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里格律师事务所
A&Z LAW FIRM

A&Z Monthly Newsletter

November 2020

Passion - Professionalism - Collaboration

Dear Friends,

This is a monthly newsletter focusing on legal matters in China, and related issues that shape the general business environment for foreign companies operating in China.

Should you have any comments or questions, please do not hesitate to contact Ms. Anna Lukina, BD & Marketing Director, at alukina@a-zlf.com.cn visit the [A&Z website](#).

Sincerely,
The Editors

Legal Updates

[SAMR Releases Interim Regulation on Undertaking Concentration Examination](#) [Read More](#)

The State Administration for Market Regulation released on October 27, 2020 the Interim Regulation on Undertaking Concentration Examination, to be effective from December 1, 2020.

According to the regulation, when a decision on undertaking concentration examination takes effect, the SAMR can reexamine, change or lift the restrictive conditions at its own discretion or at the request of the applicant. The SAMR shall make a public disclosure if it decides to change or lift restrictive conditions.

[NDRC Issues Guidelines about Online Application and Registration of External Corporate Debts](#) [Read More](#)

The National Development and Reform Commission released on October 28, 2020 the Guidelines about Online Application and Registration of External Corporate Debts. According to the document, from November 1, 2020 when a company applies for registration and data reporting of medium and long-term external debts, it shall make online application and registration through the external debt registration management and service system.

An annex to the document - Guidelines for the Registration of External Corporate Debts - clarified the issues about regulatory approval, application conditions, application documents and application procedures. The document also listed some commonly seen errors and answered frequently asked questions.

[Returned Goods from Export Destinations Will Not Be Levied with Import VAT Tax and Consumption Tax](#) [Read More](#)

The Ministry of Finance, the General Administration of Customs and the State Taxation Administration released on November 3, 2020 the Announcement about Tax Policies for Returned Export Goods Due to COVID-19, effective from

A&Z Upcoming Events

10th December, Shanghai

Sophie An, Principal Partner at A&Z Law Firm, will be invited by the Shanghai Foreign Service Co. Ltd. to give a lecture entitled "2021, Let's Align with the Civil Code – Outline and Key Points of the Civil Code, and Matters Japanese Enterprises should Pay Attention to".

23rd December, Shanghai

Sophie An, Principal Partner at A&Z, will provide a training lecture on relevant anti-monopoly and anti-commercial bribery topics for NYK Line (China) Co. Ltd.

A&Z Past Events

11th November, Shanghai



Attorneys Vincent Zhu and Eric Zhang, Partners at A&Z, were invited by ULVAC (China) Holding Co. Ltd. to give a training lecture to the company's legal counsels on the theme of "Legal Practice on Corporate Daily Operations and Management". The audience shared positive feedback after the lecture.

November 2, 2020.

According to the announcement, if a company declares export between January 1, 2020 and December 31, 2021, and the exported goods are returned within one year due to the COVID-19 pandemic, the goods will not be levied with import tariffs, import value-added taxes or consumption taxes; export tariffs will be returned if the tariff has already been levied. If taxpayers have already received tax rebates for their exported goods, and the goods are later returned, they shall repay the rebated value-added tax and consumption tax according to existing tax rules.

[SAMR Issues Interim Provisions on Promotional Activities](#) [Read More](#)

The State Administration for Market Regulation released on November 5, 2020 the Interim Provisions on Promotional Activities, to be effective from December 1, 2020.

According to the regulation, when a merchant launches prize-giving sales, the following acts are prohibited: if it claims to give rewards and prizes that are actually nonexistent, prizes are only made available in certain areas; commodities and vouchers with prize marks are not distributed or entirely distributed to the market, commodities and vouchers with different values or rewards are distributed to the market in different timeframes, if it fails to give prizes to consumers by way of the explicit means it has promised; or through other deceptive means of rewarding consumers.

[SAMR Releases Antitrust Guidelines in Platform Economy](#) [Read More](#)

The State Administration for Market Regulation released on November 10, 2020 the Antitrust Guidelines in Platform Economy (Exposure Draft), to gather public opinions until November 30, 2020.

According to the Exposure Draft, horizontal monopoly agreements in the online platform market are generally designed to exclude and limit competition. Antitrust law enforcement agencies encourage related business operators to report horizontal monopoly agreements, provide important evidence and cooperate with investigations. Law enforcement agencies can reduce or exempt penalties to business operators if they are eligible to be granted leniency.

