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The Asia-Pacific Investigations Review

2027

Intersecting trade controls: the evolving Asia-Pacific landscape

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Generated: October 21, 2026

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Intersecting trade controls: the evolving Asia-Pacific landscape

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Summary

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IN SUMMARY

Sanctions and export controls play a significant role in the Asia-Pacific (APAC) region. This article examines the implications of EU, UK and US restrictive measures for APAC businesses and also considers China's expanding sanctions and countersanctions framework, including recent private rights of action and blocking orders, alongside developments in other Asian jurisdictions. The article highlights how these evolving global and regional regimes are creating new and increasingly complex compliance considerations for businesses operating across the APAC region.

DISCUSSION POINTS

- The expanding reach of US sanctions and export controls in the APAC region.
- Increasing US enforcement activity involving Asian technology and supply chains.
- EU and UK measures addressing Russia-related sanctions circumvention involving APAC jurisdictions.
- China's legislative framework countering foreign measures and sanctions.
- Recent Chinese blocking measures and private enforcement under the Anti-Foreign Sanctions Law.
- Evolving Asian sanctions and export control regimes, including technology controls and responses to Russia.

REFERENCED IN THIS ARTICLE

- US Export Administration Regulations administered by the US Commerce Department's Bureau of Industry and Security (15 CFR Parts 730 ***et seq***).
- UK and EU financial and trade sanctions, including Council Regulation (EU) 833/2014 and Council Regulation (EU) 269/2014 and UK Sanctions End-Use Controls.
- PRC Anti-Foreign Sanctions Law (2021).
- PRC Provisions on the Unreliable Entity List (2020).
- PRC Rules on Counteracting Unjustified Extraterritorial Application (2021).
- PRC Provisions on the Security of Industrial and Supply Chains and Provisions on Countering Foreign Improper Extraterritorial Jurisdiction (2026).
- PRC Export Control Law (2020) and Regulation on the Export Control of Dual-Use Items (2024).
- Chinese Ministry of Commerce and Ministry of Justice announcements on Unreliable Entity List designations, blocking orders and export controls (2022–2026).

INTRODUCTION

Navigating economic sanctions and export controls in the APAC region requires appreciation of multiple authorities and their trade compliance regimes. All United Nations (UN) member

countries are obligated to apply sanctions adopted by the UN Security Council (UNSC). In recent years, several concerns have driven expanding US sanctions in the region, including human rights and support for Russia and Iran, and US export controls have expanded in reaction to US-China strategic competition, particularly related to AI development. After Russia's invasion of Ukraine, EU and UK sanctions also have increasing relevance in the region. China has increasingly developed its own trade controls and blocking regulations, while several other Asian countries are expanding their own autonomous regimes.

US SANCTIONS AND EXPORT CONTROLS

The United States maintains separate regulatory regimes for economic sanctions and export controls. There are important differences in the regimes, particularly regarding scope of application.

US Sanctions

US sanctions take various forms. Some are limited, such as capital market restrictions or exclusion from the US financial system.[1] Some are trade embargoes, such as those targeting Cuba, Iran, North Korea and occupied regions of Ukraine. The most restrictive – blocking sanctions – apply to Specially Designated Nationals (SDNs), most Cuban nationals and the governments of Cuba, Iran, North Korea and Venezuela, among certain other persons, requiring US persons to block (freeze) the property of these targets and prohibiting US persons from involvement in any dealings in which a blocked person has an interest.[2] SDNs are designated for a variety of reasons, including arms proliferation, drug trafficking, terrorism or human rights abuses, and are found in almost every region in Asia.

US sanctions programs are administered by the US Treasury Department's Office of Foreign Assets Control (OFAC) and impose compliance obligations primarily on "US persons", which term follows common concepts of personal and territorial jurisdiction and includes: (1) US citizens and permanent residents ("green card" holders), wherever located; (2) entities organised under US law and their non-US branches, wherever doing business; and (3) any persons present in the United States, even temporarily. For APAC companies, this means that their US subsidiaries and any employees who are US citizens or green card holders, including dual citizens, must fully comply with US sanctions, and any transactions involving a US financial institution or a non-US branch thereof must be compliant for a US person.

