

July 10, 2025

Navigating: Implementation of the Anti-foreign Sanctions Law

I. Background

On March 23, the State Council issued **the Regulation on implementing Anti-foreign Sanctions Law** (the "Regulation"), which came into effect from March 23, 2025. The Regulation specifies the detailed rules for implementing the Anti-foreign Sanctions Law (the "AFSL") issued on June 10, 2021 and further clarifies and improves countermeasures and countermeasures procedures for strengthening departmental coordination and enhancing the implementation of measures.

The Regulations supplement and specify relevant provisions of the AFSL, such as scope of application, procedural rules of countermeasures, responsible departments for enforcement, consequences of violations, remedies etc.

II. Key content of the Regulation

• Scope of application

Two types of behaviors which fall within the scope of application are specified:

- 1) If foreign countries violate international law and basic norms of international relations, contain and suppress China using various excuses or according to their domestic laws, take discriminatory restrictive measures against Chinese citizens and organizations, interfere in China's internal affairs; Or
- 2) If foreign countries, organizations, or individuals commit, assist, or support acts that endanger China's sovereignty, security and development interests, the relevant departments of the State Council have the right to decide, in accordance with the AFSL and the Regulation, to include the relevant organizations, individuals, and related organizations and individuals in the list of countermeasures as well as take countermeasures.

The Regulation has added the second type of behavior of endangering China's sovereignty, security, and development interests, which is in response to the recent discriminatory restrictive measures taken against Chinese enterprises by foreign countries.

• Procedural rules of countermeasures

1) Decision-making of countermeasures

In implementing the AFSL and the Regulation, the relevant departments of the State Council are authorized to conduct corresponding investigations and external consultations.

When the relevant department of the State Council decides to take countermeasures, the targets to which the countermeasures apply, the specific countermeasures, and the date of implementation shall be specified.

2) Announcement of countermeasures

When the relevant department of the State Council decides to adopt, suspend, change or cancel the countermeasures in question, it shall publish and update it in a timely manner through its official website or other means.

After a decision on the adoption of countermeasures has been announced, the organization or individual against whom the countermeasures have been taken may apply to the relevant department of the State Council that has made the decision on the adoption of countermeasures for the suspension, alteration or cancellation of the countermeasures in question, and in doing so, shall provide the facts and justifications for the correction of the act, the adoption of measures to eliminate the consequences of the act, and so on.

3) Assessment of countermeasures

The relevant department of the State Council that decides the countermeasures may, in light of the actual situation, organize an assessment of the implementation and effects of the countermeasures.

On the basis of the results of the assessment, or an examination of the facts and reasons for the application of the organization or individual against whom the countermeasures have been taken, the relevant department of the State Council may suspend, change or cancel the countermeasures in question.

• Responsible departments for countermeasures

The regulation further specifies responsible departments for enforcement of the following:

Countermeasure	Responsible department
Denial of Visa, Denial of Entry, Cancellation of Visa or Expulsion from the Country	Ministry of Foreign Affairs and the National Immigration Administration
Seizure, attachment, freezing	Relevant departments of the State Council, including public security, finance, natural resources, transportation, customs, market supervision and management, financial management, intellectual property etc.
Prohibiting or restricting organizations and individuals in China from engaging in relevant transactions, cooperation and other activities with them.	Education, science and technology, judicial administration, ecological environment, commerce, culture and tourism, health, sports administration and other relevant departments under the State Council.

III. Conclusion

The promulgation of the Regulation is a step forward to implementation of the Anti-foreign Sanctions Law. The Regulation further refines the decision-making, implementation, and safeguard procedures for countermeasures, clarifies the division of responsibilities and coordination mechanisms of relevant departments of the State Council in implementing countermeasures. These measures will ensure the effective enforcement of the Anti-foreign Sanctions Law in the future.

Asiallians will keep you updated for further development of the implementation of the Anti-foreign Sanctions Law.

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