

Regulations of the PRC on Counteracting Unjustified Extraterritorial Application of Foreign Jurisdiction

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

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Article 1 — 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, for the purposes of safeguarding national sovereignty, security and development interests, protecting the lawful rights and interests of Chinese citizens and organizations, and maintaining the international order based on international law.

Article 2 — The work of counteracting unjustified extraterritorial jurisdiction by foreign states shall implement the holistic approach to national security, coordinate development and security, coordinate domestic and international affairs, safeguard the system of socialism 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 by any country in China's internal affairs under any pretext or in any form.

Where a foreign state, in violation of international law and the basic norms of international relations, implements unjustified extraterritorial jurisdiction measures, thereby endangering China's national sovereignty, security and development interests and harming 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 in accordance with the principle of reciprocity, the Chinese Government shall have the right to implement extraterritorial jurisdiction measures over acts with which China has an appropriate connection, 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 acts in accordance with the provisions of the preceding paragraph, and a foreign state claims to implement jurisdiction measures over the same acts, the two sides may resolve the matter through the conclusion of treaties or through diplomatic channels, consultation between competent authorities, or other means, on the basis of jointly observing international law and the basic norms of international relations.

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

The relevant departments of the State Council shall, in accordance with the division of duties, undertake the specific work of responding to unjustified extraterritorial jurisdiction by foreign states. The relevant departments of the State Council and other relevant authorities shall strengthen coordination, cooperation and information sharing in the identification of and response to unjustified extraterritorial jurisdiction measures by foreign states.

Article 6 — The legal affairs department of the State Council shall, together with other relevant authorities, carry out the work of identifying unjustified extraterritorial jurisdiction measures by foreign states, and may conduct investigations and consultations with foreign parties. Relevant organizations and individuals may make recommendations to the legal affairs department of the State Council for carrying out the identification work.

The following factors shall be comprehensively considered in carrying out the work of identifying unjustified extraterritorial jurisdiction measures by foreign states:

- (1) whether the measures violate international law and the basic norms of international relations;
- (2) whether the connection between the acts subject to the foreign state's extraterritorial jurisdiction and that state is appropriate;
- (3) whether the measures endanger China's national sovereignty, security and development interests and harm the lawful rights and interests of Chinese citizens and organizations; and
- (4) other factors that should be considered.

Where, upon identification, the relevant measures constitute unjustified extraterritorial jurisdiction measures by a foreign state, the legal affairs department of the State Council may issue a public announcement. No organization or individual may implement, or assist in implementing, unjustified extraterritorial jurisdiction measures by foreign states.

Where Chinese citizens or organizations, due to special circumstances, genuinely need to implement, or assist in implementing, unjustified extraterritorial jurisdiction measures by a foreign state, they shall apply to the legal affairs department of the State Council and provide the corresponding facts and reasons, the scope of the measures to be implemented or assisted in implementing, and other relevant information; upon approval in accordance with the decision-making procedures of the working mechanism, they may implement, or assist in implementing, the relevant measures within a specific scope.

Article 7 — The Chinese Government may assess the acts of the relevant states in implementing unjustified extraterritorial jurisdiction measures, determine the risk levels thereof, and take countermeasures and restrictive measures in the fields of diplomacy and foreign affairs, exit and entry, trade, investment, international cooperation, foreign aid and other fields in accordance with law.

Article 8 — In accordance with the decision-making procedures of the working mechanism, the relevant departments of the State Council may place foreign organizations and individuals that promote or participate in the implementation of unjustified extraterritorial jurisdiction measures by foreign states on a malicious entity list, and may, 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 rules, decide to take one or more of the following countermeasures and restrictive measures against them, and make a public announcement:

- (1) refusing to issue visas, denying entry, revoking visas, or ordering departure within a time limit, repatriation or deportation;
- (2) canceling or restricting the qualifications of the relevant persons to work, stay or reside within the territory of China;
- (3) sealing up, seizing or freezing their movable property, immovable property and other property of all kinds within the territory of China;
- (4) prohibiting or restricting organizations and individuals within the territory of China from providing data and personal information to them or from engaging in transactions, cooperation and other activities with them;
- (5) prohibiting or restricting them from engaging in import and export activities related to China;

- (6) prohibiting or restricting them from investing within the territory of China;
- (7) prohibiting or restricting the entry into China of their products, means of transport and other items;
- (8) imposing fines; and
- (9) other necessary measures.