US sanctions also present compliance implications for non-US persons in several contexts. First, non-US persons may not cause a US person to violate its own obligations, such as by concealing from a US counterparty that a US-sanctioned person has an interest in a transaction. A non-US person that causes a violation generally can be held liable under US law to the same extent as a US person.

This has important implications for APAC companies because US counterparties and service providers generally cannot "facilitate" a transaction by non-US persons that a US person cannot engage in directly. This has particular relevance for USD funds transfers. For a US financial institution to process USD funds transfers in compliance with US sanctions, the activities related to the transfer must be permitted for a US person. If not, the parties face not only a commercial risk that the funds transfer may be blocked or rejected by the intermediary US bank but also, particularly for the originator of the USD funds transfer, potential liability under US law for causing, or attempting to cause, a violation of US sanctions.[3]

Second, US trade embargoes restrict non-US persons from supplying US-origin goods, software or technology to US-embargoed jurisdictions (eg, Cuba, Iran, North Korea, and certain occupied regions of Ukraine) or importing goods from those countries into the United States. Non-US companies that violate US trade embargoes may be held liable under US law, even if they sourced the relevant US items outside the United States.

Finally, "secondary" sanctions do not purport to exercise jurisdiction over non-US persons but, rather, threaten the imposition of US sanctions against any non-US person determined to engage in certain activities. Application of such "secondary" sanctions is not automatic but within the discretion of US authorities. For example, US "secondary" sanctions targeting Iran authorise sanctions on any person determined to operate in Iran's petroleum or petrochemical sectors and, although a number of APAC businesses have been designated as SDNs under these authorities, reporting indicates that many other businesses continue dealing in Iranian crude oil or petrochemical products and remain undesignated.[4]

US Export Controls

US export controls incorporate similar concepts of personal and territorial jurisdiction but, more prominently, employ a concept known as commodity jurisdiction. The Export Administration Regulations (the EAR), administered by the US Department of Commerce's Bureau of Industry and Security (BIS), impose licensing and other requirements for "items" (goods, software and technology) not only in the United States but also for US-origin items wherever located, certain foreign-made items that incorporate more than a ***de minimis*** amount of controlled US-origin content, and certain foreign-made items that are the direct product of certain US technology or software or plants that use certain US technology or software (such foreign-made items are captured under various Foreign-Direct Product Rules or FDP Rules). Understanding the scope of the EAR's commodity jurisdiction is particularly important in APAC supply chains because a non-US company is required to comply with US export controls (to the same degree as a US company) when exporting, reexporting or transferring any items subject to the EAR, including under the EAR's ***de minimis*** or FDP Rules, even when those items are located outside the United States and all parties to the transaction are non-US persons.

US export controls affecting APAC companies increasingly focus on semiconductors, advanced computing, artificial intelligence and related items. US policy has focused on limiting China's ability to obtain or produce advanced integrated circuits, semiconductor-manufacturing equipment, supercomputing capability and related software and technology. This has resulted in successive rounds of export controls on related items, with most of these items now subject to licensing requirements for China under a review policy that presumes denial.

These restrictions are implemented not only through item-based controls but also end-user listings and new limitations on US person support for certain activities. The EAR's Entity List has expanded rapidly in recent years to now capture a wide range of Chinese technology companies, semiconductor foundries, research institutions and other entities regarded as engaging in activities contrary to US foreign policy or national security. For APAC companies, inclusion of a customer on the Entity List can materially affect a company's ability to supply US-controlled items, or a vendor's ability to supply certain items to the company, even where the relevant arrangements are between two non-US parties.[5]

Compliance Developments

Mitigating US sanctions and export controls risks increasingly requires diligence that goes beyond basic list-based screening. In March 2026, OFAC issued new guidance regarding "sham transactions", which it describes as "arrangements that conceal – rather than genuinely extinguish – a continuing interest in property" by a sanctioned person.[6] That guidance sets out several "indicia of sham transactions", including a counterparty's unnecessarily complex legal structures, whether a sanctioned person previously held an interest in relevant property and whether the counterparty is a relative or close associate of a sanctioned person. For APAC companies, association with "sham transactions" or related parties could have a meaningful impact on existing relationships and future business opportunities, even if the relevant dealings fall outside the scope of US enforcement authority.

