



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

State Taxation Administration Issues the Announcement of the State Taxation Administration on the Implementation of the Shortage Tolerant Processing of Some Tax Matters and Further Streamlining the Submission of Tax-related Materials

On January 31, State Taxation Administration issued the Announcement of the State Taxation Administration on the Implementation of the Shortage Tolerant Processing of Some Tax Matters and Further Streamlining the Submission of Tax-related Materials (the "Announcement"), which was officially implemented from February 1.

The Announcement clearly specifies that starting from February 1, some taxation matters will be handled in a shortage-tolerant manner to further streamline the submission of tax-related materials. When the main materials submitted by taxpayers are complete and in legal form with the temporary lacking or defect of secondary materials, the tax authorities can handle the operation as soon as the taxpayers voluntarily and undertake in writing to make up for the missing materials within the specified time limit.

A&Z Past Events

February 21, Shanghai

Ms. Sophie An, Director and Principal Partner at A&Z Law Firm, was invited to attend a seminar on the analysis of economic trends in China and Japan. The seminar introduced and discussed the current situation of investment and trade between China and Japan, analyzed and compared the development trends of European and American enterprises in China and in Japan.

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About A&Z Law Firm

MOF Issues the Announcement on the Taxation Policy for Returned Goods of Cross-border E-commerce Export

On February 1, the Ministry of Finance ("MOF") issued the Announcement on Taxation Policy for Returned Goods of Cross-border E-Commerce Export (the "Announcement"), which has been implemented from January 30.

The Announcement clearly supports the development of new foreign trade modes and stipulates that within one year from January 30, 2023, the goods (excluding food) declared for export under the cross-border e-commerce customs supervision codes 1210, 9610, 9710, 9810 (i.e.: "bonded cross-border trade e-commerce", "cross-border trade e-commerce", "cross-border e-commerce B2B direct export", "cross-border e-commerce export overseas warehouse" modes), and returned to Mainland China in their original condition within six months from the date of export for reasons of demurrage or return, are exempt from import tariffs and import VAT and consumption tax. Export duties levied at the time of export will be allowed to be refunded. VAT and consumption tax levied at the time of export will be processed with reference to the relevant tax regulations on the return of bonded domestic goods. The export tax rebate that has been processed will be paid back according to the current regulations.

Shanghai Communications Administration Issues Twenty Articles on Shanghai Information and Communication Industry to Strengthen Integrated Innovation and Continuously Optimize Business Environment

On February 7, Shanghai Communications Administration released the Twenty Articles on Shanghai Information and Communication Industry to Strengthen Integrated Innovation and Continuously Optimize Business Environment (the "Twenty Articles"), which came into effect from the date of release.

The Twenty Articles clearly focus on digital and communication infrastructure, communication service supply, market subject cultivation, digital compliance supervision, digital application of new business models and digital industry development. Emphasis is placed on the implementation of the construction of 5G network coverage and vehicle-road coordination facilities in the driverless intelligent networked vehicle test zone in Shanghai Lingang, and strengthening the management of network and data security for "5G+Internet of Vehicles", as well as driverless intelligent networked vehicles. The Twenty Articles support private capital to engage in mobile resale, data centers, independent network tower operations and other telecommunications business, with actively tracking and studying the Internet data center to further open up to foreign investment in an orderly manner.

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 7 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, Tianjin, Xiamen 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).

MOT Issues Guidance of the Ministry of Transport on Strengthening the Standardization Construction of Transport Safety Production

On February 8, www.gov.cn published the Guidance of the Ministry of Transport on Strengthening the Standardization Construction of Transport Safety Production (the "Guidance").

The Guidance clearly stipulated that the legal responsibilities of enterprises should be implemented according to law, and it shall confirm the first responsibility of the main person in charge of the enterprise, the implementation of the safety production responsibility system of all employees, to stimulate the initiative and enthusiasm of the enterprise safety production standardization construction, strengthen industry supervision and services, with making use of the standardization of safety production construction to improve the level of safety management and promote social forces to collaborate and govern.

MOFCOM Issues Notice on Further Improving Export Control of Dual-Use Items

On February 13, the Ministry of Commerce ("MOFCOM") issued Notice on Further Improving Export Control of Dual-Use Items" (the "Notice"), which came into effect on February 12.

The Notice emphasizes that without permission, export operators shall not export dual-use items (i.e., dual-use sensitive items and toxic chemicals), shall not export if the above items exceed the end-user, end-use and other approved scope, and shall not export prohibited items. Importers and end-users should strictly comply with the end-user and end-use management regulations, shall not modify, change or transfer relevant items for non-civilian purposes in violation of regulations. Transfer to any third party without authorization is also not allowed. In particular, the Notice states that for export operators who have established relevant internal compliance systems and are in good operation, MOFCOM may, according to their applications, apply general licensing and other convenient measures to the export of specific dual-use items to encourage the expansion of compliance trade.

POB Issues Notice on Further Improving Financial Support and Services in the Field of Transportation and Logistics

On February 20, Development and Reform Commission of Shenzhen Municipality issued Interim Measures for the Management of Data Property Rights Registration in Shenzhen (draft for comments) (the "Measures"), which seeking for comments by March 17.

The Measures clarify that the registration certificate or voucher will serve as an important basis for data transactions, financing and mortgage, accounting and dispute arbitration. It also stipulates that the registry will assume the functions of performing data resources and data products registration management, carrying out registration business, operating and maintaining the data property rights registration depository platform, with proposing four kinds of circumstances for not registering. The data property rights registration supervision department, supervision mode as well as security and confidentiality management are also provided.

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Industry News

Interview: Volkswagen eyes more cooperation opportunities in China

Xinhua, February 2

China's first trade platform for computing power goes online

China Daily, February 24

3rd CICPE to kick off in Hainan in mid-April

Xinhua, February 2

HP sees long-term benefits in Chinese businesses

China Daily, February 25

Across China: Yunnan sees hiring boom as tourism makes strong comeback

Xinhua, February 10

Chinese brands gain foothold in Japan, eye next-level growth

China Daily, February 27

Singapore's GIC says still exploring China investment opportunities

Scenic expressways connect China and ASEAN member countries

Xinhua, March 1

Reuters, February 14

NBA, Ant Group launch strategic partnership in China

Reuters, February 21

Budweiser APAC bets on post-COVID China thirst for premium beer

Reuters, March 1

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.

There are numerous ways for you to keep up-to-date with legal updates, A&Z's practice, and valuable events.

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