Regulations of the People’s Republic of China on Countering Improper Extraterritorial Jurisdiction by Foreign States

Dan Young Business Consultancy — www.danyoungcpa.com

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

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Article 1 — For the purpose of safeguarding national sovereignty, security, and development interests, protecting the lawful rights and interests of Chinese citizens and organizations, and upholding the international order based on international law, these Regulations are formulated in accordance with the National Security Law of the People's Republic of China, the Foreign Relations Law of the People's Republic of China, the Anti-Foreign Sanctions Law of the People's Republic of China, and other laws.

Article 2 — The work of countering improper extraterritorial jurisdiction by foreign states shall implement the holistic approach to national security, coordinate development and security, coordinate domestic and international considerations, safeguard the socialist system with Chinese characteristics, and promote the building of a more just and equitable global governance system.

Article 3 — The People's Republic of China adheres to an independent foreign policy of peace, opposes hegemonism and power politics, and opposes any interference in China's internal affairs by any state under any pretext or in any form.

Where a foreign state, in violation of international law and the basic norms governing international relations, implements improper extraterritorial jurisdiction measures that endanger China's national sovereignty, security, and development interests, or harm the lawful rights and interests of Chinese citizens and organizations, the Chinese government shall have the right to take corresponding measures.

Article 4 — In accordance with the laws of the People's Republic of China and the international treaties concluded or acceded to by the People's Republic of China, or on the basis of the principle of reciprocity, the Chinese government shall have the right to exercise extraterritorial jurisdiction over conduct having an appropriate connection with China, so as to safeguard national sovereignty, security, and development interests and protect the lawful rights and interests of Chinese citizens and organizations.

Where the Chinese government has jurisdiction over the relevant conduct in accordance with the provisions of the preceding paragraph, and a foreign state claims to exercise jurisdiction over the same conduct, the two sides may resolve the matter, on the basis of jointly observing international law and the basic norms governing international relations, through the conclusion of treaties or through diplomatic channels, consultation between the competent departments, or other means.

Article 5 — The state shall establish and improve a working mechanism for countering improper extraterritorial jurisdiction by foreign states (hereinafter referred to as the working mechanism), and shall coordinate, in a unified manner, the work of countering improper extraterritorial jurisdiction by foreign states.

The relevant departments of the State Council shall, according to the division of duties, undertake the specific work of countering improper extraterritorial jurisdiction by foreign states. The relevant departments of the State Council and other relevant organs shall strengthen coordination, cooperation, and information sharing in the identification of and response to improper extraterritorial jurisdiction measures of foreign states.

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Article 6 — The rule-of-law department of the State Council shall, jointly with other relevant organs, carry out the work of identifying improper extraterritorial jurisdiction measures of foreign states, and may conduct investigations and external consultations, among other things. Relevant organizations and individuals may submit to the rule-of-law department of the State Council suggestions for carrying out identification work.

In carrying out the work of identifying improper extraterritorial jurisdiction measures of foreign states, the following factors shall be considered comprehensively:

(1) whether the measure violates international law and the basic norms governing international relations;

(2) whether the conduct subject to extraterritorial jurisdiction by the foreign state has an appropriate connection with that state;

(3) whether the measure endangers China's national sovereignty, security, and development interests, or harms the lawful rights and interests of Chinese citizens and organizations; and

(4) other factors that should be considered.

Where, upon identification, the relevant measures are found to constitute improper extraterritorial jurisdiction measures of a foreign state, the rule-of-law department of the State Council may issue a public notice. No organization or individual may execute, or assist in executing, improper extraterritorial jurisdiction measures of foreign states.

Where Chinese citizens or organizations, due to special circumstances, genuinely need to execute, or assist in executing, improper extraterritorial jurisdiction measures of a foreign state, they shall apply to the rule-of-law department of the State Council and provide the corresponding facts and reasons, the scope of execution or assistance needed, and other information; after approval is obtained through the decision-making procedure under the working mechanism, the relevant measures may be executed, or assistance may be rendered, within a specific scope.

Article 7 — The Chinese government may assess the conduct of the relevant state in implementing improper extraterritorial jurisdiction measures, determine the level of risk, and, in accordance with law, adopt countermeasures and restrictive measures in such areas as diplomatic and foreign affairs, exit and entry, trade, investment, international cooperation, and foreign assistance.

Article 8 — In accordance with the decision-making procedure under the working mechanism, the relevant departments of the State Council may include foreign organizations or individuals that promote or participate in the implementation of improper extraterritorial jurisdiction measures of foreign states on a malicious entity list, and, in accordance with the Anti-Foreign Sanctions Law of the People's Republic of China, the Provisions on the Implementation of the Anti-Foreign Sanctions Law of the People's Republic of China, and other laws and regulations, decide to take one or more of the following countermeasures and restrictive measures against them, and issue a public notice:

(1) refusing to issue visas, denying entry, revoking visas, or ordering departure within a specified period, repatriation, or deportation;

(2) canceling or restricting the qualifications of the relevant personnel to work, stay, or reside within the territory of China;

(3) sealing up, seizing, or freezing their movable property, immovable property, and other types of property within the territory of China;

(4) prohibiting or restricting organizations and individuals within the territory of China from providing them with data or personal information, or from conducting transactions, cooperation, or other activities with them;

(5) prohibiting or restricting them from engaging in import and export activities related to China;

(6) prohibiting or restricting their investment within the territory of China;

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(7) prohibiting or restricting the entry of their products, means of transport, and other items;

(8) imposing fines; and

(9) other necessary measures.