Recent guidance from BIS similarly advises that companies are expected to diligence potential circumvention risks, particularly regarding concerns that advanced computing chips and related technology may be moved through third-country distributors, logistics companies or other intermediaries to obscure a prohibited end user or end use. APAC companies involved in semiconductor design, manufacturing, packaging, testing, distribution or other AI-related infrastructure should consider customer diligence processes that go beyond simple list-based screening, such as whether a customer presents red flags for diversion, including, as relevant, product capability, order patterns, ownership and control and contractual commitments relating to end use and reexport.[7] Companies also may consider mitigating controls, including ring-fencing sensitive technology (eg, from a sensitive joint venture partner), limiting access to controlled data or source code, separating systems and ensuring contracts include appropriate triggers and related rights.

Certain APAC jurisdictions are central to anti-circumvention efforts targeting Russia's military-industrial base. US authorities have repeatedly warned that restricted technology, industrial equipment and other sensitive goods are being diverted to Russia through third-country intermediaries, including in China, Hong Kong and Singapore. As a result, transactions that do not directly involve Russia may nevertheless present US sanctions or export control risks where the facts suggest onward diversion to Russian end users, particularly in the military, industrial, technology or energy sectors. Numerous companies in the APAC region have been targeted by US "secondary" sanctions for engaging in such alleged diversion or supply.[8]

As the US conflict with Iran continues, US authorities increasingly raise similar "secondary" sanctions threats against companies continuing to do business with Iran. US authorities have targeted networks involved in the purchase, transport, financing and refining of Iranian- and Russian-origin oil, which include several APAC-based companies.[9] For market participants in the APAC region, relevant risks may thus arise not only from direct dealings with sanctioned Iranian counterparties, but also from shipping, insurance, financing, brokering, storage or refining arrangements that facilitate trade in Iranian petroleum or petrochemical products.

Enforcement Efforts Continue To Expand

OFAC and BIS have civil enforcement authority for US sanctions and export controls, respectively. This year, BIS has requested a substantial increase in export control enforcement resources (nearly tripling its enforcement-related budget),[10] and recent enforcement actions demonstrate the agency's willingness to pursue significant penalties involving Asia-facing companies, with a focus on semiconductor and advanced-technology

supply chains. In January 2026, for example, BIS announced a US$252 million penalty against a US semiconductor manufacturing equipment company and its South Korean subsidiary for alleged unlawful exports and reexports of semiconductor-manufacturing equipment to China, described by BIS as the second-largest stand-alone administrative penalty in its history.[11]

The US Department of Justice (DOJ) has criminal enforcement authority for US sanctions and export controls and is focused on diversion of advanced US technology, particularly to China, reflecting the view that export control violations are not only compliance failures but often implicate broader national security concerns. In July 2025, DOJ's National Security Division announced a guilty plea by Cadence Design Systems for violations of US export controls relating to the transfer of semiconductor design hardware and software tools to a Chinese university.[12] DOJ has also announced guilty pleas from parties alleged to have smuggled advanced semiconductors to China in violation of US export controls[13] and similar charges against a group of alleged conspirators affiliated with Super Micro Computer, a US-based AI server manufacturer.[14]

There are strong incentives for companies to consider voluntarily disclosing potential violations of US sanctions and export controls. The civil enforcement regimes provide mitigating credit to parties that voluntarily self-disclose apparent violations. Under DOJ's Corporate Enforcement and Voluntary Self-Disclosure Policy announced in March 2026, DOJ also provides mitigating credit for voluntary disclosures.[15] DOJ's first major action under this new policy was to decline prosecution of a non-US company (Robert Bosch GmbH) for export control violations that occurred when two non-US subsidiaries reexported non-US items subject to the EAR under the FDP Rules to Huawei and its affiliates.[16]

EU AND UK FINANCIAL AND TRADE SANCTIONS

EU and UK sanctions have increasing relevance across the APAC region.[17] Neither has adopted a comprehensive sanctions regime against China, though extensive sanctions have been implemented in relation to North Korea (which reflect an expanded version of the UNSC regime) and significant sanctions remain in force against Myanmar. Persons in China are increasingly targeted by restrictive measures under country-specific and thematic regimes, particularly sanctions related to Russia, which may impact APAC commercial activity by implicating diversion risks. APAC entities have repeatedly been targeted by anti-circumvention measures, including entities established in China, Hong Kong, Thailand and other jurisdictions.

