Counter-Espionage Law of the People's Republic of China

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of strengthening counter-espionage work, preventing, stopping, and punishing espionage activities, safeguarding national security, and protecting the interests of the people.

Article 2 — Espionage activities referred to in this Law mean the following acts:

(1) Acts of espionage committed by foreign espionage organizations or their agents, or by others under their instigation or on their commission, or acts of seizing, spying, buying, or illegally providing state secrets or intelligence, or acts of seducing or bribing state functionaries to defect and turn traitor, committed by domestic or foreign organizations, institutions, or individuals in collusion with foreign espionage organizations or their agents;

(2) Joining a foreign espionage organization or accepting a task assigned by a foreign espionage organization or its agent;

(3) Stealing, spying, buying, or illegally providing state secrets or intelligence, or instigating, luring, or bribing state functionaries to defect and turn traitor, by an enemy espionage organization other than a foreign espionage organization or its agent;

(4) Instructing the enemy as to bombing or shelling targets;

(5) Conducting cyber attacks, intrusions, interference, control, destruction, or other activities against state organs, secrets-related entities, or critical information infrastructure;

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(6) Providing support or assistance such as information, funds, materials, venues, technologies, or conveniences for an enemy;

(7) Other espionage activities as provided for by laws and administrative regulations.

Article 3 — Counter-espionage work shall adhere to the leadership of the Communist Party of China, follow the overall national security concept, combine specialized work with reliance on the masses, combine open work with covert work, and combine active prevention with lawful punishment, and respect and protect human rights.

Article 4 — State security authorities are the competent organs in charge of counter-espionage work. Public security authorities, secrecy administrations, and other relevant departments and military authorities shall, in accordance with their respective duties and division of work, closely cooperate with each other, strengthen coordination, and effectively carry out counter-espionage work in accordance with law.

Article 5 — Counter-espionage work shall be conducted in accordance with law, with due respect for and protection of human rights, and the lawful rights and interests of individuals and organizations shall be protected.

Article 6 — All state organs, armed forces, political parties, public organizations, enterprises, public institutions, and other organizations shall educate their personnel on safeguarding national security, mobilize and organize their personnel to prevent and stop espionage activities. The state shall protect and support organizations and individuals that assist in counter-espionage work.

Article 7 — Organizations and individuals that have rendered significant contributions to counter-espionage work shall be commended and rewarded in accordance with relevant state provisions.

Article 8 — The state shall provide personal safety protection to persons who assist in counter-espionage work and to their close relatives in accordance with law.

Chapter II — Counter-Espionage Functions of State Security Authorities

Article 9 — In performing counter-espionage functions in accordance with law, state security authorities may exercise functions and powers conferred by relevant laws and administrative regulations.

Article 10 — When state security authorities need to conduct technical reconnaissance in the course of performing counter-espionage tasks, approval procedures shall be undergone in accordance with state provisions.

Article 11 — State security authorities may, in order to perform counter-espionage tasks, inspect the identity documents of Chinese citizens or persons other than Chinese citizens, and investigate or inquire of relevant organizations and individuals about relevant information.

Article 12 — State security authorities may, in order to perform counter-espionage tasks, enter relevant premises, entities, or areas in accordance with state provisions, and access or requisition relevant files, materials, articles, or facilities.

Article 13 — State security authorities may, in order to perform counter-espionage tasks, examine the electronic communication tools, equipment, and other articles and facilities of relevant organizations and individuals in accordance with state provisions. Where, upon examination, a circumstance endangering national security is found, state security authorities shall order the relevant organization or individual to take corrective action.

Article 14 — Where state security authorities need to perform urgent tasks in the course of performing counter-espionage tasks, they may, in accordance with state provisions, have priority in using or requisitioning the means of transport, communication tools, venues, and buildings of state organs, public organizations, enterprises, public institutions, and individuals, and shall return the same without delay after

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use, and pay appropriate compensation; where damage is caused, compensation shall be made.

Article 15 — State security authorities may, in order to perform counter-espionage tasks, request customs, frontier defense, immigration authorities, and other inspection authorities to exempt relevant personnel, materials, or equipment from inspection. Relevant inspection authorities shall provide facilitation and assistance.

Article 16 — State security authorities may, in order to perform counter-espionage tasks, hold or detain persons suspected of espionage activities in accordance with law.

Article 17 — State security authorities may, in order to perform counter-espionage tasks, seal up, seize, or freeze property related to espionage activities in accordance with law.

