师事务所对于任何相关问题的法律意见，如您需要法律意见或专业分析，请咨询本文相关作者。如需转载或引用该文章的任何内容，请注明出处。未经本所书面同意，不得转载或使用该文章中包含的任何图片或影像。如您有意就相关议题进一步交流或探讨，欢迎与本所联系。