EU And UK Sanctions

EU and UK sanctions apply where activities have an EU or UK nexus. UK sanctions apply to all conduct inside UK territory and to conduct globally of UK nationals and entities, including their overseas branches. Similarly, under EU law, sanctions also typically apply to activities within EU territory or to conduct by EU persons, wherever located. In practice, this means that EU/UK-incorporated subsidiaries of APAC companies and employees that hold EU/UK nationality, including dual nationals, and APAC branches of EU/UK incorporated companies must comply with EU or UK sanctions, as applicable.

As with US sanctions, EU and UK restrictive measures vary. Asset freezes require funds and other economic resources belonging to, or owned, held or controlled by, a designated person to be frozen and prohibit funds or economic resources from being made available, directly or indirectly, to or for the benefit of that person. Trade sanctions are similar to US export

controls (with an important difference – EU and UK trade sanctions do not apply commodity jurisdiction to EU- or UK-origin goods and technology globally, but rather impose obligations on the entity involved in the relevant export) and impose restrictions that include prohibitions on the sale, supply, transfer or export of specified goods or technology and on associated technical assistance, brokering, financing or other services. Whether a particular transaction is prohibited turns on the applicable sanctions regime and the relevant goods or services, destination or counterparty. For example, EU trade sanctions relating to Russia prohibit such activities in connection with: (1) dual-use goods and technology to or for use in Russia; (2) goods capable of contributing to Russia's military or technological enhancement or the development of Russia's defence/security sector (which covers most types of industrial goods); or (3) specified persons subject to export restrictions.[18]

The European Union further imposes extraterritorial compliance requirements under certain sanctions regimes. EU companies must undertake "best efforts" to ensure that any non-EU subsidiary does not "undermine" EU sanctions against Russia or Belarus. This does not directly extend compliance obligations to non-EU subsidiaries, but an EU parent company could in theory be held criminally liable if its non-EU subsidiaries are found to have undertaken transactions prohibited by EU sanctions.[19] Consequently, many EU parent companies now proactively require their non-EU subsidiaries, including APAC-based subsidiaries, to follow EU sanctions restrictions, even when operating locally.

New Implications For APAC Region

In addition to North Korea and Myanmar sanctions, both the European Union and United Kingdom have imposed asset freezes targeting persons in the APAC region, primarily in connection with Russia-related activities. In October 2025, entities in China and Hong Kong were targeted under EU asset freezes for operating in the Russian oil sector or facilitating circumvention of EU trade sanctions against Russia.[20] In July 2025, EU asset freezes were imposed on three Chinese companies for allegedly supplying Russia's military-industrial base.[21] In June 2026, UK authorities imposed asset freezes on alleged suppliers of military equipment to Russia, including in China and Thailand,[22] and in February 2026, designated several Chinese and other Asian companies allegedly supplying dual-use goods and technology to Russia's military and energy sectors.[23]

The European Union also has imposed Russia-related export restrictions on numerous APAC persons. Recently, the 19th EU sanctions package added 45 entities, citing their support for Russia's military-industrial complex, including entities in China, Hong Kong and Thailand.[24] The 20th EU sanctions package added numerous alleged suppliers of critical high-tech items to Russia, including Chinese entities alleged to have provided dual-use goods or weapons systems to Russia.[25] Most recently, the 21st EU sanctions package, adopted on 23 July 2026, included 51 entities for contributing to Russia's circumvention of export controls on microelectronics, computer numerical control machine tools and semiconductor-processing equipment, including Chinese and Hong Kong entities, some of which had a significant impact on global supply chains.[26]

UK Anti-circumvention Measures

The UK's Sanctions End-Use Controls (SEUCs), effective from 13 May 2026, introduce a further UK export licensing requirement designed to mitigate the risk of diversion of goods targeted by UK trade sanctions to a sanctioned country or person.[27] SEUCs do not impose a general licensing requirement on exports to the APAC region. Rather, they create a targeted

licensing restriction upon the UK's Department for Business & Trade informing a UK person of a high risk that certain goods or technology may be diverted to a territory subject to UK trade sanctions or "connected" persons.