Article 18 — State security authorities may, in order to perform counter-espionage tasks, take technical protective measures against relevant facilities, equipment, and venues in accordance with state provisions.

Article 19 — State security authorities may, in order to perform counter-espionage tasks, request relevant state organs, public organizations, enterprises, public institutions, and other organizations to provide support and cooperation.

Article 20 — State security authorities shall, in the course of performing counter-espionage tasks, strictly comply with the law, respect and protect human rights, and safeguard the lawful rights and interests of individuals and organizations.

Article 21 — State security authorities shall, when performing counter-espionage tasks, present their credentials in accordance with law.

Article 22 — State security authorities and their staff members shall keep confidential state secrets, work secrets, trade secrets, personal secrets, and personal information that come to their knowledge in the course of performing counter-espionage tasks.

Chapter III — Obligations of Citizens and Organizations

Article 23 — Citizens and organizations shall safeguard national security and shall not commit or facilitate espionage activities.

Article 24 — Where a citizen or organization discovers an espionage activity or a clue thereof, it shall be reported to a state security authority, a public security authority, or another relevant state organ without delay.

Article 25 — State organs, people’s organizations, enterprises, public institutions, and other organizations shall educate their personnel on safeguarding national security, and mobilize and organize their personnel to prevent and stop espionage activities.

Article 26 — Any organization or individual that learns of counter-espionage work secrets shall keep them confidential.

Article 27 — No organization or individual may illegally hold materials, articles, or equipment used for espionage activities, or other specialized espionage equipment.

Article 28 — No organization or individual may illegally produce, sell, hold, or use specialized espionage equipment or devices as prescribed by the state.

Article 29 — Where a foreign organization, institution, or individual carries out, or instigates or funds another to carry out, or a domestic organization, institution, or individual colludes with a foreign organization, institution, or individual to carry out espionage activities, legal liability shall be pursued in accordance with law.

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Article 30 — Organizations and individuals shall cooperate with state security authorities in their lawful performance of counter-espionage tasks and shall truthfully provide relevant information and materials.

Article 31 — State organs, people's organizations, enterprises, public institutions, and other organizations shall cooperate with state security authorities by providing necessary support and assistance for counter-espionage work.

Chapter IV — Legal Liability

Article 32 — Where any individual or organization commits espionage activities, state security authorities shall impose penalties in accordance with law; where a crime is constituted, criminal liability shall be pursued in accordance with law.

Article 33 — Whoever, in violation of the provisions of this Law, refuses to cooperate with state security authorities in their lawful performance of counter-espionage tasks, or obstructs state security authorities in their lawful performance of counter-espionage tasks, shall be given a warning or administrative detention by state security authorities; where a crime is constituted, criminal liability shall be pursued in accordance with law.

Article 34 — Whoever illegally holds materials, articles, or equipment used for espionage activities, or other specialized espionage equipment, shall be given a warning or administrative detention by state security authorities, and the illegally held articles shall be confiscated.

Article 35 — Where a state organ, people's organization, enterprise, public institution, or other organization violates the provisions of this Law and fails to perform its counter-espionage obligations, state security authorities may admonish the person in charge and other directly liable persons and recommend that the relevant entity impose disciplinary sanctions in accordance with law.

Article 36 — Where a staff member of a state security authority abuses power, neglects duty, or engages in malpractice for personal gain in the course of performing counter-espionage tasks, and a crime is constituted, criminal liability shall be pursued in accordance with law; where a crime is not constituted, disciplinary sanctions shall be imposed in accordance with law.

Article 37 — Where the lawful rights and interests of an individual or organization are infringed upon due to a state security authority's performance of counter-espionage tasks, the individual or organization may apply for administrative reconsideration or institute an administrative lawsuit in accordance with law.

Article 38 — Where an individual or organization is harmed as a result of assisting in counter-espionage work, the state shall provide relief and compensation in accordance with relevant provisions.

Article 39 — Any individual or organization that illegally obtains, holds, or provides counter-espionage work secrets shall be penalized in accordance with law; where a crime is constituted, criminal liability shall be pursued in accordance with law.

Chapter V — Supplementary Provisions

Article 40 — For the purposes of this Law, "espionage organizations and their agents" means espionage organizations and their agents as specified by the state security authorities.

Article 41 — This Law shall come into force on July 1, 2023. The Counter-Espionage Law of the People's Republic of China (2014) shall be repealed simultaneously.

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