# Counter-Espionage Law of the PRC

Dan Young Business Consultancy — www.danyoungcpa.com

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

## Contents


Table of Contents . . . . . 1

Chapter I — General Provisions . . . . . 1

Chapter II — Functions of National Security Authorities in Counter-Espionage . . . . . 2

Chapter III — Obligations of Citizens and Organizations in Counter-Espionage . . . . . 3

Chapter IV — Legal Liability . . . . . 4

Chapter V — Supplementary Provisions . . . . . 5



Adopted at the 11th Meeting of the Standing Committee of the Twelfth National People's Congress on November 1, 2014

Amended in accordance with the Decision on Amending the Counter-Espionage Law of the PRC adopted at the 2nd Meeting of the Standing Committee of the Fourteenth National People's Congress on April 26, 2023

Effective: July 1, 2023


### Table of Contents


- Chapter I — General Provisions
- Chapter II — Functions of National Security Authorities in Counter-Espionage
- Chapter III — Obligations of Citizens and Organizations in Counter-Espionage
- Chapter IV — Legal Liability
- Chapter V — Supplementary Provisions


## Chapter I — General Provisions

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

Article 2 — Counter-espionage efforts shall adhere to the leadership of the Communist Party of China, implement the overall national security concept, uphold openness of work and secrecy of work, combine specialized work with the mass line, exercise powers in accordance with the law, respect and protect human rights, and safeguard the lawful rights and interests of citizens and organizations.

Article 3 — National security authorities are the competent authorities in charge of counter-espionage efforts. Public security, secrecy administration, and other relevant departments and the armed forces shall, in accordance with the division of functions and responsibilities and in close cooperation, strengthen coordination, effectively safeguard secrets, and carry out counter-espionage efforts in accordance with the




Source: https://www.danyoungcpa.com/counter-espionage-law-prc-2014-amended-2023-english-translation/

law.

Article 4 — For the purposes of this Law, "espionage activities" means the following acts:

(1) Espionage activities committed or instigated or funded by espionage organizations and their agents, or by others colluding with domestic or foreign institutions, organizations, or individuals, or activities of stealing, spying, buying, or illegally providing State secrets or intelligence or inciting, inducing, bribing, or coercing State functionaries to turn traitor;

(2) Participating in espionage organizations or accepting tasks assigned by espionage organizations or their agents;

(3) Espionage organizations and their agents committing other acts of infiltrating, sabotaging, subverting, or splitting the State, other than those specified in items (1) and (2);

(4) Directing espionage organizations or their agents to attack a designated target;

(5) Conducting cyber-attacks, intrusions, interference, control, or destruction against State organs, secret-involved units, or critical information infrastructure, or engaging in other such activities for espionage purposes;

(6) Illegally obtaining, holding, or using documents, data, materials, or articles relating to national security and interests for the purpose of espionage;

(7) Colluding with foreign countries and other foreign institutions, organizations, or individuals to carry out activities endangering the national security and interests of the PRC;

(8) Other espionage activities as provided for by law.

Article 5 — The State shall establish a coordination mechanism for counter-espionage efforts to coordinate and guide the counter-espionage efforts throughout the country, and to study and resolve major issues in counter-espionage efforts.

Article 6 — National security authorities shall, in accordance with this Law, the National Security Law, the Public Security Administration Punishments Law, and other relevant laws, strictly exercise their functions and carry out counter-espionage efforts.

Article 7 — Counter-espionage efforts shall be protected by law. No organization or individual may illegally interfere in counter-espionage efforts.

Article 8 — Any acts endangering the national security of the PRC by foreign institutions, organizations, or individuals, or by others incited or funded by such institutions, organizations, or individuals, or by domestic or foreign institutions, organizations, or individuals colluding with each other, shall be investigated and dealt with in accordance with the law.

## Chapter II — Functions of National Security Authorities in Counter-Espionage

Article 9 — National security authorities shall, in accordance with the law, exercise functions such as investigation, detention, preliminary examination, and execution of arrest in counter-espionage efforts.