Related guidance from UK authorities identifies the highest circumvention risks as arising under the UK's Russia sanctions regime and identifies particular APAC jurisdictions for which exporters of higher-risk goods should consider enhanced due diligence to prevent re-export to Russia, including China (and Hong Kong and Macau), Malaysia, Thailand and Vietnam.[28]

EU Anti-circumvention Measures

The European Union has adopted several mechanisms directed at third-country diversion risks. EU exporters are obligated to include contractual provisions in agreements with third-country importers of specified high priority items that are prohibited from re-exportation to or for use in Russia or Belarus (no Russia clauses), and the agreements must contain "adequate remedies" for breaches.[29] EU exporters must take appropriate steps, proportionate to their nature and size, to identify and assess risks of export to or for use in Russia or Belarus, document and keep those assessments up to date and implement appropriate policies, controls and procedures to mitigate and manage those risks. APAC companies, particularly those operating in jurisdictions identified as higher risk for diversion, should expect EU exporters to request such clauses.

The European Union also may prohibit the sale, supply, transfer or export of specified goods or technology to any person in a third country. The EU Council first activated this authority in the 20th sanctions package against Russia in April 2026, prohibiting exports to Kyrgyzstan of computer numerical control machines or radios due to the high risk of these products being re-exported to Russia.[30] Individual EU member states can also impose end-use controls similar to those under the UK's SEUCs regime in connection with certain categories of goods targeted by the EU's Russia and Belarus sanctions.

CHINESE SANCTIONS AND COUNTERSANCTIONS

In recent years, China has developed its own sanctions and export controls systems. China's legal framework provides the authority for affirmative sanctions, export controls and retaliatory blocking measures. Chinese legislation also provides a private right of action for Chinese entities harmed by foreign sanctions and other extraterritorial measures. The first such private claim was reported in 2025, and, in 2026, the Chinese Ministry of Commerce (MOFCOM) issued its first blocking order prohibiting cooperation with specific US sanctions. Also in 2026, the Chinese Ministry of Justice (the MOJ) prohibited cooperation with two EU Foreign Subsidy Regulation investigations.

Legislative Framework

The Anti-Foreign Sanctions Law (the AFSL) is the primary Chinese legislation governing foreign sanctions.[31] It is supplemented by four regulations: the Provisions on the Unreliable Entity List,[32] State Council Orders 834[33] and 835,[34] and the Rules on Counteracting Unjustified Extraterritorial Application of Foreign Legislation.[35]

Affirmative Sanctions

The Provisions on the Unreliable Entity List (September 2020) authorise MOFCOM to place foreign parties that harm China's sovereignty or national interests, or disrupt normal commercial dealings or otherwise engage in discriminatory measures against Chinese

parties, on an "Unreliable Entity List". MOFCOM may then impose trade, investment and travel restrictions on such listed parties.[36] Penalties include restrictions on importing from or exporting to China, prohibitions on new investment in China, entry bans and fines. Asset freezes are not expressly included.

In April 2026, the State Council promulgated two additional regulations that authorise affirmative sanctions, as well as retaliatory measures. First, the Provisions on the Security of Industrial and Supply Chains (Order 834) authorise the government to investigate and retaliate against foreign parties whose actions threaten China's industrial supply chain security. Order 834 prohibits anyone from conducting "unlawful information collection activities", a vague phrase that may capture certain audits required by foreign regulations.[37] Violations could lead to commercial restrictions, travel prohibitions and exit bans; asset freezes are not expressly listed as a penalty. Second, the Provisions on Countering Foreign Improper Extraterritorial Jurisdiction (Order 835) target "improper extraterritorial jurisdiction measures" of other countries, including sanctions. Order 835 establishes a procedure for the MOJ to assess and block such measures, as well as to place foreign parties who "promote" or "participate in" implementing such measures on a "Malicious Entity List". Inclusion on the Malicious Entity List can result in commercial restrictions, exit bans and asset freezes.[38] Both regulations provide that penalties may also apply to entities "actually controlled by or established and operated with the participation of" the listed party. The tests for actual control and participation have not been specified.

