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里格律师事务所
A&Z LAW FIRM

A&Z Monthly Newsletter

February 2021

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

[Anti-monopoly Guidelines of the Anti-monopoly Commission of the State Council in the Field of Platform Economy Read More](#)

The State Administration for Market Regulation released the 'Anti-monopoly Guidelines of the Anti-monopoly Commission of the State Council in the Field of Platform Economy' on February 7, 2021, with immediate effect.

The Guidelines defined relevant concepts, which include that the term "platform" is Internet platform and the applicable objects are mainly operators in the field of platform economy, including operators of the platforms, operators using the platform and other operators participating in platform economy. The Guidelines also defined the relevant markets considering the complexity of the business types of platform economy and the dynamic changes in competition. Furthermore, the Guidelines clarified that when defining the activities relating to the monopoly agreements, abuse of market dominant position, concentration of operators, abuse of administrative power to eliminate or restrict competition, in addition to applying the "Anti-monopoly Law of the People's Republic of China", other relevant factors should also be considered based on the characteristics of platform economy.

[SAFE Updates the Major Effective Regulations on Foreign Exchange Administration Read More](#)

The State Administration of Foreign Exchange updated and released the 'Catalogue of Major Effective Regulations on Foreign Exchange Administration (as of December 31, 2020)' on February 10, 2021. The Catalogue classifies regulations into eight categories, including foreign exchange management under current account, RMB exchange rate and foreign exchange market etc. The Catalogue covers 189 regulations related to foreign exchange administration.

On the same day SAFE issued a separate circular to revoke and invalidate seven regulatory documents in relation to individual purchase of foreign currencies, foreign exchange verification on import & export business, and banks' trade

A&Z Past Events

4th February, Shanghai



Ms. Sophie An, Principal Partner at A&Z Law Firm, was invited to participate in the "Integration and Improvement – Legal Service Industry Development and Regional Economic Construction Conference" hosted by the Jing'an District Justice Bureau. Participants discussed the situation of investment promotion in Jing'an District. The "2020 Jingan Lawyer Industry Contribution Award" was presented at the conference, and A&Z Law Firm won the award.

9th February, Shanghai

Ms. Sophie An, Principal Partner at A&Z Law Firm, was invited to participate in the "Talking Overseas Law" program hosted by the Overseas Chinese Affairs Office of the Shanghai Municipal People's Government and the Shanghai Returned Overseas Chinese Association. Ms. An also made a video presentation on the themes of "New Stories in Hotland of Investment, Quick Reading of Highlights of Foreign Investment Law" and "Participating in China's Social Insurance, the Beginning of the Reassurance for Foreign Employees".

About A&Z Law Firm

A&Z is a leading Chinese law firm,

financing business and more.

MOFCOM Releases Evaluation Standard for Credit Archives of E-commerce Enterprises [Read More](#)

The Ministry of Commerce recently issued an announcement to release the 'Evaluation Standard for Credit Archives of E-commerce Enterprises(SB/T 11227—2021)', which will be implemented from May 1, 2021.

The industry standard will guide e-commerce companies to establish and evaluate credit archives based on unified standards. The standard clarified how e-commerce companies should establish credit archives, and said that credit archives should include five types of information (including basic information, business information, public credit information, market credit information and other credit information), and requirements for the source of credit information, and the collection and verification of credit information, which covers the basic elements of establishing an e-commerce company credit archive.

SPC Released the Several Provisions on Providing Online Case Filing Services for Cross-border Litigation Parties [Read More](#)

The Supreme People's Court released the 'Provisions about Providing Online Case Filing Services for Cross-border Litigation Parties' on February 3, 2021, with immediate effect.

The provisions have 12 articles covering the content of cross-border litigation service, recipients and carriers of cross-border litigation services, as well as identity verification of the cross-border litigation parties, video testimonies and online case filing procedures for civil and commercial disputes. Cross-border litigation parties shall include foreigners, residents of Hong Kong Special Administrative Region, Macau Special Administrative Region (hereinafter referred to as the "Hong Kong and Macau SAR") and Taiwan, also citizens of Mainland China whose habitual residence is located overseas or in Hong Kong, Macau and Taiwan, as well as enterprises and organisations registered in overseas or in Hong Kong, Macau and Taiwan. The scope of the online case filing services only includes the first instance of civil and commercial lawsuits.

Three Departments Release the Notice on the Relevant Value-Added Tax Policies in the Lingang Special Area of the China (Shanghai) Pilot Free Trade Zone [Read More](#)

The Ministry of Finance, the General Administration of Customs, and the State Taxation Administration recently clarified the relevant value-added tax policies in the Lingang Special Area of the China (Shanghai) Pilot Free Trade Zone, which was implemented from January 1, 2021.

The Notice revised the Article2(3) of the 'Notice on Improving the Port of Departure Tax Refund Policy', and added the 'Dangerous Goods Cannot Apply to the Port of Departure Tax Refund Policy'. The Notice also clarified that the income from the provision of transportation services, loading and unloading services and warehousing services in the Yangshan Special Comprehensive Bonded Zone for enterprises registered in the Yangshan Special Comprehensive Bonded Zone will be exempt from VAT, and the implementation period of this policy will be until December 31, 2024.

GAC Releases the Announcement on Issues concerning the Implementation of the Catalogue of Industries for Encouraged Foreign Investment (2020 Edition) [Read More](#)

The General Administration of Customs clarified relevant issues, on January 26, 2021, on the 'Implementation of New Version of the Catalogue of Industries for Encouraged Foreign Investment(2020 Edition)', which took effect on January 27. According to this Announcement, the Foreign-invested projects as defined in the Catalogue (2020 Edition), as well as the self-use equipment imported within the total investment and the technology, the supporting parts and spare parts imported together with the equipment according to the contract, will be exempted from customs' duties according to the relevant regulations, but are still subject to the import value-added tax, except for the goods as listed in the 'Catalogue of Imported Goods for Foreign Investment Projects Not Exempted from the Duties and the Catalogue of Imported Major Technical Equipment and Products Not Exempted from the Duties'.

The Announcement also clarifies the corresponding tax policies of the foreign-invested projects approved and filed before January 27, 2021, and of the foreign-invested projects under construction that are not within the Catalogue(2019 Edition).

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).

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.

Industry News

[Report: 85% of users paid by scanning QR codes in 2020](#)
China Daily, February 2

[China's industrial robot production up 19.1% in 2020](#)
China Daily February 2

[China Focus: Digital currency issued to boost Spring Festival consumption](#)
Xinhua Net, February 7

[Volkswagen explores flying cars in China](#)
Reuters, February 9

[China reports consumption growth during Lunar New Year holiday](#)
Xinhua Net, February 17

[Baidu revenue beats estimates as core search business recovers](#)
SCMP, February 18

[Lunar New Year holiday consumption in China jumps to more than 800 billion yuan](#)
SCMP, February 18

[L'Oreal betting big on domestic beauty industry](#)
China Daily, February 18

[Chinese ports receive more cargo over Spring Festival amid economic recovery](#)
Xinhua Net, February 19

[China urges to strengthen recycling of renewable resources](#)
Reuters, February 22

[Immunity-boosting products gain in popularity](#)
China Daily, February 25

[Shopping centers open door to innovation](#)
China Daily, March 1

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