Article 10 — Functionaries of national security authorities shall, in accordance with the law, produce their credentials when performing counter-espionage tasks. They shall have the power to check the identity certificates of Chinese citizens or foreigners; and to make inquiries of and conduct inspections at relevant organizations and persons, and inspect relevant premises, articles, and equipment.

Article 11 — Functionaries of national security authorities may, in accordance with the law and with approval upon presenting the appropriate supporting documents, enter relevant premises and areas to carry out technical reconnaissance for counter-espionage tasks. Such reconnaissance shall be carried out in strict accordance with the approved type, target, and scope.



Source: https://www.danyoungcpa.com/counter-espionage-law-prc-2014-amended-2023-english-translation/

Article 12 — Functionaries of national security authorities may, in accordance with the law and upon presenting the appropriate supporting documents, inspect the electronic communication tools, equipment, and facilities, and other relevant articles and premises of organizations and individuals suspected of espionage activities. Where necessary, upon approval in accordance with the prescribed procedures and presenting the appropriate supporting documents, the relevant equipment and facilities may be sealed or seized.

Article 13 — Functionaries of national security authorities may, in accordance with the law and upon approval, produce the appropriate supporting documents, and take technical investigation measures according to law for counter-espionage tasks. Where necessary, relevant departments and organizations shall cooperate.

Article 14 — Functionaries of national security authorities may, in accordance with the law and upon approval, produce the appropriate supporting documents, and for counter-espionage tasks restrict the entry or exit of certain areas or premises, and restrict the activities of certain persons.

Article 15 — Functionaries of national security authorities who need to urgently perform tasks by taking a means of public transport may be given priority in purchasing tickets with the appropriate supporting documents, and with the consent of the relevant units, may also use the means of transport of relevant organizations or individuals on a priority basis, and shall pay the appropriate fees.

Article 16 — Where national security authorities need to take technical investigation measures in counter-espionage efforts, they shall be carried out in strict accordance with the relevant State provisions, and upon approval formalities and presenting the appropriate supporting documents, may be carried out by the relevant departments in accordance with the prescribed procedures.

Article 17 — Where national security authorities discover in the course of investigation that any information involves the disclosure of state secrets, they shall order the relevant persons to cease the relevant acts and provide the relevant information, and shall deal with the matter in accordance with the law.

Article 18 — Where national security authorities need to investigate and understand the situation, question relevant persons, and access and make copies of relevant documents, data, materials, and articles in counter-espionage efforts, relevant organizations and individuals shall truthfully provide them and may not refuse.

Article 19 — Functionaries of national security authorities performing counter-espionage tasks in accordance with the law shall be protected by law.

## Chapter III — Obligations of Citizens and Organizations in Counter-Espionage

Article 20 — Citizens and organizations shall safeguard national security and interests, and shall provide facilitation and other assistance for counter-espionage efforts.

State organs, people's organizations, enterprises, public institutions, and other social organizations shall educate their personnel on safeguarding national security and interests, and mobilize and organize their personnel to prevent and stop espionage activities.

Article 21 — Where citizens and organizations discover espionage activities, they shall promptly report the case to the national security authorities. Where citizens and organizations, in the course of fulfilling their counter-espionage obligations, discover any clues relating to espionage activities, they shall promptly report the clues to the national security authorities.

The national security authorities shall provide facilities for citizens and organizations to report cases of espionage and shall keep the information on the reporters confidential.



Source: https://www.danyoungcpa.com/counter-espionage-law-prc-2014-amended-2023-english-translation/

Article 22 — Where national security authorities investigate and gather information about espionage activities in accordance with the law, relevant organizations and individuals shall truthfully provide the information and may not refuse.

Article 23 — Where citizens and organizations assist national security authorities in counter-espionage efforts, their personal safety and lawful rights and interests shall be protected by law.

Article 24 — Any citizen or organization shall have the right to make a supervisory report to the national security authorities at a higher level or the relevant department against any ultra vires acts, abuse of power, or other illegal acts committed by national security authorities or their functionaries. The national security authorities or the relevant departments that receive the report shall investigate and handle the matter in a timely manner and inform the person making the report of the results.