Retaliatory Sanctions/blocking Statutes

Article 4 of the AFSL grants "relevant State Council departments" the power to designate foreign persons or entities which directly or indirectly "participate in the drafting, decision-making, or implementation of [foreign] discriminatory restrictive measures". Article 6 of the AFSL further allows the relevant departments to impose countermeasures on designated entities, including entry bans and visa denials, transaction prohibitions, and seizure and freezing of assets within China. Implementing provisions related to these articles were adopted in March 2025.[39] The AFSL was preceded by the still-in-force Rules on Counteracting Unjustified Extraterritorial Application of Foreign Legislation (January 2021, the "2021 Blocking Rules"), which focus on the impact of foreign sanctions against third countries (eg, US sanctions against Iran) on Chinese trade.

The AFSL, 2021 Blocking Rules, Order 834 and Order 835 each prohibit persons subject to Chinese jurisdiction from assisting with the implementation of prohibited foreign measures.[40] The AFSL, the 2021 Blocking Rules and Order 835 also include private rights of action in PRC courts allowing Chinese parties who suffer losses resulting from another party's compliance with a prohibited foreign measure.[41]

Export Controls

China maintains an export control regime designed to safeguard national security and fulfil its non-proliferation obligations. The Export Control Law (December 2020) established a licensing system for dual-use items, military products and nuclear-related goods, technologies and services. Article 18 empowers MOFCOM to create an "Export Restricted Namelist", prohibiting exports to persons determined to pose national security risks. Article 48 authorises reciprocal measures against countries "abusing" export controls that harm China's interests.[42] The Regulation on the Export Control of Dual-Use Items (December 2024) (Dual-Use Items Regulation) consolidated fragmented lists into one "Dual-Use Items

List" and introduced a "Watch List" of entities whose end users and end use cannot be verified due to failure to cooperate with MOFCOM's verification requirements.[43] Since 2023, China has progressively restricted exports of critical minerals, such as gallium and germanium.[44] In October 2025, China imposed export controls on rare earth processing technologies[45] and required foreign parties to obtain a licence before re-exporting items containing specified Chinese rare earths.[46]

Enforcement Actions

In 2020, China's Ministry of Foreign Affairs announced sanctions on foreign politicians, including then-US Senator Marco Rubio[47] and members of the European Parliament,-[48] and NGOs[49] determined to have criticised China. MOFCOM's Unreliable Entities List designations have targeted US defence contractors involved in arms sales to Taiwan-[50] and US companies deemed to have discriminated against Chinese companies[51] or (reportedly) acted in connection with anti-Chinese measures, like the US BIOSECURE Act.-[52] For defence contractors, penalties included trade and investment prohibitions, entry bans and fines; publicly disclosed sanctions against private companies have not expressly included mandatory asset freezes.

China also responded to the listing of Chinese entities on the European Union's Russia-related sanctions lists discussed above. In response to the European Union's 18th sanctions package, MOFCOM designated two European financial institutions to the countermeasure list under the AFSL, prohibiting anyone within China from transacting and cooperating with them.[53] MOFCOM condemned the European Union's 19th sanctions package but did not publicly announce countermeasures.[54] In response to the 20th and 21st sanctions packages, MOFCOM added 21 EU entities, including major European defence companies, to China's export control list, prohibiting the export of dual-use items to such entities.[55]

On 2 May 2026, MOFCOM issued a prohibition order under the 2021 Blocking Rules blocking any person or entity from recognising, implementing or complying with US sanctions against Chinese refineries allegedly involved in Iranian oil transactions. The order applies to Chinese individuals and entities, including PRC subsidiaries of multinational companies. The prohibition order was the first issued under the 2021 Blocking Rules.[56]