The measures set out in the preceding paragraph may also apply to organizations that are actually controlled by, or established or operated with the participation of, the organizations and individuals placed on the malicious entity list.

Article 9 — Organizations and individuals against which countermeasures and restrictive measures have been taken may apply to the relevant department of the State Council that made the decision to take the countermeasures and restrictive measures for the suspension, modification or cancellation of the relevant countermeasures and restrictive measures, and shall, when making such application, provide facts and reasons regarding their rectification of their conduct and the measures they have taken to eliminate the consequences of their conduct.

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

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

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 makes the decision to take, suspend, modify or cancel the countermeasures and restrictive measures shall, in accordance with the procedures of the working mechanism, notify the relevant department of the State Council responsible for implementation of the decision on the relevant countermeasures and restrictive measures.

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

Article 11 — Where relevant organizations and individuals, under special circumstances, genuinely need to engage with organizations and individuals against which countermeasures and restrictive measures have been taken in relevant activities that are prohibited or restricted, they shall apply to the relevant department of the State Council that made the decision to take the countermeasures and restrictive measures and provide the corresponding facts and reasons; upon approval in accordance with the decision-making procedures of the working mechanism, they may engage in the relevant activities with the organizations and individuals against which the countermeasures and restrictive measures have been taken.

Article 12 — The relevant departments of the State Council may take measures such as conducting on-site inspections and consulting and duplicating relevant materials with respect to organizations and individuals suspected of implementing or assisting in implementing unjustified extraterritorial jurisdiction measures by foreign states. The relevant organizations and individuals shall provide assistance and cooperation and shall not refuse or obstruct.

Article 13 — The relevant departments of the State Council may conduct supervisory interviews with, and order rectification by, organizations and individuals that implement or assist in implementing unjustified extraterritorial jurisdiction measures by foreign states.

The legal affairs department of the State Council may, in accordance with the decision-making procedures of the working mechanism, issue a decision prohibiting the implementation of unjustified extraterritorial jurisdiction measures by foreign states (hereinafter referred to as a "prohibition order") against organizations and individuals that implement or assist in implementing unjustified extraterritorial jurisdiction measures by foreign states. The relevant organizations and individuals shall comply with the prohibition order.

Article 14 — Where any organization or individual implements or assists in implementing unjustified extraterritorial jurisdiction measures by a foreign state, thereby infringing upon the lawful rights and interests of Chinese citizens or organizations, the Chinese citizens or organizations may bring a lawsuit in a people's court in accordance with law, requesting the 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, in accordance with the division of duties, provide guidance and services for Chinese citizens and organizations in responding to unjustified extraterritorial jurisdiction by foreign states.

Article 16 — Industry associations and chambers of commerce shall, in accordance with laws, regulations and their charters, play the role of industry self-discipline and coordination, guide their members to operate in compliance with laws and regulations, promptly reflect the demands of the industry, and provide their members with services related to responding to unjustified extraterritorial jurisdiction by foreign states in respect of market expansion, protection of rights and interests, and dispute handling.

Article 17 — Where any party refuses to implement or evades the implementation 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 rectification; prohibit or restrict it from engaging in government procurement, bidding and tendering, the import and export of relevant goods and technologies, or international trade in services and other activities; prohibit or restrict it from receiving data or personal information from outside China or providing data or personal information to outside China; prohibit or restrict its exit from and entry into China and its stay or residence within the territory of China; and impose fines and other penalties.

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

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

Where the State provides otherwise for the work of responding to foreign states' unjustified prohibition or restriction, in violation of international law and the basic norms of international relations, of normal economic and trade and related activities between Chinese citizens and organizations and third countries (regions) and their citizens and organizations, such provisions shall prevail.

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

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