Article 25 — Where citizens and organizations support and assist in counter-espionage efforts and have their lawful rights and interests infringed upon, they shall be entitled to State compensation in accordance with the law.

Article 26 — Where any equipment, facilities, vehicles, or other property of a citizen or organization is damaged or destroyed in the course of performing the obligation of assisting in counter-espionage efforts, compensation shall be made in accordance with the relevant State provisions.

Article 27 — The State shall provide awards to individuals and organizations that have made significant contributions to counter-espionage efforts.

## Chapter IV — Legal Liability

Article 28 — Where a foreign institution, organization, or individual commits espionage activities, or commits acts endangering the national security of the PRC instigated or funded by other foreign institutions, organizations, or individuals, or colluding with domestic institutions, organizations, or individuals, the national security authorities may order the foreign institution, organization, or individual to cease such activities, leave the territory of China within a specified time limit, or deport the foreign institution, organization, or individual, and may decide not to approve the foreigner's entry into China or may cancel the foreigner's right to stay or reside in China.

Article 29 — Where any domestic institution, organization, or individual commits espionage activities, or commits acts endangering the national security of China instigated or funded by foreign institutions, organizations, or individuals, or colluding with foreign institutions, organizations, or individuals, the national security authorities shall investigate and deal with the matter in accordance with the law, and may also take measures such as warning, circulating a notice of criticism, ordering suspension of business for rectification, or revoking permits or licenses.

Article 30 — Where any institution, organization, or individual engages in espionage activities in violation of the provisions of this Law, disciplinary action or an administrative penalty shall be imposed in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 31 — Any person who steals, spies on, buys, or illegally provides State secrets or intelligence shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; where the circumstances are especially serious, the person shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; where the circumstances are relatively minor, the person shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights.

Article 32 — Any person who joins an espionage organization or accepts a task assigned by an espionage organization or its agent and endangers national security shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; where the circumstances are relatively minor, the person shall be



Source: https://www.danyoungcpa.com/counter-espionage-law-prc-2014-amended-2023-english-translation/

sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 33 — Functionaries of national security authorities who neglect their duties, abuse their powers, engage in malpractice for personal gain, or illegally detain, torture, search, or infringe upon the lawful rights and interests of citizens in the course of counter-espionage efforts shall be subject to sanctions in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 34 — Any person who conceals, destroys, or falsifies evidence, or conceals, transfers, buys, or sells stolen goods involving espionage activities shall be investigated for legal liability in accordance with the law.

Article 35 — Where secrets such as State secrets, work secrets, or commercial secrets are divulged, the relevant persons responsible for the leakage shall be investigated for legal liability in accordance with the law.

Article 36 — Where the relevant State organs, people's organizations, enterprises, public institutions, and other social organizations fail to perform their counter-espionage obligations as required, the national security authorities may order them to make corrections; the person-in-charge directly responsible and other directly responsible persons shall be subject to sanctions in accordance with the law.

Article 37 — Where citizens and organizations, in the course of performing their obligations under this Law, knowingly provide false information or refuse to cooperate with the national security authorities in their lawful performance of duties, the relevant persons responsible shall be investigated for legal liability in accordance with the law.

## Chapter V — Supplementary Provisions

Article 38 — Where international treaties relating to counter-espionage concluded or acceded to by the PRC contain provisions different from those of this Law, the provisions of the relevant international treaties shall apply, except those provisions in respect of which the PRC has declared reservations.

Article 39 — This Law shall come into effect on July 1, 2023. The Counter-Espionage Law of the PRC adopted on November 1, 2014 shall be repealed on the same date.

Disclaimer: This translation is provided for informational purposes only and does not constitute legal advice. While reasonable efforts have been made to ensure accuracy, only the original Chinese text shall have legal effect. Readers should consult qualified legal professionals for advice on specific matters relating to the application of Chinese law. Dan Young Business Consultancy makes no warranty, express or implied, regarding the accuracy, completeness, or fitness for any particular purpose of this translation.