In May and August 2026, the MOJ designated "cross-border investigative practices" associated with an EU Foreign Subsidy Regulation (the FSR) investigation of Nuctech-[57] and JD[58] as "improper extraterritorial jurisdiction measures" under Order 835. The announcements prohibited any organisation or individual from executing or assisting with those investigations. Although the prohibitions are limited to the investigations of the two companies, the corresponding official Q&As challenge the FSR itself, describing the EU's cross-border demands for "broad and unnecessary information" as "discriminatory" and "protectionism".[59]

Two export control announcements in February and June 2026 added a total of 40 Japanese entities to China's "Export Restricted Namelist", citing their direct involvement in enhancing Japan's military capabilities and another 40 entities to the "Watch List" for unverifiable end users or end uses of dual-use items.[60]

Cases Brought Pursuant To AFSL Article 12

To date, one Chinese court (the Shanghai Maritime Court) has awarded specific performance and damages under the private right of action under the AFSL. Another court (the Nanjing Maritime Court) accepted a case that was subsequently settled. In reporting these cases, a document published by the Supreme People's Court and another on the Nanjing Maritime Court's website suggested that the private right of action had mandatory applicability and overrode contractual choice of forum.[61] Press reports have referred to filings in at least two other cases, including the Dongguan Intermediate People's Court accepting WingTech's case against Nexperia and its executives, alleging they assisted Dutch restrictive measures against WingTech.[62]

ASIAN COUNTRIES SANCTIONS REGIMES

Asian jurisdictions have not developed extensive autonomous sanctions regimes, and UNSC sanctions remain the principal sanctions framework across the APAC region, although implementation varies by jurisdiction. UNSC sanctions against North Korea are particularly important in the APAC region as they impose extensive restrictions, including asset freezes, travel bans, an arms embargo, financial restrictions and prohibitions or limitations concerning petroleum products and numerous other commodities.[63]

Increasing Alignment On China

Alignment across several jurisdictions is occurring in the adoption of export controls on advanced technologies, particularly semiconductors and semiconductor-manufacturing equipment. Japan, South Korea and Taiwan each have taken measures that increasingly are similar to, but not the same as, US export controls targeting China's semiconductor industry.

In July 2023, Japan's Ministry of Economy, Trade and Industry brought certain advanced semiconductor manufacturing equipment within its export control framework, imposing licence requirements on exports. The measures followed reported coordination among the United States, Japan and the Netherlands, which compose the key suppliers of advanced semiconductor-manufacturing equipment, and complemented existing US and Dutch restrictions. However, the Japanese government emphasised that its export controls are not simply an adoption of US restrictions and that Japan does not intend merely to "follow suit" with the United States.[64]

Taiwan has likewise tightened controls on the semiconductor sector. Taiwan's Strategic High-Tech Commodities (SHTC) export control regime requires a licence for the export of specified semiconductor manufacturing equipment to certain counterparties. In June 2025, 601 entities in Russia, Pakistan, Iran, Myanmar and mainland China, including Huawei and Semiconductor Manufacturing International Corporation, were targeted by these requirements.[65]

Singapore's role as a major trading hub raises concerns that controlled technologies will be diverted to China. In April 2025, Singapore's Ministry of Trade and Industry and Singapore Customs issued a joint advisory addressing foreign export controls on advanced semiconductors, semiconductor-manufacturing equipment and AI technologies, noting that Singapore's export control regime is "aligned with major multilateral export control regimes" and UN sanctions, warning that Singapore "does not condone businesses deliberately using their association with Singapore to circumvent or violate the export controls of other countries" and encouraging businesses to take appropriate steps to ensure that transactions do not circumvent applicable export controls.[66]

South Korea and the United States coordinate on export controls, but South Korean chipmakers rely on China as a manufacturing base. In 2025, US export authorities became concerned about continued access by certain Chinese facilities owned and operated by South Korean companies to US-controlled semiconductor manufacturing equipment and removed these facilities from an export licence exemption programme.[67]

Russia-related Trade Controls

Russia's invasion of Ukraine prompted several APAC jurisdictions to impose tailored sanctions, although restrictions remain narrower than EU, UK or US controls and many other Asian jurisdictions have not joined sanctions against Russia, reflecting a divergence among local sanctions regimes.