[Two Authorities Adjust Catalogue of Prohibited Commodities in Processing Trade](#) [Read More](#)

On 5th November, the Ministry of Commerce and the General Administration of Customs issued an announcement to adjust the Catalogue of Prohibited Commodities in Processing Trade, to be implemented from December 1, 2020.

According to the announcement, 199 commodity codes in the 2014 catalogue which are consistent with China's industrial development policies, are not products with heavy pollution and high energy consumption, and involve advanced technologies, will be removed from the catalogue, and some products will be prohibited by different means. Other products on the catalogue will continue to be prohibited according to the previous announcement released in 2014.

[Hainan Free Trade Port Releases First "Zero Tariff" Positive List](#) [Read More](#)

The Ministry of Finance, the General Administration of Customs and the State Taxation Administration released on November 12, 2020 the Circular about "Zero Tariff" Policies for Importing Raw Materials to Hainan Free Trade Port, to be implemented from December 1, 2020.

According to the circular, if a company has been registered and secured independent legal entity at the free trade port before the island is closed off, and it imports raw materials for production, processing or service trade purposes and will export finished products to foreign destinations, it will be exempted from import tariffs, import value-added taxes and consumption taxes. The "zero tariff" materials will be managed through a positive list, which includes 169 items in eight tax categories in the first stage.

Industry News

[Renewables gaining impetus in Asia](#)

China Daily, November 3

[High-quality growth of new energy vehicle sector prioritized](#)

China Daily, November 4

[Singles Day: Alibaba sales blitz rakes in \\$75 billion as Chinese shake off Covid-19](#)

14th November, Shanghai



Sophie An, Principal Partner at A&Z and member of the the Shanghai CPPCC Committee was invited as a guest to participate in the "Direct 990" program of the Shanghai News Broadcast. During the live broadcast, Ms. An discussed issues related to 11.11, such as the CBEC platform regulations, consumer rights protection, and unfair competition, etc. from the perspective of the CPPCC members and lawyers. Ms. An also spoke with many audience members that called in or sent messages online. This live broadcast not only received an enthusiastic response from the audience, but also gave our firm the opportunity to share professional experience with the audience on popular topics related to 11.11.

November, Shanghai



Paul Gao, Attorney at A&Z, won the first prize in the selection contest of the "Legal Lecture Hall" column of the Shanghai Lawyer's Style Show and China Central Radio and Television Station, and became the main lecturer trainee of the "Legal Lecture Hall" of China Central Radio and Television. A&Z is delighted that our attorneys participate in such events that showcase lawyer culture.

About A&Z Law Firm

A&Z is a leading Chinese law firm, which employs over 50 experts composed of a team of professionals comprising attorneys, legal assistants, Japanese translators, client managers, and business specialists across 5 offices in 11 legal practices. Having been active in Shanghai since 2004, A&Z's presence was expanded through the establishment of offices in Beijing, Dalian, Wuhan, and Tokyo. A&Z focuses on advising multi-national groups, major corporations, banks, and SMEs on various legal issues relevant to their business endeavors.

A&Z's practices include Foreign Investment, Overseas Investment, Competition and Antitrust, Intellectual Property, M&A and Corporate Restructuring, Labour and Social Security, Dispute Resolution, Compliance and CSR, Finance and Capital Markets, Customs Logistics and Maritime Commerce, and Environment, Health and Safety (EHS).

CNN, November 12

[China approves \\$12.86 bln high-speed railway project in southwestern China](#)
Reuters, November 12

[China and 14 Asia-Pacific countries agree historic free trade deal](#)
The Guardian, November 15

[Xinhua Headlines: World's biggest trade pact signed, "victory of multilateralism, free trade"](#)
Xinhua Net, November 15

[McDonald's to invest heavily in Chinese coffee market](#)
Xinhua Net, November 18

[Sales by top livestreaming host hit 5.87b yuan in 3 months](#)
China Daily, November 20

[China to impose temporary anti-dumping measures on Australian wine imports](#)
Reuters, November 27

[Images: 2020 World 5G Convention](#)
China Daily, November 27

The information contained in this Newsletter is for reference on matters of interest only, and is not intended to be comprehensive. Although we try to ensure accuracy, please note that the application and impact of laws can vary based on contextual and circumstantial variables. Before taking any action, please ensure that you obtain professional advice specific to your circumstances.

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