The measures provided for in the preceding paragraph may also apply to organizations actually controlled by, or established or operated with the participation of, the organizations or individuals included on the malicious entity list.

Article 9 — Organizations or individuals subject to countermeasures and restrictive measures may apply to the relevant department of the State Council that made the decision to take such measures for the suspension, modification, or cancellation of the relevant countermeasures and restrictive measures, and shall, when applying, provide facts and reasons concerning their rectification of conduct, the measures taken to eliminate the consequences of their conduct, and other matters.

The relevant department of the State Council that made the decision to take countermeasures and restrictive measures may, based on the actual circumstances, organize an assessment of the implementation and effectiveness of such measures.

The relevant department of the State Council that made the decision to take countermeasures and restrictive measures may, based on the assessment results or on its examination of the relevant applications, make a decision to suspend, modify, or cancel the relevant countermeasures and restrictive measures in accordance with the decision-making procedure under the working mechanism, and issue a public notice.

Article 10 — Where the relevant countermeasures and restrictive measures need to be implemented by other departments of the State Council, the relevant department of the State Council that made the decision to take, suspend, modify, or cancel the countermeasures and restrictive measures shall, in accordance with the procedure under the working mechanism, notify the relevant department of the State Council responsible for implementation of the relevant decision on such measures.

The department of the State Council that receives the decision on the relevant countermeasures and restrictive measures shall implement it according to the division of duties.

Article 11 — Where, under special circumstances, relevant organizations or individuals genuinely need to engage in relevant activities that are prohibited or restricted with organizations or individuals subject to countermeasures and restrictive measures, they shall apply to the relevant department of the State Council that made the decision to take such measures and provide the corresponding facts and reasons; after approval is obtained through the decision-making procedure under the working mechanism, they may engage in the relevant activities with the organizations or individuals subject to countermeasures and restrictive measures.

Article 12 — The relevant departments of the State Council may take measures such as on-site inspection and consulting and reproducing relevant materials against organizations or individuals suspected of executing or assisting in the execution of improper extraterritorial jurisdiction measures of foreign states. The relevant organizations and individuals shall provide assistance and cooperation, and may not refuse or obstruct.

Article 13 — The relevant departments of the State Council may conduct admonitory interviews with, and order correction by, organizations or individuals that execute or assist in executing improper extraterritorial jurisdiction measures of foreign states.

In accordance with the decision-making procedure under the working mechanism, the rule-of-law department of the State Council may make a decision prohibiting the execution of improper extraterritorial jurisdiction measures of foreign states (hereinafter referred to as a prohibition order) against organizations or individuals that execute or assist in executing such measures. The relevant organizations and individuals

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shall comply with the prohibition order.

Article 14 — Where any organization or individual, by executing or assisting in executing improper extraterritorial jurisdiction measures of foreign states, infringes upon the lawful rights and interests of Chinese citizens or organizations, the Chinese citizens or organizations may, in accordance with law, bring an action in a people's court to demand cessation of the infringement and compensation for losses.

Article 15 — The relevant departments of the people's governments at or above the provincial level shall, according to the division of duties, provide guidance and services for Chinese citizens and organizations in countering improper extraterritorial jurisdiction by foreign states.

Article 16 — Industry associations and chambers of commerce shall, in accordance with laws, regulations, and their articles of association, give play to the role of industry self-discipline and coordination, guide their members to operate in a lawful and compliant manner, promptly reflect the demands of the industry, and provide their members with services in market expansion, protection of rights and interests, dispute resolution, and other matters related to countering improper extraterritorial jurisdiction by foreign states.

Article 17 — Where any organization or individual refuses to execute, or evades the execution of, the countermeasures and restrictive measures provided for in these Regulations, or violates a prohibition order, the relevant departments of the State Council may order correction, prohibit or restrict it from engaging in government procurement, bidding and tendering, and the import and export of relevant goods and technologies or international trade in services, and other activities, prohibit or restrict it from receiving from outside the territory of China or providing to outside the territory of China data or personal information, prohibit or restrict its exit and entry or stay and residence within the territory of China, impose fines, and so forth.

Article 18 — Where a violation of these Regulations constitutes a crime, criminal liability shall be pursued in accordance with law.

Article 19 — Where countering improper extraterritorial jurisdiction by foreign states involves anti-corruption, anti-monopoly, anti-unfair competition, export control, data security, judicial assistance, or other related work, and laws or regulations provide otherwise, such provisions shall prevail.

Where the work of countering improper prohibition or restriction by a foreign state, in violation of international law and the basic norms governing international relations, on normal economic and trade activities and related activities between Chinese citizens and organizations and a third country (or region) and its citizens and organizations is otherwise provided for by the state, such provisions shall prevail.

Article 20 — These Regulations shall come into force on the date of promulgation.

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