Japan has adopted the most extensive Russia-related measures under its Foreign Exchange and Foreign Trade Act, including asset freezes, restrictions on payments involving designated Russian persons and entities and export restrictions on military and dual-use goods, including advanced technologies, semiconductor-related items, oil-refining equipment, luxury goods and goods considered capable of strengthening Russia's industrial capabilities.[68]

Singapore also has imposed financial sanctions against designated Russian banks and restrictions on certain transactions involving the Russian government, as well as export controls covering military goods and specified dual-use electronics, computers, telecommunications and information-security items that could contribute to offensive military or cyber capabilities.[69]

South Korea and Taiwan have principally imposed export controls rather than sanctions. South Korea has expanded controls on exports to Russia and Belarus to include numerous industrial products capable of contributing to Russian military production, including semiconductor-manufacturing equipment, machine tools and other industrial equipment.[70] Taiwan similarly requires licences for exports to Russia or Belarus of goods appearing on its dedicated SHTC control list.[71]

Endnotes

1 For capital markets sanctions relevant to the APAC region, ***see*** the Chinese Military-Industrial Complex Sanctions Regulations at 31 CFR Part 586. ^ Back to section

2 Under guidance known as the "50% Rule", OFAC considers a legal entity 50% or more owned directly or indirectly, individually or in the aggregate, by one or more SDNs to automatically be an SDN itself. SeeOFAC Frequently Asked Questions (FAQs) 398–402, https://ofac.treasury.gov/faqs/topic/1521. ^ Back to section

3 This prohibition on "causing" a US person to violate its own sanctions obligations has been the basis of several prominent US sanctions enforcement actions, including several guilty pleas, deferred prosecution agreements and monetary penalties over US$1 billion from non-US banks, and was among the charges in an indictment of Huawei Technologies Co, Ltd (Huawei) and its Chief Financial Officer, Wanzhou Meng, that resulted in Ms Meng's multi-year detention by Canadian authorities on a related US extradition request. SeeDOJ, Chinese Telecommunications Conglomerate Huawei and Huawei CFO Wanzhou Meng Charged with Financial Fraud (28 January 2019), https://www.justice.gov/archives/ opa/pr/chinese-telecommunications-conglomerate-huawei-and-huawei-cfo-wanzhou-meng-charged-financial. ^ Back to section

4 APAC companies targeted under these authorities include a number of companies based in China and Hong Kong, including a large Chinese refinery, Hengli Petrochemical (Dalian) Refinery Co, Ltd; a Vietnamese shipping company, Thien An Hoa Binh Company Limited, for delivering Iran-produced propane and butane to the United Arab Emirates; two Singaporean companies, Asia Fuel PTE Ltd and Unicious Energy PTE Ltd; and a Malaysian company, Sense Shipping and Trading SDN BHD, for allegedly facilitating sales of Iranian petroleum and petrochemical products to APAC-based purchasers. ^ Back to section

5 This risk is well illustrated by the designation of Huawei and multiple affiliates on the EAR's Entity List. Subject to a series of ever-more-restrictive EAR licensing requirements, Huawei has been effectively cut off from advanced node semiconductors, including those it had designed, under the EAR's FDP Rules and has been forced to develop its own semiconductor supply chain outside the scope of the EAR. ^ Back to section

6 OFAC, Guidance on Sham Transactions and Sanctions Evasion (31 March 2026), https://ofac.treasury.gov/media/935441/download?inline. This guidance should be read with an earlier enforcement action finding that an investment firm had reason to know that an investor was acting on behalf of an SDN. OFAC, IPI Partners, LLC Settles with OFAC for $11,485,352 Related to Apparent Violations of Ukraine-/Russia-Related Sanctions (2 December 2025), https://ofac.treasury.gov/media/934786/download?inline. ^ Back to section

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