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## INTERNATIONAL TRADE / 国际贸易

### Amendment to PRC Foreign Trade Law Officially Adopted 《对外贸易法》正式修订通过

2025年12月27日，第十四届全国人民代表大会常务委员会第十九次会议表决通过新修订的《中华人民共和国对外贸易法》（“新《对外贸易法》”），将于2026年3月1日起正式施行。新《对外贸易法》主要有以下变化：(i)新增“维护国家主权、安全、发展利益”的立法目的，补充了多项救济反制措施，在应对国际经贸摩擦方面提供了更完善的法律工具箱；(ii)明确提出推进“高水平”对外开放，推动对外贸易“高质量”发展，鼓励跨境电子商务等新业态新模式、数字贸易和绿色贸易，加强与对外贸易有关的知识产权保护；(iii)将跨境服务贸易负面清单制度上升为基本法律制度；以及(iv)提高了多项违法行为的最高罚款金额并新增处罚规定以填补过往规定的空白。

建议涉及跨境货物贸易、服务贸易、数字贸易或依托跨境数据开展的商业模式的跨国企业：(i)密切关注后续出台的实施细则及执法指引；(ii)审视并完善现有的贸易合规及风险管理框架；以及(iii)评估相关变化对市场准入、供应链安排及争议风险可能产生的影响，尤其是在地缘政治敏感领域。我们将持续跟踪相关进展，并在配套规则或进一步指引发布后及时提供更新。

On December 27, 2025, the Standing Committee of the National People's Congress officially adopted the amended PRC Foreign Trade Law (the "New Foreign Trade Law"). The New Foreign Trade Law will take effect as of March 1, 2026, with key amendments outlined as follows: (i) the New Foreign Trade Law expressly adds the objective of "safeguarding national sovereignty, security and development interests" into its legislative purpose. It also supplements and strengthens remedial and countermeasure mechanisms, providing a more comprehensive legal toolkit for addressing international trade frictions and financial risks; (ii) the law clearly articulates the policy direction of promoting high-level opening-up and high-quality development of foreign trade. It encourages the development of new business models including cross-border e-commerce, as well as digital trade and green trade, and further strengthens intellectual property protection related to foreign trade activities; (iii) the "negative list" mechanism for cross-border trade in services is elevated to the level of fundamentally statutory, providing a clearer and more stable legal basis for market access administration in this area; and (iv) the New Foreign Trade Law increases the maximum administrative penalties for a number of violations and introduces new penalty provisions to address regulatory gaps under the previous regime.

Multinational companies engaged in goods trade, services trade, digital trade, or cross-border data-enabled business models involving China are advised to: (i) monitor forthcoming implementing rules and enforcement guidance; (ii) review existing trade compliance and risk management frameworks; and (iii) assess potential impacts of this amended law on market access, supply chains, and dispute risk, particularly in geopolitically sensitive sectors. We will continue to track developments and provide updates as further guidance is issued.

## CYBERSECURITY / 网络安全

### China Adopts Amendments to Cybersecurity Law 《网络安全法》正式通过修改决定

2025年10月28日，第十四届全国人民代表大会常务委员会第十八次会议审议通过《关于修改<中华人民共和国网络安全法>的决定》，将于2026年1月1日起正式。本次对《中华人民共和国网络安全法》（“《网络安全法》”）的修改聚焦政策导向、法律责任及域外适用等重点领域，主要修改内容包括：

1. 强化政策导向，明确支持人工智能健康发展：修正后的《网络安全法》明确提出推进网络强国建设，并在法律层面支持人工智能的健康发展。该等表述进一步体现了网络安全立法与国家数字化发展战略、人工智能治理体系建设之间的衔接与协调。
2. 调整法律责任体系，体现“宽严相济”的执法思路：本次修订对法律责任条款作出系统性调整，呈现出从严监管与执法弹性并行的特点：(i)一方面，加大违法行为的处罚力度，提高了部分违法

On October 28, 2025, the Standing Committee of the National People's Congress officially adopted new amendments to the PRC Cybersecurity Law (the "Amended Cybersecurity Law"), which took effect on January 1, 2026. The Amended Cybersecurity Law introduces targeted but consequential changes, particularly in relation to policy orientation, enforcement mechanisms, and extraterritorial reach. The Key highlights include:

1. Policy orientation: cyber power strategy and artificial intelligence. The amendments expressly require the advancement of China's "cyber power" strategy and provide statutory support for the healthy development of artificial intelligence. This signals a closer alignment of cybersecurity regulation with China's broader digital governance, industrial policy, and AI development objectives.
2. Adjusted legal liability framework: enhanced enforcement with greater flexibility. The amendments recalibrate the liability regime by adopting a "balanced approach" combining stricter enforcement with regulatory discretion":

行为的罚款上限，并新增包括关停或下架应用程序（App）等行政处罚措施，显著增强执法威慑力；以及(ii)另一方面，为与《行政处罚法》相衔接，本次修改明确引入可从轻、减轻或者不予处罚的情形，为执法机关在具体案件中实施比例原则和审慎监管提供了法律依据。

3. **扩大对境外主体实施制裁的适用范围：**修订后的《网络安全法》进一步扩大了对境外主体实施制裁的适用情形，将制裁对象的范围延伸至所有危害中国网络安全的活动，而不再局限于特定类型的违法行为。该调整强化了网络安全监管的域外适用和反制属性。

本次修订预计将对在中国境内开展业务、向中国用户提供数字化产品或服务，或涉及跨境数据、平台运营及人工智能技术的企业产生实质影响。相关企业应关注后续配套规则和执法动向，及时评估并调整其网络安全和合规管理安排。

(i) **stricter penalties:** the Amended Cybersecurity Law increases penalty amounts for certain violations and introduces new enforcement measures, including administrative actions such as the suspension or shutdown of mobile applications (Apps); and (ii) **greater flexibility:** to align with the Administrative Penalty Law, the amendments expressly provide for circumstances in which penalties may be mitigated, reduced, or waived, enhancing enforcement proportionality and procedural consistency. This dual-track approach reflects a trend toward both heightened deterrence and more nuanced regulatory enforcement.

3. **Expanded sanctions regime targeting overseas entities.** The amendments further expand the scope of sanctions against overseas entities, extending their application to all activities that endanger China's cybersecurity, rather than limiting the application scope of sanctions to specific categories of conducts. This development reinforces the extraterritorial dimension of China's cybersecurity regulatory framework.

Companies with operations, data flows, digital products, or online services connected to China—particularly those involving AI technologies, platforms, or cross-border digital services are advised to: (i) reassess their cybersecurity and regulatory compliance frameworks; (ii) evaluate exposure to enhanced enforcement measures and penalties; and (iii) consider the potential impact of the expanded sanctions regime, including impact for offshore operations that may affect China's cybersecurity interests.

Further implementing rules and enforcement guidance are expected and will be critical in shaping practical compliance obligations.

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